

**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 Military Affairs, Space, and Domestic Security Committee

BILL: SB 276

INTRODUCER: Senator Sachs

SUBJECT: Special Observances/Purple Heart Day

DATE: October 18, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill creates s. 683.146, F.S., to designate August 7 of each year as “Purple Heart Day” and authorizes the Governor to annually issue a proclamation designating August 7 as “Purple Heart Day.” This bill also encourages public officials, schools, private organizations, and all residents of Florida to commemorate “Purple Heart Day” and honor those who have been wounded or killed while serving in any branch of the United States Armed Forces.

This bill creates section 683.146 of the Florida Statutes.

**II. Present Situation:**

**Legal Holidays and Special Observance Days**

Chapter 683, F.S., establishes legal holidays and special observance days. Legal holidays and special observance days may apply throughout the state or they may be limited to particular counties. For example, “Gasparilla Day”<sup>1</sup> is a legal holiday observed only in Hillsborough County while “Bill of Rights Day,”<sup>2</sup> if issued by the Governor, is observed throughout the entire state. The legal holidays established in s. 683.01(1), F.S., are:

- (a) Sunday, the first day of each week.
- (b) New Year’s Day, January 1.
- (c) Birthday of Martin Luther King, Jr., January 15.
- (d) Birthday of Robert E. Lee, January 19.
- (e) Lincoln’s Birthday, February 12.

<sup>1</sup> Section 683.08, F.S.

<sup>2</sup> Section 683.25, F.S.

- (f) Susan B. Anthony's Birthday, February 15.
- (g) Washington's Birthday, the third Monday in February.
- (h) Good Friday.
- (i) Pascua Florida Day, April 2.
- (j) Confederate Memorial Day, April 26.
- (k) Memorial Day, the last Monday in May.
- (l) Birthday of Jefferson Davis, June 3.
- (m) Flag Day, June 14.
- (n) Independence Day, July 4.
- (o) Labor Day, the first Monday in September.
- (p) Columbus Day and Farmers' Day, the second Monday in October.
- (q) Veterans' Day, November 11.
- (r) General Election Day.
- (s) Thanksgiving Day, the fourth Thursday in November.
- (t) Christmas Day, December 25.
- (u) Shrove Tuesday, sometimes also known as "Mardi Gras," in counties where carnival associations are organized for the purpose of celebrating the same.

Designation of a day as a legal holiday does not necessarily make that day a paid holiday for public employees. Section 110.117, F.S., establishes the legal holidays that are paid holidays for public employees.<sup>3</sup>

In addition to legal holidays, Chapter 683, F.S., recognizes the following special observances: Arbor Day; Pan-American Day; Pascua Florida Day; Gasparilla Day; DeSoto Day; Grandparents' and Family Caregivers' Day; Law Enforcement Appreciation Month; Law Enforcement Memorial Day; Parade Day; State Observance of National Day of Mourning; Patriots' Day; I Am An American Day; Teachers' Day; Retired Teachers' Day; Parents' and Children's Day; Save the Florida Panther Day; Rosh Hashanah, Yom Kippur, and Good Friday; Florida Jewish History Month; Juneteenth Day; Law Day and Law Week; Florida Missing Children's Day; Florida Alzheimer's Disease Day; Bill of Rights Day; Ronald Reagan Day; Homeless Persons' Memorial Day; Three Kings Day; Child Welfare Professionals Recognition Day; and Ronshay Dugan's Act.<sup>4</sup>

### **The Purple Heart**

The Purple Heart,<sup>5</sup> originally awarded exclusively for meritorious service, is the nation's oldest military award which was first introduced as the "Badge of Military Merit" by General George Washington on August 7, 1782, during the Revolutionary War.<sup>6</sup> This award was ignored for nearly 150 years before it was re-established per General Order No. 3, on February 22, 1932, in commemoration of the 200<sup>th</sup> anniversary of George Washington's birth.

<sup>3</sup> "Legal holidays" are not necessarily the same as "paid holidays" for governmental employees. Section 110.117(1), F.S., provides the following holidays as paid holidays for all state branches and agencies: New Year's Day; Martin Luther King Birthday; Memorial Day; Independence Day; Labor Day; Veteran's Day; Thanksgiving Day and Friday after Thanksgiving; and Christmas Day.

