

**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.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: SB 310

INTRODUCER: Senators Legg and Margolis

SUBJECT: National Statuary Hall

DATE: January 19, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
2.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	<u>Pre-meeting</u>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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**I. Summary:**

SB 310 provides that the Great Floridians Program within the Department of State must select a prominent Florida citizen to replace General Edmund Kirby Smith’s statue and be commemorated in the National Statuary Hall Collection. The Florida Council on Arts and Culture is required to select a sculptor to design the replacement statue, and to gather funds for the replacement.

After the selections are made, the Legislature must pass a memorial requesting the replacement of the statue of General Edmund Kirby Smith. If the Governor agrees in writing with the replacement request, the memorial will be submitted to the United States Joint Committee on the Library of Congress for consideration.

The bill takes effect upon becoming a law.

**II. Present Situation:**

**National Statuary Hall**

In 1864, Congress created the National Statuary Hall, which permits the display of two statues from each state within the Capitol of the United States.<sup>1</sup> Originally located in the Old Hall of the House of Representatives, the placement of statues has expanded throughout the corridors of the Capitol.<sup>2</sup> Each state is permitted to provide no more than two statues of a deceased citizen of that state who were “illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration.”<sup>3</sup> An

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<sup>1</sup> Architect of the Capitol, *About the National Statuary Hall Collection*, available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/about-national-statuary-hall-collection> (last viewed January 15, 2016).

<sup>2</sup> *Id.*

<sup>3</sup> 2 U.S.C. s. 2131.

individual must have been deceased for 10 years before his or her statue may be displayed in the National Statuary Hall.<sup>4</sup>

### **Replacement of Statues**

A statue must have been on display for at least a decade before it may be replaced.<sup>5</sup> Like all current statues, a replacement statue must be made of marble or bronze and depict a distinguished, deceased citizen of the donating state.<sup>6</sup>

A state may request that the United States Joint Committee on the Library of Congress approve the replacement of its statues by a resolution from the state's Legislature and the consent of the Governor.<sup>7</sup> The state is responsible for costs related to the replacement, including the "construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony."<sup>8</sup>

After the Joint Committee has approved the request, ownership of the replaced statue transfers to the state and the replaced statue may only be returned to the Capitol by federal law.<sup>9</sup> A duly authorized state official must inform the Architect of the Capitol where the replaced statue will be displayed after it is removed from the Capitol.<sup>10</sup>

### **Florida's Statues**

The Florida statues in the National Statuary Hall Collection are Dr. John Gorrie and General Edmund Kirby Smith.<sup>11</sup> Florida donated a statue of Dr. Gorrie to the National Statuary Hall Collection in 1914. Dr. Gorrie (1802-1855) was a physician in Apalachicola, Florida, who advocated draining swamps, the use of mosquito netting to prevent disease, and the cooling of sickrooms to reduce fever. Dr. Gorrie was granted a patent for a machine to make ice and is credited with being the father of refrigeration and air-conditioning.<sup>12</sup>

In 1922, Florida gave a statue of Gen. Kirby Smith to the National Statuary Hall Collection. General Edmund Kirby Smith (1824-1893) was a soldier and educator who served in the Mexican War and taught mathematics at the United States Military Academy (West Point). He resigned from the United States Army in 1861 to join the Confederate States of America. He rose to the rank of general and surrendered the last military force of the Confederacy in the Civil War.

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<sup>4</sup> 2 U.S.C. s. 2131a(a).

<sup>5</sup> 2 U.S.C. s. 2132(a)(2)(B). The Joint Committee on the Library of Congress may grant a waiver of this requirement.

<sup>6</sup> 2 U.S.C. s. 2132(b)(1).

<sup>7</sup> 2 U.S.C. s. 2132(a).

<sup>8</sup> 2 U.S.C. s. 2132(b)(2).

<sup>9</sup> 2 U.S.C. s. 2132(d).

<sup>10</sup> Architect of the Capitol, Office of the Curator, *Procedure and Guidelines for Replacement of Statues in the National Statuary Hall Collection*, (January 2014), available at [http://www.aoc.gov/sites/default/files/statue\\_replacement\\_guidelines\\_2014.pdf](http://www.aoc.gov/sites/default/files/statue_replacement_guidelines_2014.pdf) (last viewed January 15, 2016).

<sup>11</sup> Architect of the Capitol, *National Statuary Hall Collection*, available at <http://www.aoc.gov/the-national-statuary-hall-collection> (last viewed January 15, 2016).

