

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Three Kings Day (Día de los Reyes) is celebrated 12 days after Christmas on January 6. Also known as the Epiphany, Three Kings Day commemorates the Biblical story of the three kings (or wise men) that followed the star of Bethlehem to bring gifts to the Christ child.

Chapter 683, F.S., relates to state legal holidays and special observances. Section 683.01, F.S., designates 21 legal holidays which includes Good Friday and Christmas. Other provisions in ss. 683.04 – 683.25, F.S., designate special observances or explain the significance of certain legal holidays.

Section 683.19, F.S., authorizes chief circuit judges to designate Rosh Hashanah, Yom Kippur, and Good Friday as legal holidays for the courts within their respective judicial circuits.

Effect of Proposed Changes

This bill designates January 6 of each year as “Three Kings Day” and provides that local governments may annually issue a proclamation commemorating January 6 as “Three Kings Day” and calling upon the residents of the state to observe the occasion.

C. SECTION DIRECTORY:

Section 1: creates s. 683.33, F.S., which designates January 6 of each year as “Three Kings Day” and provides that local government may annually proclaim it and call upon residents of the state to observe the holiday.

Section 2: provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

Establishment Clause

The 1st Amendment to the U.S. Constitution provides, in part, that “congress shall make no law respecting an establishment of religion...” This provision, made applicable to the states by the Fourteenth Amendment, has generally been interpreted to restrict a unit of federal, state and local governments from promoting or affiliating itself with any particular religious doctrine or organization, discriminating among persons on the basis of their religious beliefs and practices, delegating a governmental power to a religious institution, or involving itself too deeply in such an institution’s affairs.

Article 1, Section 3 of the Florida Constitution provides that “[t]here shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof,” and that “[n]o revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.”

To evaluate whether laws or policies violate these restrictions, courts have applied an analysis from *Lemon v. Kurtzman*, 403 U.S. 602 (1971), which requires that the challenged practice:

- Have a valid secular purpose.
- Not have the effect of advancing or inhibiting religion, and
- Not foster excessive government entanglement with religion.

The relevant case law does not reveal any instances where a state observance was found unconstitutional based solely on its designation. However, there have been cases where the court found that a legal holiday for state employees without several secular justifications would be a violation of the Establishment Clause.¹

This bill does not appear to implicate the same Establishment Clause issues found in previous case law, but to the extent that this bill promotes a non-secular purpose, it may be subject to challenge.

¹ *Bridenbaugh v. O’Bannon*, 185 F.3d 796 (7th Cir. 1999).

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None.