

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 Committee on Governmental Oversight and Accountability

BILL: SB 490

INTRODUCER: Senator Bracy

SUBJECT: Juneteenth Day

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Candelaria	McVaney	GO	Pre-meeting
2.			AP	
3.			RC	

I. Summary:

SB 490 designates June 19, also known as Juneteenth Day, as a legal holiday and a paid holiday for employees of all branches and agencies of state government. The bill repeals Juneteenth Day as a day of observance to conform to the act.

State agencies will incur additional costs of approximately \$2.5 million as a result of the special compensatory leave accrued each state holiday. Overall, state government will lose the value of a work day for all state employees. This lost value is estimated to be in excess of \$14.5 million.

This bill takes effect July 1, 2021.

II. Present Situation:

The Emancipation Proclamation

The Civil War in the United States began in 1861, after decades of tensions between northern and southern states over slavery, states' rights, and westward expansion. The election of Abraham Lincoln in 1860 caused 11 southern states to secede and form the Confederate States of America.¹ President Lincoln and most of the northern states, also known as the "Union," refused to recognize the legitimacy of the succession, as they feared it would discredit democracy and fragment the country. On January 1, 1863, President Lincoln issued the Emancipation Proclamation declaring that "all persons held as slaves are, and henceforward shall be free."² The

¹ American Battlefield Trust, *Civil War Facts*, available at <https://www.battlefields.org/learn/articles/civil-war-facts>, (last visited March 15, 2021)

² National Archives, *The Emancipation Proclamation*, available at <https://www.archives.gov/exhibits/featured-documents/emancipation-proclamation#:~:text=President%20Abraham%20Lincoln%20issued%20the.and%20henceforward%20shall%20be%20free.%22>, (last visited on March 15, 2021)

Emancipation Proclamation was limited only to states that seceded from the United States, leaving slavery untouched in the northern states. The freedom promised under the Emancipation Proclamation was dependent upon the northern states military victory. Further, the Emancipation Proclamation established the acceptance of black men into the Union military. By the end of the war, almost 200,000 black soldiers and sailors fought for the Union military.³ The Civil War was the costliest and deadliest war ever fought on American soil, with approximately 620,000 soldiers killed. The Civil War ended in 1865, with the Confederate army surrendering to General Ulysses S. Grant and the Union army in North Carolina.

Emancipation Day in Florida

On May 10, 1865, more than two years after the President Lincoln issued the Emancipation Proclamation, Union Brigadier General Edward M. McCook arrived in Tallahassee to receive the surrender of Florida's Confederate troops. On May 20, McCook formally announced President Lincoln's Emancipation Proclamation from the steps of the Knott House, effectively ending slavery in the state.⁴ As a result, May 20 has been traditionally celebrated as Emancipation Day in Florida.

Juneteenth

On June 19 ("Juneteenth"), 1865, General Gordon Granger of the Union Army arrived in Galveston, Texas, and read General Order No. 3 announcing the end of the Civil War and that all slaves were free in accordance with President Abraham Lincoln's Emancipation Proclamation. Although the Emancipation Proclamation was issued on January 1, 1863, it had little impact in the South without Union enforcement, and many slaves were unaware of it. The first Juneteenth celebrations were used as political rallies and to teach freed African Americans about their voting rights.⁵ During the era of Jim Crow laws, Juneteenth celebrations diminished until the civil rights movement when the Poor People's March planned by Martin Luther King, Jr., was purposely scheduled to coincide with the date. The March brought Juneteenth back to the public's attention, and the holiday was essentially reborn.⁶

Legislation

Most states officially recognize Juneteenth as a day of observance, however, it is not a national holiday. In 1980, Texas became the first state to declare Juneteenth a state holiday. Since that time, forty-six other states and the District of Columbia have passed legislation recognizing it as a holiday or day of observance. In 1991, the Florida Legislature designated June 19th of each year as "Juneteenth Day" to commemorate the traditional observance of the day the slaves in Florida were notified of the Emancipation Proclamation.⁷ The following states have established

³ *Id.*

⁴ State Library and Archives of Florida, *Juneteenth and Emancipation Day in Florida*, <https://www.floridamemory.com/items/show/333282> (last visited March 15, 2021).

⁵ See *Juneteenth*, <https://tshaonline.org/handbook/online/articles/lkj01>, (last visited March 11, 2021).

⁶ See *12 Things You Might Not Know About Juneteenth*, <https://www.mentalfloss.com/article/501680/12-things-you-mightnot-know-about-juneteenth> (last visited March 8, 2021).

⁷ Section 683.21, F.S.

