

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 289 9/11 Heroes' Day
SPONSOR(S): Anderson and others
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 348

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	18 Y, 0 N	Dixon	Sanchez
2) Constitutional Rights, Rule of Law & Government Operations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

On September 11, 2001, a series of terrorist attacks were committed against the United States. Nearly 3,000 people were killed on that day, the single largest loss of life resulting from a foreign attack on American soil.

The bill requires the Governor to annually issue a proclamation designating September 11 as “9/11 Heroes’ Day” and calls for public schools to suitably observe such day as a day honoring those who perished in the September 11, 2001 attacks, including 2,763 people at the World Trade Center, 189 people at the Pentagon, 44 people on United Airlines Flight 93, and the 25,000 people maimed or fatally injured on or after that date. The bill also calls for the observance of 9/11 Heroes’ Day to be suitably observed by public exercise in the State Capitol and elsewhere as may be designated by the Governor.

Beginning in the 2023-2024 school year, the bill requires middle school students enrolled in the civics education course and high school students enrolled in United States Government course, to receive at least 45 minutes of instruction on “9/11 Heroes’ Day” on topics involving the history and significance of September 11, 2001.

The State Board of Education must adopt revised social studies standards for inclusion in the civics education course and the required United States Government course that incorporate the updated educational standards for instruction on “9/11 Heroes’ Day.”

The bill does not appear to have a fiscal impact. See Fiscal Comments.

This bill provides an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED 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 36 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 collection of stakeholder input, prior to approval from the State Board of Education (SBE) at its July

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 Feb. 8, 2023).

⁷ Section 683.01, F.S.

⁸ Sections 683.04 - 683.3341, 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 Feb. 8, 2023).

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>.

2021 meeting.¹⁴ 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

Adoptions of Instructional Materials

Before adopting instructional materials in a certain subject area, the DOE publishes specifications for the materials. These specifications detail the courses for which materials are sought and the standards the materials must meet.¹⁸ Beginning on or before May 15 of the adoption year, the DOE advertises a request for sealed bids or proposals from publishers of instructional materials. The advertisement must require each bidder to furnish electronic sample copies of all instructional materials submitted.¹⁹

Once all bids have been considered, the commissioner selects and adopts, from the list reported by the state instructional materials reviewers as “suitable, usable, and desirable,” instructional materials for each grade and subject as advertised.²⁰ State-adopted instructional materials are available for purchase beginning April 1 of the year following adoption and must be requisitioned from the depository of the publisher with whom a contract has been made.²¹

In 2019, the Legislature established a requirement for all instructional materials for the civics education course required for middle school students be reviewed and approved by the commissioner in consultation with civics organizations and stakeholders. The commissioner completed the review in consultation with the specified organizations and stakeholders in 2019.²²

The 2022-2023 K-12 social studies instructional materials adoption is currently in development. Implementation of the adopted instructional materials will occur the following fiscal year.²³

September 11, 2001

Events of the Day

On September 11, 2001, terrorists who were members of al-Qaeda, an Islamist extremist group, hijacked four commercial aircrafts. In a coordinate attack, the hijackers intentionally flew two of the aircrafts into the Twin Towers of the World Trade Center in New York City, and a third into the Pentagon outside of Washington, D.C. The passengers and crew members on the fourth aircraft attempted to take control of the aircraft, causing the hijacker pilot to crash the aircraft into a field in Pennsylvania. Nearly 3,000 people were killed on that day, the single largest loss of life resulting from a foreign attack on American soil.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 Feb. 17, 2023).

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 Department of Education, *Policies and Procedures for the Florida Instructional Materials Adoption*, at 1, available at <http://www.fldoe.org/core/fileparse.php/5574/urlt/PoliciesandProceduresSpecifications.pdf>.

¹⁹ Section 1006.33(1)(a) and (b), F.S. A school district may not request samples in addition to the electronic sample copies. Section 1006.33(1)(b), F.S.

²⁰ Section 1006.34(2)(a), F.S.

²¹ Sections 1006.36(1) and 1006.37(1), F.S.; *see also* s. 1006.28(2)(b), F.S.

²² Florida Department of Education, *Civics Review*, <http://www.fldoe.org/civicsreview/> (last visited Dec. 9, 2022). *See s.* 1003.4156(1)(c), F.S.

