

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 Commerce and Tourism

BILL: SM 572

INTRODUCER: Senator Campbell

SUBJECT: Haitian Independence and Flag Day/Haitian Heritage Month

DATE: March 24, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Flynn	McKay	CM	Pre-meeting
2.			RC	

I. Summary:

SM 572 urges Congress to enact legislation recognizing:

- January 1 as “Haitian Independence Day”;
- May 18 as “Haitian Flag Day”; and
- The month of May as “Haitian Heritage Month.”

Legislative memorials are not subject to the Governor’s veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

II. Present Situation:

Background

Located in the Caribbean on the western one-third of the island of Hispaniola, Haiti is a country of approximately 10.5 million people.¹ Due in part to Haiti’s close proximity to the United States, the Haitian American population amounted to roughly 880,000 in 2010, the year the most recent U.S. Census was administered.² The bulk of the Haitian American population resides in Florida and New York.³ These two states were home to more than 70 percent of Haitian immigrants in the 2008-12 period.⁴

¹ UNITED STATES CENTRAL INTELLIGENCE AGENCY, *The World Factbook: Haiti*, <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html> (last visited Mar. 22, 2017).

² UNITED STATES CENSUS BUREAU, *American Fact Finder*, available at https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_1YR_B04003&prodType=table (last visited Mar. 22, 2017).

³ MIGRATION POLICY INSTITUTE, *Haitian Immigrants in the United States*, <http://www.migrationpolicy.org/article/haitian-immigrants-united-states> (last visited Mar 22, 2017).

⁴ *Id.*

Many Haitian holidays fall in May.⁵ Haiti celebrates “Labor and Agricultural Day” on May 1, Haiti’s Mother’s Day is celebrated on the last Sunday of May each year, and Haitian Flag Day is celebrated on May 18.⁶ Toussaint L’Ouverture, one of the leaders of the Haitian Revolution, is believed to have been born on May 20, 1743.⁷

Recognition of Haitian American Events

Various governmental entities in the United States have issued resolutions or proclamations recognizing the importance of May in Haitian and Haitian American culture, including, but not limited to, the following:

- In 2001, Miami-Dade County passed a resolution designating May as “Haitian Cultural Heritage Month”⁸ and has held annual celebration in the county ever since;⁹
- In 2003, the Palm Beach County School District issued a resolution recognizing May as “Haitian Heritage Month”;¹⁰
- In 2015, the Governor of the Commonwealth of Massachusetts proclaimed the month of May 2015 to be “Haitian Heritage Month”;¹¹
- In 2015, the Mayor of the City of Boston and the City of Boston City Council issued separate proclamations to designate the month of May as “Haitian Heritage Month” and specifically to honor “Haitian Flag Day.”¹²

At the federal level, several resolutions have been introduced in the United States House of Representatives to recognize May as “Haitian American Heritage Month.” For example, House Resolution 777, sponsored by former Congressman Kendrick Meek, was introduced, but never heard, during the 109th congress.¹³ Additionally, House Resolution 224, sponsored by Congresswoman Frederica Wilson, was introduced, but never heard, during the 113th Congress.¹⁴

⁵ WORLD TRAVEL GUIDE, *Haiti Public Holidays*, <http://faculty.webster.edu/corbetre/haiti/miscopic/holidays/holidays.htm> (last visited Mar. 22, 2017).

⁶ *Id.*

⁷ ENCYCLOPEDIA.COM, *François Dominique Toussaint L’Ouverture*, <http://www.encyclopedia.com/people/history/haiti-history-biographies/francois-dominique-toussaint-louverture> (last visited Mar. 22 2017).

⁸ MIAMI-DADE BOARD OF COUNTY COMMISSIONERS, *County Resolution R-452-01*, available at <http://www.miamidade.gov/govaction/matter.asp?matter=011622&file=false&yearFolder=Y2001> (last visited Mar. 22, 2017).

⁹ MIAMI-DADE COUNTY, *Haitian Cultural Heritage Month kicks off on May 1*, <http://www.miamidade.gov/district02/releases/2015-04-24-haitian-month.asp> (last visited Mar. 22, 2017).

¹⁰ A copy of the resolution, dated April 23, 2992, is on file with the House of Representatives Local & Federal Affairs Committee.

¹¹ THE OFFICIAL WEBSITE OF THE GOVERNOR OF MASSACHUSETTS, *Issued Proclamations, Haitian Heritage Month*, <http://www.mass.gov/governor/constituent-services/recognition/issued-proclamations/haitian-heritage-month.html>.

¹² A copy of each resolution is on file with the House of Representatives Local & Federal Affairs Committee.

¹³ 109TH CONGRESS 2005-2006, *H. Res. 777 – Expressing the sense of the House of Representatives, in recognition of the contributions of the Haitian people to the history and culture of the United States, by establishing “Haitian-American Heritage Month”*, available at <https://www.congress.gov/bill/109th-congress/house-resolution/777?q=%7B%22search%22%5C%22hres777%5C%22%22%5D%7D&resultIndex=5>

¹⁴ 113TH CONGRESS 2013-2014, *H.Res.224 – Expressing the sense of the House of Representatives that a Haitian-American Heritage Month” should be established in recognition of the contributions of the Haitian people to the history and culture of the United States*, available at <https://www.congress.gov/bill/113th-congress/house-resolution/224?r=25>

Federal Recognition of Other Commemorative Events

Congress has passed legislation relating to national observances and commemorative months on several occasions. For example, Congress has passed legislation to commemorate or authorize the President to proclaim February as “National African American History Month,” November as “Native American Heritage Month,”¹⁵ May as “Jewish American Heritage Month,” May as “Asian Pacific Heritage Month,” and the period beginning September 15 and ending October 15 as “National Hispanic Heritage Month”.¹⁶ In addition, Congress has passed legislation to commemorate or authorize the President to proclaim several days of national observance such as Flag Day on June 14,¹⁷ and Native American Heritage Day on the first Friday after Thanksgiving.¹⁸

III. Effect of Proposed Changes:

SM 572 urges Congress to enact legislation to memorialize Haitian Americans contributions to the United States by recognizing:

- January 1 as “Haitian Independence Day”;
- May 18 as “Haitian Flag Day”; and
- The month of May as “Haitian Heritage Month.”

Copies of the memorial will be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of representatives, and to each member of the Florida Delegation to the United States Congress.

Legislative memorials are not subject to the Governor’s veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁵ The observance was first authorized by President H.W. Bush in 1990 under the title ‘National American Indian Heritage Month’ and has since been titled under several variations. The current title of the observation is ‘Native American Heritage Month.’ LIBRARY OF CONGRESS, *About Native American Heritage Month*, <http://nativeamericanheritagemonth.gov/about/> (last visited Mar. 22, 2017).

¹⁶ LIBRARY OF CONGRESS, *Commemorative Observances*, <http://www.loc.gov/law/help/commemorative-observations/> (Last visited Mar. 22, 2017).

¹⁷ House Joint Resolution 211, Pub. L. 99-54 (1985), available at <https://www.gpo.gov/fdsys/pkg/STATUTE-99/pdf/STATUTE-99-Pg97.pdf>

¹⁸ House Joint Resolution 40, Pub. L. 111-33 (2009), available at <https://www.congress.gov/bill/111th-congress/house-joint-resolution/40/text>

C. Trust Funds Restrictions:

None.

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:

None.

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.