

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 Fiscal Policy

BILL: CS/CS/SB 1264

INTRODUCER: Appropriations Committee on Education; Education Pre-K -12 Committee; and Senator Collins and others

SUBJECT: History of Communism

DATE: February 26, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Fav/CS</u>
3.	<u>Sabitsch</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1264 requires instruction on the history of communism and makes provision for activities related to political and economic freedom. Additionally, the bill:

- Requires specified instruction on the history of communism beginning in the 2026-2027 school year that must be age and developmentally appropriate.
- Requires the Department of Education (DOE) to prepare and offer standards for the instruction on the history of communism.
- Removes the History of Communism Task Force established in the bill.
- Establishes the Institute for Freedom in the Americas at Miami Dade College and requires the institute to partner with the renamed Adam Smith Center for Economic Freedom to provide academic coursework and programs.
- Requires the Department of State and the DOE to recommend to the legislature on the creation of a museum of communist history.

The bill has an indeterminate fiscal impact on state expenditures. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2024.

II. Present Situation:

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. Karl Marx and his associate, Friedrich Engels, blamed capitalism for the unfavorable and often-hazardous conditions of workers during the Industrial Revolution. They presented this critique of capitalism in 1848 in their widely circulated pamphlet, *Manifesto of the Communist Party*.¹

One facet of the communist theory is that the proletariat (one of the lowest classes of society which lives entirely by the sale of its labor) would capture political power, abolish private property ownership, and take the private property of the bourgeoisie. 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.²

Before the full establishment of communism, however, the communist theory suggests that a transitional dictatorship of the proletariat may be necessary.³

Bolshevik Revolution

The Bolshevik Revolution, also known as the October Revolution, was the second of two revolutions in Russia in 1917. The Bolshevik Revolution was a revolution led by Vladimir Lenin in Russia against the ruling Russian Parliament that had replaced the ruling Tsar in the same year. The coup began in November of 1917, when the Bolsheviks led forces into Petrograd, then the capital of Russia. The Bolsheviks occupied government buildings and other 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 around the world.⁴ However, instead of the expected dictatorship of the majority class of proletarians, the revolution resulted in a political party that claimed to represent proletarian interests.⁵

Required Instruction

The mission of Florida's K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities.⁶ Each district school board must provide

¹ Encyclopedia Britannica, *Communism*, <https://www.britannica.com/topic/communism> (last visited Feb. 13, 2024).

² Engels, Friedrich, *Principles of Communism*, No. 14 – (1847), available at <https://www.marxists.org/archive/marx/works/1847/11/prin-com.htm> (last visited Feb. 1, 2024).

³ Encyclopedia Britannica, *Dictatorship of the Proletariat*, <https://www.britannica.com/topic/dictatorship-of-the-proletariat> (last visited Feb. 1, 2021).

⁴ History, *The Russian Revolution*, available at <https://www.history.com/topics/russia/russian-revolution> (last visited Feb 13, 2024).

⁵ Encyclopedia Britannica, *Dictatorship of the Proletariat*, <https://www.britannica.com/topic/dictatorship-of-the-proletariat> (last visited Feb 13, 2024).

⁶ Section 1000.03(4), F.S.

appropriate instruction to ensure that students meet State Board of Education (SBE) adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.⁷

Instructional staff of public schools,⁸ subject to the rules of the SBE and the district school board, must shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- Flag education, including proper flag display and flag salute.
- The elements of civil government.
- The history of the United States.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- The effects of alcoholic and intoxicating liquors and beverages and narcotics.
- Kindness to animals.
- The history of the state.
- The conservation of natural resources.
- Comprehensive health education.
- The study of Hispanic contributions to the United States.
- The study of women's contributions to the United States.
- The nature and importance of free enterprise to the United States economy.
- A character-development program in kindergarten through grade 12.
- The sacrifices that veterans and Medal of Honor recipients have made serving the country.⁹

Between 1961¹⁰ and 1991,¹¹ Florida required the teaching of a 30-hour course of study for all students enrolled in public high schools entitled "Americanism vs. Communism." The instruction included the history, doctrines, objectives and techniques of communism with particular emphasis upon the dangers of communism, the ways to fight communism, the evils of communism, the fallacies of communism, and the false doctrines of communism.¹²

Beginning in the 2023-2024 school year, high school students enrolled in the United States Government class required to earn a standard high school diploma¹³ must receive at least 45 minutes of instruction on "Victims of Communism Day" to include topics such as Mao Zedong and the Cultural Revolution, Joseph Stalin and the Soviet System, Fidel Castro and the Cuban

⁷ Section 1003.42(1), F.S.

⁸ Instructional staff of charter schools are exempt from this section of law. Section 1002.33(16), F.S.

⁹ Section 1003.42(2), F.S.

¹⁰ Chapter 61-77, Laws of Fla.

¹¹ Chapter 91-105, s. 81, Laws of Fla.

¹² Chapter 61-77, Laws of Fla.

¹³ Section 1003.4282(3), F.S.