<sup>4</sup> Sections 683.04 – 683.332, F.S.

<sup>5</sup> For more information on the Purple Heart, see: [http://www.tioh.hqda.pentagon.mil/Awards/purple\\_heart.aspx](http://www.tioh.hqda.pentagon.mil/Awards/purple_heart.aspx).

<sup>6</sup> Paragraph 2-8, Army Regulation 600-8-22. Available at: [http://www.apd.army.mil/pdf/files/r600\\_8\\_22.pdf](http://www.apd.army.mil/pdf/files/r600_8_22.pdf).

Current eligibility and conditions for the award of the Purple Heart are defined in Army Regulations 600-8-22, which provides that the Purple Heart is awarded in the name of the President of the United States to any member of the U.S. Armed Forces who, while serving under component authority in any capacity with one of the U.S. Armed Services after April 5, 1917, has been wounded or killed, or who has died or may hereafter die after being wounded:<sup>7</sup>

- (1) In any action against an enemy of the US.
- (2) In any action with an opposing armed force of a foreign country in which the Armed Forces of the US are or have been engaged.
- (3) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the US is not a belligerent party.
- (4) As a result of an act of any such enemy of opposing armed forces.
- (5) As the result of an act of any hostile foreign force.
- (6) After March 28, 1973, as a result of an international terrorist attack against the UIS or a foreign nation friendly to the US, recognized as such an attack by the Secretary of the Army, or jointly by the Secretaries of the separate armed services concerned if person from more than one service are wounded in the attack.
- (7) After March 28, 1972, as a result of military operations while serving outside the territory of the US as part of the peacekeeping force.

The Purple Heart is ranked immediately behind the Bronze Star Medal<sup>8</sup> and ahead of the Defense Meritorious Service Medal<sup>9</sup> in order of precedence,<sup>10</sup> however it is generally acknowledged to be among the most aesthetically pleasing of American awards and decorations.<sup>11</sup> The National Purple Heart Hall of Honor estimates that there have been 1.7 million Purple Hearts awarded.<sup>12</sup>

### III. Effect of Proposed Changes:

**Section 1** of the bill creates s. 683.146, F.S. to designate August 7 of each year as “Purple Heart Day” and authorizes the Governor to annually issue a proclamation designating August 7 as “Purple Heart Day.” This bill also encourages public officials, schools, private organizations, and all residents of Florida to commemorate “Purple Heart Day” and honor those who have been wounded or killed while serving in any branch of the United States Armed Forces.

<sup>7</sup> Id.

<sup>8</sup> The Bronze Star Medal is awarded to a person in any branch of the military service who, while serving in any capacity with the Armed Forces of the United States on or after December 7, 1941, has distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy. For more information, see: [http://www.tioh.hqda.pentagon.mil/Awards/bronze\\_star.aspx](http://www.tioh.hqda.pentagon.mil/Awards/bronze_star.aspx).

<sup>9</sup> The Defense Meritorious Service Medal is awarded to in the name of the Secretary of Defense to members of the Armed Forces of the United States who, after 3 November 1977, distinguished themselves by noncombat meritorious achievement or service. For more information, see: [http://www.tioh.hqda.pentagon.mil/Awards/defense\\_meritorious.aspx](http://www.tioh.hqda.pentagon.mil/Awards/defense_meritorious.aspx).

<sup>10</sup> [http://www.tioh.hqda.pentagon.mil/Awards/order\\_of\\_precedence.aspx](http://www.tioh.hqda.pentagon.mil/Awards/order_of_precedence.aspx)

<sup>11</sup> U.S. Army Center of Military History website. *The Badge of Military Merit / The Purple Heart*. Available at: <http://www.history.army.mil/html/reference/purhrt.html>.

<sup>12</sup> The National Purple Heart Hall of Honor website. *Frequently Asked Questions*. Available at: <http://www.thepurpleheart.com/faqs/>.

**Section 2** of the bill provides an effective date of July 1, 2012.

**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:

This bill does not require that local governments issue a proclamation. Issuance of the proclamation by the Governor may give rise to some costs, though it is likely *de minimus*.

**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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