

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 395 "Victims of Communism Day"

SPONSOR(S): Education & Employment Committee, Borrero, Rizo and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 268

FINAL HOUSE FLOOR ACTION: 115 Y's

0 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/HB 395 passed the House on February 24, 2022, and subsequently passed the Senate on March 2, 2022.

Chapter 683, F.S., provides designations for legal holidays and special observances. Recognition of a legal holiday or special observance may apply statewide or may be limited to a particular region. Depending on the holiday or special observance, certain actions may be required to be performed for the commemoration or observance of the day or month.

Communism is a political and economic doctrine that aims to replace private property and a profit-based economy with public ownership and communal control of at least the major means of production and the natural resources of a society. Following the Bolshevik Revolution in Russia on November 7, 1917, the first communist state was formed under Vladimir Lenin.

The bill 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 have fallen victim to communist regimes across the world. The bill also calls for the observance of Victims of Communism Day by public exercise in the State Capitol and elsewhere as designated by the Governor.

Beginning in the 2023-2024 school year, the bill requires high school students enrolled in the U.S. Government course, to receive at least 45 minutes of instruction on "Victims of Communism Day" on topics of communist dictators and how the victims of communism suffered under these regimes. The State Board of Education must adopt revised social studies standards for the required United States Government course that incorporate educational standards for instruction on "Victims of Communism Day" by April 1, 2023.

The bill is not expected to have a fiscal impact.

The bill was approved by the Governor on May 9, 2022, ch. 2022-98, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Legal Holidays and Observances

Chapter 683, F.S., provides designations for legal holidays and special observances. Recognition of a legal holiday or special observance may apply statewide or may be limited to a particular region. For example, “Gasparilla Day”¹ is a legal holiday observed only in Hillsborough County, while “Bill of Rights Day,”² if issued by the Governor, applies throughout the state. Depending on the holiday or special observance, certain actions may be required to be performed for the commemoration or observance of the date, day, or month. For example, the Governor may annually issue a proclamation designating April 2 as “Florida State Day” and may designate the week of March 27 to April 2 as “Pascua Florida Week.”³ Florida law recognizes the month of September as “American Founders’ Month,”⁴ urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize this occasion through appropriate programs and celebrations, and the last full week of classes in September as “Celebrate Freedom Week,”⁵ in which public schools are required to include at least three hours of grade-appropriate instruction related to the meaning and importance of the Declaration of Independence in social studies classes.⁶

There are 21 legal holidays⁷ established in law and 34 special observances.⁸ The state recognizes nine paid holidays that are observed by all state branches and agencies.⁹

Background on Florida Educational Standards

The educational standards are student-centered expectations from which all curriculum, instruction, and assessments are based. The goal of the standards is to provide concise, developmentally appropriate, and historically accurate information to contribute to an informed citizenry.¹⁰ In compliance with Executive Order 19-32,¹¹ from February 2019 through early April 2020,¹² the Florida Department of Education (DOE) reviewed and updated its standards on mathematics and English language arts.¹³ The process included extensive collection of public opinion, analysis by a committee of experts, and

¹ Section 683.08, F.S.

² Section 683.25, F.S.

³ Section 683.06, F.S.

⁴ Section 683.1455, F.S.

⁵ Section 1003.421, F.S.

⁶ See Florida Department of Education, *American Founders’ Month*, <http://www.fldoe.org/academics/standards/subject-areas/social-studies/American-Founders-Month.stml> (last visited March 9, 2022).

⁷ Section 683.01, F.S.

⁸ Sections 683.04 - 683.333, F.S.

⁹ Section 110.117(1), F.S. Paid state holidays include: New Year’s Day, the Birthday of Martin Luther King, Jr., Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day, the Friday after Thanksgiving, and Christmas Day.

¹⁰ Florida Administrative Code and Florida Administrative Register, *Next Generation Sunshine State Standards – Social Studies, 2021*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-13403> (last visited March 9, 2022).

¹¹ State of Florida, *Office of the Governor Executive Order Number 19-32(2019)*, available at https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-32.pdf.

¹² Florida Department of Education, *Florida Standards Review Timeline Mathematics and English Language Arts*, available at <https://www.fldoe.org/core/fileparse.php/18736/urlt/StandardsReviewTimeline.pdf>.

