

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 Governmental Operations Committee

BILL: SB 2208

INTRODUCER: Senator Lynn

SUBJECT: Florida Poet Laureate

DATE: March 27, 2008 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|------------------|
| 1. | Rhea | Wilson | GO | Favorable |
| 2. | | | ED | |
| 3. | | | TA | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

This bill creates in law the honorary position of Florida Poet Laureate. The position is appointed by the Governor from a list of nominees provided by the Secretary of State, as recommended by the Florida Arts Council.

This bill amends the following sections of the Florida Statutes: 265.285.

This bill creates the following section of the Florida Statutes: 265.2863.

II. Present Situation:

No statutory process designating a Florida Poet Laureate exists in Florida law. Official designation of state poet laureate may be by governor’s act or proclamation, by legislative action, or by both governor and legislature.

The first Florida Poet Laureate, Franklin N. Wood, was appointed by Governor John W. Martin in 1929. The second was Mrs. Vivian Laramore Rader of Miami, who served from 1931 until her death in 1973 at age 83. After a competition of over four hundred Florida poets and selection by an anonymous national panel in 1980, Governor Bob Graham appointed Dr. Edmund Skellings the Poet Laureate of the State of Florida. Historically, a Florida Poet Laureate serves without term and without compensation.

According to the Library of Congress website, thirty-eight states have an official position of state poet laureate.¹ Duties of the poet laureate vary from state to state as determined by the appointing body or existing legislation, but all involve the promotion of reading, writing, and poetry appreciation. Some states have chosen to broaden the position to that of State Writer or writer-in-residence to recognize and honor all genres of writing.

Promotional activities may include leading poetry workshops, organizing and participation in reading series, visiting schools and universities, attending conferences, speaking at gubernatorial inaugurals, state sponsored poetry contests and other public venues. Compensation varies from zero dollars to a range of \$1,000 to \$20,000 annually.

Historically a life time position, most states have opted to set term limits. New Jersey abolished the poet laureate position after its poet laureate publicly read a poem with anti-Semitic lines about the World Trade Center bombings. New Jersey found that there was no provision for removing a state poet laureate. California's poet laureate resigned over inaccuracies found in a resume.

Chapter 20, F.S., provides for the organizational structure of the executive branch of state government. Section 20.04(7), F.S., defines "council" or "advisory council" to mean

an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

Section 265.285, F.S., creates the Florida Arts Council as an advisory council as defined above. The Florida Arts Council consists of 15 members. Seven members are appointed by the Governor, four members by the President of the Senate, and four members by the Speaker of the House of Representatives. The appointments are made in consultation with the Secretary of State and provide for geographical representation.

The Secretary of State may appoint review panels representing various artistic disciplines to assist the Florida Arts Council in the grant review process and adopt rules establishing criteria.

Duties of the council include:

- Advise the Secretary of State in all matters pertaining to art, specifically with respect to any programs operated by the department as authorized hereunder.
- Stimulate and encourage throughout the state the study and presentation of the arts and public interest and participation therein.
- Make such surveys as may be advisable of public and private institutions which are engaged within the state in artistic and cultural activities.
- Encourage the participation in and appreciation of the arts to meet the needs and aspirations of persons in all parts of the state.
- Encourage public interest in the cultural heritage of this state and expand the cultural resources of the state.

¹ <http://www.loc.gov/rr/main/poets/current.html>

- Encourage and assist freedom of artistic expression essential for the well-being of the arts.
- Advise the Secretary of State in all matters concerning the awarding of grants for the arts under this act.
- Promote the enhancement and beautification of the interiors of the Capitol Building and other public buildings and advise appropriate state officers, state agencies, and the Department of Management Services in this regard.
- Review applications for grants for the acquisition, renovation, or construction of cultural facilities and recommend a priority for the receipt of such grants.

III. Effect of Proposed Changes:

The bill amends the duties of the Florida Arts Council to include the promotion of reading, writing, and appreciation of poetry in Florida by recommending nominations for the Florida Poet Laureate to the Secretary of State for selection by the Governor.

The bill also creates the honorary position of Florida Poet Laureate. The Florida Poet Laureate is prohibited from receiving compensation. The position is to be appointed by the Governor from a list of no more than three nominees provided by the Secretary of State, after recommendation by the Florida Arts Council. Under the bill, the council must solicit nominations from a broad array of literary sources and individuals, including, but not limited to:

- University and college literature departments.
- Literary organizations, societies, and centers.
- Poetry book publishers and poetry editors.
- Other state poets laureate.

To be a nominee, one must be a Florida resident and a published literary poet of significant standing in Florida and elsewhere, must be willing and physically able to engage in outreach and mentoring for the benefit of schools and communities throughout the state, and must perform such other duties as required.

Under the bill, a Florida Poet Laureate will have a term of 4 years, beginning with the third year of a gubernatorial term of office and ending at the conclusion of the second year of the following gubernatorial term of office. A term is continued until the appointment of the new Florida Poet Laureate. Vacancies are filled for the remainder of the unexpired term and in the same manner as the original appointment. The bill does not prohibit reappointment.

The bill grants the Division of Cultural Affairs of the Department of State to adopt rules necessary to carry out the purposes of the section, including procedures for accepting nominations, making recommendations for appointments, and providing travel expenses for such appointment.

The bill requires the Secretary of State to annually request an appropriation sufficient to carry out the purposes of the section, if such resources are not available through the existing citizen support organization or other public or private funding sources.

The Poet Laureate for the State of Florida serving on the effective date of the act, July 1, 2008, will be designated the Florida Poet Laureate Emeritus upon the appointment of a Florida Poet Laureate pursuant to the act.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

According to the Department of State, the Division of Cultural Affairs would be required to schedule the poet laureate’s activities, process travel authority and expense reimbursement, and provide the funding for such travel either from its own budget, citizen support organization or other private funding source. The department reports the need for one-half (.5) FTE at the following costs:

| | FY08-09 | FY09-10 | FY10-11 |
|------------------|------------------|------------------|------------------|
| 1. Recurring | \$26,817/0.5 FTE | \$27,622/0.5 FTE | \$28,450/0.5 FTE |
| 2. Non-Recurring | \$ 6,031/0 | \$4,345/0 | \$4,345/0 |

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill, on lines 62-63, provides that the “. . . Florida Poet Laureate *must* serve until a new Florida Poet Laureate is appointed.” This phrase would appear to require a poet laureate to

continue in a position whether he or she wishes to or whether he or she dies in office. It would be more appropriate to provide that the Florida Poet Laureate may continue to serve until a new Florida Poet Laureate is appointed.

There is no provision in the bill for removal if a negative event were to occur involving the poet laureate, such as like the event when the Poet Laureate of New Jersey publicly read a poem with anti-Semitic lines about the World Trade Center bombings.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial 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.
