

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1441 Florida Museum of Black History
SPONSOR(S): Constitutional Rights, Rule of Law & Government Operations Subcommittee, Antone
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1606

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Constitutional Rights, Rule of Law & Government Operations Subcommittee	12 Y, 0 N, As CS	Villa	Miller
2) Infrastructure & Tourism Appropriations Subcommittee	15 Y, 0 N	McAuliffe	Davis
3) State Affairs Committee			

SUMMARY ANALYSIS

The Division of Historical Resources, established within the Department of State (DOS), is charged with encouraging identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida’s historic sites and properties or objects related to Florida’s history and culture.

The bill creates the Black History Task Force, adjunct to DOS, for the purposes of providing recommendations for the planning, construction, operation, and administration of a Florida Museum of Black History. The task force will consist of nine members appointed by the Governor and Legislature who will serve without compensation.

The bill requires the task force to submit a report detailing its plans and recommendations to the Governor and Legislature by July 1, 2024, at which point the task force will expire.

The bill provides that upon receiving the report, the Legislature may consider legislation pertaining to the commissioning, construction, operation, and administration of the museum.

The bill will likely have an indeterminate, negative fiscal impact on state government expenditures, however the costs can be absorbed within existing departmental resources.

The bill has an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Task Force Requirements

Florida law defines “task force” to mean an advisory body created without specific statutory enactment for a time not to exceed one year, or created by specific statutory enactment for a time not to exceed three years, and appointed to study a specific problem and recommend a solution or policy alternative related to that problem. Its existence terminates upon the completion of its assignment.¹ Members of a task force, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation and are authorized to receive only per diem and reimbursement for travel expenses.²

Department of State

The head of the Department of State (DOS) is the Secretary of State (Secretary) who is appointed by and serves at the pleasure of the Governor and is confirmed by the Senate. The Secretary must perform the functions conferred by the State Constitution upon the custodian of state records.³ The Secretary also serves as the state protocol officer and, in consultation with the Governor and other government officials, develops, maintains, publishes, and distributes the state protocol manual.⁴

Division of Historical Resources

The Division of Historical Resources (division) is one of six divisions established within DOS.⁵ The division is charged with encouraging identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida’s historic sites and properties or objects related to Florida’s history and culture.⁶ Some of the division’s responsibilities include:

- Developing a comprehensive statewide historic preservation plan;
- Directing and conducting a comprehensive statewide survey, and maintaining an inventory, of historic resources;
- Ensuring that historic resources are taken into consideration at all levels of planning and development; and
- Providing public information, education, and technical assistance relating to historic preservation programs.⁷

The division is also responsible for encouraging, promoting, maintaining, and operating Florida history museums.⁸ The division provides support to museums and works to promote the use of resources for educational and cultural purposes. The division directly oversees the following museums:

- Museum of Florida History, which is the state’s official history museum and showcases Florida’s diverse history from prehistoric times to the present day;⁹
- Mission San Luis, a living history museum that showcases the life of the Apalachee Indians and Spanish settlers, and also hosts workshops such as pottery and blacksmithing;¹⁰

¹ S. 20.03(8), F.S.

² S. 20.052(3)(d), F.S.

³ S. 20.10(1), F.S. See, e.g., art. II, s. 8(j); art. III, ss. 8(b), 16(b); art. IV, ss. 3(b), 7(a); art. V, s. 10(b)(3)b.; art. VIII, s. 1(i), Fla. Const.

⁴ S. 15.01(1), F.S.

⁵ S. 20.10(2), F.S.

⁶ S. 267.031, F.S.

⁷ S. 267.031(5)(a), (b), (d), and (f), F.S.

⁸ S. 267.071(2), F.S.

⁹ See Florida Department of State, *Museum of Florida History*, <https://museumoffloridahistory.com/explore/exhibits/> (last visited April 5, 2023).

¹⁰ See Florida Department of State, *Mission San Luis*, <https://missionsanluis.org/learn/> (last visited April 5, 2023).

- Knott House Museum, which showcases the history of Tallahassee and its role in the civil war including the Emancipation Proclamation being read on the steps of the house in 1865;¹¹ and
- The Grove Museum, which showcases the life of the Call and Collins families, who owned the property and played a significant role in Florida's history including contributions in agriculture, civil rights, and politics.¹²

Other museums recognized by the state include:

- Certain state railroad museums;¹³
- The Florida Museum of Transportation and History;¹⁴
- The John and Mable Ringling Museum of Art;¹⁵
- The Ringling Museum of the Circus;¹⁶
- The Florida Historic Capitol Museum;¹⁷
- The Florida Agricultural Museum;¹⁸ and
- The Florida Museum of Natural History.¹⁹

African American History

Florida has an extensive history of African American culture and contributions to the state and the nation. African Americans have played a significant role in shaping Florida's history, culture, and society, despite facing significant challenges and discrimination throughout their history.

