

By Senator Bracy

11-00183A-20

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1 A bill to be entitled
2 An act for the relief of the descendants of victims of
3 the 1920 Ocoee Election Day riots; requiring the
4 Department of Law Enforcement to conduct an
5 investigation regarding the 1920 Ocoee Election Day
6 riots; appropriating funds to compensate direct
7 descendants of individuals who were killed, injured,
8 or otherwise victimized by the violence at Ocoee;
9 specifying procedures, requirements, and limitations
10 regarding applications for compensation; reverting
11 unused appropriations to the General Revenue Fund;
12 providing a limitation on the payment of attorney
13 fees; providing an effective date.

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15 WHEREAS, in the decades following the conclusion of
16 Reconstruction, Jim Crow laws were enacted throughout the
17 southern United States, including Florida, which mandated
18 segregation and imposed numerous restrictions, such as the
19 imposition of poll taxes and literacy requirements, thereby
20 suppressing the ability of African Americans to participate in
21 the democratic process, and

22 WHEREAS, throughout the country, organizations such as the
23 Ku Klux Klan staged rallies, marches, and other demonstrations
24 in an effort to intimidate African Americans and any allies from
25 organizing and attempting to exercise the right to vote, and

26 WHEREAS, as the 1920 presidential election approached,
27 efforts were undertaken in Orange County by numerous
28 organizations and individuals, including Judge John M. Cheney
29 and two prominent African-American residents of Ocoee, Julius

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30 "July" Perry and Moses Norman, to register African-American
31 voters to allow for their participation in the upcoming
32 election, and

33 WHEREAS, on November 2, 1920, as several African Americans
34 in Ocoee, including Moses Norman, unsuccessfully attempted to
35 vote on Election Day, violence ensued as a mob of approximately
36 100 white men formed and marched to Julius "July" Perry's
37 residence, and who proceeded to open gunfire as Julius "July"
38 Perry attempted to defend himself along with his property and
39 family, and

40 WHEREAS, after the Perry family eventually fled the
41 residence, Julius "July" Perry was soon arrested and
42 subsequently shot and lynched after the mob gained access to his
43 jail cell with the aid of local law enforcement, and

44 WHEREAS, the violence spread throughout the African-
45 American community of Ocoee and upwards of 60 people are
46 estimated to have perished while dozens of homes, two churches,
47 and a lodge meeting hall were set ablaze and gunfire overtook
48 the community, and

49 WHEREAS, in the aftermath of the riots, nearly all African-
50 American residents of the community were forced to flee,
51 abandoning their residences and property and relocating
52 elsewhere, and

53 WHEREAS, there is no record that state or local government
54 officials took any action to prevent the tragedy that occurred
55 in Ocoee, or reasonably investigated the matter in the riot's
56 aftermath in an effort to bring the perpetrators of the incident
57 to justice or to allow the displaced African-American residents
58 to return to their homes and property, and

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59 WHEREAS, in November 2018, the Ocoee City Commission
60 adopted a proclamation that acknowledged the acts of domestic
61 terror inflicted upon the African-American residents of Ocoee
62 and western Orange County on November 2, 1920, and required the
63 installation of a historical marker in a public space describing
64 the events of that day, and

65 WHEREAS, the State of Florida recognizes an equitable
66 obligation to equitably redress the injuries, damages,
67 infringement of civil rights, and the loss of life that African-
68 American residents sustained as a result of the violence and
69 destruction that occurred in Ocoee in November 1920, NOW,
70 THEREFORE,

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72 Be It Enacted by the Legislature of the State of Florida:

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74 Section 1. The facts stated in the preamble to this act are
75 found and declared to be true.

76 Section 2. The Department of Law Enforcement shall
77 investigate the crimes committed in and around Ocoee in 1920 and
78 report its findings to the Legislature.

79 Section 3. The sum of \$10 million is appropriated from the
80 General Revenue Fund to the Office of the Attorney General for
81 the relief of direct descendants of individuals who were killed,
82 injured, or otherwise victimized by the violence that took place
83 at Ocoee on November 2, 1920. An eligible individual must submit
84 an application for compensation to the Attorney General no later
85 than December 31, 2020. The Attorney General must provide
86 reasonable notice of the availability of compensation throughout
87 the applicable time period, including through Internet postings

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88 on the office's website. Failure to submit an application for
89 compensation by December 31, 2020, precludes an eligible
90 individual from receiving any payment under this act. An
91 individual seeking compensation must provide the Attorney
92 General with reasonable proof establishing lineage to an
93 individual who was killed, injured, or otherwise victimized by
94 the violence at Ocoee. Upon receipt of reasonable proof of
95 eligibility, the Attorney General must notify the Chief
96 Financial Officer of the individual's name, eligibility, and the
97 amount of compensation to be awarded. The amount of compensation
98 awarded may not exceed \$150,000 per individual who was killed,
99 injured, or otherwise victimized by the violence that took place
100 at Ocoee. If multiple descendants of a single individual apply
101 for compensation on behalf of that individual, the amount of
102 compensation awarded shall be prorated among any eligible
103 claimants. A descendant may not apply for compensation for more
104 than one individual. Any funds that are appropriated pursuant to
105 this section which are unused shall revert to the General
106 Revenue Fund.

107 Section 4. Any amount awarded under this act is intended to
108 provide the sole compensation for all present and future claims
109 arising out of the factual situation described in this act which
110 resulted in injuries and damages to victims of the 1920 Election
111 Day riots in and around Ocoee. The total amount paid for
112 attorney fees relating to this claim may not exceed 25 percent
113 of the amount awarded under this act.

114 Section 5. This act shall take effect upon becoming a law.