Juneteenth Day as a paid holiday for state employees: Texas,⁸ Virginia,⁹ New York,¹⁰ New Jersey,¹¹ Pennsylvania; and¹² Massachusetts.¹³

Paid State Holidays

The following are paid holidays to be observed by all branches and agencies of the state government:

- New Year's Day;
- Birthday of Martin Luther King Jr., third Monday in January;
- Memorial Day;
- Independence Day;
- Labor Day;
- Veteran's Day;
- Thanksgiving Day;
- Friday after Thanksgiving; and
- Christmas Day.¹⁴

Additionally, each full-time employee is entitled to one personal holiday each year.¹⁵ Each part-time employee is entitled to a personal holiday each year which shall be calculated proportionately to the personal holiday allowed to a full-time employee.¹⁶ If any of these holidays were to fall on a Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on a Sunday, the following Monday shall be observed as a holiday.

Employees who provide essential services to the state may be required to work on a state holiday. For career service employees, if the holiday is observed on the employee's established workday, and the employee is required to work, the employee will be credited with special compensatory leave equal to the time worked on the holiday.¹⁷

Insurance Rate and Standards

Section 627.0651, F.S., requires insurers to establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on motor vehicle insurance written in

⁸ Texas Comptroller, *State of Texas Holiday Schedule*, available at <https://comptroller.texas.gov/about/holidays.php>, (last visited March 11, 2021)

⁹ Commonwealth of Virginia, *2021 Pay and Holiday Leave*, available at https://www.dhrm.virginia.gov/docs/default-source/default-document-library/payandholidaycalendar2020.pdf?sfvrsn=815b0c03_6 (last visited March 14, 2021)

¹⁰ New York Department of Civil Service, *2021 Calendar of Legal Holidays for State Employees*, available at https://www.cs.ny.gov/attendance_leave/2020_legal_holidays.cfm, (last visited March 11, 2021)

¹¹ Executive Office of the Governor, *State Holidays*, available at <https://www.state.nj.us/nj/about/facts/holidays/>, (last visited March 11, 2021)

¹² Pennsylvania Budget, *State Holidays for 2020*, available at <https://www.budget.pa.gov/Services/ForAgencies/Payroll/Documents/2020-calendar.pdf>, (last visited March 14, 2021)

¹³ Secretary of the Commonwealth of Massachusetts, *Massachusetts Legal Holidays*, available at <https://www.sec.state.ma.us/cis/cishol/holidx.htm> (last visited March 11, 2021)

¹⁴ Section 110.117, F.S.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Rule 60L-34.0032, F.A.C.

Florida. A copy of rates, schedules, rating manuals, and changes must be filed with the Office of Insurance Regulation (OIR). If the filing is made at least 60 days before the proposed effective date and the filing is not implemented during the office's review of the filing, the filing is considered a "file and use filing" and OIR shall notify the finalize its review within 60 days.¹⁸ If such 60-day period ends on a weekend or a holiday listed under s. 110.117(1)(a-i), F.S., it must be extended until the conclusion of the next business day. Notification to the insurer by the OIR of its preliminary findings toll the 60-day period during any such proceedings and subsequent judicial review. If OIR does not issue notice to the insurer of its preliminary findings within 60 days, the rate is approved.

III. Effect of Proposed Changes:

Section 1 amends s. 110.117, F.S., to designate June 19, also known as Juneteenth Day, as a paid state holiday. Juneteenth Day will be observed between Memorial Day and Independence Day.

In order to implement and administer the additional paid state holiday, a programming change to the human resource information system utilized by the state agencies and branches will be required in order to record the holiday.¹⁹

Section 2 amends s. 627.062, F.S., to make conforming changes.

Section 3 amends s. 627.0651, F.S., to make conforming changes.

Section 4 amends s. 627.410, F.S., to make conforming changes.

Section 5 amends s. 683.01, F.S., adding "Juneteenth Day" as a legal holiday.

Section 6 repeals s. 683.21 F.S., to remove Juneteenth Day as a day of traditional observance in order to conform to the act.

Section 7 provides the bill take effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not 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, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

¹⁸ Section 627.0651(1)(a), F.S.

¹⁹ See Department of Management Services, *Senate Bill 490 Agency Legislative Analysis*, (February 26, 2021) (on file with the Senate Committee on Governmental Oversight and Accountability)

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will have an indeterminate fiscal impact on state agencies. The estimated value of salaries for an eight-hour work day for all employees in the State Personnel System²⁰ is \$14,451,963. A Career Service employee who is required to work on a state holiday may be credited with special compensatory leave equal to the time worked on the holiday.²¹ Based on FY 2019-2020 state holiday averages, the estimated value of special compensatory leave accrued per state holiday is approximately \$2.5 million.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 110.117, 627.062, 627.0651, 627.410, and 683.01.

The bill repeals section 683.21 of the Florida Statutes.

²⁰ The State Personnel System includes the Career Service, the Selected Exempt Service, and Senior Management. It does not include positions in the judicial and legislative branches, the Department of Lottery, the state attorneys' offices, the public defenders' offices, the state university system, and others entities.

²¹ Rule 60L-34.0032, F.A.C.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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