

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.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 268

INTRODUCER: Senator Diaz

SUBJECT: Proclamation of “Victims of Communism Day”

DATE: November 1, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 268 requires the Governor to annually issue a proclamation designating November 7 as “Victims of Communism Day” and calls for public schools to suitably observe such day as a day honoring the 100 million people who fell victim to communist regimes across the world.

Beginning in the 2023-2024 school year, the bill requires high school students enrolled in the United States Government class required for a standard high school diploma to receive at least 45 minutes of instruction on Victims of Communism Day on topics related to communist regimes and how victims suffered under communist regimes.

The bill takes effect upon becoming law.

II. Present Situation:

Legal Holidays and Special Observance Days

Chapter 683, F.S., establishes legal holidays and special observance days in Florida. Legal holidays are listed in s. 683.01, F.S., while ss. 683.04 – 683.333, F.S., establish special observance days.

Section 683.01, F.S., enumerates legal holidays, which under Florida law are also public holidays.¹ This section also provides that if any legal holiday falls on a Sunday, the next following Monday is deemed a public holiday. Florida currently has 21 legal holidays:

- Sunday, the first day of each week;
- New Year’s Day, January 1;

¹ This section also provides that if any legal holiday falls on a Sunday, the next following Monday is deemed a public holiday. Section 683.01(2), F.S.

- 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 Farmers' Day, the second Monday in October;
- Veterans' 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.

Under s. 683.02, F.S., whenever a contract is to be performed in the state and reference is made to "legal holidays," the term includes the holidays designated in s. 683.01, F.S., and any other holidays designed in law. Alternatively, a legal holiday designation does not necessarily make a day a paid holiday for public employees. Section 110.117, F.S., establishes which legal holidays are paid holidays for the employees of all state branches and agencies.² Likewise, the court system does not necessarily use the legal holidays described in s. 683.01, F.S., while computing time frames for matters in civil and criminal procedure.³

Chapter 683, F.S., includes 34 special observances.⁴ Unlike legal holidays, special observances do not directly affect the definition of "legal holidays" in contracts. Special observance days may apply throughout the state, or they may be limited to particular counties. For example, "Gasparilla Day"⁵ is a legal holiday observed only in Hillsborough County, while "Bill of Rights Day,"⁶ if issued by the Governor, is observed throughout the state. Examples of other special observances include:

- Law Enforcement Memorial Day.⁷
- Patriots' Day.⁸

² Section 110.117(1), F.S., establishes the following paid holidays: New Year's Day; Martin Luther King Birthday; Memorial Day; Independence Day; Labor Day; Veterans' Day; Thanksgiving Day; the Friday after Thanksgiving; and Christmas Day.

³ See *R.J. Reynolds Tobacco Co. v. Kenyon*, 826 So.2d 370 (Fla. 2nd DCA 2002); see also *State v. Garber*, 726 So.2d 338 (Fla. 5th DCA 1999).

⁴ Sections 683.04 – 683.333, F.S.

⁵ Section 683.08, F.S.

⁶ Section 683.25, F.S.

⁷ Section 683.115, F.S. (May 15)

⁸ Section 683.14, F.S. (April 19)

- Medal of Honor Day.⁹
- Juneteenth Day.¹⁰

Communism

Communism is a political and economic philosophy that aims to replace private property and a profit-based economy with public ownership and communal control of the major means of production and society's natural resources.¹¹ Karl Marx and his associate, Friedrich Engels, blamed capitalism for the unfavorable and often-hazardous conditions of workers during the Industrial Revolution. They presented this critique of capitalism in their widely circulated pamphlet, *Manifesto of the Communist Party*.¹²

One facet of the communist theory is that the proletariat¹³ would capture political power, abolish private property ownership, and take the private property of the bourgeoisie.¹⁴ Communism postulates that the taking and abolishment of private property by the proletariat would result in shared ownership of the means of production, ushering the world into a communal economic and societal utopia with equality for all.¹⁵

Before the full establishment of communism, however, the communist theory suggests that a transitional dictatorship of the proletariat may be necessary.¹⁶ Communist movements throughout history have been unable to transition out of state control and dictatorship into the utopia of equality promised by communism and instead have universally devolved into tyranny and state-sanctioned murder of its own citizens.¹⁷

Bolshevik Revolution

The Bolshevik Revolution, also known as the October Revolution, was the second of two revolutions in Russia in 1917.¹⁸ The Bolshevik Revolution was a revolution led by Vladimir

⁹ Section 683.147, F.S. (March 25)

¹⁰ Section 683.21, F.S. (June 19)

¹¹ Encyclopedia Britannica, *Communism*, <https://www.britannica.com/topic/communism> (last visited Oct. 27, 2021).