²³ Florida Department of Education, *Instructional Materials*, [Instructional Materials \(fldoe.org\)](http://www.fldoe.org), (last visited Feb. 22, 2023).

²⁴ 9/11 Memorial & Museum, *Module 1: Events of the Day*, [Module 1: Events of the Day | National September 11 Memorial & Museum \(911memorial.org\)](http://www.911memorial.org) (last visited Feb. 17, 2023).

Commemoration of September 11, 2001

On December 18, 2001, the US Congress designated September 11 of each year as “Patriot Day”²⁵ and in 2009 annually recognized the observance of September 11 as the “National Day of Service and Remembrance.”²⁶ The DOE has created a portal dedicated to Patriots Day and 9/11 Commemoration, which offers commemoration resources, educational programs, and materials concerning the events of September 11, 2001, for school districts, teachers, parents, and the general public.²⁷

Instruction on September 11, 2001 in Florida Schools

Social studies, history, or United States Government course generally incorporate lessons on the terrorist attacks that occurred on September 11, 2001. The Florida American history strand does include instruction on terrorism. For grades 9-12, standard SS.912.A.7.15 requires students to analyze the effects of foreign and domestic terrorism on the American people.²⁸ In addition, the clarification²⁹ from Florida’s collaborative platform of educational resources, CPALMS,³⁰ cites examples of foreign and domestic terrorism on the American people to include, but are not limited to Oklahoma City bombing, attack on September 11, 2001, Patriot Act, and wars in Afghanistan and Iraq.³¹

Currently, there are at least 7 states that have adopted standards specific to the events of September 11, 2001.³²

Required Instruction

Requirement for High School Graduation

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.³³ 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.³⁴

Course standards for 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. Additionally, the primary content for this course, pertains to the study of government institution and political processes and their historical impact on American society. The instruction also focuses on functions and purpose of

²⁵ Pub. L. No. 107-89, 115 STAT. 876, (Dec. 18, 2001).

²⁶ Pub. L. No. 111-13, 123 STAT. 1460, (Apr. 21, 2009).

²⁷ Florida Department of Education, *Patriots Day & 9/11 Commemoration*, available at [Patriots Day & 9/11 Commemoration \(fldoe.org\)](https://fldoe.org) (last visited Feb. 17, 2023).

²⁸ Florida Administrative Code and Florida Administrative Register, *supra* note 10.

²⁹ The clarifications section and benchmark information are required for Civics/Government and Holocaust Education standards.

³⁰ CPALMS (Collaborate, Plan, Align, Learn, Motive, Share) is the State of Florida’s official source for standards information and course description. CPALMS provides access to standards-aligned, high-quality instructional/education resources, which are free to Florida educators, that have been developed specific for the standards and vetted through a rigorous review process, [About CPALMS](https://cpalms.org) (last visited Feb. 17, 2023).

³¹ CPALMS, *SS.912.A.7.15, SS.912.A.7.15 - Analyze the effects of foreign and domestic terrorism on the American people.* (cpalms.org) (last visited Feb. 17, 2023), includes resources and links associated with the standard.

³² New York includes instruction on 9/11 for grades 8, 10, and 11. See [NYS K-8 Social Studies Framework \(nysed.gov\)](https://nysed.gov), [NYS K-8 Social Studies Framework \(nysed.gov\)](https://nysed.gov); Oklahoma includes instruction on 9/11 for grades 9-12, see [Social Studies OK Academic Standards.pdf](https://ok.gov); Tennessee includes instruction on 9/11 for grades 9-12, see [Tennessee Social Studies Standards \(tn.gov\)](https://tn.gov); Mississippi includes instruction on 9/11 for grades 9-12, see [final 2018 mississippi ccr social studies standards 2.pdf\(mdek12.org\)](https://mdek12.org); Georgia includes instruction on 9/11 for grades 5 and 9-12, see [Social-Studies-K-12-Georgia-Standards.pdf \(gadoe.org\)](https://gadoe.org); South Carolina includes instruction on 9/11 for grade 5, see [2019 Social Studies College- and Career-Ready Standards](https://2019-social-studies-college-and-career-ready-standards.com); Texas includes instruction on 9/11 for grade 9-12, Texas Administrative Code [Texas Administrative Code \(state.tx.us\)](https://state.tx.us) (last visited Feb. 9, 2023),

³³ Section 1003.4282(1)(a), F.S.

