

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 Rules

BILL: SB 348

INTRODUCER: Senator Hooper

SUBJECT: 9/11 Heroes Day

DATE: April 18, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	Favorable
2.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	Favorable
3.	<u>Brown</u>	<u>Twogood</u>	<u>RC</u>	Pre-meeting

I. Summary:

SB 348 establishes and requires the Governor to annually proclaim September 11 as “9/11 Heroes Day,” to be recognized in the State Capitol and otherwise as the Governor designates. On this day, public schools are required to honor those who were harmed or killed in the attacks.

In addition to public school recognition, annually on September 11 and beginning with the 2023-2024 school year, middle school and high school students enrolled in the civics education course or the United States Government course must receive at least 45 minutes of instruction on 9/11 Heroes Day topics involving the history and significance of September 11, 2001.

If September 11 falls on a day that is other than a school day, the 9/11 Heroes Day will be observed on the preceding school day or on a school day that local school authorities designate.

The bill requires the State Board of Education to adopt revised social studies standards for inclusion in the civics education course and the United States Government course, which may have an indeterminate, likely insignificant, negative fiscal impact. A fiscal impact is expected to be absorbed within existing resources. See Section V. Fiscal Impact Statement.

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

II. Present Situation:

September 11, 2001

On September 11, 2001, terrorists linked to the group al Qaeda boarded and hijacked four airplanes while in flight in the United States. Of the four flights:

- American Airlines Flight 11, hijacked by five terrorists, originated in Boston, MA, and at 8:46 a.m., crashed into the North Tower of the World Trade Center, killing all aboard and people in the tower;
- United Airlines Flight 175, hijacked by five terrorists, originated in Boston, MA, and at 9:03 a.m., crashed into the South Tower of the World Trade Center, killing all aboard and people in the tower;
- American Airlines Flight 77, hijacked by 5 terrorists, originated in Washington, D.C., and at 9:37 a.m., crashed into the Pentagon, killing all on board and people in the building; and
- United Airlines Flight 93, hijacked by four terrorists, originated in Newark, NJ, and at 10:03 a.m., crashed into a field in Shanksville, PA, subsequent to a passenger revolt which aborted the hijacker's intent to crash the plane into the United States Capitol or the White House, killing all on board.¹

On September 11, 2001, nearly 3,000 people died as a result of the attacks.² This number includes 343 fatalities from the Fire Department of New York, 37 fatalities from the Port Authority Police Department, and 23 fatalities from the New York Police Department.³ Also included are the people who died as a result of the attack on the Pentagon.⁴

While the attack at the towers caused great casualty, roughly 15,000-16,000 civilians were able to escape.⁵ However, in addition to the people who died on that day, thousands sustained serious injury at the World Trade Center site.⁶ Moreover, due to the crash at the Pentagon, 106 injured persons were taken to the hospital.⁷

In addition to injuries incurred on that day, reports and tracking of subsequent injuries have emerged with time. The World Trade Center Health Program (Program), through the Centers for Disease Control and Prevention, is federally funded to provide monitoring and treatment of long-term conditions caused by the events of September 11, 2001. Those directly affected by the attacks in New York, the Pentagon, and Shanksville, PA, are eligible to apply.⁸

¹ 9/11 Commission, *The 9/11 Commission Report*, available at <https://www.9-11commission.gov/report/911Report.pdf> (last visited Feb. 21, 2023).

² 9/11 Memorial and Museum, *Commemoration*, available at <https://www.911memorial.org/connect/commemoration/September-11-2001> (last visited Feb. 22, 2023).

³ 9/11 Commission, *supra* note 1.

⁴ 9/11 Commission, *supra* note 1, at 314.

⁵ The National Institute of Standards and Technology estimated that between 16,400 and 18,800 civilians were in the World Trade Center complex as of 8:46 a.m. on September 11. Of these, at most 2,152 civilians who were not airplane passengers or volunteer responders perished. *Id.* at 316.

⁶ Melanie H. Jacobson, et al., BMC, Part of Springer Nature, *Conducting a Study to Assess the Long-term Impacts of Injury after 9/11: Participation, Recall, and Description*, *Injury Epidemiology* 6, Art. 8, (2019) (last visited Feb. 22, 2023). Injuries reported most often occurred while descending stairs or from being hit by a falling object.

⁷ Office of the Secretary of Defense, Department of Defense, *Pentagon 9/11*, available at <https://history.defense.gov/Portals/70/Documents/pentagon/Pentagon9-11.pdf> (last visited Feb. 22, 2023).

⁸ National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention in the U.S. Dep't of Health and Human Services, *9/11 World Trade Center Health Program*, available at <https://www.cdc.gov/wtc/about.html#:~:text=The%20Program%20provides%20no%2Dcost,%2C%20and%20in%20Shanksville%2C%20Pennsylvania> (last visited Feb. 22, 2023).

