

**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 Appropriations

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BILL: CS/SB 1606

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Rodriguez and others

SUBJECT: Victims of Communism

DATE: April 16, 2021

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

|    | ANALYST            | STAFF DIRECTOR  | REFERENCE | ACTION           |
|----|--------------------|-----------------|-----------|------------------|
| 1. | <u>Paglialonga</u> | <u>Ryon</u>     | <u>CA</u> | <u>Favorable</u> |
| 2. | <u>Candelaria</u>  | <u>McVaney</u>  | <u>GO</u> | <u>Fav/CS</u>    |
| 3. | <u>Hrdlicka</u>    | <u>Sadberry</u> | <u>AP</u> | <u>Favorable</u> |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1606 establishes November 7, Victims of Communism Day, as a legal and public holiday. The bill’s recitals describe the human costs and suffrage that victims of communism have endured. The bill provides that the Legislature shall observe a moment of silence in observance of the victims of communism on the final day of each regular legislative session.

Beginning in the 2022-2023 school year, high students enrolled in the United States Government class as required by s. 1003.4282, F.S., must receive at least 45 minutes of instruction on “Victims of Communism Day.”

The bill has an effective date of July 1, 2021.

**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 are also public holidays, under Florida law. This section also provides that if any legal holiday falls on a Sunday, the next following Monday is deemed a public holiday.<sup>1</sup> Florida currently has 21 legal holidays:

- 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 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.<sup>2</sup> 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.<sup>3</sup>

Unlike legal holidays, special observances, as provided in ss. 683.04 – 683.333, F.S., 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"<sup>4</sup> is a legal holiday observed only in Hillsborough County, while "Bill of Rights Day,"<sup>5</sup> if issued by the Governor, is observed throughout the state.

<sup>1</sup> Section 683.01(2), F.S. The most recent added holiday was Flag Day, added during the 1990 legislative session.

<sup>2</sup> 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.

<sup>3</sup> 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).

<sup>4</sup> Section 683.08, F.S.

<sup>5</sup> Section 683.25, F.S.

## 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. Communism is a form of socialism. Modern communism grew out of the socialist movement in 19th-century Europe. Critics blamed capitalism for the unfavorable and often-hazardous conditions of workers during the Industrial Revolution. As leaders of this socialist movement, Karl Marx and his associate, Friedrich Engels, established the modern definition of communism in their widely circulated pamphlet, *The Communist Manifesto*.<sup>6</sup>

One explicit facet of the communist theory is that the proletariat (the social class whose only economic asset is their own labor) would capture political power, abolish private property ownership, and take the private property of the bourgeoisie (the social class who own the capital or means of production). 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.<sup>7</sup>

However, before reaching this utopia, the communist theory suggests that the taking and abolishment of private property will result in a dictatorship of the proletariat. Marx claimed that communism entailed the withering away of the state and that the dictatorship of the proletariat would be a transition phase between the abolishment of capitalism and the establishment of communism.<sup>8</sup> Engels wrote that the only way to achieve the utopia was for 'society' to openly and directly take over the means of production that have outgrown all control, but that of society as a whole. In the communist view, total state-ownership of property is a likely occurrence and a positive sign that a society is progressing toward a communist utopia.<sup>9</sup> As a practical matter, 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 devolved into State tyranny and democide.<sup>10</sup>

## Bolshevik Revolution

The Bolshevik Revolution, also known as the October Revolution, was the second of two revolutions in Russia in 1917. The Bolshevik Revolution was a socialist-led revolution in Russia against the Duma provisional government. The coup began on November 7, 1917, when the Bolsheviks led the forces into Petrograd, then the capital of Russia. 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. The event inspired and ignited communist

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<sup>6</sup> Encyclopedia Britannica, *Communism*, available at: <https://www.britannica.com/topic/communism> (last visited April 13, 2021).

<sup>7</sup> Engels, Friedrich, *Principles of Communism, No. 4 – "How did the proletariat originate?"* (1847).

<sup>8</sup> Encyclopedia Britannica, *Dictatorship of the Proletariat*, available at: <https://www.britannica.com/topic/dictatorship-of-the-proletariat> (last visited April 13, 2021).

<sup>9</sup> Engels, Friedrich, *Socialism: Utopian and Scientific, Part III Historical Materialism* (1880).