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 poverty, starvation, migration, systemic lethal violence, and suppression of speech.¹⁴

The SBE is required to adopt and periodically review and revise the state academic standards.¹⁵ Such standards must provide for the logical, sequential progression of core curricular content.¹⁶ The SBE has approved three standards related to communism, in grades 9-12 social studies, and in grade 7 civics and government.¹⁷

Victims of Communism

In addition to violations of freedom of speech, freedom of religion, loss of property rights, and the criminalization of ordinary economic activity, communist regimes in the 20th century intentionally killed their own citizens.¹⁸ One researcher compiled data from 1900 to 1987 related to state-sanctioned killings to provide a metric to consider when reflecting on the victims of communism and concluded that the Soviet Union was responsible for the deaths of over 61 million people. “Stalin himself is responsible for almost 43 million of these. Most of the deaths, around 39 million, are due to lethal forced labor in gulag and transit thereto.” Communist China (1923-1949) was responsible for about 3.5 million deaths, and the People’s Republic of China (PRC) (1949-present) was responsible for an additional 35.2 million deaths.¹⁹

In Cambodia, Pol Pot and the Khmer Rouge likely killed about 2 million Cambodians from April 1975 through December 1978, out of a population of around 7 million.²⁰

In summary, from 1900 to 1987, communist dictators and regimes were responsible for the death of approximately 110 million individuals.²¹ In 1993, Congress made similar findings and authorized a national memorial to honor victims of communism. In addition to death, Congress found that “the imperialist regimes of international communism have brutally suppressed the human rights, national independence, religious liberty, intellectual freedom, and cultured life of the peoples of over 40 captive nations.” The purpose of the memorial is to permanently honor the sacrifices of these victims “so that never again will nations and peoples allow so evil a tyranny to terrorize the world.”²²

¹⁴ Section 683.334(3), F.S.

¹⁵ Section 1001.03(1), F.S.

¹⁶ Section 1003.41(1), F.S.

¹⁷ The standards are: SS.912.W.6.3, Compare the philosophies of capitalism, socialism, and communism as described by Adam Smith, Robert Owen, and Karl Marx; SS.912.W.8.5, Identify the factors that led to the decline and fall of communism in the Soviet Union and Eastern Europe; and SS.7.CG.3.15, Analyze the advantages of capitalism and the free market in the United States over government-controlled economic systems (e.g., socialism and communism) in regard to economic freedom and raising the standard of living for citizens. CPALMS, *Browse and Search Standards*, “communism” <https://www.cpalms.org/public/search/Standard> (last visited Feb. 14, 2024).

¹⁸ Ilya Somin, *Lessons from a Century of Communism*, Wash. Post, Nov. 7, 2017, available at <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/11/07/lessons-from-a-century-of-communism/> (last visited Feb 14 2024).

¹⁹ Rummel, R.J., How Many Did Communist Regimes Murder? (Nov. 1993) available at: <https://www.hawaii.edu/powerkills/COM.ART.HTM> (last visited Feb 14, 2024).

²⁰ *Id.*

²¹ *Id.*

²² Pub. L. No. 103-199, s. 905 (Dec. 17, 1993).

Victims of Communism Day

The first national day recognizing victims of communism was November 7, 2017. Currently, eight states have officially recognized November 7 as “Victims of Communism Memorial Day,” and seven other states currently have legislation filed to follow suit.²³ In 2022, Florida officially recognized Victims of Communism Day and to be publicly observed in honor of the 100 million people who have fallen victim to communist regimes.²⁴

The Adam Smith Center for the Study of Economic Freedom

The Adam Smith Center for the Study of Economic Freedom (center) was created in 2020²⁵ at Florida International University to:

- Study the effect of government and free market economies on individual freedom and human prosperity.
- Conduct and promote research on the effect of political and economic systems on human prosperity.
- Plan and host research workshops and conferences to allow students, scholars, and guests to exchange in civil discussion of democracy and capitalism.
- Provide fellowship and mentoring opportunities to students engaged in scholarly studies of the effect of political and economic systems on human prosperity.²⁶

In 2023,²⁷ the center was further authorized to:

- Hire necessary faculty and staff.
- Enroll students.
- Develop curriculum and offer new courses, including honors courses, certificates, and major and minor programs.
- Hold events, including fundraisers.
- Fulfill other actions approved by the president of the university.
- Generate resources based on student credit hour enrollment, in the same manner as any college within the institution.²⁸

Florida College System Direct Support Organizations

A Florida College System (FCS) institution direct-support organization (DSO) is a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State. The DSOs are organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, an FCS institution. Each DSO must be reviewed and certified by the FCS institution’s board of trustees to ensure

²³ Victims of Communism Memorial Foundation, *Victims of Communism Memorial Day*, available at: <https://victimsofcommunism.org/programs/voc-day/> (last visited Feb. 14, 2024).

²⁴ Section 683.344, F.S.

²⁵ Chapter 2020-117, s. 8, Laws of Fla.

²⁶ Section 1004.64991, F.S.

²⁷ Chapter 2023-82, s. 8, Laws of Fla.

