

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 Governmental Oversight and Accountability

BILL: SB 1606

INTRODUCER: Senator Rodriguez and others

SUBJECT: Victims of Communism

DATE: March 23, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Paglialonga</u>	<u>Ryon</u>	<u>CA</u>	Favorable
2.	<u>Candelaria</u>	<u>McVaney</u>	<u>GO</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____

I. Summary:

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.

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., establishes 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.¹ Florida's current list of legal holidays provides 21 separate holidays in chronological order:

- 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;

¹ Section 683.01(2), F.S.

- Washington's Birthday, the third Monday in February;
- Good Friday;
- Pascua Florida Day, April 2;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 is understood to include the holidays designated in s. 683.01, F.S., and such other holidays as may be designated by 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.³ 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.⁴

The Legislature last amended s. 683.01, F.S., to add a holiday during the 1990 legislative session. This amendment added Flag Day, June 14, as a legal holiday in Florida.⁵

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

² "Pascua Florida" is a Spanish term that means flowery festival or feast of flowers. Pascua Florida Day commemorates the arrival of Juan Ponce de Leon on the shores of the State of Florida in 1513. Since its entry into the Legislature, the holiday, while having no specific celebratory acts, usually culminates in a period of retrospection of Florida's rich history and the preceding events that led to it. The holiday is to be observed in the same manner as a "patriotic occasion." See Hatch, Jane M. (1978). *The American book of days*. The H. W. Wilson Company. ISBN 0-8242-0593-6.

³ Section 110.117(1), F.S., provides the following holidays as paid holidays for all state branches and agencies: New Year's Day; Martin Luther King Birthday; Memorial Day; Independence Day; Labor Day; Veteran's Day; Thanksgiving Day and Friday after Thanksgiving; and Christmas Day.

⁴ See *R.J. Reynolds Tobacco Co. v. Kenyon*, 826 So.2d 370 (Fla. 2nd DCA 2002) ("On the other hand, the supreme court has delegated considerable administrative authority to the chief judge of each circuit. See Fla. R. Jud. Admin. 2.050. It is undisputed that the chief judge of the Thirteenth Judicial Circuit exercised that authority to issue an administrative order specifying legal holidays. Without deciding whether days in addition to those in the local administrative order may be legal holidays, we hold that Christmas Eve of 2001 in the Thirteenth Judicial Circuit was a legal holiday as a result of the local administrative order."); see also *State v. Garber*, 726 So.2d 338 (Fla. 5th DCA 1999) ("While we deem it problematic to refer to section 683.01, in the context of a court proceeding, we reverse because we hold that when the supreme court designates a holiday, it is a 'legal holiday' for purposes of the rules of criminal procedure.")

⁵ Chapter 90-59, Laws of Florida.

Day"⁶ is a legal holiday observed only in Hillsborough County, while "Bill of Rights Day,"⁷ if issued by the Governor, is observed throughout the state.

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. These socialist 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*.⁸

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.⁹

However, before reaching this utopia, the communist theory posits that the taking and abolishment of private property will result in a dictatorship of the proletariat. The ideological father of communism, Karl Marx, claimed that communism entailed the withering away of the state and that the dictatorship of the proletariat was to be a strictly temporary phenomenon.¹⁰ In Friedrich Engels' words, "State-ownership of the productive forces is not the solution of the conflict, but concealed within it are the technical conditions that form the elements of that solution." 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.¹¹ 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.¹²

⁶ Section 683.08, F.S.

⁷ Section 683.25, F.S.

⁸ Encyclopedia Britannica, *Communism*, available at: <https://www.britannica.com/topic/communism> (last visited March 19, 2021).

⁹ Engels, Friedrich. Marx & Engels Selected Works, Volume One, pp. 81–97, Progress Publishers, Moscow, 1969.

"Principles of Communism". No. 4 – "How did the proletariat originate?"

¹⁰ Rosser, Mariana V. and J Barkley Jr. (23 July 2003). *Comparative Economics in a Transforming World Economy*. MIT Press. p. 14. ISBN 978-0262182348.

¹¹ Engels, Friedrich. [1880] 1970. "Historical Materialism." Part 3 in *Socialism: Utopian and Scientific*, translated by E. Aveling (1892), (Marx/Engels Selected Works 3, p. 95–151). Progress Publishers.

¹² *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 (1996). "Death by Government by R. J. Rummel". *The Journal of Interdisciplinary History*. 27 (1): 117–119.

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 innocent civilians. State-sanctioned killings provide some cognizable metric one may consider when reflecting on the victims of communism.

With this understood, the Soviet Union appears to have directly caused the most significant number of victims. The Soviet Union is approximately responsible for killing near 61,911,000 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.¹³

Communist China and the People's Republic of China (PRC) have caused the second most victims of communism. Communist China (1923 – 1949) was responsible for 3,466,000 intentional killings and the PRC (1949 – present) is responsible for an additional 35,236,000.¹⁴

Notwithstanding these atrocities, the most deadly of all communist countries in this century by far has been Cambodia under the Khmer Rouge. Pol Pot and State actors likely killed some 2,000,000 Cambodians from April 1975 through December 1978 out of a population of around 7,000,000. This amount is an annual rate of over 8 percent of the population murdered. During this time, the odds of an average Cambodian surviving Pol Pot's rule was slightly over two to one.¹⁵

In sum, from 1900 to 1987, communist dictators and regimes were responsible for the intentional murder of approximately 110,000,000 individuals.¹⁶ Although not an exact figure, this total number of deaths under communist regimes is roughly one-third of the current U.S. population.

Great October Socialist Revolution

The Great October Socialist Revolution was a socialist revolution in Russia led by the Bolshevik Socialist Party in 1917 against the Duma provisional government. The coup began on November 7, 1917, when the Bolsheviks led its forces into Petrograd, then the capital of Russia. The Bolsheviks occupied government buildings and other critical 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 movements across Europe. Despite occurring in November, the event is commonly known as the “October Revolution” because at the time Russia still used the Julian calendar.¹⁷

¹³ Rummel, R.J., (1993). “How Many Did Communist Regimes Murder?” *available at:* <https://www.hawaii.edu/powerkills/COM.ART.HTM> (last visited March 18, 2021).

¹⁴ *Id.*, See Table 1.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ History, *The Russian Revolution*, *available at* <https://www.history.com/topics/russia/russian-revolution>, (last visited March 19, 2021)

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., any reference to "legal holidays" made by a contract meant to be performed in the state is understood to include November 7, Victims of Communism Day.

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 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.

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 Changes:

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

None.

B. Amendments:

None.