<sup>10</sup> Democide is "the intentional killing of an unarmed or disarmed person by government agents acting in their authoritative capacity and pursuant to government policy or high command." See Harff, Barbara, *The Journal of Interdisciplinary History, Review: Death by Government by R. J. Rummel*, 27 (1):117-119 (1996).

movements across Europe.<sup>11</sup> However, the results of the revolution was not the expected dictatorship of the majority class of proletarians, but instead was one of a political party that claimed to represent proletarian interests.<sup>12</sup>

### **Victims of Communism**

Although living under communism may cause victimization in all areas of life, the absolute use of State power over the individual is easily characterized by the intentional State-sanctioned killing of civilians. 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.<sup>13</sup>

This researcher concluded that the Soviet Union appears to have directly caused the most significant number of victims. The Soviet Union is approximately responsible for the deaths of over 61 million people. “Stalin himself is responsible for almost 43,000,000 of these. Most of the deaths, around 39,000,000, are due to lethal forced labor in gulag and transit thereto.”<sup>14</sup> The researcher found that Communist China and the People's Republic of China (PRC) have caused the second most deaths. Communist China (1923 – 1949) was responsible for about 3.5 million and the PRC (1949 – present) was responsible for an additional 35.2 million.<sup>15</sup>

Of the data compiled, the researcher concluded that the most deadly of all communist countries in this century was Cambodia under the Khmer Rouge. Pol Pot and his regime 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.<sup>16</sup>

In sum, from 1900 to 1987, communist dictators and regimes were responsible for the death of approximately 110,000,000 individuals.<sup>17</sup> In 1993, Congress made similar findings and authorized a national memorial to honor victims of communism.<sup>18</sup> 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 over 40 captive nations.” 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.” The Victims of Communism Memorial Foundation was created in response as an educational, research, and human rights nonprofit organization.<sup>19</sup>

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<sup>11</sup> History, *The Russian Revolution*, available at: <https://www.history.com/topics/russia/russian-revolution> (last visited April 13, 2021). Despite occurring in November, the event is commonly known as the “October Revolution” because at the time Russia still used the Julian calendar.

<sup>12</sup> Encyclopedia Britannica, *Dictatorship of the Proletariat*.

<sup>13</sup> Rummel, R.J., *How Many Did Communist Regimes Murder?* (Nov. 1993) available at: <https://www.hawaii.edu/powerkills/COM.ART.HTM> (last visited April 13, 2021).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at Table 1.

<sup>16</sup> *Id.*

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

<sup>18</sup> Pub. Law No. 103-199, s. 905 (1993).

<sup>19</sup> Victims of Communism Memorial Foundation, *About*, available at: <https://victimsofcommunism.org/about/> (last visited April 14, 2021).

### *Victims of Communism Day*

The first national Victims of Communism Day was November 7, 2017. Currently, three states have officially recognized November 7 as Victims of Communism Day and ten other states currently have legislation filed to follow suit.<sup>20</sup>

### **Requirements for a Standard High School Diploma**

Beginning with students entering grade 9, 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. Of the 24 required credits, three credits must be social studies. A student must earn one credit in United States History, one-half credit in Economics, and one-half credit in United States Government.<sup>21</sup>

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

**Section 1** amends s. 683.01, F.S., to establish November 7, Victims of Communism Day, as a legal and public holiday. Pursuant to s. 683.02, F.S., this holiday will be included as a holiday in any reference to “legal holidays” made by a contract meant to be performed in the state.

**Section 2** provides that the Legislature shall observe a moment of silence in observance of the victims of communism on the final day of each regular legislative session.

**Section 3** provides that beginning in the 2022-2023 school year, high school students enrolled in the United States Government class as defined in s. 1003.4282, F.S., must receive at least 45 minutes of instruction on Victims of Communism Day. Instruction includes topics such as Mao Zedong, Joseph Stalin and the Soviet System, Fidel Castro and the Cuban Revolution, Vladimir Lenin and the Russian Revolution, Ho Chi Minh in Vietnam, and Nicolas Maduro in Venezuela and how the victims suffered under these regimes through suppression of speech, poverty, starvation, migration, and systematic lethal violence against civilians.

**Section 4** provides an effective date of July 1, 2021.

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

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

Not applicable. This 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.

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<sup>20</sup> Victims of Communism Memorial Foundation, *Victims of Communism Memorial Day*, available at: <https://victimsofcommunism.org/programs/memory/voc-day/> (last visited April 14, 2021).

<sup>21</sup> Section 1003.4282, F.S.

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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 683.01 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 March 24, 2021:**

The CS provides that beginning in the 2022-2023 school year, high school students enrolled in the United States Government class as required by s. 1003.4282, F.S., must receive at least 45 minutes of instruction on “Victims of Communism Day.”

- B. **Amendments:**

None.