¹³ See CPLAMS, *Florida’s B.E.S.T. Standards English Language Arts (2020)*, available at <https://cpalmsmediaproduct.blob.core.windows.net/uploads/docs/standards/best/la/elabeststandardsfinal.pdf>; See also CPLAMS, *Florida’s B.E.S.T. Standards Mathematics (2020)*, available at <https://cpalmsmediaproduct.blob.core.windows.net/uploads/docs/standards/best/ma/mathbeststandardsfinal.pdf>.

collection of stakeholder input, prior to approval from the State Board of Education at its July 2021 meeting.¹⁴

Social Studies Educational Standards

In July 2021, the State Board of Education adopted the updated Next Generation Sunshine State Standards for Social Studies,¹⁵ incorporating revised civics and government standards¹⁶ and new standards for Holocaust education.¹⁷ These current standards incorporate lessons on communism, including a Grade 7 standard requiring students to analyze the advantages of capitalism and the free market in the United States over government-controlled economic systems.¹⁸

Victims of Communism Day

The first national day recognizing victims of communism was November 7, 2017. Currently, five states have officially recognized November 7 as “Victims of Communism Memorial Day,”¹⁹ and eight other states have filed similar legislation, including Florida.²⁰

History of Communism

Communism is a political and economic doctrine that aims to replace private property and a profit-based economy with public ownership and communal control of at least the major means of production and the natural resources of a society.²¹ Vladimir Lenin is recognized as being the leader of the world's first communist state, following the Bolshevik Revolution in Russia on November 7, 1917.²²

Karl Marx

Karl Marx (Marx) was a German economist, philosopher, and historian who lived between 1818 and 1883. He was a prominent voice in the debate against capitalism, writing the famous books *The Communist Manifesto* and *Das Kapital* and inspiring many global political communist movements around the world.²³

Vladimir Lenin

On November 6 and 7, 1917, leftist revolutionaries led by Bolshevik Party leader Vladimir Lenin (Lenin) launched a coup d'état against the existing provisional government. The provisional government had been assembled by a group of leaders from Russia's bourgeois capitalist class. Lenin instead called for a Soviet government that would be ruled directly by councils of soldiers, peasants, and workers.²⁴

¹⁴ Florida Department of Education, *State Board of Education July 14, 2021 Meeting Agenda*, available at <https://www.fldoe.org/policy/state-board-of-edu/meetings/2021/2021-07-14/> (last visited March 9, 2022).

¹⁵ FDOE, *supra* note 14.

¹⁶ Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 807* (2019). The bill required the Commissioner of Education to review current state-adopted instructional and evaluation materials in civics education by December 31, 2019 and recommend improvements, while the DOE reviewed civics education course standards by December 31, 2020.

¹⁷ Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/CS/HB 1213* (2020).

¹⁸ Florida Administrative Code and Florida Administrative Register, *supra* note 10.

¹⁹ See Idaho Legislature, *2020 Legislation: Senate Concurrent Resolution 119*, available at <https://legislature.idaho.gov/sessioninfo/2020/legislation/scr119/> (last visited March 9, 2022); See also Texas Legislature Online, Bill” HB 1057, available at <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=87R&Bill=HB1057> (last visited March 9, 2022).

²⁰ VictimsOfCommunism.org, *Victims of Communism Memorial Day*, available at <https://victimsOfCommunism.org/programs/memory/voc-day/> (last visited March 9, 2022). The states that officially recognize “Victims of Communism Day” are Alabama, Utah, Texas, Idaho, and Virginia. The eight states working to also recognize the victims of communism are Arizona, Arkansas, Florida, Illinois, Missouri, New Jersey, Pennsylvania, and South Carolina.

²¹ Britannica.com, *Communism*, available at <https://www.britannica.com/topic/communism> (last visited March 9, 2022).

²² History.com, *Communism Timeline*, available at <https://www.history.com/topics/russia/communism-timeline> (last visited March 9, 2022).

²³ Corporate Finance Institute, *Karl Marx*, available at <https://corporatefinanceinstitute.com/resources/knowledge/economics/karl-marx/> (last visited March 9, 2022).

²⁴ History.com, *Russian Revolution* (updated February 28, 2020), available at <https://www.history.com/topics/russia/russian-revolution> (last visited March 9, 2022).

