

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/CS/CS/HB 141	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	Economic Affairs Committee, Appropriations Committee; Economic Development & Tourism Subcommittee; Diaz, J. and Narain	83 Y's	32 N's
<b>COMPANION BILLS:</b>	CS/SB 310	<b>GOVERNOR'S ACTION:</b> Approved	

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**SUMMARY ANALYSIS**

CS/CS/CS/HB 141 passed the House on February 24, 2016, as CS/SB 310.

Federal law permits each state to provide and furnish the United States Capitol with two statues, in marble or bronze, of deceased persons who were prominent citizens of the state for placement in the National Statuary Hall. The entire collection now consists of 100 statues contributed by all 50 states with each state contributing two statues. Representing Florida in the National Statuary Hall are Dr. John Gorrie and General Edmund Kirby Smith.

The bill directs the Great Floridians Program (GFP) within the Department of State (Department) to select three prominent Florida citizens for consideration to be commemorated in the National Statuary Hall. The GFP must submit its recommendations to the Legislature by January 1, 2017. From the GFP recommendations, the Legislature must select one Florida citizen to replace General Edmund Kirby Smith's statue in the National Statuary Hall.

The Florida Council on Arts and Culture (FCAC) within the Department is required to select a sculptor to design the replacement statue. The FCAC and the Department are required to estimate the costs associated with the replacement of the statue. Based on the FCAC's findings, the Department must submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2017.

The bill permits the FCAC to raise funds from private sources to fund the costs associated with the replacement of the statue. The funds raised must be placed in the Department's Grants and Donations Trust Fund and may be used only for the limited purposes associated with replacing the statue.

After the prominent citizen and the sculptor are selected, the Legislature must pass a memorial requesting that the United States Joint Committee on the Library of Congress (Joint Committee) approve the request to replace the statue of General Edmund Kirby Smith. Upon the adoption of the memorial by the Legislature and approval of the Governor in writing with the replacement request, the memorial must be submitted to the Joint Committee.

The bill was approved by the Governor on March 10, 2016, ch. 2016-41, L.O.F., and became effective on that date.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Present Situation

##### Background

Federal law permits each state to provide and furnish the United States Capitol with two statues, in marble or bronze, of deceased persons who were prominent citizens of the state "illustrious for their historic renown or for distinguished civic or military service" for placement in the National Statuary Hall.<sup>1</sup> The entire collection now consists of 100 statues contributed by all 50 states with each state contributing two statues.<sup>2</sup> The National Statuary Hall is under the supervision and direction of the Architect of the Capitol.<sup>3</sup>

Currently, Florida has two statues in the National Statuary Hall Collection: one of Dr. John Gorrie and one of General Edmund Kirby Smith. Florida provided the statue of Dr. John Gorrie in 1914.<sup>4</sup> Dr. Gorrie, a physician, scientist, inventor, and humanitarian is credited with the invention of refrigeration and air-conditioning. Dr. Gorrie's original model of the ice-making machine and his scientific articles are housed at the Smithsonian Institution.<sup>5</sup> Dr. Gorrie is buried in Gorrie Square in Apalachicola, Florida.<sup>6</sup>

Florida provided the statue of General Edmund Kirby Smith in 1922.<sup>7</sup> General Smith was a soldier and educator, originally from St. Augustine, Florida. General Smith graduated from the United States Military Academy in 1845 and first served in the Mexican War. Following the war he taught mathematics at the Military Academy and had botany reports published by the Smithsonian Institution. He joined the Confederate Army when Florida seceded from the union.<sup>8</sup> Smith commanded the last armed forces of the Confederate States to surrender. Concerned that he would be tried for treason, General Smith fled to Mexico before settling in Cuba for a short period.<sup>9</sup> Returning to the United States, Smith took an oath of amnesty and held positions as the president of the Atlantic and Pacific Telegraph Company; chancellor of the University of Nashville; and professor of mathematics at the University of the South in Sewanee, Tennessee, where he remained until his death in 1893. He was the last surviving general of either army.<sup>10</sup>

Due to overcrowding and weight restrictions, the National Statuary Hall collection is located in several areas of the Capitol: the National Statuary Hall (Old Hall of the House), the Rotunda, the second-floor House and Senate corridors, the Hall of Columns, the Crypt, and the Capitol Visitor Center.<sup>11</sup> Florida's statue of Dr. John Gorrie is located in the National Statuary Hall, and the statue of General Edmund Kirby Smith is located in the Capitol Visitor Center.<sup>12</sup>

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<sup>1</sup> 2 U.S.C § 2131.

<sup>2</sup> AOC website, National Statuary Hall Collection, available at: <http://www.aoc.gov/the-national-statuary-hall-collection> (last visited Oct. 28, 2015).

<sup>3</sup> See supra note 1.

<sup>4</sup> AOC website, National Statuary Hall, Florida List, John Gorrie, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-gorrie> (last visited Oct. 28, 2015).