¹² *Id.*

¹³ According to Engels, the proletariat is that class in society which lives entirely from the sale of its labor and does not draw profit from any kind of capital; whose weal and woe, whose life and death, whose sole existence depends on the demand for labor. Engels, Friedrich, Engels, Friedrich, *Principles of Communism, No. 2 – What is the Proletariat?* (1847), available at <https://www.marxists.org/archive/marx/works/1847/11/prin-com.htm> (last visited Oct. 27, 2021).

¹⁴ Engels defines the bourgeoisie as the class of capitalists who are already in almost exclusive possession of all the means of subsistence and of the instruments (machines, factories) and materials necessary for the production of the means of subsistence. Engels, Friedrich, *Principles of Communism, No. 4 – How did the Proletariat Originate?* (1847), available at <https://www.marxists.org/archive/marx/works/1847/11/prin-com.htm> (last visited Oct. 27, 2021).

¹⁵ Engels, Friedrich, *Principles of Communism, No. 4 – How did the Proletariat Originate?* (1847), available at <https://www.marxists.org/archive/marx/works/1847/11/prin-com.htm> (last visited Oct. 27, 2021).

¹⁶ Encyclopedia Britannica, *Dictatorship of the Proletariat*, <https://www.britannica.com/topic/dictatorship-of-the-proletariat> (last visited Oct. 27, 2021).

¹⁷ Ilya Somin, *Lessons from a Century of Communism*, Wash. Post, Nov. 7, 2017, available at <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/11/07/lessons-from-a-century-of-communism/> (last visited Oct. 27, 2021).

¹⁸ History, *The Russian Revolution*, available at <https://www.history.com/topics/russia/russian-revolution> (last visited Oct. 27, 2021). Despite occurring in November, the event is commonly known as the “October Revolution” because at the time Russia still used the Julian calendar.

Lenin in Russia against the ruling Russian Parliament. The coup began on November 7, 1917, when the Bolsheviks led the forces into Petrograd, then the capital of Russia.¹⁹ The Bolsheviks occupied government buildings and other locations across Petrograd. The coup led to the Russian Civil War and eventually the creation of the Soviet Union.²⁰ The event inspired and ignited communist movements around the world.²¹ However, instead of the expected dictatorship of the majority class of proletarians, the revolution resulted in a political party that claimed to represent proletarian interests.²²

Victims of Communism

In addition to violations of freedom of speech, freedom of religion, loss of property rights, and the criminalization of ordinary economic activity, communist regimes in the 20th century intentionally killed their own citizens.²³ One researcher compiled data from 1900 to 1987 related to state-sanctioned killings to provide a metric to consider when reflecting on the victims of communism.²⁴

This researcher concluded that the Soviet Union is approximately responsible for the deaths of over 61 million people. “Stalin himself is responsible for almost 43 million of these. Most of the deaths, around 39 million, are due to lethal forced labor in gulag and transit thereto.”²⁵ The researcher found that Communist China (1923 – 1949) was responsible for about 3.5 million deaths, and the People’s Republic of China (PRC) (1949 – present) was responsible for an additional 35.2 million deaths.²⁶

In Cambodia, Pol Pot and the Khmer Rouge likely killed about 2 million Cambodians from April 1975 through December 1978, out of a population of around 7 million – calculated annually, about 8 percent of the population died each year. During this time, the odds of an average Cambodian surviving Pol Pot’s rule was slightly over two to one.²⁷

In sum, from 1900 to 1987, communist dictators and regimes were responsible for the death of approximately 110 million individuals.²⁸ In 1993, Congress made similar findings and authorized a national memorial to honor victims of communism.²⁹ In addition to death, Congress found that “the imperialist regimes of international communism have brutally suppressed the human rights, national independence, religious liberty, intellectual freedom, and cultured life of the peoples of

¹⁹ History, *The Russian Revolution*, available at <https://www.history.com/topics/russia/russian-revolution> (last visited Oct. 27, 2021).

²⁰ *Id.*

²¹ *Id.*

²² Encyclopedia Britannica, *Dictatorship of the Proletariat*, <https://www.britannica.com/topic/dictatorship-of-the-proletariat> (last visited Oct. 27, 2021).

²³ Ilya Somin, *Lessons from a Century of Communism*, Wash. Post, Nov. 7, 2017, available at <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/11/07/lessons-from-a-century-of-communism/> (last visited Oct. 27, 2021).

