

1 A bill to be entitled
2 An act relating to the 1920 Ocoee Election Day Riots;
3 creating s. 16.63, F.S.; establishing the Ocoee
4 Election Day Riots Descendant Compensation Fund
5 Program within the Department of Legal Affairs;
6 specifying the purpose of the program; requiring the
7 department to accept and process applications for
8 payment of claims for compensation; requiring the
9 department to provide certain notice of the program;
10 specifying procedures and requirements regarding
11 applications for compensation; requiring the
12 department to approve applications for payment if
13 certain conditions are met, subject to certain
14 limitations; providing for contingent repeal; amending
15 s. 288.7102, F.S.; requiring the Department of
16 Economic Opportunity to prioritize certain
17 applications for the Black Business Loan Program;
18 directing the Commissioner of Education's African
19 American History Task Force to determine ways in which
20 the 1920 Ocoee Election Day Riots may be included in
21 required instruction on African-American history;
22 requiring the task force to submit recommendations to
23 the commissioner and the State Board of Education by a
24 specified date; directing the Secretary of State to
25 take certain action regarding the inclusion of the

26 | history of the 1920 Ocoee Election Day Riots in museum
27 | exhibits; directing the Secretary of Environmental
28 | Protection to assess naming opportunities for state
29 | parks, or a portion of a facility therein, in
30 | recognizing victims of the 1920 Ocoee Election Day
31 | Riots; authorizing the secretary to appoint a
32 | committee to assist in assessing naming opportunities;
33 | requiring the secretary to submit recommendations to
34 | the Legislature under specified circumstances;
35 | encouraging district school boards to assess naming
36 | opportunities for school facilities in recognizing
37 | victims of the 1920 Ocoee Election Day Riots;
38 | providing effective dates.

39 |
40 | WHEREAS, in the decades following the conclusion of
41 | Reconstruction, Jim Crow laws were enacted throughout the
42 | southern United States, including Florida, which mandated
43 | segregation and imposed numerous restrictions, such as the
44 | imposition of poll taxes and literacy requirements, thereby
45 | suppressing the ability of African Americans to participate in
46 | the democratic process, and

47 | WHEREAS, throughout the country, organizations such as the
48 | Ku Klux Klan staged rallies, marches, and other demonstrations
49 | in an effort to intimidate African Americans and any allies from
50 | organizing and attempting to exercise the right to vote, and

51 WHEREAS, as the 1920 presidential election approached,
52 efforts were undertaken in Orange County by numerous
53 organizations and individuals, including Judge John M. Cheney
54 and two prominent African-American residents of Ocoee, Julius
55 "July" Perry and Moses Norman, to register African-American
56 voters to allow for their participation in the upcoming
57 election, and

58 WHEREAS, on November 2, 1920, as several African Americans
59 in Ocoee, including Moses Norman, unsuccessfully attempted to
60 vote on Election Day, violence ensued as a mob of approximately
61 100 white men formed and marched to Julius "July" Perry's
62 residence, and proceeded to open gunfire as Julius "July" Perry
63 attempted to defend himself along with his property and family,
64 and

65 WHEREAS, after the Perry family eventually fled the
66 residence, Julius "July" Perry was soon arrested and
67 subsequently shot and lynched after the mob gained access to his
68 jail cell with the aid of local law enforcement, and

69 WHEREAS, the violence spread throughout the African-
70 American community of Ocoee and upwards of 60 people are
71 estimated to have perished while dozens of homes, two churches,
72 and a lodge meeting hall were set ablaze and gunfire overtook
73 the community, and

74 WHEREAS, in the aftermath of the riots, nearly all African-
75 American residents of the community were forced to flee,

HB 1245

2020

76 | abandoning their residences and property and relocating
77 | elsewhere, and

78 | WHEREAS, there is no record that state or local government
79 | officials took any action to prevent the tragedy that occurred
80 | in Ocoee, or reasonably investigated the matter in the riot's
81 | aftermath in an effort to bring the perpetrators of the incident
82 | to justice or to allow the displaced African-American residents
83 | to return to their homes and property, and

84 | WHEREAS, in November 2018, the Ocoee City Commission
85 | adopted a proclamation that acknowledged the acts of domestic
86 | terror inflicted upon the African-American residents of Ocoee
87 | and western Orange County on November 2, 1920, and required the
88 | installation of a historical marker in a public space describing
89 | the events of that day, and

90 | WHEREAS, the Florida Legislature recognizes an obligation
91 | to redress the injuries, damages, infringement of civil rights,
92 | and loss of life that African-American residents sustained as a
93 | result of the violence and destruction that occurred in Ocoee in
94 | November 1920, NOW, THEREFORE,

