

**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: CS/SB 1606

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Powell

SUBJECT: Florida Museum of Black History

DATE: April 5, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limones-Borja</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	_____	_____	<u>ATD</u>	_____
3.	_____	_____	<u>FP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1606 creates a Florida Museum of Black History Task Force within the Division of Historical Resources (Division). The purpose of the task force is to provide recommendations for the planning, construction, operation, and administration of a Florida Museum of Black History. The task force members shall be appointed by the Governor, President of the Senate, and the Speaker of the House of Representatives, and serve without compensation.

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

The bill takes effect July 1, 2023.

**II. 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 1 year or created by specific statutory enactment for a time not to exceed 3 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.<sup>1</sup> 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.<sup>2</sup>

## **Department of State**

The Department of State (DOS), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Cultural Affairs and Administration. The head of the DOS is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor, and is confirmed by the Senate. The Secretary performs functions conferred by the State Constitution upon the custodian of state records.<sup>3</sup> The Secretary also serves as the state protocol officer and, in consultation with the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.<sup>4</sup>

### ***Division of Historical Resources***

The DOS's Division of Historical Resources (Division) is responsible for preserving and promoting Florida's historical, archaeological, and folk culture resources. The Division Director's Office oversees a Historic Preservation Grants program to help preserve and maintain Florida's historic buildings and archaeological sites and coordinates outreach programs. The Division Director also serves as the State Historic Preservation Officer, acting as the liaison with the national historic preservation program conducted by the National Park Service.

The Division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.<sup>5</sup>

The division is also responsible for encouraging, promoting, maintaining, and operating Florida history museums.<sup>6</sup> 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;<sup>7</sup>
- 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;<sup>8</sup>

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<sup>1</sup> Section 20.03(8), F.S.

<sup>2</sup> S. 20.052(3)(d), F.S.

<sup>3</sup> Section 20.10(1), F.S.

<sup>4</sup> Section 15.01(1), F.S.

<sup>5</sup> Florida Department of State, Florida Division of Historical Resources, *About*, available at <https://dos.myflorida.com/historical/about/> (Last visited Mar. 31, 2023).

<sup>6</sup> S. 267.071(2), F.S.

<sup>7</sup> See Florida Department of State, *Museum of Florida History*, <https://museumoffloridahistory.com/explore/exhibits/> (last visited Mar. 31, 2023).

<sup>8</sup> See Florida Department of State, *Mission San Luis*, <https://missionsanluis.org/learn/> (last visited Mar. 31, 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;<sup>9</sup> 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.<sup>10</sup>

Other museums recognized by the state include:

- Certain state railroad museums;<sup>11</sup>
- The Florida Museum of Transportation and History;<sup>12</sup>
- The John and Mable Ringling Museum of Art;<sup>13</sup>
- The Ringling Museum of the Circus;<sup>14</sup>
- The Florida Historic Capitol Museum;<sup>15</sup>
- The Florida Agricultural Museum; and<sup>16</sup>
- The Florida Museum of Natural History.<sup>17</sup>

### **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.

#### ***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.<sup>18</sup>

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<sup>9</sup> See Florida Department of State, *About the Knott House*, <https://museumoffloridahistory.com/visit/knott-house-museum/about-the-knott-house/> (last visited March 31, 2023).

<sup>10</sup> See Florida Department of State, *The Grove Museum*, <https://thegrovemuseum.com/> (last visited March 22, 2023). The Grove Advisory Council advises the division on the operation, maintenance, and preservation of the museum. S. 267.075, F.S.

<sup>11</sup> See s. 15.045, F.S.

<sup>12</sup> S. 15.046, F.S.

<sup>13</sup> See ss. 265.27, F.S., and 1004.45, F.S.

<sup>14</sup> Section 1004.45, F.S.

<sup>15</sup> Section 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.

<sup>16</sup> See s. 570.69, F.S.

<sup>17</sup> Section 1004.56, F.S.

<sup>18</sup> Fort Mose Historical Society, *Community of Freedom*, available at <https://fortmose.org/about-fort-mose/> (last visited Mar. 31, 2023).

### ***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.<sup>19</sup>

### ***Slavery***

Slavery was a significant 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.<sup>20</sup>

### ***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,<sup>21</sup> 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.<sup>22</sup>

### ***The Groveland Four***

The Groveland Four were the four young black men accused of raping a 17-year-old in Lake County, Florida. The four men were Ernest Thomas, Charles Greenlee, Walter Irvin, and Samuel Shepherd. Ernest Thomas never made it to court because he was shot 100 times after being followed by a group of individuals into the woods. Charles Greenlee confessed to participating in the rape after being beaten by deputies, and was later sentenced to life in prison. Walter Irvin was sentenced to death two separate times, but eventually a judge granted a stay of his execution. Samuel Sheppard was also beat in jail, and following that confessed to partaking in the rape. His first verdict was overturned, although on the way to his new trial he was shot and killed by Sheriff McCall.<sup>23</sup>

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<sup>19</sup> Public Broadcasting Service, *Who Are the Tuskegee Airmen?*, available at <https://www.pbs.org/articles/who-are-the-tuskegee-airmen/> (last visited Mar. 31, 2023). See also *332d Fighter Group*, available at [https://www.armyaircorpsmuseum.org/332d\\_Fighter\\_Group.cfm](https://www.armyaircorpsmuseum.org/332d_Fighter_Group.cfm) (last visited Mar. 31, 2023).

