

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 689 American Founders' Month  
**SPONSOR(S):** Bileca and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1462

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	11 Y, 3 N	Graf	Sherry
2) PreK-12 Appropriations Subcommittee	13 Y, 2 N	Miller	Heflin
3) Education Committee	14 Y, 3 N	Graf	Klebacha

### SUMMARY ANALYSIS

The bill authorizes the Governor to issue a proclamation each year designating the month of September as "American Founders' Month", urging public and private organizations within the state to celebrate the month and invite state and local governmental officials to events commemorating "American Founders' Month."

The bill also requires district school boards to observe "American Founders' Month" and provide instruction that focuses on celebrating the American founding fathers and their role in drafting the founding documents. 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 provided during "American Founders' Month" into existing school curriculum.

Current law requires the Department of Education to distribute a copy of the law on patriotic programs to each district school board and each district school superintendent is required to distribute a copy of the law to all teachers and administrators. The bill expands patriotic programs to include proclamation of "American Founders' Month," and specified instruction on founding fathers and the founding documents. The bill changes the scope of distribution of the law on patriotic programs from all teachers and administrators to all instructional personnel and school administrators.

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2012.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **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. Current law requires instruction in the history and content of the Declaration of Independence, the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government.<sup>1</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, subject to the laws of the United States of America and of the State of Florida. Current law provides for procedures to observe 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. Civilian men must remove headdress unless such headdress is worn for religious purposes. 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. Students must be excused from reciting the pledge if their parents indicate their wish as such in writing.<sup>2</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. Such documents may be read, posted, or taught only from a historical perspective, in a nonproselytizing manner. If an excerpt from a specified historical document is used, such selection must reflect the sentiment of the entire document. If such document refers to laws or judicial decisions that have been replaced or have expired, a statement must accompany the document highlighting that such law or decision is no longer valid.<sup>3</sup>

The Florida Department of Education (DOE) is required to distribute a copy of the law on patriotic programs to each district school board and each district school superintendent is required to distribute it to all teachers and administrators in their school district.<sup>4</sup>

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

Florida law requires that the last full week of classes in September must be recognized as Celebrate Freedom Week in public schools. This week must include at least three hours of instruction involving an 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. Additionally, 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 American ideals of individual liberty. Students must be excused from reciting the Declaration of Independence if their parents indicate their wish as such in writing.<sup>5</sup>

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<sup>1</sup> Section 1003.42 (1) and (2)(a)-(d), F.S.

<sup>2</sup> Section 1003.44 (1), F.S. Under federal law, September 17 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>3</sup> Section 1003.44(2), F.S.

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

<sup>5</sup> Section 1003.421, F.S.

## **Effect of Proposed Changes**

The bill authorizes the Governor to issue a proclamation each year designating the month of September as “American Founders’ Month”, urging public and private organizations within the state to celebrate the month and invite state and local governmental officials to events commemorating “American Founders’ Month.”

The bill also requires district school boards to observe “American Founders’ Month” and provide instruction that focuses on celebrating the American founding fathers and their role in drafting the founding documents (e.g., the Declaration of Independence, the Constitution of the United States, the Bill of Rights, and the Federalist Papers) that institutionalized individual liberty and limited government. Celebrations during this month may be coordinated with Celebrate Freedom Week.

To increase student awareness of the founding fathers and their role in the establishment of the United States of America, the bill adds specificity regarding the curriculum that may be taught during “American Founders’ Month.” 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 provided during “American Founders’ Month” into existing school curriculum by supplementing lesson plans, holding school assemblies, or providing school-related activities. The bill supplements programs of a patriotic nature in public schools.

Current law authorizes each district school board to provide instruction on patriotic programs, requires DOE to distribute a copy of the law on patriotic programs to each district school board, and requires each district school superintendent to distribute a copy of the law to all teachers and administrators. The bill expands patriotic programs to include specified information on founding fathers and the founding documents. The bill also changes the scope of distribution of a copy of the law on patriotic programs from all teachers and administrators to all instructional personnel<sup>6</sup> and school administrators<sup>7</sup>.

### **B. SECTION DIRECTORY:**

**Section 1.** Provides a short title.

**Section 2.** Creates s. 683.147, F.S., relating to “American Founders’ Month Act,” designating the month of September of each year as “American Founders’ Month.”

**Section 3.** Amends s. 1003.44, F.S., relating to patriotic programs, requiring district school boards to observe “American Founders’ Month” and coordinate celebrations with Celebrate Freedom Week; specifying the focus of instruction during the month; providing that such instruction may be integrated into existing school curriculum; and requiring distribution of specified information to school personnel.

**Section 4.** Provides an effective date of July 1, 2012.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:  
None.

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<sup>6</sup> Section 1012.01(2), F.S.

<sup>7</sup> Section 1012.01(3)(c), F.S.

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:

School districts may provide students with instruction that focuses on the people, the events, the documents, the ideas, and the key principles surrounding the foundation of America. This instruction may be included in existing lesson plans, or taught in school assemblies or other school-related activities. School districts that choose to include this instruction could incur minimal costs.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.