

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 589 State Poet Laureate

**SPONSOR(S):** Economic Development & Tourism Subcommittee; Raulerson

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 366

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	13 Y, 0 N, As CS	Tecler	West
2) Economic Affairs Committee	15 Y, 0 N	Tecler	Creamer

### SUMMARY ANALYSIS

The position of State Poet Laureate was created by governor's proclamation in 1928, but is not addressed in Florida Statutes. HB 589 creates the position of State Poet Laureate in law and provides requirements for the selection, terms of service, and duties of the State Poet Laureate.

The bill assigns the Florida Council on Arts and Culture, housed within the Department of State, certain responsibilities relating to the nomination process and the promotion of poetry. The bill also grants the Department of State rulemaking authority for implementation of provisions relating to the State Poet Laureate.

The bill does not have a fiscal impact on state or local government.

The bill provides an effective date of July 1, 2013.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### History of Poet Laureates

The title of poet laureate is derived from the laurels with which the ancient Greeks traditionally crowned their most celebrated poets.<sup>1</sup> The title was not designated on a continuous basis until 1688 when the position of Poet Laureate was created within the English Crown.<sup>2</sup> In the United States, poet laureates participate in ceremonial events and seek to raise a greater appreciation of the reading and writing of poetry. California became the first state to designate a poet laureate in 1919.<sup>3</sup> The first official Poet Laureate of the United States was appointed by the Librarian of Congress in 1937.<sup>4</sup>

##### *State Poet Laureates*

Currently, 44 states designate a state poet laureate or an equivalent position.<sup>5</sup> However, not all states designate the position in statutory law. Duties of such poets laureate vary, but all involve the promotion of reading, writing, and poetry appreciation.<sup>6</sup> Whether the poet laureate receives compensation or holds a term-limited or lifetime appointment also varies from state to state.<sup>7</sup>

##### *Florida's Poet Laureate*

In 1928, the position of Poet Laureate of the State of Florida was established by governor's proclamation.<sup>8</sup> The position is a lifetime appointment and occupants serve without compensation. A total of three poet laureates have been appointed since the inception of the position.<sup>9</sup> The most recent occupant, Edmund Skellings of West Melbourne, passed away on August 19, 2012.<sup>10</sup> Current statutory law does not contain provisions relating to a state poet laureate.

##### Department of State

The Department of State is responsible for corporate filings and certain public records. The Department also oversees of the election process and preserves Florida's historical and cultural heritage for the benefit of future generations. The Division of Cultural Affairs, housed within Department of State, is Florida's legislatively-designated state arts agency. The Division connects cultural funding opportunities and services to Florida's citizens and visitors.

##### *Florida Council on Arts and Culture*<sup>11</sup>

The Florida Council on Arts and Culture is a 12 member advisory body within the Department of State. The Council promotes Florida's cultural heritage, fosters the study and presentation of art and culture, and encourages public participation in cultural activities. Further, the Council advises the Secretary of State in matters pertaining to programs and grants administered by the Division of Cultural Affairs. The Council also reviews applications for grants related to the acquisition, renovation, or construction of cultural facilities as provided in s. 265.701, F.S.

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<sup>1</sup> The Origins of the Post, The official website of the British Monarchy, <http://www.royal.gov.uk/TheRoyalHousehold/OfficialRoyalposts/PoetLaureate.aspx>. Last visited February 20, 2013.

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

<sup>3</sup> U.S. State Poet Laureate, Frequently Asked Questions, <http://www.loc.gov/rr/main/poets/faq.html>, Last visited February 20, 2013.

<sup>4</sup> The position was renamed Poet Laureate Consultant in Poetry in 1985 and codified as 2 U.S.C. § 177 (2010 Edition).

<sup>5</sup> Current State Poets Laureate, Library of Congress, <http://www.loc.gov/rr/main/poets/current.html>. Last visited February 20, 2013

<sup>6</sup> Department of State bill analysis for HB 1479 (2012). On file with Economic Development & Tourism Subcommittee.

<sup>7</sup> *Id.*

<sup>8</sup> U.S. State Poets Laureate, Florida, Library of Congress, <http://www.loc.gov/rr/main/poets/florida.html>, Last visited February 20, 2013.

<sup>9</sup> Florida's Poet Laureate, Florida Division of Cultural Affairs, <http://www.florida-arts.org/programs/poetlaureate/>. Last visited February 20, 2013.

<sup>10</sup> Mr. Skellings was appointed by Governor Graham in 1980, after a competition and selection by an anonymous national panel. *See Id.*

<sup>11</sup> Section 265.285, F.S.

## Effect of Proposed Changes

The bill creates the position of State Poet Laureate within the Department of State and provides requirements for the selection, terms of service, and duties of the position. The bill assigns the nominations process for the State Poet Laureate to the Florida Council on Arts and Culture. The bill also expands the duties of the Council to include the promotion of poetry and related activities.

### Selection Process

The bill directs the Florida Council on Arts and Culture to accept nominations for State Poet Laureate and recommend at least five nominees to the Secretary of State. Each nominee must be a permanent Florida resident and public literary poet with significant standing inside and outside the state. A nominee must also be willing and able to perform the duties of the State Poet Laureate. The Secretary of State must submit three nominees, from among the nominees recommended by the Council, to the Governor. The Governor appoints the State Poet Laureate. The Department of State is authorized to establish procedures for the selection process.

### Terms of Service

The bill provides for the State Poet Laureate to serve for a term of 4 years without compensation. Further, the bill requires vacancies for an expired term to be filled in the same manner as the original appointment. The bill also authorizes the designation of Florida's previous poet laureates, and poet laureates that complete their term after the effective date of this bill, as State Poet Laureate Emeritus or Emerita.

### Duties

The Department of State is authorized to establish duties for the State Poet Laureate. Such duties may include performing readings of poetry authored by the occupant and engaging in outreach activities for the benefit of schools and communities.

The bill authorizes the department to adopt rules to implement the provisions of the bill.

The bill provides an effective date of July 1, 2013.

## B. SECTION DIRECTORY:

**Section 1:** Amends s. 265.285, F.S., revising the duties of Florida Council on Arts and Culture to include accepting nominations for State Poet Laureate, recommending nominees for State Poet Laureate, and promoting poetry related activities.

**Section 2:** Creates s. 265.2863, F.S., codifying the appointment of a State Poet Laureate; providing requirements for the selection, terms of service, and duties of the position; providing rulemaking authority.

**Section 3:** Providing an effective date of July 1, 2013.

## 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.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Section 2 provides rulemaking authority to the Department of State to implement s. 265.2863, F.S. The construction of the bill appears to necessitate the adoption of rules related to the selection process and the duties of the State Poet Laureate.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not provide a process by which a State Poet Laureate may be removed from the position for reasons such as misconduct; however, this could be addressed by the Department of State during the rulemaking process.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 6, 2013, the Economic Development & Tourism Subcommittee adopted one amendment, which:

- Requires the Florida Council on Arts and Culture to recommend at least five nominees to the Secretary of State.
- Provides for the Governor to appoint the State Poet Laureate from a list of three nominees selected by the Secretary of State.

The bill was reported favorably as a committee substitute and the analysis has been updated to reflect the adopted amendment.