

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 1062

INTRODUCER: Senator Hill

SUBJECT: Veterans' Day

DATE: April 14, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Yune</u>	<u>Carter</u>	<u>MS</u>	Favorable
2.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	Favorable
3.	_____	_____	<u>CA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires each school district to observe November 11 of each year as the Veterans Day holiday. Classes may not be held on that day for any reason except for a declared state of emergency.

This bill creates an undesignated section of the Florida Statutes.

II. Present Situation:

Veteran's Day

World War I officially ended when the Treaty of Versailles was signed on June 28, 1919. However, fighting ceased seven months prior to the signing of the treaty when an armistice between the Allied nations and Germany went into effect on the eleventh hour of the eleventh day of the eleventh month.¹ For that reason, November 11, 1918, is generally regarded as the end of WWI.

In November 1919, President Wilson proclaimed November 11 as the first commemoration of Armistice Day. The original concept for the celebration was for a day observed with parades and public meetings and a brief suspension of business beginning at 11:00am.² Then, an act (52 Stat. 351; 5 U.S. Code, Sec 87a) approved May 13, 1938, made the 11th of November in each year a legal holiday which was officially called "Armistice Day".³

¹ United States Department of Veterans Affairs, <http://www.va.gov/opa/vetsday/vetdayhistory.asp>.

² *Id.*

³ *Id.*

After World War II and the Korean War, the 83rd Congress amended the Act of 1938 by striking out the word “Armistice” and inserted in its place the word “Veterans.” With the approval of this legislation (Public Law 380) on June 1, 1954, November 11th became a federal holiday to honor American veterans of all wars.⁴ Similar to other federal holidays, many Americans have the day off from school or work for Veterans’ Day.⁵ Non-essential federal government offices are closed. However, because the 10th Amendment reserves holiday creation policy to governments of the several states, federal law cannot compel states, municipalities, or other local governments to observe or recognize federal holidays.⁶ Moreover, private employers are not required to observe federal or state holidays although many businesses do close in observance of federal or state holidays.⁷

Presently, s. 110.117, F.S., provides nine paid holidays to be observed by all state branches and agencies:

- New Year’s Day– January 1
- Martin Luther King’s Jr. Birthday – third Monday in January
- Memorial Day – last Monday in May
- Independence Day – July 4
- Labor Day – first Monday in September
- Veterans’ Day – November 11
- Thanksgiving Day – fourth Thursday in November
- Friday after Thanksgiving Day
- Christmas Day – December 25

Veteran’s Day in Florida

Though all Florida state agencies are closed on the holidays provided in s. 110.117, F.S., not all schools are closed on these days. Only two holidays, Labor Day and Martin Luther King Jr.’s Birthday, are universally observed throughout Florida schools.⁸ Section 1001.42(4)(g), F.S., requires district school boards to designate school holidays and vacation periods as part of their yearly calendar. As a result, the decision to observe Veterans’ Day is determined by individual district school boards. According to the Florida Department of Education 2010-2011 Data Report, 42 of 67 school districts chose to observe Veterans’ Day during the current school year.⁹

III. Effect of Proposed Changes:

This bill requires all school districts to observe November 11, Veterans’ Day, as a holiday each year. This bill would remove a school boards’ discretion to decide whether or not to hold classes on Veterans Day. School district calendars may have to be extended by one day to meet the

⁴ *Id.*

⁵ U.S. Office of Personnel Management; <http://www.opm.gov/oca/worksch/index.asp>.

⁶ United States Constitution 10th Amendment: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

⁷ The Fair Labor Standards Act (FLSA), United States Department of Labor.

⁸ Florida Department of Education Data Report for 2010-2011, available at: www.fldoe.org/eias/eiaspubs/word/calendar.doc.

⁹ *Id.*

minimum school term of 180 days required by s. 1003.02, F.S.¹⁰ School districts will not be able to hold classes on Veterans' Day, except for declared state emergencies. In addition, this bill provides that if November 11 falls on a weekend, then the holiday will be observed immediately before or after the weekend to correspond to the date that Veterans' Day is observed as a federal holiday.

This bill has an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may require parents, whose employers do not observe Veterans' Day, to incur additional child care costs. Due to the many variables that may dictate child care costs, it is difficult to estimate the additional costs that may arise.

C. Government Sector Impact:

According to the Florida Department of Education, s. 1003.02(g)(1), F.S., requires district school boards to provide for the operation of all public schools as free schools for a term of at least 180 days or the equivalent on an hourly basis as specified by rules of the State Board of Education. School operating budgets are based on this fixed minimum instructional term. The addition of an additional non-instructional calendar day within a nine-month school calendar should not impact district fixed costs. The fiscal impact to school districts is considered negligible.

VI. Technical Deficiencies:

None.

¹⁰ Department of Education legislative bill analysis, dated February 7, 2011, on file with the committee.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