²⁴ Rummel, R.J., *How Many Did Communist Regimes Murder?* (Nov. 1993) available at: <https://www.hawaii.edu/powerkills/COM.ART.HTM> (last visited Oct. 27, 2021).

²⁵ *Id.*

²⁶ *Id.* at Table 1.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Pub. L. No. 103-199, s. 905 (Dec. 17, 1993).

over 40 captive nations.”³⁰ The purpose of the memorial is to permanently honor the sacrifices of these victims “so that never again will nations and peoples allow so evil a tyranny to terrorize the world.”³¹

Victims of Communism Day

The first national day recognizing victims of communism was November 7, 2017. Currently, three states have officially recognized November 7 as “Victims of Communism Memorial Day,” and ten other states currently have legislation filed to follow suit.³²

Required Instruction

Between 1961³³ and 1991,³⁴ Florida required the teaching of a 30-hour course of study for all students enrolled in public high schools entitled “Americanism vs. Communism.” The instruction included the history, doctrines, objectives and techniques of communism with particular emphasis upon the dangers of communism, the ways to fight communism, the evils of communism, the fallacies of communism, and the false doctrines of communism.³⁵

Requirements for a Standard High School Diploma

Beginning with students entering grade 9 in the 2013-2014 school year, receipt of a standard high school diploma requires successful completion of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.³⁶ Of the 24 required credits, three credits must be in social studies, including at least one credit in United States History, one credit in World History, one-half credit in Economics, and one-half credit in United States Government.³⁷

The course in United States Government must include a comparative discussion of political ideologies, such as communism and totalitarianism, that conflict with the principles of freedom and democracy essential to the founding principles of the United States.³⁸ Course standards include evaluating and defending positions on the founding ideals and principles of American government, explaining how nations are governed differently, and comparing indicators of democratization in other countries, among others.³⁹ Course standards for World History include comparing the philosophies of capitalism, socialism, and communism; identifying factors that led to the decline and fall of communism in the Soviet Union and Eastern Europe; and analyzing

³⁰ Pub. L. No. 103-199, s. 905 (Dec. 17, 1993).

³¹ *Id.*

³² Victims of Communism Memorial Foundation, *Victims of Communism Memorial Day*, available at: <https://victimsofcommunism.org/programs/memory/voc-day/> (last visited Oct. 19, 2021). The states that officially recognize “Victims of Communism Memorial Day” are Alabama, Utah, and Virginia. The ten states with legislation filed to recognize a day for victims of communism are Arizona, Arkansas, Florida, Idaho, Illinois, Missouri, New Jersey, Pennsylvania, South Carolina, and Texas. *Id.*

³³ Chapter 61-77, L.O.F.

³⁴ Section 81, ch. 91-105, L.O.F.

³⁵ Chapter 61-77, L.O.F.

³⁶ Section 1003.4282(1)(a), F.S.

³⁷ Section 1003.4282(3)(d), F.S.

³⁸ Section 1003.4282(3)(d), F.S.

³⁹ See CPALMS, *United States Government Course Standards*, <https://www.cpalms.org/Public/PreviewCourse/Preview/633> (last visited Oct. 19, 2021).

the successes and failures of democratic reform efforts in Africa, Asia, the Caribbean, and Latin America.⁴⁰

III. Effect of Proposed Changes:

SB 268 requires the Governor to annually proclaim November 7 as “Victims of Communism Day” and calls for public schools to suitably observe such day as a day honoring the 100 million people who fell victim to communist regimes across the world. The bill also requires Victims of Communism Day to be suitably observed by public exercise at the State Capitol and elsewhere as the Governor may designate.

The bill specifies that if November 7 falls on a day that is not a school day, Victims of Communism Day must be observed in the schools on the preceding school day or on such school day as may be designated by local school authorities.

Beginning in the 2023-2024 school year, the bill requires high school students enrolled in the United States Government course required for a standard high school diploma to receive at least 45 minutes of instruction on Victims of Communism Day on topics such as Mao Zedong and the Cultural Revolution, Joseph Stalin and the Soviet System, Fidel Castro and the Cuban Revolution, Vladimir Lenin and the Russian Revolution, Pol Pot and the Khmer Rouge, and Nicolás Maduro and the Chavismo movement and how victims suffered under these regimes through poverty, starvation, migration, systemic lethal violence, and suppression of speech.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁴⁰ See CPALMS, *World History Course Standards*, <https://www.cpalms.org/PreviewCourse/Preview/4473#> (last visited Oct. 19, 2021).

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:

This bill creates section 683.334 of the 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.