<sup>5</sup> *Id.*

<sup>6</sup> Encyclopedia.com available at <http://www.encyclopedia.com/doc/1G2-3404707805.html> (last visited Oct. 28, 2015).

<sup>7</sup> AOC website, National Statuary Hall, Florida List, General Edmund Kirby Smith, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/edmund-kirby-smith> (last visited Oct. 28, 2015).

<sup>8</sup> *Id.*

<sup>9</sup> About.com, Military History, *American Civil War: General Edmund Kirby Smith* available at <http://militaryhistory.about.com/od/ConfederateLeaders/p/American-Civil-War-General-Edmund-Kirby-Smith.htm> (last visited Oct. 28, 2015).

<sup>10</sup> See supra note 7.

<sup>11</sup> See supra note 2.

<sup>12</sup> AOC website, National Statuary Hall, By Location, available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/nsh-location> (last visited Oct. 28, 2015).

Since 1864 when the U. S. Congress authorized the creation of the National Statuary Hall, only six states have replaced statues (Alabama, Arizona, California, Iowa, Kansas, and Michigan) with three of those replacements being former United States Presidents: Ronald Reagan (CA), Dwight D. Eisenhower (KS), and Gerald Ford (MI).<sup>13</sup> Once a statue has been replaced it must remain in the National Statuary Hall for a minimum of ten years.<sup>14</sup>

States are responsible for the following costs:

- paying the sculptor for designing and carving or casting the statue;
- designing and fabricating the pedestal;
- transporting the statue and pedestal to the United States Capitol;
- removing and transporting the replaced statue;
- any costs incurred with the unveiling ceremony; and
- any other expenses that the State commission may deem necessary.<sup>15</sup>

Recently, the state of Arizona replaced its statue of John Campbell Greenway, which represented the state in the National Statuary Hall Collection from 1930-2015.<sup>16</sup> In 2015 the statue was replaced by one of Barry Goldwater.<sup>17</sup> Legislation requesting Congress to replace John Campbell Greenway's statue was signed by the Arizona Governor in May 2008, but the completed replacement statue of Barry Goldwater did not make its way to the National Statuary Hall until February 2015.<sup>18</sup> The timing delay was due to fundraising challenges.<sup>19</sup> One estimate for the total cost of the replacement is \$500,000.<sup>20</sup>

Ohio is currently in the process of replacing former Ohio Governor William Allen with a statue of Thomas Edison.<sup>21</sup> William Allen was a pro-slavery Civil War-era governor who opposed fighting in the Civil War. Ohio lawmakers began the process of the replacement in 2007.<sup>22</sup> However, the efforts did not take off until 2010 when the Ohio Historical Society polled 48,000 Ohioans, who selected Thomas Edison as the prime replacement candidate.<sup>23</sup> The statue of Thomas Edison was unveiled in Columbus, Ohio in May 2015. The state of Ohio is currently waiting for sufficient funds to be gathered to complete the replacement project.<sup>24</sup> One estimate for the total cost of the replacement is \$250,000.<sup>25</sup>

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<sup>13</sup> See supra note 2.

<sup>14</sup> 2 U.S.C. § 2132. However, the Joint Committee may waive this requirement for cause at the request of a state.

<sup>15</sup> *Id.*

<sup>16</sup> AOC website, National Statuary Hall Collection, John Campbell Greenway, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-campbell-greenway-replaced> (last visited Oct. 28, 2015).

<sup>17</sup> *Id.*

<sup>18</sup> Arizona Central New, *Goldwater statue dedicated in National Statuary Hall*, available at: <http://www.azcentral.com/story/news/arizona/politics/2015/02/11/goldwater-statue-dedicated-national-statuary-hall/23227893/> (last visited Oct. 28, 2015).

<sup>19</sup> Cronkite News, *Months after unveiling, Goldwater statue still awaiting trip to the U.S. capitol*, available at: <http://cronkitenewsonline.com/2014/09/months-after-unveiling-goldwater-statue-still-awaiting-trip-to-the-u-s-capitol/> (last visited Oct. 27, 2015).

<sup>20</sup> *Id.*

<sup>21</sup> The Columbus Dispatch, *Ohio's Edison Sculpture Set to Occupy Statuary Hall*, available at: <http://www.dispatch.com/content/stories/local/2015/08/10/edison-sculpture-set-to-occupy-statuary-hall.html> (last visited Oct. 27, 2015).

<sup>22</sup> The Toledo Blade, *New statue of Thomas Edison unveiled in Columbus*, available at: <http://www.toledoblade.com/State/2015/05/20/New-statue-of-Thomas-Edison-unveiled-in-Columbus.html> (last visited Oct. 27, 2015).

<sup>23</sup> See supra note 21.

<sup>24</sup> See supra note 22.

