

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 863 Holocaust Remembrance Day

**SPONSOR(S):** Harris and others

**TIED BILLS:** IDEN./SIM. **BILLS:** SB 832

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**

The Holocaust (1933-1945) was the systematic, state-sponsored persecution and murder of millions of European Jews and other groups by Nazi Germany. About six million Jews and some five million others, targeted for racial, political, ideological and behavioral reasons, died in the Holocaust, more than one million of those who perished were children.

The bill requires the Governor to proclaim January 27 of each year to be “Holocaust Remembrance Day”. This day will be suitably observed in public schools and by public exercise in the State Capitol and elsewhere as the Governor may designate.

The bill specifies that if January 27 falls on a day that is not a school day, Holocaust Remembrance Day must be observed in the schools on the preceding school day or on such school day as may be designated by local school authorities.

The bill requires instruction about the Holocaust, anti-Semitism, and their harmful impacts on humanity to be provided as part of public educational instruction on Holocaust Remembrance Day.

The bill does not appear to have a fiscal impact.

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”<sup>1</sup> is a legal holiday observed only in Hillsborough County, while “Bill of Rights Day,”<sup>2</sup> 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.”<sup>3</sup> Florida law recognizes the month of September as “American Founders’ Month,”<sup>4</sup> 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,”<sup>5</sup> 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.<sup>6</sup>

There are 21 legal holidays<sup>7</sup> established in law and 36 special observances.<sup>8</sup> The state recognizes nine paid holidays that are observed by all state branches and agencies.<sup>9</sup>

##### The Holocaust

The Holocaust (1933-1945) was the systematic, state-sponsored persecution and murder of six million European Jews and others by Nazi Germany. In the beginning of Nazi rule, dictator Adolf Hitler used the government to target and exclude Jews from German society. Among other antisemitic measures, the Nazi German regime enacted discriminatory laws and organized violence targeting Germany’s Jews.<sup>10</sup>

The Nazi persecution of Jews became radicalized with the culminated plan known as the “Final Solution to the Jewish Question”. The “Final Solution” came to fruition during World War II, with mass killing centers in concentration camps. About six million Jews and some five million others, targeted for racial, political, ideological and behavioral reasons, died in the Holocaust, more than one million of those who perished were children.<sup>11</sup>

##### Commemoration of the Holocaust

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<sup>1</sup> Section 683.08, F.S.

<sup>2</sup> Section 683.25, F.S.

<sup>3</sup> Section 683.06, F.S.

<sup>4</sup> Section 683.1455, F.S.

<sup>5</sup> Section 1003.421, F.S.

<sup>6</sup> See Florida Department of Education, *American Founders’ Month*, <http://www.fldoe.org/academics/standards/subject-areas/social-studies/American-Founders-Month.stml> (last visited Mar. 16, 2023).

<sup>7</sup> Section 683.01, F.S.

<sup>8</sup> Sections 683.04 - 683.3341, F.S.

<sup>9</sup> 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.

<sup>10</sup> United States Holocaust Memorial Museum, Introduction to the Holocaust, <https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust> (last visited Mar. 16, 2023).

<sup>11</sup> *Id.*

The United Nations General Assembly designated January 27, the anniversary of the liberation of Auschwitz-Birkenau, as International Holocaust Remembrance Day. On this annual day of commemoration, the UN urges every member state to honor the six million Jewish victims of the Holocaust and millions of other victims of Nazism and to develop education programs to help prevent future genocides.<sup>12</sup>

### 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.<sup>13</sup> In compliance with Executive Order 19-32,<sup>14</sup> from February 2019 through early April 2020,<sup>15</sup> the Florida Department of Education (DOE) reviewed and updated its standards on mathematics and English language arts.<sup>16</sup> 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 2021 meeting.<sup>17</sup>

### *Holocaust Education in Florida*

In 2020, the Legislature directed the DOE to develop standards for Holocaust Education.<sup>18</sup> The DOE worked closely with the Commissioner of Education's Task Force on Holocaust Education and Florida teachers to develop content-rich and developmentally appropriate Holocaust Education standards. In the process, DOE received and considered comments from state and nationally recognized Holocaust educational organizations, Florida educators, school administrators, representatives of the Florida College System and state universities, business and industry leaders, and the public.<sup>19</sup>

In July 2021, the SBE adopted the updated State Standards for Social Studies, incorporating revised civics and government standards<sup>20</sup> and new standards for grades 5-12 for Holocaust education.<sup>21</sup>

Required instruction on the Holocaust (1933-1945) must include the history of the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, and be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions, including the policy, definition, and historical and current examples of anti-Semitism.<sup>22</sup>

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<sup>12</sup> United Nations General Assembly Resolution 60/7. See also, United Nations, *Outreach Programme on the Holocaust*, <https://www.un.org/en/holocaustremembrance/observance/>.

<sup>13</sup> 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 Mar. 16, 2023).

<sup>14</sup> 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](https://www.flgov.com/wp-content/uploads/orders/2019/EO_19-32.pdf).

<sup>15</sup> 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>.

<sup>16</sup> 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>.

<sup>17</sup> 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 Mar. 16, 2023).

<sup>18</sup> Section 5, ch. 2020-88, L.O.F.

<sup>19</sup> Florida Department of Education, *Next Generation Sunshine Standards – Social Studies, 2021*, <https://www.fldoe.org/core/fileparse.php/18736/urlt/SR-SocialStudies.pdf>.

<sup>20</sup> Section 1, ch. 2019-150, L.O.F.

<sup>21</sup> FDOE, *supra* note 19.

<sup>22</sup> Section 1003.42(2)(g)1., F.S.

Each school district must annually certify and provide evidence to the DOE that they have meet the instructional requirements on Holocaust education. In addition, the DOE may contract with any state or nationally recognized Holocaust educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.<sup>23</sup>

Florida recognized the second week in November as Holocaust Education Week, which coincided with the anniversary of Kristallnacht, November 9-10, 1938. Kristallnacht is widely recognized as a precipitating event that led to the Holocaust.<sup>24</sup> The DOE has created a portal dedicated to Holocaust Education Week, which offers commemoration resources, educational programs, and materials concerning the Holocaust, for school districts, teachers, parents, and the general public.<sup>25</sup>

### **Effect of Proposed Changes**

The bill requires the Governor to proclaim January 27 of each year to be “Holocaust Remembrance Day”. This day will be suitably observed in public schools and by public exercise in the State Capitol and elsewhere as the Governor may designate.

The bill specifies that if January 27 falls on a day that is not a school day, Holocaust Remembrance Day must be observed in the schools on the preceding school day or on such school day as may be designated by local school authorities.

The bill requires instruction about the Holocaust, anti-Semitism, and their harmful impacts on humanity to be provided as part of public educational instruction on Holocaust Remembrance Day.

## **B. SECTION DIRECTORY:**

**Section 1:** Creates s. 683.045, F.S.; requiring the Governor to proclaim January 27 of each year as “Holocaust Remembrance Day”; requiring such day to be observed in public schools and by public exercises as the Governor may designate; requiring educational instruction to be provided.

**Section 2:** Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

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<sup>23</sup> *Id.*

<sup>24</sup> Section 1003.42(2)(g)2., F.S.

<sup>25</sup> Florida Department of Education, *Holocaust Education Week*, <https://www.fldoe.org/holocausteducation/holo-ed-week.stml> (last visited Mar. 16, 2023).

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill does not appear to have a fiscal impact.

**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**

None.