Fort Mose

The first legally sanctioned, free African American settlement in the nation was Fort Mose, a community of free African Americans established in St. Augustine in 1738. Many of the residents of Fort Mose were former slaves who had escaped from the British colonies to Florida, which was then under Spanish control. The residents of Fort Mose helped defend the Spanish colony of Florida against British attacks and played an important role in shaping Florida's early history.²⁰

Tuskegee Airmen

The Tuskegee Airmen were a group of African American pilots and support personnel who served in the U.S. Army Air Force during World War II. They were named after the Tuskegee Army Airfield in Alabama, where they trained. The Tuskegee Airmen were significant because they were the first African American military aviators in the U.S. armed forces. They flew more than 15,000 combat missions and their success helped break down racial barriers in the military.²¹

¹¹ See Florida Department of State, *About the Knott House*, <https://museumoffloridahistory.com/visit/knott-house-museum/about-the-knott-house/> (last visited April 5, 2023).

¹² See Florida Department of State, *The Gove Museum*, <https://thegrovemuseum.com/> (last visited April 5, 2023). The Grove Advisory Council advises the division on the operation, maintenance, and preservation of the museum. S. 267.075, F.S.

¹³ See s. 15.045, F.S.

¹⁴ S. 15.046, F.S.

¹⁵ See ss. 265.27, F.S., and 1004.45, F.S.

¹⁶ S. 1004.45, F.S.

¹⁷ S. 272.129, F.S. The Florida Historic Capitol Museum Council provides guidance and support to the museum director and support staff. S. 272.131, F.S.

¹⁸ See s. 570.69, F.S.

¹⁹ S. 1004.56, F.S.

²⁰ Fort Mose Historical Society, *Community of Freedom*, <https://fortmose.org/about-fort-mose/> (last visited April 5, 2023).

²¹ Public Broadcasting Service, *Who Are the Tuskegee Airmen?*, <https://www.pbs.org/articles/who-are-the-tuskegee-airmen/> (last visited April 5, 2023). See also "332d Fighter Group," https://www.armyaircorpsmuseum.org/332d_Fighter_Group.cfm (last visited April 5, 2023).

Slavery

Slavery was an integral part of Florida's history, as the state was a major center for the transatlantic slave trade. The Spanish and British both brought slaves to Florida, and after the U.S. acquired the territory in 1821, slavery continued to be legal until the end of the Civil War. Many African Americans were forced to work on plantations in Florida, and conditions were often brutal.²²

Segregation

Segregation was also a major part of Florida's history, as it was in many other parts of the nation. African Americans were subjected to discriminatory laws and practices, including those known as Jim Crow laws,²³ which enforced racial segregation and denied African Americans basic civil rights. As the Twentieth Century progressed, African Americans in Florida were involved in protests and sit-ins to challenge segregation, and the state was a significant site for the Civil Rights Movement, which ultimately dismantled many of these laws and practices.²⁴

Notable African Americans in this State

Many notable African Americans are from Florida, including Zora Neale Hurston, a writer and anthropologist,²⁵ Ray Charles, one of the greatest American musical artists,²⁶ and Harry T. Moore and his wife, Harriette Moore, prominent civil rights leaders who were killed in a bombing by the Ku Klux Klan in their home in 1951.²⁷

Dr. Mary McLeod Bethune

Dr. Mary McLeod Bethune was a prominent African American educator and civil rights leader who founded Daytona Literary and Industrial Training Institute for Negro Girls in 1904, which grew and eventually merged with Cookman Institute of Jacksonville to become Bethune-Cookman College, later Bethune-Cookman University, in Daytona Beach, Florida. She also founded the Mary McLeod Hospital and Training School for Nurses. A strong advocate for education, Dr. Bethune worked to promote racial equality throughout her life. Appointed by President Roosevelt to the National Youth Administration, she became one of his influential advisors. Dr. Bethune is the first African American chosen to represent a state with a statue in Statuary Hall in the United States Capitol.²⁸

Historically Black Colleges and Universities

Florida has several historically black colleges and universities, including Bethune-Cookman University, Florida A&M University, and Edward Waters College. These institutions were established to provide educational opportunities for African Americans who were excluded from other universities due to segregation.

²² See Florida Humanities, *Florida's Culture of Slavery*, <https://floridahumanities.org/floridas-culture-of-slavery/> (last visited April 5, 2023).

²³ See Americans All, *Jim Crow Laws: Florida and Georgia*, <https://americansall.org/legacy-story-group/jim-crow-laws-florida-and-georgia> (last visited April 5, 2023).

²⁴ See Florida Memory, *The Civil Rights Movement in Florida*, <https://www.floridamemory.com/learn/classroom/learning-units/civil-rights/> (last visited April 5, 2023).

²⁵ The Official Website of Zora Neale Hurston, *About Zora Neale Hurston*, <https://www.zoranealehurston.com/about/> (last visited April 5, 2023). Among her notable works are *Their Eyes Were Watching God* (1937) and *Moses, Man of the Mountain* (1939).

²⁶ Florida Department of State, *Ray Charles*, <https://dos.myflorida.com/cultural/programs/florida-artists-hall-of-fame/ray-charles/#:~:text=In%201948%2C%20Charles%20left%20Florida,pursue%20better%20opportunities%20in%20music.> (last visited April 5, 2023). Notable recordings include "What I'd Say," "Hit the Road Jack," and "Georgia On My Mind."

