

**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 Rules

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BILL: SCR 1360

INTRODUCER: Senator Thurston

SUBJECT: National Statuary Hall

DATE: April 24, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wells</u>	<u>Hansen</u>	<u>AP</u>	<b>Favorable</b>
2.	<u>Wells</u>	<u>Phelps</u>	<u>RC</u>	<b>Pre-meeting</b>

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## I. Summary:

SB 1360 requests the Joint Committee on the Library of Congress to approve the replacement of the statue of Confederate General Edmund Kirby Smith in the National Statuary Hall Collection with a statue of Dr. Mary McLeod Bethune.

The bill has no impact on state revenues or expenditures. The Florida Council on Arts and Culture (council) is permitted to raise funds from private sources to fund the costs associated with the replacement of the statue. The funds must be placed into the Grants and Donations Trust Fund within the Department of State and may be used only for the limited purposes associated with replacing the statue.

This bill takes effect upon becoming 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>

During the 2016 Session, CS/SB 310 was enacted to direct the Great Floridians Program within the DOS to select a prominent Florida citizen to replace the statue of General Edmund Kirby Smith in the National Statuary Hall Collection. The bill directed the council to select a sculptor.

The bill instructed the council and the DOS to estimate the costs associated with replacement of the statue, including the costs:

- To design, construct, transport, and place the new statue;
- To remove and transport the current statue; and
- Any unveiling ceremony for the new statue.

### **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 DOS (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 as 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 DOS 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>

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<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.

In January 2017, the Great Floridians ad hoc committee submitted three names to be submitted for consideration:

- Marjorie Stoneman Douglas, author
- Dr. Mary McLeod Bethune, educator
- George Washington Jenkins, businessman

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

This bill recommends that a statue of Dr. Mary McLeod Bethune replace the statue of General Edmund Kirby Smith in the National Statuary Hall.

Born Mary Jane McLeod, July 10, 1875, in Mayesville, South Carolina, she studied at Scotia Seminary in North Carolina and Moody Bible Institute in Chicago with the goal of becoming a missionary. When no missionary openings were available, she became a teacher, first at the Haines Institute in Augusta, Georgia and then at the Kendall Institute in Sumpter, South Carolina, where she met and married Albertus Bethune. The dream of opening her own school took Mary McLeod Bethune to Florida first to Palatka and then to Daytona Beach, where she started the school that would become Bethune-Cookman University.<sup>23</sup>

### **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.

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<sup>23</sup> [http://www.cookman.edu/about\\_bcu/history/our\\_founder.html](http://www.cookman.edu/about_bcu/history/our_founder.html)

**C. Government Sector Impact:**

The bill has no impact on state revenues or expenditures. The Florida Council on Arts and Culture is permitted to raise funds from private sources to fund the costs associated with the replacement of the statue. The funds must be placed into the Grants and Donations Trust Fund within the Department of State and may be used only for the limited purposes associated with replacing the statue.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

None.

**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.