

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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: PCS/CS/SB 1262 (455640)

INTRODUCER: Appropriations Subcommittee on Criminal and Civil Justice; Judiciary Committee; and Senators Bracy and Rodriguez

SUBJECT: 1920 Ocoee Election Day Riots

DATE: February 20, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Elsesser</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Dale</u>	<u>Jameson</u>	<u>ACJ</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

PCS/CS/SB 1262 directs or encourages officials including the Commissioner of Education’s African American History Task Force, the Secretary of State, the Secretary of Environmental Protection, and district school boards to take steps to publicize the history of the Ocoee Election Day Riots in 1920.

The bill has no fiscal impact to the state.

The bill takes effect July 1, 2020.

II. Present Situation:

The November 1920 Ocoee Violence

“Racial violence in the United States during the early 1900’s was high, with the number of lynchings of African Americans increasing from 38 in 1917 to 58 in 1918.”¹ Before the presidential election in November 1920, the Ku Klux Klan Grand Master of Florida sent a letter to a politician who had been working to register African-American voters, who tended to vote

¹ Office of Program Policy Analysis and Governmental Accountability, *Ocoee Election Day Violence – November 1920*, Report No. 19-15 at 2 (<http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1915rpt.pdf>) (Last visited February 10, 2020).

Republican.² In the letter, the Ku Klux Klan Grand Master threatened that, if the politician continued his efforts to register African Americans, “there would be serious trouble.”³

“The 1920 Census reported 255 African-American residents and 560 white residents of Ocoee.”⁴ Mose Norman, an African-American resident who was not allowed to vote in the general election for failure to pay a poll tax, recorded names of others who had not been permitted to vote in his precinct.⁵ After an altercation with either the local constable or a group of white residents, Norman went to the home of July Perry, another African-American resident, before fleeing Ocoee.⁶

“Later in the day, some white Ocoee residents formed a posse and were deputized” by the Orange County sheriff and were charged with arresting Norman and Perry.⁷ The posse went to Perry’s house, wounding Perry and his 19-year-old daughter, Caretha, with gunfire; Norman had already fled Ocoee.⁸

After retreating and requesting assistance from other areas of Orange County, the posse returned to the house and captured Caretha Perry therein.⁹ July Perry was captured in a sugarcane patch near his house and taken to a hospital to treat his gunshot wounds, after which he was placed in the custody of the Orange County sheriff and was lynched, hanged, and shot by a mob.¹⁰

A mob then set fire to all African-American-owned buildings in northern Ocoee, destroying more than 20 houses, two churches, and one fraternal lodge.¹¹ Based on differing reports, between three and 60 African Americans died resulting from the violence on November 2-3, 1920.¹² In the days following this violence, the remaining African-American residents fled Ocoee, leaving their homes and property.¹³

Section 1003.42(2)(h), F.S.

Section 1003.42(2)(h), F.S., requires members of the instructional staff of Florida public schools to teach about “[t]he history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society.”

² *Id.*

³ *Id.*

⁴ *Id.* at 3.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 4.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

III. Effect of Proposed Changes:

The bill directs the Commissioner of Education's African American History Task Force to examine ways in which the history of the Ocoee violence can be taught pursuant to s. 1003.42(2)(h), F.S. The task force is required to submit recommendations to the commissioner by March 1, 2021.

The bill also directs the Secretary of State to determine ways in which the Museum of Florida History and other state museums can propagate the history of the Ocoee violence and to seek such history's inclusion in the National Museum of African American History and Culture of the Smithsonian Institution.

The bill directs the Secretary of Environmental Protection to assess if any state park may be named in recognition of any victim of the Ocoee violence. The bill encourages district school boards to consider naming facilities in recognition of victims of the Ocoee violence.

The bill takes effect July 1, 2020 except as otherwise expressly provided in the bill.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

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.

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 creates undesignated sections of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

Recommended CS/CS by Appropriations Subcommittee on Criminal and Civil Justice on February 18, 2020:

The committee substitute:

- Removes language creating the Ocoee Election Day Riots Descendant Compensation Fund Program; and
- Removes the requirement of the Department of Economic Opportunity to prioritize applications from black business enterprises in areas directly impacted by the Ocoee violence.

CS by Judiciary on January 21, 2020:

The Committee Substitute differs from the underlying bill by identifying the bill number for the linked bill creating the trust fund described in SB 1264.

B. Amendments:

None.