The Bolsheviks and their allies occupied government buildings and other strategic locations in Petrograd (now Saint Petersburg, Russia)²⁵ and soon formed a new government with Lenin as its head. Lenin became the dictator of the world's first communist state.²⁶

Joseph Stalin

In 1912, Lenin appointed Joseph Stalin (Stalin) to serve on the first Central Committee of the Bolshevik Party. After the Bolsheviks seized power in Russia in November 1917, Stalin climbed the party ladder, and in 1922 he became secretary general of the Central Committee of the Communist Party.²⁷

After Lenin died in 1924, Stalin won the power struggle for control of the Communist Party. By the late 1920s, Stalin had become dictator of the Soviet Union and launched a series of five-year plans intended to transform the Soviet Union from a peasant society into an industrial superpower. His development plan was centered on government control of the economy and included the forced collectivization of Soviet agriculture, in which the government took control of farms. Millions of farmers refused to cooperate with Stalin's orders and were shot or exiled as punishment. The forced collectivization also led to widespread famine across the Soviet Union that killed millions.²⁸

During the second half of the 1930s, Stalin instituted the Great Purge, a series of campaigns designed to rid the Communist Party, the military, and other parts of Soviet society from those he considered a threat. It is estimated that Stalin was responsible for the deaths of 20 million people during his rule.²⁹

Mao Zedong

In 1921, Mao Zedong (Zedong) became one of the inaugural members of the Chinese Communist Party. Zedong later helped establish the Soviet Republic of China and was elected chairman of the small republic. He developed a small but strong army of guerilla fighters, and directed the torture and execution of any dissidents who defied party law.³⁰

In 1937, the Japanese Imperial Army invaded China, forcing Chiang Kai-shek (Kai-shek) -the Chinese leader– to flee the capital. Unable to fight a war on two fronts, Kai-shek reached out to the Communists for a truce and support. During this time, Zedong established himself as a military leader and, with aid from Allied forces, helped fight the Japanese. With the Japanese defeat in 1945, Zedong set his sights on controlling all of China. China entered into a civil war, and on October 1, 1949, in Tiananmen Square, Zedong announced the establishment of the People's Republic of China. Over the next few years, Zedong instituted sweeping land reform, sometimes through persuasion and other times through coercion, using violence and terror when he deemed it necessary. He seized warlord land, converting it into people's communes. When faced with wide discontent with his policies, he labeled his dissenters as "rightists" and imprisoned thousands of them.³¹

In January 1958, Zedong launched the "Great Leap Forward," attempting to increase agricultural and industrial production. At first, reports were promising, with accounts of overwhelming advancement. However, agricultural production did not come close to expectations, and reports of massive steel production proved to be false. Within a year, a famine set in and entire villages died of starvation. An estimated 40 million people died of hunger between 1959 and 1961.³²

Fidel Castro

²⁵ Britannica.com, *St. Petersburg*, available at <https://www.britannica.com/place/St-Petersburg-Russia> (last visited March 9, 2022).

²⁶ History.com, *Russian Revolution supra*, FN 24.

²⁷ History.com, *Joseph Stalin* (updated April 27, 2021) available at <https://www.history.com/topics/russia/joseph-stalin> (last visited March 9, 2022).

²⁸ *Id.*

²⁹ *Id.*

³⁰ Biography.com, *Mao Tse-tung Biography* (April 27, 2017), available at <https://www.biography.com/political-figure/mao-tse-tung> (last visited March 9, 2022).

³¹ *Id.*

³² *Id.*

After graduating from law school in 1950, Fidel Castro (Castro) joined the Cuban People's Party. When former Cuban president, Fulgencio Batista, overthrew the government, Castro began to organize a rebel force in 1953 with the purpose of ousting the Batista government. Eventually, Castro's forces defeated the Cuban government, and Castro became the commander in chief of Cuba's new provisional government. By 1959, Castro had taken effective political power into his own hands and began to nationalize private commerce and industry, expropriate American businesses and agricultural estates, institute sweeping land reforms, and build a partnership with the Soviet Union.³³

In 1962, the Soviet Union began deploying nuclear missiles to Cuba that could reach American cities, beginning the Cuban Missile Crisis. The crisis ended when the Soviet Union agreed to withdraw its missiles in exchange for the United States withdrawing its missiles from Turkey and no longer seeking to overthrow Castro's regime. Castro continued to expand his dictatorial control over Cuba, suppressing all political dissent and opposition, inspiring many Cubans to immigrate to the United States.³⁴

Pol Pot

In 1949, Pol Pot (Pot) left Cambodia for Paris, joining the French Communist Party and joined a group of young left-wing Cambodian nationalists, who later became his fellow leaders in the Khmer Rouge. He returned to Cambodia, and spent 12 years building the Communist Party.³⁵

