

**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: SB 1312

INTRODUCER: Senator Torres

SUBJECT: Tuskegee Airmen Commemoration Day

DATE: February 5, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<b>Favorable</b>
2.	<u>Limonos-Borja</u>	<u>McVaney</u>	<u>GO</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 1312 designates as a legal holiday, Tuskegee Airmen Commemoration Day. The holiday is to be held annually on the fourth Thursday in March.

The bill is not expected to impact state or local government revenues or expenditures.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**United States War Department's Civilian Pilot Training Program (CPTP)**

In anticipation of international conflict, in the 1930's a number of European countries (notably Germany and Italy<sup>1</sup>) bolstered their air force through offering civilians schooling as air pilots.<sup>2</sup> The United States responded with a similar model, the Civilian Pilot Training Program (CPTP).<sup>3</sup> Like those in Europe, the U.S. programs offered only civilian flight training, but with an underlying future military purpose. The CPTP accepted its first students in 1938.

Although the Army began to rapidly increase its own pool of Army-trained pilots under the threat of war. In 1939, the Army had a total of only 4,502 pilots. These numbers grew to 8,000 in 1940 and exceeded 27,000 in 1941, but the Army by itself, could not train the vast numbers of

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<sup>1</sup> Theresa L. Kraus, FAA Historian, Federal Aviation Administration, *The CAA Helps America Prepare for World War II*, available at [https://www.faa.gov/sites/faa.gov/files/about/history/milestones/The\\_CAA\\_Helps\\_America\\_Prepare\\_for\\_World\\_WarII.pdf](https://www.faa.gov/sites/faa.gov/files/about/history/milestones/The_CAA_Helps_America_Prepare_for_World_WarII.pdf) (last visited Jan. 26, 2024).

<sup>2</sup> National Museum of the U.S. Air Force, *Civilian Pilot Training Program*, available at <https://www.nationalmuseum.af.mil/Visit/Museum-Exhibits/Fact-Sheets/Display/Article/196137/civilian-pilot-training-program/> (last visited Jan. 12, 2024).

<sup>3</sup> *Id.*

pilots needed in those years. The CPTP filled this gap by greatly subsidizing the pool of air pilots required to engage in wartime activities.<sup>4</sup>

In addition to boosting the population of qualified military pilots, the CPTP provided African Americans and women uncharted opportunity previously denied to them in aviation. “Pioneering black fliers campaigned hard for public awareness of their abilities, and their efforts paid off with an antidiscrimination rule” in the implementation of the CPTP.<sup>5</sup>

Federally funded, the CPTP recruited students through colleges and universities, six of which were historically black colleges (HBCs). The Tuskegee Institute, in Macon County, Alabama was one of the six participating HBCs. The CPTP at the HBCs significantly increased the numbers of African American civilian pilots, but they continued to be excluded from aviation duty in the military. A challenge from the National Association for the Advancement of Colored People (NAACP), combined with other pressures, resulted in the decision of the War Department in June 1941 to establish one segregated flying unit. This unit came to be known as the 99<sup>th</sup> Pursuit Squadron, subsequently designated in May 1942 as the 99<sup>th</sup> Fighter Squadron at Tuskegee Army Air Field.<sup>6</sup>

### **Tuskegee Institute at Macon County, Alabama**

In June of 1941, the War Department granted a contract for primary flight training to the Tuskegee Institute. This contract was applied to greatly expand its aviation program, hire more civilian instructors, and build its own civilian airfield dedicated as Moton Field in 1943 in memory of the Tuskegee Institute’s second president. The first class of cadets transferred from Moton Field to Tuskegee Army Air Field for the second phase of their flight training in early November 1941. Following the December 7, 1941, attack on Pearl Harbor, the War Department funded additional segregated aviation units at Tuskegee Army Air Field.<sup>7</sup>

### **Tuskegee Airmen**

Tuskegee Institute had nearly 1,000 pilots graduate from its Airmen program<sup>8</sup>, with the first group graduating March 7, 1942.<sup>9</sup> Of these, 352 became Tuskegee Airmen, known as the “Red Tails” because of the distinctive red tails painted on their fighter planes deployed overseas.<sup>10</sup> During World War II (WWII) the Tuskegee Airmen flew more than 1,800 missions, including 351 missions to successfully protect bomber airplanes in the sky. They additionally shot down

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Encyclopedia of Alabama, *History, 1929-1945, The Great Depression and WWII, Tuskegee Flight Training Program*, available at <https://encyclopediaofalabama.org/article/tuskegee-flight-training-program/> (last visited Jan. 26, 2024).

<sup>7</sup> *Id.*

<sup>8</sup> Tuskegee University, *Tuskegee, Tuskegee Experience*, available at [https://www.tuskegee.edu/Content/Uploads/Tuskegee/files/TuskegeeExperience\(1\).pdf](https://www.tuskegee.edu/Content/Uploads/Tuskegee/files/TuskegeeExperience(1).pdf) (last visited Jan. 26, 2024).