95 |
96 | Be It Enacted by the Legislature of the State of Florida:

97 |
98 | Section 1. If HB 1247 or similar legislation establishing
99 | the Ocoee Election Day Riots Descendant Compensation Trust Fund
100 | is adopted in the 2020 Regular Session or an extension thereof,

101 section 16.63, Florida Statutes, is created to read:

102 16.63 Ocoee Election Day Riots Descendant Compensation
103 Fund Program.—

104 (1) The Ocoee Election Day Riots Descendant Compensation
105 Fund Program is established in the Department of Legal Affairs.
106 The purpose of the program is to compensate direct descendants
107 of individuals who were killed, injured, or otherwise victimized
108 by the violence that took place at Ocoee, Florida, on November
109 2, 1920.

110 (2) The Department of Legal Affairs shall accept and
111 process applications for payment of claims for compensation
112 pursuant to this section. The department shall provide
113 reasonable notice of the availability of compensation, including
114 through Internet postings on the department's website.

115 (3) A claim for compensation must be on forms approved by
116 the department and must include all of the following:

117 (a) The name and contact information of an applicant who
118 is submitting a claim for compensation.

119 (b) The name of the victim who was killed, injured, or
120 otherwise victimized as a result of the 1920 Ocoee Election Day
121 Riots for whom the applicant is seeking compensation on behalf
122 of.

123 (c) Reasonable proof establishing the applicant's lineage
124 to an individual who was killed, injured, or otherwise
125 victimized as a result of the 1920 Ocoee Election Day Riots,

126 including, but not limited to, census records.

127 (d) A statement that the applicant affirms that he or she
128 agrees not to seek a claim bill regarding the underlying
129 incident from the Legislature.

130 (4) Upon receipt and verification of a valid claim of
131 compensation, the department shall approve such application for
132 payment. The amount of compensation awarded may not exceed
133 \$150,000 per individual who was killed, injured, or otherwise
134 victimized by the violence that took place at Ocoee. If multiple
135 descendants of a single individual apply for compensation on
136 behalf of that individual, the amount of compensation shall be
137 prorated among any eligible claimants. A descendant may not
138 receive compensation for more than one individual.

139 (5) This section is repealed July 1, 2024, unless the
140 Ocoee Election Day Riots Descendant Compensation Trust Fund
141 established pursuant to s. 16.631 is re-created by such date.

142 Section 2. Subsection (2) of section 288.7102, Florida
143 Statutes, is amended to read:

144 288.7102 Black Business Loan Program.—

145 (2) The department shall establish an application and
146 annual certification process for entities seeking funds to
147 participate in providing loans, loan guarantees, or investments
148 in black business enterprises pursuant to the Florida Black
149 Business Investment Act. The department shall process all
150 applications and recertifications submitted by June 1 on or

151 before July 31. The department shall prioritize any applications
152 for black business enterprises in areas directly impacted by the
153 1920 Ocoee Election Day Riots so long as such entities meet the
154 other requirements established in this section.

155 Section 3. The Commissioner of Education's African
156 American History Task Force is directed to examine ways in which
157 the history of the 1920 Ocoee Election Day Riots may be included
158 in instruction on African-American history required pursuant to
159 s. 1003.42(2)(h), Florida Statutes. The task force shall submit
160 its recommendations to the Commissioner of Education and the
161 State Board of Education by March 1, 2021.

162 Section 4. The Secretary of State is directed to:

163 (1) In coordination with the Division of Cultural Affairs
164 of the Department of State, determine ways in which the Museum
165 of Florida History and other state museums may promote the
166 history of the 1920 Ocoee Election Day Riots through exhibits
167 and educational programs.

168 (2) Collaborate with the National Museum of African
169 American History and Culture of the Smithsonian Institution to
170 seek inclusion of the history of the 1920 Ocoee Election Day
171 Riots in the museum's exhibits.

172 Section 5. The Secretary of Environmental Protection is
173 directed to assess if any state park, or a portion of or a
174 facility therein, may be named in recognition of any victim of
175 the 1920 Ocoee Election Day Riots. The secretary may appoint a

176 committee to assess naming opportunities. If a change to state
177 law is required in order to change the designation of a state
178 park, or a portion of or a facility therein, the secretary shall
179 submit any such recommendation to the President of the Senate
180 and the Speaker of the House of Representatives.

181 Section 6. District school boards are encouraged to assess
182 naming opportunities for school facilities in recognition of
183 victims of the 1920 Ocoee Election Day Riots.

184 Section 7. Except as otherwise expressly provided in this
185 act, this act shall take effect July 1, 2020.