

**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.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: SM 978

INTRODUCER: Senator Pizzo

SUBJECT: Juneteenth Independence Day

DATE: January 10, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ponder</u>	<u>McVaney</u>	<u>GO</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SM 978 is a memorial to Congress of the United States urging Congress to recognize June 19, 2020, as “Juneteenth Independence Day.”

A memorial is not subject to the approval or veto powers of the Governor, is not subject to the approval or veto powers of the Governor, is not subject to constitutional title requirements, and does not have the effect of law.

**II. Present Situation:**

**Juneteenth**

On June 19 (“Juneteenth”), 1865, Union general Gordon Granger 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.<sup>1</sup> 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.<sup>2</sup>

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<sup>1</sup> See *Juneteenth*, <https://tshaonline.org/handbook/online/articles/lkj01>, (last visited January 4, 2019).

<sup>2</sup> See *12 Things You Might Not Know About Juneteenth*, <https://www.mentalfloss.com/article/501680/12-things-you-might-not-know-about-juneteenth> (last visited January 4, 2019).

## Legislation

Though most states now officially recognize Juneteenth, it is not a national holiday. In 1980, Texas became the first state to declare Juneteenth a state holiday. Since that time, forty-five other states and the District of Columbia have passed legislation recognizing it as a holiday or observance. In 1991, the Florida Legislature designated June 19<sup>th</sup> of each year as “Juneteenth Day” to commemorate the traditional observance of the day the slaves in Florida were notified of the Emancipation Proclamation.<sup>3</sup>

## Observances and Ceremonies

National and Patriotic Observances and Ceremonies are governed by Title 36 of the United States Code. There are forty-six patriotic and national observances specified by the United States Code, from American Heart Month to Veterans Day.<sup>4</sup> These observances designate a certain day for observation and request that the president issue a proclamation calling for appropriate observance and ceremony.<sup>5</sup> Each of the observances and ceremonies are American, related to American history.

## Senate Memorial

A Senate Memorial is “a measure addressed to an executive agency or another legislative body, usually congress, which expresses the consensus of the Florida Legislature or urges that certain action be taken on a matter within the jurisdiction of the agency or body to which it is addressed. When both houses adopt the measure, the memorial is signed by the legislative officers and transmitted to the Secretary of State for presentation to the addressee. A memorial is not subject to the approval or veto powers of the Governor, is not subject to constitutional title requirements, and does not have the effect of law.”<sup>6</sup>

### III. Effect of Proposed Changes:

The Senate Memorial urges Congress to recognize June 19, 2020, as “Juneteenth Independence Day.” The memorial directs the Secretary of State to dispatch copies to the Majority Leader of the United States Senate, the Speaker of the House of Representatives, and each member of the Florida delegation to the United States Congress.

The memorial contains six whereas clauses finding:

- January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, which ended slavery;
- Despite the issuance of the Emancipation Proclamation, news of the end of slavery did not travel to certain regions of the United States for more than 2 years afterwards;
- On or about June 19, 1865, federal authorities had arrived in Galveston, Texas, to inform slaves that the Civil War had ended and that the enslaved were now free;

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<sup>3</sup> Section 683.21, F.S.

<sup>4</sup> See 36 U.S.C. ss. 101-145 (2019).

<sup>5</sup> See, e.g., 36 U.S.C. s 109 Father’s Day (2019).

<sup>6</sup> Senate Glossary, <https://www.flsenate.gov/Reference/Glossary>.

- Following emancipation, former slaves and their descendants continued to commemorate each June 19 in recognizing the emancipation of all slaves in the United States and celebrating freedom;
- In 1991, Florida officially designated June 19 of each year as “Juneteenth Day” to commemorate the freeing of slaves within the state; and
- Congress has previously demonstrated strong bipartisan support in recognizing “Juneteenth Independence Day,” evidenced by the introduction of Senate Resolution 253, House Resolution 448, and House Resolution 450 in June 2019.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor’s approval nor is it subject to a veto.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce the counties’ or municipalities’ ability to raise revenue, 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.

#### **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.