<sup>25</sup> *Id.*

## Great Floridians Program

State law provides that an ad hoc committee of the Great Floridians Program within the Division of Historical Resources of the Department of State (Department) is responsible for recognizing and honoring Floridians who have made significant contributions to the welfare and progress of the nation or to the state of Florida.<sup>26</sup> The Great Floridian ad hoc committee is comprised of representatives of the Governor, each member of the Florida Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State.<sup>27</sup>

## Florida Council on Arts and Culture

The Florida Council on Arts and Culture (FCAC), which is administratively housed in the Department, consists of 15 members. The Governor appoints seven members, and the President of the Senate and the Speaker of the House of Representatives each appoint four members to the FCAC.<sup>28</sup> The FCAC is responsible for the following:

- advocating for arts and culture by encouraging the study, participation, and presentation of arts and cultural activities that are of public interest throughout the state;
- advising the Secretary of State in matters pertaining to arts and cultural programs and grants administered by the division;
- encouraging the participation in and appreciation of arts and culture to meet the needs and aspirations of persons in all parts of the state;
- encouraging public interest in the state's cultural heritage and the expansion of its cultural resources;
- encouraging and assisting freedom of artistic expression that is essential for the well-being of the arts;
- advising the Secretary of State in matters concerning the awarding of grants for arts and culture;
- promoting the reading, writing, and appreciation of poetry throughout the state and accepting nominations and recommending nominees for appointment as the State Poet Laureate<sup>29</sup>; and
- reviewing applications for grants for the acquisition, renovation, or construction of cultural facilities and recommending a priority for the receipt of such grants.<sup>30</sup>

## **Effect of Proposed Changes**

The bill provides for the replacement of the statue of General Edmund Kirby Smith in the National Statuary Hall of the United States Capitol.

To do so, the bill directs the ad hoc committee of the Great Floridians Program (GFP) within the Division of Historical Resources of the Department of State (Department) to select three individuals of distinguished civil or military service to be commemorated in the National Statuary Hall in the place of General Smith. From the GFP recommendations, the Legislature must select one Florida citizen to replace General Edmund Kirby Smith's statue in the National Statuary Hall. The GFP is required to submit its recommendation to the Legislature by January 1, 2017.

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<sup>26</sup> Section 267.0731, F.S.

<sup>27</sup> Section 267.0731(1)(b), F.S.

<sup>28</sup> Section 265.285 (1)(a), F.S.

<sup>29</sup> See s. 265.2863, F.S., relating to the State Poet Laureate.

<sup>30</sup> Section 265.285 (2)(a-h), F.S.

Additionally, the bill directs the Florida Council on Arts and Culture (FCAC) to select, according to guidelines prescribed by the Department, a sculptor to design the replacement statue. The FCAC is authorized to raise funds from private sources to fund the costs associated with the replacement of the statue. The funds raised must be placed in the Department's Grants and Donations Trust Fund and may be used only for the limited purposes associated with replacing the statue.

Based on the findings of the FCAC, the Department must submit a report, by January 1, 2017, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include:

- the name of the sculptor and process used to select the sculptor; and
- an estimate of the total costs associated with the replacement of the statue, including the costs to:
  - Design, construct, transport, and place the new statue;
  - Remove and transfer the current statue; and
  - Conduct an unveiling ceremony for the new statue.

After the prominent citizen and the sculptor are selected, the Legislature must pass a memorial requesting that the United States Joint Committee on the Library of Congress (Joint Committee) approve the request to replace the statue of General Edmund Kirby Smith. Upon the adoption of the memorial by the Legislature and approval of the Governor in writing with the replacement request, the memorial must be submitted to the Joint Committee.

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

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

1. Revenues: None.
2. Expenditures:

The bill has an indeterminate, negative fiscal impact to state expenditures. While there appears to be some indeterminate costs associated with the provisions of the bill, the Department of State has not provided an official estimate as requested therefore it is assumed any costs can be absorbed within existing resources.

The state (as opposed to the federal government) is responsible for the following costs:

- paying the sculptor for designing and carving or casting the two statues;
- designing and fabricating the pedestal;
- transporting up to two statues and pedestal to the United States Capitol;
- removing and transporting up to two replaced statues;
- any costs incurred with the unveiling ceremony; and
- any other expenses that the State commission may deem necessary.<sup>31</sup>

The state of Arizona has recently replaced one of its statues, and the one cost estimate to do so was \$500,000.<sup>32</sup> The state of Ohio has also recently replaced one of its statues, and one cost estimate to do so was \$250,000.<sup>33</sup>

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<sup>31</sup> See supra note 1.

The bill permits the Florida Council on Arts and Culture to raise funds from private sources to fund the costs associated with the replacement of the statue. The funds raised must be placed in the Department's Grants and Donations Trust Fund and may be used only for the limited purposes associated with statue replacement described in the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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<sup>32</sup> See supra note 19.

<sup>33</sup> See supra note 22.