<sup>9</sup> *Supra* note 6.

<sup>10</sup> *Supra* note 8.

112 enemy airplanes. Of the 352 airmen in overseas deployment, 32 were taken as prisoners of war,<sup>11</sup> and 84 died.<sup>12</sup>

### ***Combat Awards and Medals***

Tuskegee Airmen have come to be known for their aviation skill, bravery, and role in breaking down racial barriers.

Tuskegee Airmen collectively or individually received the:

- Distinguished Flying Cross;
- Air Medal;
- Bronze Star;
- Purple Heart;
- Soldier Medal;
- Silver Star;
- Legion of Merit;
- Red Star of Yugoslavia; and the
- Congressional Gold Medal.<sup>13</sup>

The Congressional Gold Medal is the nation’s highest military award for valor, presented by the U.S. president in Congress’ name. By law, only servicemembers who distinguish themselves “through conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty” are eligible.<sup>14</sup> Surviving Tuskegee Airmen attended the ceremony and were awarded the medal, March 29, 2007.<sup>15</sup>

### ***Notable Tuskegee Airmen and Florida***

Numerous Tuskegee Airmen have a connection to Florida. The list below of notable airmen with links to the state is not exhaustive.

General Daniel “Chappie” James, Jr., born in Pensacola, rose in military ranks to become the first African-American four-star general.<sup>16</sup> Later serving in both the Korean War and the Vietnam War, he subsequently held the federal position of assistant secretary deputy of defense in public affairs.<sup>17</sup> Today the Chappie James Museum honors him in Pensacola.

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<sup>11</sup> Tuskegee Airmen, Inc., Howard Baugh Chapter, *Combat Awards & Commendations*, available at <https://www.hbc-tai.org/awards---commendations.html> (last visited Jan. 26, 2024).

<sup>12</sup> NASA, *Tuskegee Airmen, Fighting to Fly*, available at <https://www.nasa.gov/wp-content/uploads/2017/08/tuskegee-element.pdf> (last visited Jan. 26, 2024).

<sup>13</sup> *Supra* note 11.

<sup>14</sup> Dept. of Defense, *Medal of Honor*, available at <https://www.defense.gov/Multimedia/Experience/honors-for-valor/> (last visited Jan. 26, 2024).

<sup>15</sup> The White House Archives, President George Bush, *Tuskegee Airmen Congressional Gold Medal Ceremony*, Mar. 29, 2007, available at <https://georgewbush-whitehouse.archives.gov/infocus/veterans/tuskegee/index.html> (last visited Jan. 26, 2024).

<sup>16</sup> Chappie James Museum of Pensacola, *About Chappie*, available at <https://www.chappiejamesmuseum.org/about-chappie> (last visited Jan. 26 2024).

<sup>17</sup> *Id.*

Charles P. Bailey, Sr., born in Punta Gorda<sup>18</sup>, bears the distinction of being the first aviator from Florida to become a Tuskegee Airman pilot.<sup>19</sup> He is also known for downing two enemy aircrafts.<sup>20</sup> His legacy is honored with a bronze bust of his likeness and name at the Deland Naval Air Station Museum.<sup>21</sup>

Lieutenant Alvin J. Downing, born in Jacksonville, became a squadron commander, and a musician and educator in the Army Air Forces Band. After his service, he settled in St. Petersburg and Clearwater, a celebrated jazz educator and performer.<sup>22</sup>

Second Lieutenant Alphonso Simmons of the 100<sup>th</sup> Fighter Squadron from Jacksonville survived his downed plane to fight alongside a Yugoslavian anti-communist group before he could find his squadron. He was later killed in air combat March 3, 1945.<sup>23</sup>

First Lieutenant James Polkinghorne, Jr., born in Pensacola, was a senior at the Florida Agricultural and Mechanical University (FAMU) when he entered the U.S. Army Air Corps, the first FAMU student to be accepted and to become a Tuskegee Airman. The flight leader of a squadron of fighter planes, he was shot down and died in combat May 5, 1944. His name is on the Tallahassee Aviation Wall of Fame inside the Tallahassee International Airport.<sup>24</sup>

Lieutenant Daniel K. Keel, Jr., of Lake County, is one of only five triple-rated airmen, as pilot, bombardier, and navigator. A graduate of Boston Latin School with a classical education in 1941, he was studying aeronautical engineering at Northeastern University when he was drafted in 1943. He is one of three servicemembers to earn the distinction of obtaining three Aeronautical Ratings during WWII.<sup>25</sup>

Callie Odom Gentry, of Pasco County, is a female Tuskegee Airman. She served as a stenographer at the Lockbourne Air Force Base in Ohio, which primarily housed Tuskegee Airmen. Her work included interviewing survivors after a plane crash.<sup>26</sup>

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<sup>18</sup> Deland Air Naval Museum, *Delandings, WWII Tuskegee Airmen*, available at <https://www.delandnavairmuseum.org/newsletters/delandings-february-16.pdf> (last visited Jan. 26, 2024).

