

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/CS/SM 572

INTRODUCER: The Committee on Rules; The Committee on Commerce and Tourism; and Senator Campbell

SUBJECT: Haitian Independence and Flag Day/Haitian Heritage Month

DATE: April 6, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Flynn</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Flynn</u>	<u>Phelps</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SM 572 urges Congress to enact legislation recognizing:

- January 1 as “Haitian Independence Day”;
- May 18 as “Haitian Flag Day”;
- The month of May as “Haitian American Heritage Month”;
- The month of May as “Haitian Heritage Month”; and
- The month of June as “Caribbean American 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:

Haitian American History

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

¹ United States Central Intelligence Agency, *The World Factbook: Haiti*, <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html> (last visited Apr. 22, 2017).

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

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

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 Apr. 5, 2017).

³ Migration Policy Institute, *Haitian Immigrants in the United States*, <http://www.migrationpolicy.org/article/haitian-immigrants-united-states> (last visited Apr. 5, 2017).

⁴ *Id.*

⁵ World Travel Guide, *Haiti Public Holidays*, <http://faculty.webster.edu/corbetre/haiti/misctopic/holidays/holidays.htm> (last visited Apr. 5, 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 Apr. 5 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 Apr. 5, 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 Apr. 5, 2017).

¹⁰ A copy of the resolution, dated April 23, 2002, 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.

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

Caribbean American History

In 2014, approximately 4 million immigrants from the Caribbean resided in the United States, accounting for 9 percent of the nation's 42.4 million immigrants.¹⁵ In the early 1900s, the United States became a major destination for Caribbean migrants due to the increased economic opportunities the industrial revolution created.¹⁶ The United States is currently the top destination for Caribbean emigrants, accounting for more than 60 percent of the 6 million Caribbean emigrants worldwide.¹⁷

Caribbean Americans have made numerous contributions to the United States.¹⁸ Some of the most famous Caribbean Americans include Alexander Hamilton, the first Secretary of the Treasury for the United States, who was born on the Caribbean Island of Nevis,¹⁹ W.E.B. Du Bois, a civil rights activist and the first African American to graduate from Harvard, was the son of a Haitian immigrant,²⁰ and Colin Powell, the first African American Secretary of State, was the son of Jamaican immigrants.²¹

History of Caribbean American Heritage Month

Federal Bill HR570 was presented to the U.S. House of Representatives in 2004.²² In 2005, the Bill was reintroduced as House Concurrent Resolution 71 with 81 bipartisan co-sponsors that originated from 26 states plus American Samoa, District of Columbia, Guam, Puerto Rico, and the US Virgin Islands.²³ On June 27, 2005, the U.S. House passed the bill declaring June as Caribbean American Heritage Month.²⁴ In 2006, Senator Schumer introduced HR71 to the

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>

¹⁵ Migration Policy Institute, *Caribbean Immigrants in the United States*, <http://www.migrationpolicy.org/article/caribbean-immigrants-united-states> (last visited Apr. 5, 2017).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Biographical Directory of the United States Congress, *Alexander Hamilton*, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=h000101> (last visited Apr. 5, 2017).

¹⁹ *Id.*

²⁰ National Consortium on Racial and Ethnic Fairness in the Courts, *Special Recognition: Caribbean American Heritage Month*, <http://www.national-consortium.org/Special-Recognition/Caribbean.aspx> (last visited at Apr. 5, 2017).

²¹ Jonathan Power, *Colin Powell's Jamaican connection*, (Nov. 3, 1995), available at http://articles.baltimoresun.com/1995-11-03/news/1995307066_1_michael-manley-colin-powell-jamaica (last visited Apr. 5, 2017).

²² Caribbean Heritage Organization, *Institute of Caribbean Studies: The History of National Caribbean American Heritage Month*, <http://caribbeanheritage.org/wp-content/uploads/2016/12/cam-congressional-resolution.pdf> (last visited Apr. 5, 2017).

²³ *Id.*

²⁴ *Id.*

Senate.²⁵ The measure was passed in the U.S. Senate on February 14, 2006.²⁶ In June of 2006, President George Bush issued a presidential proclamation recognizing Caribbean American Heritage Month.²⁷ In each year since, the White House has issued an annual proclamation recognizing June as Caribbean American Heritage Month.²⁸ June of 2016 marked the tenth anniversary of June as National Caribbean American Heritage Month.²⁹

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,”³⁰ 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.”³¹ 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 14,³² and Native American Heritage Day on the first Friday after Thanksgiving.³³

III. Effect of Proposed Changes:

CS/CS/SM 572 urges Congress to enact legislation to memorialize Haitian and Caribbean Americans’ contributions to the United States by recognizing:

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

²⁵ *Id.*

²⁶ *Id.*

²⁷ National Caribbean American Heritage Foundation, *National Caribbean-American Heritage Month Marks Tenth Anniversary in 2016*, <http://www.caribbeanamericanmonth.org/> (last visited Apr. 5, 2017).

²⁸ *Id.*

²⁹ *Id.*

³⁰ 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 Apr. 5, 2017).

³¹ Library of Congress, *Commemorative Observances*, <http://www.loc.gov/law/help/commemorative-observations/> (Last visited Apr. 5, 2017).

³² House Joint Resolution 211, Pub. L. 99-54 (1985), available at <https://www.gpo.gov/fdsys/pkg/STATUTE-99/pdf/STATUTE-99-Pg97.pdf>

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

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IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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 Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 6, 2017:

The CS/CS urges the Congress of the United States to recognize May as “Haitian Heritage Month.”

CS by Commerce and Tourism on March 27, 2017:

The CS urges the Congress of the United States to recognize June as “Caribbean American Heritage Month.”

- B. **Amendments:**

None.