In 1975, Pot led the Khmer Rouge guerrilla forces to overthrow the existing Cambodian regime. It is estimated that from 1975 to 1979, under the leadership of Pol Pot, the government caused the deaths of over one million people through forced labor, starvation, disease, torture, or execution while carrying out a program of radical social and agricultural reforms.³⁶

Nicolás Maduro

After the death of Hugo Chávez (Chávez) in 2013, Nicolás Maduro (Maduro) became the President of Venezuela, a position he has held ever since. Maduro is a strong supporter of *chavismo*, the socialist political ideology championed by Chávez. After Maduro was first narrowly elected, protests erupted, causing Maduro to imprison many prominent critics. Meanwhile, depressed world oil prices and a lack of strong industrial development caused the economy to struggle, resulting in widespread shortages. After multiple attempts to remove him from office failed, Maduro further consolidated his power by declaring a renewable state of emergency in May 2016, allowing him to maneuver around the legislature. Since the Supreme Court includes many of Maduro's supporters, the legislature's authority has continued to dwindle.³⁷

As violent protests against his leadership continued in which many Venezuelan citizens were injured and killed, Maduro characterized them as attempted coups inspired by a U.S.-supported capitalist conspiracy. When Maduro won re-election in 2018, a number of international organizations and countries, including the United States and European Union, condemned the election as illegitimate. Maduro rejected supplies of food and medicine delivered from the United States, and continued to repress all protestors and political challengers, supported by the vast majority of the Venezuelan military.³⁸

Requirements for a Standard High School Diploma

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.³⁹ Of the 24

³³ Britannica.com, *Fidel Castro*, available at <https://www.britannica.com/biography/Fidel-Castro> (last visited March 9, 2022).

³⁴ *Id.*

³⁵ Britannica, *Pol Pot: Cambodian Political Leader*, available at <https://www.britannica.com/biography/Pol-Pot> (last visited March 9, 2022).

³⁶ *Id.*

³⁷ Britannica, *Nicolás Maduro*, available at <https://www.britannica.com/biography/Nicolas-Maduro> (last visited March 9, 2022).

³⁸ *Id.*

³⁹ Section 1003.4282(1)(a), F.S.

required credits, three credits must be in social studies.⁴⁰ Social studies courses must incorporate a comparative discussion on 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.⁴¹ A student must earn one credit in United States History; one credit in World History; one-half credit in Economics; and one-half credit in United States Government.⁴² 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 the successes and failures of democratic reform efforts in other countries and regions.⁴³ Course standards for United States Government 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.⁴⁴

Beginning with the 2022-2023 school year,⁴⁵ high school students enrolled in the United States Government class required by s.1003.4282, F.S., must include a comparative discussion of political ideologies such as communism and totalitarianism.⁴⁶ School districts are required to submit and post on the school district website, annually by December 1, implementation plans for providing instruction in certain subjects, including instruction on the victims of communism and other political ideologies. The implementation plan must include the methods for delivering instruction for each grade level, instructor qualifications, and the materials and resources utilized to deliver instruction.⁴⁷

Effect of the Bill

The bill 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 have fallen victim to communist regimes across the world. The bill also calls for the observance of Victims of Communism Day to be suitably observed by public exercise in the State Capitol and elsewhere as may be designated by the Governor.

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 public 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 U.S. Government class, 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 suppression of speech, poverty, starvation, migration, and systemic lethal violence. By April 1, 2023, the State Board of Education must adopt revised social studies standards for the required United States Government course that incorporate the updated educational standards for instruction on “Victims of Communism Day.”

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

⁴⁰ Section 1003.4282(3)(d), F.S.

⁴¹ *Id.*

⁴² *Id.*

⁴³ See CPALMS, *World History Course Standards*, available at <https://www.cpalms.org/Public/PreviewCourse/Preview/4473> (last visited March 9, 2022).

⁴⁴ See CPALMS, *United States Government Course Standards*, available at <https://www.cpalms.org/Public/PreviewCourse/Preview/633> (last visited March 9, 2022).

⁴⁵ See ch. 2021-158, Laws of Fla.

⁴⁶ Section 1003.4282(3)(d), F.S.

⁴⁷ Rule 6A-1.094124, F.A.C. Rule is currently being revised to incorporate educational standards on the victims of communism.

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.