<sup>12</sup> Architect of the Capitol, *National Statuary Hall Collection, John Gorrie*, available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-gorrie> (last viewed January 15, 2016).

After the Civil War, he moved to Tennessee where he pursued an academic career and served as Chancellor of the University of Nashville.<sup>13</sup>

### **Great Floridians Program**

The Great Floridians Program recognizes and records the achievements of living and deceased Floridians who have made major contributions to the progress and welfare of Florida.<sup>14</sup> The Division of Historical Resources of the Department of State (division) nominates present or former Florida citizens who made major contributions to the progress of the United States or Florida.<sup>15</sup> In identifying people worthy of a nomination, the division is required seek the advice of people who are experienced in informing the public about Florida's history.<sup>16</sup> Annually, the division must convene an ad hoc committee composed of representatives of specified government officials. The committee must meet at least twice a year and must nominate at least two individuals to be submitted to the Secretary of State.<sup>17</sup> The Secretary of State then selects two individuals to be honored as 'Great Floridians.'<sup>18</sup> The division is required to educate the public about the Great Floridians selected by the Secretary of State.<sup>19</sup>

### **The Florida Council on Arts and Culture**

The Florida Council on Arts and Culture (council) is an advisory body within the Department of State that promotes arts and culture throughout the state.<sup>20</sup> The council consists of 15 members who are appointed by the Governor, the Speaker of the House of Representatives, and the President of the Senate. The members must have a substantial history of community service in the performing or visual arts, science, history, or children's museums.<sup>21</sup> The council advises the Secretary of the State regarding the administration of grants pertaining to arts and culture, and reviews applications for grants related to cultural facilities.<sup>22</sup>

## **III. Effect of Proposed Changes:**

The bill provides that the ad hoc committee of the Great Floridians Program must select a prominent Florida citizen to be commemorated in the National Statuary Hall Collection. The division is required to prescribe the guidelines to be used for the selection.

The bill requires the council to select a sculptor to design the statue of the prominent Florida citizen selected. The Department of State is required to prescribe guidelines to be used in the selection of the sculptor. The bill also requires the council to gather necessary funds to carry out the replacement of the statue.

<sup>13</sup> Architect of the Capitol, *National Statuary Hall Collection, Edmund Kirby Smith*, available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/edmund-kirby-smith> (last viewed January 15, 2016).

<sup>14</sup> Section 267.0731, F.S.

<sup>15</sup> Section 267.0731(1), F.S.

<sup>16</sup> Section 267.0731(1)(a), F.S.

<sup>17</sup> Section 267.0731(1)(b), F.S.

<sup>18</sup> Section 267.0731(1), F.S.

<sup>19</sup> Section 267.0731(2), F.S.

<sup>20</sup> Section 265.285(1)(a) and (2)(a), F.S.

<sup>21</sup> Section 265.285(1), F.S.

<sup>22</sup> Section 265.285(2)(f) and (h), F.S.

After the selection of a prominent Florida citizen and a sculptor has been made, the Legislature must pass a memorial requesting the United States Joint Committee on the Library of Congress approve the request to replace of the statue of General Edmund Kirby Smith. Upon the Legislature's adoption of the memorial, the Governor must agree in writing with the request to replace the statue, and then the memorial will be submitted to the Joint Committee on the Library of Congress for consideration.

The bill takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

The bill requires the Great Floridians Program to select a prominent Florida citizen to replace the statue of General Edmund Kirby Smith and be commemorated at the National Statuary Hall Collection. The bill also requires the Department of State to prescribe the guidelines used in the selection of a sculptor to design the statue. The fiscal impact to the Department of State is unknown at this time.<sup>23</sup>

The bill requires the council to "gather necessary funds" to carry out the replacement of the statue. This may require the council to seek private donations to accomplish this.

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<sup>23</sup> Department of State, *2016 SB 310 Legislative Bill Analysis*, (November 13, 2015) (on file with the Senate Committee on Fiscal Policy).

**VI. Technical Deficiencies:**

It is unclear what types of guidelines the Great Floridians Program and the council will be using to make their decisions. The Department of State currently has no applicable rules or guidelines for the Great Floridians Program or the council.<sup>24</sup>

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill creates an undesignated section of Florida law.

**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.

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

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<sup>24</sup> Email from Eddie Philips, Florida Department of State, Office of Legislative Affairs dated November 6, 2015 (on file with the Senate Committee on Governmental Oversight and Accountability).