

**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 Governmental Oversight and Accountability

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BILL: SB 310

INTRODUCER: Senator Legg

SUBJECT: National Statuary Hall

DATE: November 16, 2015      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kim	McVaney	GO	<b>Favorable</b>
2.			FP	
3.			RC	

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**I. Summary:**

The bill provides that the Great Floridians Program within the Department of State will select a prominent Florida citizen to be commemorated in the National Statuary Hall. The Florida Council on Arts and Culture will select a sculptor to design a statue for replacement of the statue of General Edmund Kirby Smith. The Florida Council on Arts and Culture is also required to collect funds for the replacement.

The bill anticipates that the Legislature will pass at a later time a memorial requesting the replacement of the statue of Gen. Kirby Smith. If the Governor agrees with the 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 statutes 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> Under normal circumstances an

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<sup>1</sup> 2 U.S.C. s. 2131 (2014).

<sup>2</sup> *About the National Statuary Hall Collection* available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/about-national-statuary-hall-collection> (last visited November 4, 2015).

<sup>3</sup> 2 U.S.C. s. 2131 (2014).

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 (Joint Committee) approve the replacement of its statutes 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, placement of the new statue and removal and transportation of the statue being replaced, and any unveiling ceremony."<sup>8</sup> The replacement of a statue becomes a matter of agreement between the Architect of the Capitol and the state, but final approval lies with the Joint Committee.<sup>9</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>10</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>11</sup>

### Florida's Statues

Florida's representatives in the National Statuary Hall are Dr. John Gorrie and Gen. Kirby Smith. Florida provided a statue of Dr. Gorrie to the National Statuary Hall in 1914. Dr. Gorrie (1802-1855) was a physician in Apalachicola, Florida who advocated draining swamps and the use of mosquito netting to prevent disease.<sup>12</sup> He also cooled sickrooms in order to reduce fever.<sup>13</sup> 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>14</sup>

In 1922, Florida donated a statue of Gen. Kirby Smith to the National Statuary Hall. Gen. 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

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<sup>4</sup> 2 U.S.C. s. 2131a.(a) (2014).

<sup>5</sup> 2 U.S.C. s. 2132(a)(2)(B) (2014). 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) (2014).

<sup>7</sup> 2 U.S.C. s. 2132(a) (2014).

<sup>8</sup> 2 U.S.C. s. 2132(b) (2014).

<sup>9</sup> *Procedure and Guidelines for Replacement of Statues in the National Statuary Hall Collection*, Architect of the Capitol, Office of the Curator, Dated January 2014, [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 November 4, 2015).

<sup>10</sup> 2 U.S.C. s. 2132(d) (2014).

<sup>11</sup> *Procedure and Guidelines for Replacement of Statues in the National Statuary Hall Collection*, Architect of the Capitol, Office of the Curator, Dated January 2014, [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 November 4, 2015).

<sup>12</sup> John Gorrie <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-gorrie> (last viewed November 4, 2015).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

States Army in 1861 and joined the Confederate States of America. He rose to the rank of general. After the Civil War, he moved to Tennessee where he pursued an academic career and served as Chancellor of the University of Nashville.

### **Great Floridians Program**

The Great Floridians Program (Program) is “designed to recognize and record the achievements of Floridians, living and deceased, who have made major contributions to the progress and welfare of the state.”<sup>15</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 country or the state.<sup>16</sup> In making the nominations, the Division is required seek the advice of people who are experienced in informing the public about Florida’s history.<sup>17</sup> The Division must convene an ad hoc committee composed of representatives of government officials and the committee must nominate at least two individuals annually.<sup>18</sup> The Secretary of State selects two individuals who will be honored as ‘Great Floridians.’<sup>19</sup> The Secretary of State is then required to educate the public about the Great Floridian, and the Department of State acts as the repository for materials its produces.<sup>20</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 consisting of 15 members who have substantial history of community service in the performing or visual arts, science, history or children’s museums.<sup>21</sup> The Council promotes the arts and culture throughout the state.<sup>22</sup> The Council also advises the Secretary of the Department of State regarding the administration of grants pertaining to arts and culture, and reviews applications for grants related to cultural facilities.<sup>23</sup> The members of the Council are appointed by the Governor and the Speaker of the House of Representatives and the President of the Senate.<sup>24</sup>

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

The bill provides that the ad hoc committee of the Program within in the Department of State will select a prominent Florida citizen to be commemorated in the National Statutory Hall. The guidelines for the selection will be set by the Division.

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<sup>15</sup> Section 267.0731, F.S.

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

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

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

<sup>19</sup> Section 267.0731(1), F.S.

<sup>20</sup> Section 267.0731(2), F.S.

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

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

<sup>23</sup> Section 265.285(1)(f) and (h), F.S.

<sup>24</sup> Section 265.285(1)(a), F.S.

The Council will select a sculptor to design a statue for replacement of the statue of Gen. Kirby Smith according to the guidelines prescribed by the Department of State. The Council will also be tasked with collecting funds necessary to effectuate the replacement.

After the selection of a Florida citizen and a sculptor has been made, the Legislature may pass a memorial requesting that the Joint Committee approve the replacement of the statue of Gen. Kirby Smith. Upon the approval by the Governor of the request to replace the statue, the memorial will be submitted to the Joint Committee.

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:**

The bill appears to require the Florida Council of Arts and Culture to “gather” funds from private donations.

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

The fiscal impact on the government is unknown at this time. The Program is administered by the Department of State, and staff time and expenses will be incurred. Council members are reimbursed for travel and expenses, but are not otherwise compensated.<sup>25</sup>

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<sup>25</sup> Section 265.285(1)(c), F.S.

**VI. Technical Deficiencies:**

It is unclear what types of guidelines the Program and the Council will be using to make their decisions. The Department of State currently has no applicable rules or guidelines for the Program or the Council.<sup>26</sup>

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill creates an unnumbered section of law. Most likely it will not be codified in the Florida Statutes because the application is time-limited.

**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>26</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.