<sup>19</sup> Florida Weekly, Charlotte County edition, *Punta Gorda Heros Warbird on Display at Air Show*, available at <https://charlottecounty.floridaweekly.com/articles/punta-gorda-heros-warbird-on-display-at-air-show/> (last visited Jan. 26, 2024).

<sup>20</sup> National Museum of the United States Army, *Soldier Profiles, 1<sup>st</sup> Lt. Charles P. Bailey*, available at [National Museum of the United States Army \(thenmusa.org\)](https://www.thesoldierprofiles.com/profiles/1st-Lt-Charles-P-Bailey) (last visited Jan. 26, 2024).

<sup>21</sup> *Supra* note 18.

<sup>22</sup> Weekly Challenger, *I am Alvin J. Downing*, available at <https://theweeklychallenger.com/i%E2%80%88am-alvin-j-al-downing/> (last visited Jan. 26, 2023).

<sup>23</sup> Caf Rise Above, *Caf Rise Above, Alphonso Simmons*, available at <https://cafriseabove.org/alphonso-simmons/> (last visited Jan. 26, 2024).

<sup>24</sup> Tallahassee Democrat, *FAMU honors Tuskegee Airmen Lt. James Polkinghorne, Jr. with residence hall renaming*, available at <https://www.tallahassee.com/story/news/2019/11/07/famu-honoring-tuskegee-airmen-lt-james-polkinghorne-jr-friday-residence-hall-renaming/2515654001/> (last visited Jan. 17, 2024).

<sup>25</sup> Lake and Sumter Style, *Tuskegee Airman Daniel Keel Celebrates 101<sup>st</sup> Birthday*, available at <https://pinellascf.org/news/actii-feats-service-tuskegee-airmen/>, Sept. 26, 2023 (last visited Jan. 17, 2024).

<sup>26</sup> Pinellas Community Foundation, *Act II – Feats of Service – The Tuskegee Airmen*, available at <https://pinellascf.org/news/actii-feats-service-tuskegee-airmen/> (last visited Jan. 17, 2024).

## Legal Holidays and Observances

Chapter 683, F.S., establishes legal holidays and special observance days. Designation of a legal holiday under ch. 683, F.S., does not mean that the day is a paid holiday. Section 110.117, F.S., sets forth the holidays that are paid holidays to be observed by all state branches and agencies.<sup>27</sup>

Whenever any legal holiday falls on a Sunday, the following Monday shall be deemed a public holiday for all and any of the purposes mentioned.<sup>28</sup>

Section 683.01(1), F.S., provides that the legal holidays of Florida, also declared as public holidays, are:

- Sunday, the first day of each week;
- New Year's Day, January 1;
- Birthday of Martin Luther King, Jr., January 15;
- Birthday of Robert E. Lee, January 19;
- Lincoln's Birthday, February 12;
- Susan B. Anthony's Birthday, February 15;
- Washington's Birthday, the third Monday in February;
- Good Friday;
- Pascua Florida Day, April 2;
- Confederate Memorial Day, April 26;
- Memorial Day, the last Monday in May;
- Birthday of Jefferson Davis, June 3;
- Flag Day, June 14;
- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Columbus Day and Farmer's, the second Monday in October;
- Veteran's Day, November 11;
- General Election Day;
- Thanksgiving Day, the fourth Thursday in November;
- Christmas Day, December 25; and
- Shrove Tuesday, sometimes also known as "Mardi Gras", in counties where carnival associations are organized for the purpose of celebrating the same.<sup>29</sup>

References in contracts made to "legal holidays" are understood to include holidays designated in s. 683.01, F.S., and others designated in law.<sup>30</sup>

### *Significance of Legal Holidays*

Chapter 683, F.S., enumerates Florida's legal holidays, although that qualification does not make the holiday a paid day off. The significance of a legal holiday primarily revolves around its

<sup>27</sup> Section 110.117(1), F.S.

<sup>28</sup> Section 683.01(2), F.S.

<sup>29</sup> Sections 683.01(a)-(u), F.S.

<sup>30</sup> Section 683.02, F.S.

impact on contractual obligations. A legal holiday may affect contract timelines, deadlines, and the overall performance of contractual duties.<sup>31</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 683.01, F.S., to designate as a legal holiday, Tuskegee Airmen Commemoration Day. The holiday is to be held the fourth Thursday in March.

The bill takes effect July 1, 2024.

### **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 counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and 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.

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<sup>31</sup> See, e.g., ss. 39.2021(2), 48.091(3), 83.60(2), 83.62(1), 88.3071, 97.053(4), 98.015(4), 105.031(5)(a)1., 106.05, 119.12(1)(b), 125.901(3)(f), 166.241(4)(b), F.S.

C. Government Sector Impact:

The bill is not expected to impact state or local government revenues and expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 683.01, Florida Statutes.

**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.