³⁴ Section 1003.4282(3)(d), F.S.

government, functions of the state, the constitutional framework, federalism, separation of powers, functions of the three branches of government at the local, state and national level, the political decision-making process, among others.³⁵

Middle School Promotion Requirements

Promotion to high school requires students to successfully complete the following courses:³⁶

- Three middle grades or higher courses in ELA.
- Three middle grades or higher courses in mathematics.
- Three middle grades or higher courses in social studies.
- Three middle grades or higher courses in science.
- One middle grades course in career and education planning.

Of the required social studies courses, one course must be at least a one-semester civics education course.³⁷ The primary content for the course pertains to the principles, functions, and organization of government; the origins of the American political system; the roles, rights, responsibilities of United States citizens; and methods of active participation in our political system. Each student's performance on the statewide, standardized EOC assessment in civics constitutes 30 percent of the student's final grade.³⁸

Effect of Proposed Changes

The bill requires the Governor to annually issue a proclamation designating September 11 as "9/11 Heroes' Day" and calls for public schools to suitably observe such day as a day honoring those who perished in the September 11, 2001 attacks, including 2,763 people at the World Trade Center, 189 people at the Pentagon, 44 people on United Airlines Flight 93, and the 25,000 people maimed or fatally injured on or after that date. The bill also calls for the observance of 9/11 Heroes' 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 September 11 falls on a day that is not a school day, 9/11 Heroes' 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 middle school students enrolled in the civics education course as a middle school requirement and high school students enrolled in United States Government course required for a standard high school diploma, to receive at least 45 minutes of instruction on "9/11 Heroes' Day" on topics involving the history and significance of September 11, 2001, including remembering the sacrifice of military personnel, government employees, civilians, and emergency responders who were killed, wounded, or suffered sickness due to the terrorists attacks on or after that date, including, but not limited to:

- The historical context of global terrorism.
- A timeline of the events that occurred on September 11, 2001. These events include the attacks on the World Trade Center, the Pentagon, and the United Airlines Flight 93.
- The selfless heroism of police officers, firefighters, paramedics, other first responders, and civilians involved in the rescue and recovery of victims and the heroic actions taken by the passengers of United Airlines Flight 93.

³⁵ See CPALMS, *United States Government Course Standards*, available at <https://www.cpalms.org/Public/PreviewCourse/Preview/633> (last visited Feb. 20, 2023).

³⁶ Section 1003.4156, F.S.

³⁷ The SBE adopted updated civics education standards in July 2021, based on a DOE review of the middle grades civics course. See s. 1003.4156(1)(c), F.S.; r. 6A-1.09401, F.A.C.

³⁸ Middle grade students who transfer into the state's public school system from out of country, out of state, a private school, or a home education program after the beginning of the second term of grade 8 are not required to meet the civics education requirement for promotion from the middle grades if the student previously passed three courses in social studies or two year-long courses in social studies that include coverage of civics education. Section 1003.4156(1)(c), F.S.

- The unprecedented outpouring of humanitarian, charitable, and volunteer aid occurring after the events of September 11, 2001.
- The global response to terrorism and importance of respecting civil liberties while ensuring safety and security.

The State Board of Education must adopt revised social studies standards for inclusion in the civics education course and the required United States Government course that incorporate the updated educational standards for instruction on “9/11 Heroes’ Day.”

B. SECTION DIRECTORY:

Section 1: Creates s. 683.335, F.S.; requiring the Governor to proclaim September 11 of each year as “9/11 Heroes’ Day”; requiring the day to be observed in public schools and by public exercise; requiring certain middle and high school students to receive specified instruction; requiring the State Board of Education to adopt certain revised social studies standards.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There is no anticipated fiscal impact associated with this bill. Providing instruction as required by the bill would not necessitate expenditure of funds because free resources are available for use. If districts choose to purchase additional instructional materials, funds received pursuant to the instructional materials categorical under the Florida Education Finance Program (FEFP) formula can be used.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 15, 2023, the Education Quality Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment is a technical amendment to replace “Heroes Day” with “Heroes’ Day” throughout the bill.

The analysis is drafted to the committee substitute adopted by the Education Quality subcommittee.