

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 585 Legal Holidays & Special Observances/Sir Lancelot Jones Day

**SPONSOR(S):** Local & Federal Affairs Committee; Raschein; McGhee

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 946

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	12 Y, 0 N	Toliver	Williamson
2) Local & Federal Affairs Committee	15 Y, 0 N, As CS	Zaborske	Kiner
3) State Affairs Committee	16 Y, 0 N	Toliver	Camechis

### SUMMARY ANALYSIS

Current law provides designations for legal holidays and special observances. Recognition of a legal holiday or special observance may apply statewide or may be limited to a particular region.

The bill designates the second Monday in October of each year as "Sir Lancelot Jones Day" in Miami-Dade County and Monroe County. The bill encourages public officials, schools, private organizations, and all residents of Miami-Dade County and Monroe County to honor the legacy of Sir Lancelot Garfield Jones and his contributions to the state.

The act takes effect upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### Legal Holidays and Observances

Chapter 683, F.S., provides designations for legal holidays and special observances. Recognition of a legal holiday or special observance may apply statewide or may be limited to a particular region. In addition, such recognition may require an action to be performed or may simply call for commemoration or observance of the date, day, or month.<sup>1</sup> Section 683.01, F.S., provides 21 legal holidays that are also public holidays.<sup>2</sup>

Section 110.117, F.S., designates paid holidays that are observed by all state branches and agencies. The state recognizes nine such holidays.

##### Sir Lancelot Garfield Jones

Sir Lancelot Garfield Jones was born in 1898, and resided on Porgy Key, near the southern end of Biscayne Bay. He was a farmer, fisherman, and conservationist. Mr. Jones sold his family's 277 acres of property to the National Park Service to contribute to what is known as Biscayne National Park.<sup>3</sup>

##### **Effect of the Bill**

The bill designates the second Monday in October of each year as "Sir Lancelot Jones Day" in Miami-Dade County and Monroe County. The bill encourages public officials, schools, private organizations, and all citizens in Miami-Dade and Monroe counties to honor the legacy of Sir Lancelot Garfield Jones and his contributions to the state.

#### B. SECTION DIRECTORY:

Section 1: Creates s. 683.095, F.S., designating the second Monday in October as Sir Lancelot Jones Day in Miami-Dade County and Monroe County.

Section 2: Provides an effective date of upon becoming a law.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

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

##### 1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

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<sup>1</sup> For example, the Governor must proclaim April 14 of each year as "Pan American Day," and public schools must honor the republics of Latin America. Section 683.05, F.S. The Governor may annually issue a proclamation designating April 2 as "Florida State Day" and designating the week of March 27 to April 2 as "Pascua Florida Week." Section 683.06, F.S. "Gasparilla Day" is designated as a legal holiday in Hillsborough County, and all city, county, and state offices, and banking institutions may remain closed on that day. Section 683.08, F.S.

<sup>2</sup> Section 683.02, F.S., provides that whenever, in contracts to be performed in the state, reference is made to "legal holidays," the term is understood to include the holidays designated in s. 683.01, F.S., and such others as may be designated by law.

<sup>3</sup> See <http://www.nps.gov/bisc/learn/news/jones-family-historic-district-listed-on-national-register-of-historic-places.htm> (last visited March 20, 2015).

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Article III, s. 10 of the State Constitution requires that there be published notice or a referendum in order to pass a special law. A special law can be a law that applies only in a particular geographic location if there is no valid basis to distinguish that location from others.<sup>4</sup> However, when there is a valid basis to distinguish a location from others, then a law that applies only in a particular geographic region is not a special law.<sup>5</sup> The Florida Supreme Court has stated “a general law does not lose its general law status so long as it operates uniformly upon subjects as they may exist in the state, applies uniformly within permissible classifications, operates universally throughout the state or so long as it relates to a state function or instrumentality.”<sup>6</sup> Additionally, a general law “pertaining to subdivisions of the state or to subjects, persons or things of a class is valid if the classification is based upon proper distinctions and differences that inhere in or are peculiar or appropriate to the class.”<sup>7</sup> Nevertheless, the classification scheme must “bear a reasonable relationship to the purpose of the statute in order to constitute a valid general law.”<sup>8</sup> The test for determining whether a reasonable relationship exists is to determine whether the classification is “potentially open to other parties.”<sup>9</sup> Sir Lancelot Jones Day would be a holiday recognized only in Miami-Dade County and Monroe County, locations with adjacent ecosystems for which Sir Lancelot Garfield Jones’ activities have significant importance.

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<sup>4</sup> *Dep’t of Bus & Prof’l Regulation v. Gulfstream Park Racing Ass’n*, 912 So. 2d 616, 621 (Fla. 1st DCA 2005).

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

<sup>6</sup> *Dep’t of Legal Affairs v. Sanford-Orlando Kennel Club, Inc.*, 434 So. 2d 879, 881 (Fla. 1983).

<sup>7</sup> *Id.*

<sup>8</sup> *License Acquisitions, LLC v. Debarry Real Estate Holdings, LLC*, 155 So. 3d 1137, 1143 (Fla. 2014).

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

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On April 1, 2015, the Local and Federal Affairs Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment limits the designation of Sir Lancelot Jones Day to Miami-Dade and Monroe Counties and adds language stating that Sir Lancelot Garfield Jones' activities have significant importance to the adjacent ecosystems of southern Biscayne Bay and the northern Key West. Additionally, the amendment encourages public officials, schools, private organizations, and all citizens in Miami-Dade County and Monroe County to honor the legacy of Sir Lancelot Garfield Jones and his contributions to the state. The amendment also deletes language authorizing the Governor to issue annually a proclamation designating that day as "Sir Lancelot Jones Day." This analysis is drafted to the committee substitute as passed by the Local and Federal Affairs Committee.