

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 Rules

BILL: CS/SB 490

INTRODUCER: Governmental Oversight and Accountability Committee and Senators Bracy and Stewart

SUBJECT: Juneteenth Day

DATE: April 15, 2021 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Candelaria</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Candelaria</u>	<u>Phelps</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 490 designates June 19, also known as “Juneteenth Day”, as a legal holiday. The bill repeals “Juneteenth Day” as a day of observance to conform to the act.

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 Emancipation Proclamation was limited only to states that seceded from the United States,

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)

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

Legal Holidays

Chapter 683, F.S., establishes legal holidays and special observance days. Designation of a legal holiday under ch. 683, F.S., does not constitute such day as a paid holiday. Section 110.117 sets forth the holidays that are paid holidays to be observed by all state branches and agencies.¹⁴

Whenever any legal holiday falls on a Sunday, the following Monday shall be deemed a public holiday for all and any of the purposes aforesaid.¹⁵

Section 683.01(1), F.S., provides the legal holidays of Florida, which are also declared to be public holidays, are:

- Sunday, the first day of each week;
- New Year's Day, January 1;
- Birthday of Martin Luther King, Jr., January 15;
- Birthday of Robert E. Lee, January 19;
- Lincoln's Birthday, February 12;
- Susan B. Anthony's Birthday, February 15;
- Washington's Birthday, the third Monday in February;
- Good Friday;
- Pascua Florida Day, April 2;
- Confederate Memorial Day, April 26;
- Memorial Day, the last Monday in May;
- Birthday of Jefferson Davis, June 3;
- Flag Day, June 14;
- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Columbus Day and Farmer's, the second Monday in October;
- Veteran's Day, November 11;
- General Election Day;
- Thanksgiving Day, the fourth Thursday in November;

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(1), F.S.

¹⁵ Section 683.01(2), F.S.

- Christmas Day, December 25; and
- Shrove Tuesday, sometimes also known as “Mardi Gras”, in counties where carnival associations are organized for the purpose of celebrating the same.¹⁶

In contracts to be performed in the state, reference made to “legal holidays” is to be understood to include those holidays designated in s. 683.01 and such others as may be designated by law.¹⁷

III. Effect of Proposed Changes:

Section 1 amends s. 683.01, F.S., to designate June 19, also known as “Juneteenth Day”, as a legal holiday.

Section 2 repeals s. 683.21, F.S., to remove Juneteenth Day as a day of traditional observance in order to conform to the act.

Section 3 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.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

¹⁶ Section 683.01(a)-(u), F.S.

¹⁷ Section 683.02, F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 683.01 of the Florida Statutes.

The bill repeals section 683.21 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on March 17, 2021:

The CS designates June 19, also known as “Juneteenth Day”, as a legal holiday. The CS eliminates provisions designating “Juneteenth Day” as a paid state holiday.

B. Amendments:

None.