

**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 1462

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: American Founders' Month

DATE: February 2, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	deMarsh-Mathues	ED	<b>Favorable</b>
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill authorizes the Governor to issue a proclamation each year designating the month of September as “American Founders’ Month” to encourage the observance of this occasion by civic, fraternal, and religious organizations, as well as public and private educational institutions.

The bill also requires district school boards to observe “American Founders’ Month.” Celebrations during this month may be coordinated with Celebrate Freedom Week. During “American Founders’ Month,” the bill authorizes each district school board to provide instruction that focuses on the moral and civic virtue, self-sacrifice, intellectual genius, and patriotism of the founding fathers and the importance of the founding documents and the principles inherent in such documents. The bill authorizes district school boards to integrate instruction into the existing school curriculum.

The bill creates s. 683.147, F.S., and amends s. 1003.44 of the Florida Statutes.

**II. Present Situation:**

**Required Instruction in Public Schools**

Each district school board is required to provide courses that meet the State Board of Education standards in the various subject areas including social studies.<sup>1</sup> Current law requires instruction in the history and content of the Declaration of Independence, the Constitution of the United

<sup>1</sup> s. 1003.42 (1), F.S.

States, flag education, and the arguments in support of adopting our republican form of government.<sup>2</sup>

### **Patriotic Programs**

Each district school board is authorized to adopt rules that require programs of a patriotic nature in public schools to encourage respect for the United States government, its national anthem and flag.<sup>3</sup> Current law addresses the observance of patriotic events such as requiring students to stand and place their right hand over their heart during the rendition of the pledge of allegiance to the flag of the United States.<sup>4</sup> The pledge of allegiance to the flag must be recited at the beginning of the day in each public elementary, middle, and high school in the state.<sup>5</sup> Students must be excused from reciting the pledge if their parents opt out in writing.<sup>6</sup>

Any teacher or school administrator may read or post specified historical documents (e.g., the national motto, the national anthem, the pledge of allegiance, the Constitution of the United States, and the Constitution of the State of Florida) in a public school building, classroom, or at any school-related event.<sup>7</sup> Such documents may be read, posted, or taught only from a historical perspective in a non-proselytizing manner.<sup>8</sup> If an excerpt from a specified historical document is used, the selection must reflect the sentiment of the entire document.<sup>9</sup> If the document refers to laws or judicial decisions that are no longer valid, a statement of explanation must be included.<sup>10</sup>

Florida law requires that the last full week of classes in September must be recognized as Celebrate Freedom Week in public schools.<sup>11</sup> This week must include at least three hours of instruction involving in-depth study of the intent, meaning, and importance of the Declaration of Independence in each social studies class, as determined by each school district.<sup>12</sup>

The Florida Department of Education (DOE) is required to distribute a copy of the law on patriotic programs to each district school board for distribution to all teachers and administrators in the school district.<sup>13</sup>

### **Recitation of the Declaration of Independence**

Public school principals and teachers must conduct an oral recitation by students of the Declaration of Independence at the beginning of each school day or in homeroom to reaffirm the

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<sup>2</sup> s. 1003.42 (2)(a)-(d), F.S.

<sup>3</sup> s. 1003.44 (1), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* Under federal law, September 17<sup>th</sup> is designated as Constitution Day and Citizenship Day. The law encourages civil and educational authorities of States, counties, cities, and towns to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State and locality in which they reside. 36 U.S.C., s. 106.

<sup>7</sup> s. 1003.44(2), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> s. 1003.421, F.S.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

American ideals of individual liberty.<sup>14</sup> Students must be excused from reciting the Declaration of Independence if their parents opt out in writing.<sup>15</sup>

### III. Effect of Proposed Changes:

The bill authorizes the Governor to issue a proclamation each year designating the month of September as “American Founders’ Month” to encourage the observance of this occasion by civic, fraternal, and religious organizations, as well as public and private educational institutions.

The bill also requires district school boards to observe “American Founders’ Month.” Celebrations during this month may be coordinated with Celebrate Freedom Week. During “American Founders’ Month,” the bill authorizes each district school board to provide instruction that focuses on the moral and civic virtue, self-sacrifice, intellectual genius, and patriotism of the founding fathers and the importance of the founding documents and the principles inherent in such documents. The bill authorizes district school boards to integrate instruction into the existing school curriculum.

### 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:

None.

#### C. Government Sector Impact:

If the district school board elects to incorporate “American Founders’ Month” instruction into the existing curriculum, the fiscal impact, if any, may be mitigated.

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<sup>14</sup> *Id.*

<sup>15</sup> s. 1003.421, F.S.

**VI. Technical Deficiencies:**

None.

**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.

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

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