²⁸ Section 1004.64991(3), F.S.

that the DSO is being operated in a manner consistent with the goals of the college and in the best interest of the state.²⁹

The chair of the FCS institution board of trustees must appoint a representative to the DSO board of directors and the executive committee. The president of the FCS institution for which the DSO is established, or the president's designee, must also serve on the board of directors and the executive committee of the DSO.³⁰

III. Effect of Proposed Changes:

The bill modifies s. 1003.42, F.S., to add to required instruction in public schools the history of communism. The bill requires that the instruction be age and developmentally appropriate and include the following:

- The history of communism in the United States and domestic communist movements.
- Atrocities committed in foreign countries under the guidance of communism.
- Comparative discussion of political ideologies, such as communism and totalitarianism.
- The increasing threat of communism in the United States and to its allies.
- The economic, industrial, and political events that have preceded and anticipated communist revolutions.
- The communist policies of Cuba, and the spread of communist ideologies throughout Latin America.

The bill requires that the Department of Education (DOE) prepare and offer standards that for the required instruction and allows the DOE to seek input for any individual of communism or any state or nationally recognized organization dedicated to the victims of communism.

The bill requires the Department of State, in collaboration with the DOE, to consult with state and national stakeholders to provide a recommendation on the creation of a museum on the history of communism. This recommendation must be made to the legislature no later than December 1, 2024.

The bill creates s. 1004.89, F.S., to establish the Institute for Freedom in the Americas (institute) within Miami Dade College at the Freedom Tower to preserve the ideals of a free society and promote democracy. The institute is required to do the following:

- Partner with the Adam Smith Center for Economic Freedom to hold workshops, symposiums, and conferences that provide opportunities for leaders throughout the region to gain insight and ideas for promoting democracy.
- Enter into an agreement with the Adam Smith Center for Economic Freedom to provide participants with coursework and programs that advance democratic practices as well as economic and legal reforms.
- Provide educational and experiential opportunities for regional leaders committed to careers in democracy and governance.

²⁹ Section 1004.70(1), F.S.

³⁰ Section 1004.70(2), F.S.

The bill requires that Miami Dade College approve a direct support organization (DSO) to support the institute. The board of the DSO must be composed of five members. The Governor must appoint three members which must include a representative from Miami Dade College and a representative of the Adam Smith Center for Economic Freedom. The President of the Senate and the Speaker of the House of Representatives must each appoint one board member.

The bill modifies s. 1004.64991, F.S., to rename the Adam Smith Center for the Study of Economic Freedom to the Adam Smith Center for Economic Freedom and revises the goals of the center to include studying educational freedom and to plan and host symposiums to exchange in civil discussion of democracy and capitalism. The bill allows the center to offer degrees. Finally, the center is required to partner with the Institute for Freedom in the Americas to support the institute's mission, which includes promoting economic and individual freedoms as a means for advancing human progress with an emphasis on Latin America and the Caribbean.

The bill is effective July 1, 2024.

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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There could be an indeterminate, yet insignificant, fiscal impact to the DOE associated with preparing curriculum and standards for the required History of Communism Instruction.

There may be an indeterminate fiscal impact to create and meet the requirements of the Institute for Freedom in the Americas within Miami Dade College.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires Miami Dade College (MDC) to establish a direct-support organization (DSO) for the Institute for Freedom in the Americas, and establishes a five-member board for the DSO. The bill requires the Governor to appoint three members, including a MDC representative and a representative from the Adam Smith Center for Economic Freedom. The President of the Senate and the Speaker of the House of Representatives each appoint one member. However, s. 1004.70, F.S., requires that two members of a Florida College System institution DSO board must be the president of the college or the president's designee, and a member appointed by the chair of the college board of trustees. It is unclear how the appointments required in the bill will conform to statutory membership requirements.

VIII. Statutes Affected:

This bill substantially amends sections 1003.42 and 1004.64991 of the Florida Statutes.

This bill creates section 1004.89 of the Florida Statutes.

The bill creates an undesignated section of Florida Law.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS/CS by Appropriations Committee on Education on February 20, 2024:

The committee substitute:

- Modifies provisions related to required instruction to include specific topics related to the history of communism. Such instruction must begin in the 2026-2027 school year, and must be both age and developmentally appropriate.
- Removes the requirement established in the bill, that school districts annually certify instruction on the history of communism to the Department of Education (DOE).
- Removes the History of Communism Task Force (task force) established in the bill, and shifts from the task force to the DOE the creation of standards for the history of

communism instruction, and to the Department of State and the DOE for recommendations regarding a museum of history on communism.

- Creates the Institute for Freedom within the Americas (institute) within Miami Dade College (MDC) and provides requirements for institute activities. The committee substitute requires MDC to establish a direct-support organization (DSO) to support the institute, and specifies membership on the DSO board.
- Renames the Adam Smith Center for the Study of Economic Freedom to the Adam Smith Center for Economic Freedom, revises the center's goals, and requires the center to partner with the institute.

CS by Education Pre-K - 12 Committee on January 30, 2024:

The committee substitute removes the "Third Reich of Nazi Germany" and adds "Marxism-Leninism and the Russian Revolution of 1917" as an example of a communist movement.

B. Amendments:

None.