

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 513 State Poet Laureate

SPONSOR(S): Raulerson

TIED BILLS: **IDEN./SIM. BILLS:** SB 290

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	12 Y, 0 N	Duncan	West
2) Economic Affairs Committee	17 Y, 0 N	Duncan	Creamer

SUMMARY ANALYSIS

The position of State Poet Laureate was created by governor's proclamation in 1928, but has not been addressed in Florida Statutes. HB 513 creates the position of State Poet Laureate 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 (DOS), certain responsibilities relating to the nomination process and the promotion of poetry. The bill also grants DOS 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, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

History of Poets Laureate

The title of poet laureate is derived from the laurels with which the ancient Greeks crowned their most celebrated poets.¹ In England, the position of Poet Laureate and Historiographer Royal was officially established by King Charles II in 1668.² In the United States, poets laureate participate in ceremonial events and seek to raise a greater appreciation of the reading and writing of poetry. The first official Poet Laureate of the United States, John Auslander, was appointed by the Librarian of Congress in 1937.³

State Poets Laureate

Currently, 44 states designate a state poet laureate or an equivalent position.⁴ However, not all states designate the position in law. Official designation of state poets laureate is by governor's act or proclamation, by legislative action, or by both governor and legislature.⁵ California became the first state to designate a poet laureate when the California legislature approved the governor's proclamation in 1919.⁶

Qualifications to become a state poet laureate vary from state to state, and are determined by the appointing body or existing legislation. Generally, nomination for and appointment to the position is based on a poet's written body of work, whose subject matter is often specific to the state, and whose quality is demonstrated through honors, awards, and other forms of recognition. Eligibility almost always requires the poet to be a current resident of the state.⁷

Duties of poets laureate involve the promotion of reading, writing, and poetry appreciation.⁸ Whether the poet laureate receives compensation or holds a term-limited or lifetime appointment also varies from state to state.⁹

Florida's Poet Laureate

In 1928, the position of Poet Laureate of the State of Florida was established by governor's proclamation.¹⁰ The position is a lifetime appointment without compensation. A total of three poets

¹ The Official Website of the British Monarchy, Official Royal Posts, Poet Laureate, The origins of the post, <http://www.royal.gov.uk/TheRoyalHousehold/OfficialRoyalposts/PoetLaureate.aspx>. (Last visited Feb. 5, 2014.).

² *Id.*

³ See Library of Congress, U.S. Poets Laureate, Frequently Asked Questions, <http://www.loc.gov/rr/program/bib/poetslaureate/faq.html>. From 1937 to 1985 the position was titled "Consultant in Poetry to the Library of Congress." The position was renamed "Poet Laureate Consultant in Poetry" in 1985 (Public Law 99-184) and codified as 2 U.S.C. § 177 (2010 Edition).

⁴ Library of Congress, U.S. State Poets Laureate, Frequently Asked Questions, <http://www.loc.gov/rr/main/poets/faq.html>, (Last visited Feb. 5, 2014.).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See Library of Congress, U.S. State Poets Laureate, Current State Poets Laureate, <http://www.loc.gov/rr/main/poets/current.html>, (Last visited Feb. 5, 2014.).

¹⁰ Library of Congress, U.S. State Poets Laureate, Current State Poets Laureate, [Florida](http://www.loc.gov/rr/main/poets/florida.html) <http://www.loc.gov/rr/main/poets/florida.html>, (Last visited Feb. 5, 2014.).

laureate have been appointed since the inception of the position.¹¹ The most recent occupant, Edmund Skellings of West Melbourne, passed away on August 19, 2012.¹² Current law does not contain provisions relating to a state poet laureate.

Department of State

DOS is responsible for corporate filings and certain public records, oversees the election process, and preserves Florida's historical and cultural heritage for the benefit of future generations. The Division of Cultural Affairs (Division) is housed within DOS and is Florida's legislatively-designated state arts agency.¹³ The Division connects cultural funding opportunities and services to Florida's citizens and visitors.¹⁴

Florida Council on Arts and Culture

The Florida Council on Arts and Culture (Council)¹⁵ is a 15 member advisory body within DOS. The Council is required to:¹⁶

- advocate for arts and culture;
- advise the Secretary of State in matters pertaining to arts and cultural programs and grants administered by the Division of Cultural Affairs;
- encourage participation in, and appreciation of, arts and culture;
- encourage public interest in the state's cultural heritage and expand its cultural resources;
- encourage and assist freedom of artistic expression;
- advise the Secretary of State in matters concerning the awarding of grants for arts and culture; and
- review grant applications for the acquisition, renovation, or construction of cultural facilities and recommend a priority for the receipt of such grants as provided in s. 265.701, F.S.

Effect of Proposed Changes

The bill creates the position of State Poet Laureate within DOS 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 Council. The bill also expands the duties of the Council to include the promotion of poetry and related activities.

Selection Process

The bill directs the Council 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. DOS is authorized to establish procedures for the selection process.

Terms of Service

The bill provides for the State Poet Laureate to serve a term of 4 years without compensation and requires vacancies for an expired term to be filled in the same manner as the original appointment. The

¹¹ Florida Department of State, Division of Cultural Affairs, Florida's Poet Laureate, <http://www.florida-arts.org/programs/poetlaureate/> (Last visited Feb. 5, 2014.).

¹² Mr. Skellings was appointed by Governor Graham in 1980, after a competition and selection by an anonymous national panel. See *Id.*

¹³ Department of State, Division of Cultural Affairs, Mission, <http://www.florida-arts.org/about/mission/> (Last visited Feb. 5, 2014.).

¹⁴ *Id.*

¹⁵ Section 265.285, F.S.

¹⁶ Section 265.285(2), F.S.

bill also authorizes the designation of Florida's previous poets laureate, and poets laureate that complete their term after the effective date of this bill, as State Poet Laureate Emeritus or Emerita.

Duties

DOS 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 DOS to adopt rules to implement the provisions of the bill.

The bill provides an effective date of July 1, 2014.

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; and providing rulemaking authority.

Section 3: Provides an effective date of July 1, 2014.

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 for a State Poet Laureate to be removed from the position for reasons such as misconduct. However, this issue could be addressed by DOS during the rulemaking process.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.