<sup>20</sup> See Florida Humanities, *Florida's Culture of Slavery*, available at <https://floridahumanities.org/floridas-culture-of-slavery/> (last visited Mar. 31, 2023).

<sup>21</sup> See Americans All, *Jim Crow Laws: Florida and Georgia*, available at <https://americansall.org/legacy-story-group/jim-crow-laws-florida-and-georgia> (last visited Mar. 31, 2023).

<sup>22</sup> See Florida Memory, *The Civil Rights Movement in Florida*, available at <https://www.floridamemory.com/learn/classroom/learning-units/civil-rights/> (last visited Mar. 31, 2023).

<sup>23</sup> Stephan Hudak, *Groveland Four: Who were they?*, Orlando Sentinel (Jan 11, 2019), available at <https://www.orlandosentinel.com/news/os-ne-groveland-four-capsules-20190109-story.html> (last visited Mar. 31, 2023).

### ***Ax Handle Saturday***

On August 27, 1960, over 200 white rioters armed with baseball bats and ax handles chased, beat, and threatened Black residents in Jacksonville, Florida. This day became known as the Ax Handle Saturday. The attack was in response to peaceful lunch counter demonstrations organized by the Jacksonville Youth Council of the National Association for the Advancement of Colored People.<sup>24</sup>

### ***The Tallahassee Bus Boycott***

On May 27, 1956, Wilhelmina Jakes and Carrie Patterson, two African-American students from Florida Agricultural and Mechanical University boarded a local city bus. The two women took the only two vacant seats, which were in the whites-only section. Upon being told that they needed to move to the back to stand or leave without getting their fare returned, the two women refused. Since they refused to leave their seats, the police were called by the bus driver. Once three police cars had arrived, Jakes and Patterson were arrested on the charge of inciting a riot and were released on bond later that same day. The Boycott began on May 28 and lasted until December 22, when the U.S. Supreme Court ruled that segregation on city buses was unconstitutional.<sup>25</sup>

### **Notable African Americans in this State**

Many notable African Americans are from Florida, including Zora Neale Hurston, a writer and anthropologist,<sup>26</sup> Ray Charles, one of the greatest American musical artists,<sup>27</sup> 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.<sup>28</sup>

### ***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

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<sup>24</sup> Zinn Education Project, Aug. 27, 1960: Ax Handle Saturday, available at <https://www.zinnedproject.org/news/tdih/ax-handle-saturday-jacksonville/> (last visited Mar. 31, 2023).

<sup>25</sup> Florida State University, Department of History, Black History Month: The Story of the Tallahassee Bus Boycott, available at <https://history.fsu.edu/article/black-history-month-story-tallahassee-bus-boycott> (last visited Mar. 31, 2023).

<sup>26</sup> The Official Website of Zora Neale Hurston, *About Zora Neale Hurston*, available at <https://www.zoranealehurston.com/about/> (last visited Mar. 31, 2023). Among her notable works are *Their Eyes Were Watching God* (1937) and *Moses, Man of the Mountain* (1939).

<sup>27</sup> Florida Department of State, *Ray Charles*, available at <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 Mar. 31, 2023). Notable recordings include “What I’d Say,” “Hit the Road Jack,” and “Georgia On My Mind.”

<sup>28</sup> National Association for the Advancement of Colored People, *Harry T. and Harriette Moore*, available at <https://naacp.org/find-resources/history-explained/civil-rights-leaders/harry-t-and-harriette-moore> (last visited Mar. 31, 2023).

advisors. Dr. Bethune is the first African American chosen to represent a state with a statue in Statuary Hall in the United States Capitol.<sup>29</sup>

### ***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.

### ***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.

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.<sup>30</sup> 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.<sup>31</sup>

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<sup>29</sup> See Bethune-Cookman University, *Dr. Mary McLeod Bethune*, <https://www.cookman.edu/history/our-founder.html> (last visited Mar. 31, 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 Mar. 31, 2023).

<sup>30</sup> Section 1003.42(2)(h), F.S.

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

### III. Effect of Proposed Changes:

**Section 1** creates the Black History Task Force within the Division of Historical Resources (Division) for the purpose of providing recommendations to the division for the planning, construction, operation, and administration of a Florida Museum of Black History (museum). The bill requires the museum to be a multipurpose facility that is 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 provides that the task force be comprised of 9 members who shall serve without compensation. The Governor, President of the Senate, and Speaker of the House will all appoint three members. At least three of the members must have five or more years of 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;
- Marketing;
- Law; or
- Education.

The bill requires that all members be appointed by July 31, 2023.

The bill requires the division to provide the task force with staff and funds 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 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.

**Section 2** provides the bill takes effect July 1, 2023.

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

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

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor 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:**

Lines 54-56 require the division to provide the task force with staff and funds as necessary to assist the task force in the performance of its duties. The dollar amount of expenditures required by the bill is indeterminate at this time.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill creates section 267.0722 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

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

**CS by Governmental Oversight and Accountability on April 5, 2023:**

The committee substitute does the following:

- Clarifies that the task force shall be composed of nine members;
- Specifies requirements for at least three members;
- Provides that the Governor, President of the Senate, and Speaker of the House all appoint three members; and
- Removes the requirement that the legislature appropriate \$500,000 for the initial planning, construction, operation, and administration of the museum, and provide \$1,000,000 annually thereafter.

B. **Amendments:**

None.