²⁷ National Association for the Advancement of Colored People, *Harry T. and Harriette Moore*, <https://naacp.org/find-resources/history-explained/civil-rights-leaders/harry-t-and-harriette-moore> (last visited April 5, 2023).

²⁸ See Bethune-Cookman University, *Dr. Mary McLeod Bethune*, <https://www.cookman.edu/history/our-founder.html> (last visited April 5, 2023); see also Architect of the Capitol, *Dr. Mary McLeod Bethune*, <https://www.aoc.gov/explore-capitol-campus/art/mary-mcleod-bethune-statue> (last visited April 5, 2023).

Inherent Worth and Dignity of Human Life

The struggle for civil rights in Florida and throughout the country has been rooted in the belief that all people are inherently equal, valuable, and deserving of respect and dignity. The Florida Constitution restates and reaffirms these principles from the Declaration of Independence:

All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.²⁹

This belief is at the heart of efforts to prevent genocide and other forms of mass violence, which can occur when one group of people is seen as fundamentally inferior or expendable.

Public School Instruction on African American History

Florida K-12 public schools are required to teach about African American history.³⁰ The instruction must include 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 American society. Students should develop an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms, and examine what it means to be a responsible and respectful person. Instructional materials must include the vital contributions of African Americans to build and strengthen American society and celebrate the inspirational stories of African Americans who prospered, even in the most difficult circumstances. Classroom instruction and curriculum may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the principles of equality or the state academic standards. In establishing the curriculum, the Department of Education may seek input from the Commissioner's African American History Task Force, a task force created to support the instruction on African American history in Florida.³¹

Effect of the Bill

The bill creates within the division the Florida Museum of Black History Task Force for the purpose of providing recommendations to the division for the planning, construction, operation, and administration of a Florida Museum of Black History. The museum must be a multipurpose facility capable of generating self-sustaining revenues. The museum must also have archival research and storage facilities, meeting rooms, full service banquet facilities, a kitchen capable of serving at least 250 people at a single event, and a performing arts theater that will be available for private events.

The bill requires the task force to be composed of nine members, three appointed by the Governor, three appointed by the President of the Senate, and three appointed by the Speaker of the House of Representatives. All members must be appointed by July 31, 2023. Members will serve without compensation but are entitled to receive reimbursement for per diem and travel expenses. At least three of the members must have five or more years experience in one of the following areas:

- Tenured faculty in history at a Florida public or private university;
- Historical research and publication;
- Archival design or preservation;
- Multipurpose public building design or construction;
- The hospitality and service industry;
- Business;
- Finance;

²⁹ Art. I, s. 2, Fla. Const.

³⁰ S. 1003.42(2)(h), F.S.

³¹ See Commissioner of Education's African American History Task Force, *History*, <https://afroamfl.org/history/> (last visited April 5, 2023).

- Marketing;
- Law; or
- Education.

The bill requires the division to provide the task force with staff and expend funds as necessary to assist the task force in the performance of its duties. The task force is charged with developing the following:

- Plans for the location, design, and construction of the museum and all necessary facilities;
- Recommendations for the operation and administration of the museum upon completion of construction;
- A marketing plan that may be executed by the Florida Tourism Industry Marketing Corporation to promote the museum;
- A transition plan under which the museum will become financially self-sufficient; and
- Recommendations for archival and artifact acquisition, preservation, and research, exhibits, installations, and educational materials that complement and support required African American instruction provided in public schools. The recommendations must include materials relating to:
 - The role of African American participation in defending and preserving Florida and the nation, including, by way of example and without limitation, the contributions of the residents of Fort Mose, the Tuskegee Airmen, and all African American veterans;
 - The history of slavery in the state;
 - The history of segregation in the state;
 - Notable African Americans in the state;
 - Dr. Mary McLeod Bethune, including the founding of Bethune Cookman University;
 - The history of historically black colleges and universities in this state; and
 - The inherent worth and dignity of human life, with a focus on the prevention of genocide.

The bill requires the task force to submit a report detailing its plans and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives by July 1, 2024. The task force will expire upon submission of its report.

The bill provides that after receiving the report of the task force, the Legislature may consider legislation pertaining to the commissioning, construction, operation, and administration of the museum.

B. SECTION DIRECTORY:

Section 1 creates s. 267.0722, F.S., relating to the Florida Museum of Black History.

Section 2 provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will likely have an indeterminate, negative fiscal impact on state government expenditures. The bill requires the division to provide staff and expend funds as necessary to assist the task force in the performance of its duties, including reimbursement for per diem travel expenses for task force members. While expenditures required by the bill cannot be quantified and are indeterminate, these costs can be absorbed within the existing resources of the department.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 28, 2023, the Constitutional Rights, Rule of Law & Government Operations Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from the bill in that it:

- Specifies the structure of the task force, including number of members, experience, and appointment deadline;
- Authorizes the Legislature to consider legislation pertaining to the task force's report; and
- Removes an appropriation.

This analysis is drawn to the committee substitute as adopted by the Constitutional Rights, Rule of Law & Government Operations Subcommittee.