The Program accepts as participants those who:

- Served as first responders to provide rescue, recovery, debris cleanup, and related support on or in the aftermath of the events of September 11, 2001, at certain times through July 31, 2022;
- Were present in the dust or dust cloud on September 11, 2001; or
- Worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area from September 11, 2001 to July 31, 2002.⁹

As of September 10, 2021, 4,627 Program participants have perished since September 11, 2001, more than who died on the day of the attacks. Still, participation in the Program is voluntary and only 112,000 are members, while the actual tally of all first responders, not including survivors, is estimated to be 410,000. Presumably, connected deaths also exist among those who sustained exposure but did not participate in the Program.¹⁰ To date, researchers have identified more than 60 types of cancer and two dozen other conditions, including lung- and respiratory-related, causally connected to Ground Zero exposure through toxins and dust.¹¹ Most recently uterine cancer, as of January 18, 2023, has been added to the list of covered conditions in the Program.¹²

Memorials held since September 11, 2001, have commended and deemed heroic the actions of helpers during all phases of the attacks, namely for the calm demeanor and direct reporting to airline headquarters by the flight attendants, the messaging and phone calls from the passengers that created a record, the revolt by the passengers on Flight 93, and the considerable effort by first responders¹³, civilians trapped in the towers who helped others, medical responders, and volunteers.¹⁴

Holidays and Special Observance Days

Examples of legal holidays are New Year's Day (January 1), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Veterans' Day (November 11), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).¹⁵ In addition to legal holidays, special observances are recognized and observed

⁹ National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention in the U.S. Dep't of Health and Human Services, *9/11 World Trade Center Health Program*, available at <https://www.cdc.gov/wtc/about.html#:~:text=The%20Program%20provides%20no%2Dcost,%2C%20and%20in%20Shanksville%2C%20Pennsylvania> (last visited Feb. 22, 2023).

¹⁰ *Id.*

¹¹ *Id.*

¹² National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention in the U.S. Dep't of Health and Human Services, *9/11 World Trade Center Health Program, Uterine Cancer Added to the List of World Trade Center (WTC)-Related Health Conditions*, available at https://www.cdc.gov/wtc/uterineCancer_20230118.html (last visited Feb. 22, 2023).

¹³ Just after the first crash at the World Trade Center, responding firefighters opted to pursue a rescue rather than a firefighting operation. "They did know that the explosion had been large enough to send down a fireball that blew out elevators and windows in the lobby and that conditions were so dire that some civilians on upper floors were jumping or falling from the building. According to Division Chief for Lower Manhattan Peter Hayden, 'We had a very strong sense we would lose firefighters and that we were in deep trouble, but we had estimates of 25,000 to 50,000 civilians, and we had to try to rescue them.'" *9/11 Commission*, *supra* note 1, at 290.

¹⁴ *9/11 Commission*, *supra* note 1.

¹⁵ Section 683.01, F.S.

by the state. Special observance days include Law Enforcement Memorial Day¹⁶, Arbor Day¹⁷, and Bill of Rights Day¹⁸. While some special observance days encourage recognition in the public schools, others such as the Victims of Communism Day mandate 45 minutes of instruction for high school students enrolled in a required government course.¹⁹

Required Social Studies Courses

Students in middle school must take, for middle grades promotion, courses in social studies, including a one-semester civics education course that includes roles and responsibilities of federal, state, and local government; structures and functions of each branch of government; and the meaning and significance of historic documents.²⁰

Students in high school must take, for high school graduation, courses in social studies, including a one-half credit course in United States Government, which must include a comparative discussion of political ideology, such as communism and totalitarianism, that conflict with the principles of freedom and democracy central to the founding principles of the United States.²¹

III. Effect of Proposed Changes:

SB 348 establishes and requires the Governor to annually proclaim September 11 as “9/11 Heroes Day,” to be recognized in the State Capitol and otherwise as the Governor designates. On this day, public schools are required to honor those who were harmed or killed in the attacks, including the:

- 2,763 people who died at the World Trade Center;
- 189 people who died at the Pentagon;
- 44 people who died on United Airlines Flight 93; and
- 25,000 people who were injured or who died from injuries on or after the date of the attacks.

In addition to public school recognition, annually on September 11 and beginning with the 2023-2024 school year, middle school and high school students enrolled in the civics education course or the United States Government course must receive at least 45 minutes of instruction on 9/11 Heroes Day topics involving the history and significance of September 11, 2001. Instruction must cover the sacrifices of military personnel, government employees, civilians, and emergency responders who were killed, wounded, or suffered sickness due to the terrorist attacks on or after September 11, 2001. Specific instruction must include:

- The historical context of global terrorism;
- A timeline of events on September 11, 2001, including the attacks on the World Trade Center, the Pentagon, and 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;

¹⁶ Section 683.115, F.S.

¹⁷ Section 683.04, F.S.

¹⁸ Section 683.25, F.S.

¹⁹ Section 683.334, F.S.

²⁰ Section 1003.4156(1)(c), F.S.

²¹ Section 1003.4282(3)(d), F.S.

- The unprecedented outpouring of humanitarian, charitable, and volunteer aid occurring after 9/11; and
- The global response to terrorism and the importance of respecting civil liberties, while ensuring safety and security.

If September 11 falls on a day that is other than a school day, the 9/11 Heroes Day will be observed on the preceding school day or on a school day that local school authorities designate.

The bill requires the State Board of Education to adopt revised social studies standards for inclusion in the civics education course and the United States Government course, which may have an indeterminate, likely insignificant, negative fiscal impact. The Department of Education expects this fiscal impact to be absorbed within existing resources.

The bill takes effect July 1, 2023.

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the State Board of Education to adopt revised social studies standards for inclusion in the civics education course and the United States Government course, which may have an indeterminate, likely insignificant, negative fiscal impact. The Department of Education expects this fiscal impact to be absorbed within existing resources.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

The instruction required by the bill begins on September 11, 2023, in civics education and United States Government classes, using content from revised social studies standards which must be approved by the State Board of Education. It is questionable whether the time frame for the creation and approval through SBE rulemaking of revised standards is sufficient to meet that deadline for instruction.

VIII. Statutes Affected:

This bill creates section 683.335 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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²² Telephone conversation with Cory Dowd, Legislative Affairs Director, Department of Education, Tallahassee, FL (February 28, 2023).