



ECONOMIC DEVELOPMENT & TOURISM SUBCOMMITTEE

MEETING PACKET

**Wednesday, November 4, 2015
9:00 AM – 10:00 AM
12 HOB**

**Steve Crisafulli
Speaker**

**Frank Artiles
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Development & Tourism Subcommittee

Start Date and Time: Wednesday, November 04, 2015 09:00 am

End Date and Time: Wednesday, November 04, 2015 10:00 am

Location: 12 HOB

Duration: 1.00 hrs

Consideration of the following bill(s):

HB 141 National Statuary Hall by Diaz, J.

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Tuesday, November 3, 2015.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, November 3, 2015.

NOTICE FINALIZED on 10/28/2015 2:12PM by Lawhon.Amanda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 141 National Statuary Hall
SPONSOR(S): Diaz and others
TIED BILLS: IDEN./SIM. BILLS: SB 310

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee		Hancock, EH.	Duncan pkdd
2) Government Operations Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Federal law permits each state to provide and furnish the United States Capitol with two statues, in marble or bronze, of deceased persons who were prominent citizens of the state for placement in the National Statuary Hall. The entire collection now consists of 100 statues contributed by all 50 states with each state contributing two statues.

Florida provided the statue of Dr. John Gorrie in 1914. Dr. Gorrie, a physician, scientist, inventor, and humanitarian is credited with the invention of refrigeration and air-conditioning. Florida provided the statue of General Edmund Kirby Smith in 1922. General Smith was a soldier and educator, originally from St. Augustine, Florida. Following graduation from the United States Military Academy, General Smith served in the Mexican War and later joined the Confederate forces when Florida seceded from the Union. He commanded the last armed forces of the Confederate States to surrender. He held positions as the president of the Atlantic and Pacific Telegraph Company; chancellor of the University of Nashville; and professor of mathematics at the University of the South in Sewanee, Tennessee, where he remained until his death in 1893.

The bill provides for the replacement of the bronze statue of General Smith and directs the ad hoc committee of the Great Floridians Program within the Division of Historical Resources of the Department of State to select a prominent deceased Florida citizen to represent the state in place of the statue of General Smith. The bill also directs the Florida Council on Arts and Culture within the Department of State to select a sculptor to design the replacement statue and to gather the necessary funds to carry out the replacement of the statue.

The bill provides for submission by memorial of the state's request to the United States Joint Committee on the Library of Congress for approval to replace the statue.

See FISCAL COMMENTS.

The bill provides for an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Background

Federal law permits each state to provide and furnish the United States Capitol with two statues, in marble or bronze, of deceased persons who were prominent citizens of the state "illustrious for their historic renown or for distinguished civic or military service" for placement in the National Statuary Hall.¹ The entire collection now consists of 100 statues contributed by all 50 states with each state contributing two statues.² The National Statuary Hall is under the supervision and direction of the Architect of the Capitol.³

Currently, Florida has two statues in the National Statuary Hall Collection: one of Dr. John Gorrie and one of General Edmund Kirby Smith. Florida provided the statue of Dr. John Gorrie in 1914.⁴ Dr. Gorrie, a physician, scientist, inventor, and humanitarian is credited with the invention of refrigeration and air-conditioning. Dr. Gorrie's original model of the machine to make ice and scientific articles are housed at the Smithsonian Institution.⁵ Dr. Gorrie is buried in Gorrie Square in Apalachicola, Florida.⁶

Florida provided the statue of General Edmund Kirby Smith in 1922.⁷ General Smith was a soldier and educator, originally from St. Augustine, Florida. General Smith graduated from the United States Military Academy in 1845 and first served in the Mexican War. Following the war he taught mathematics at the Military Academy and had botany reports published by the Smithsonian Institution. He joined the Confederate Army when Florida seceded from the union.⁸ Smith commanded the last armed forces of the Confederate States to surrender. Concerned that he would be tried for treason, General Smith fled to Mexico before settling in Cuba for a short period.⁹ Returning to the United States, Smith took an oath of amnesty and held positions as the president of the Atlantic and Pacific Telegraph Company; chancellor of the University of Nashville; and professor of mathematics at the University of the South in Sewanee, Tennessee, where he remained until his death in 1893. He was the last surviving general of either army.¹⁰

Due to overcrowding and weight restrictions, the National Statuary Hall collection is located in several areas of the Capitol: the National Statuary Hall (Old Hall of the House), the Rotunda, the second-floor House and Senate corridors, the Hall of Columns, the Crypt, and the Capitol Visitor Center.¹¹ Florida's

¹ 2 U.S.C § 2131.

² AOC website, National Statuary Hall Collection, available at: <http://www.aoc.gov/the-national-statuary-hall-collection> (last visited Oct. 28, 2015).

³ 2 U.S.C § 2131.

⁴ See supra note 2.

⁵ AOC website, National Statuary Hall, Florida List, John Gorrie, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-gorrie> (last visited Oct. 28, 2015).

⁶ Encyclopedia.com available at <http://www.encyclopedia.com/doc/1G2-3404707805.html> (last visited Oct. 28, 2015).

⁷ See supra note 5.

⁸ AOC website, National Statuary Hall, Florida List, General Edmund Kirby Smith, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/edmund-kirby-smith> (last visited Oct. 28, 2015).

⁹ About.com, Military History, *American Civil War: General Edmund Kirby Smith* available at <http://militaryhistory.about.com/od/ConfederateLeaders/p/American-Civil-War-General-Edmund-Kirby-Smith.htm> (last visited Oct. 28, 2015).

¹⁰ See supra note 8.

¹¹ See supra note 2.

statue of Dr. John Gorrie is located in the National Statuary Hall, and the statue of General Edmund Kirby Smith is located in the Capitol Visitor Center.¹²

Since 1864 when the U. S. Congress authorized the creation of the National Statuary Hall, only six states have replaced statues (Alabama, Arizona, California, Iowa, Kansas, and Michigan) with three of those replacements being former United States Presidents: Ronald Reagan (CA), Dwight D. Eisenhower (KS), and Gerald Ford (MI).¹³ Once a statue has been replaced it must remain in the National Statuary Hall for a minimum of ten years.¹⁴

States are responsible for the following costs:

- paying the sculptor for designing and carving or casting the statue;
- designing and fabricating the pedestal;
- transporting the statue and pedestal to the United States Capitol;
- removing and transporting the replaced statue;
- any cost occurred with the unveiling ceremony; and
- any other expenses that the State commission may deem necessary.¹⁵

Recently, the state of Arizona replaced its statue of John Campbell Greenway, which represented the state in the National Statuary Hall Collection from 1930-2015.¹⁶ In 2015 the statue was replaced by one of Barry Goldwater.¹⁷ Legislation requesting Congress to replace John Campbell Greenway's statue was signed by the Arizona Governor in May 2008, but the completed replacement statue of Barry Goldwater did not make its way to the National Statuary Hall until February 2015.¹⁸ The timing delay was contributed to fundraising challenges.¹⁹ One estimate for the total cost of the replacement is \$500,000.²⁰

Ohio is currently in the process of replacing former Ohio Governor William Allen with a statue of Thomas Edison.²¹ William Allen was a pro-slavery Civil War-era governor who opposed fighting in the Civil War. Ohio lawmakers began the process of the replacement in 2007.²² However, the efforts did not take off until 2010 when the Ohio Historical Society polled 48,000 Ohioans, who selected Thomas Edison as the prime replacement candidate.²³ The statue of Thomas Edison was unveiled in Columbus,

¹² AOC website, National Statuary Hall, By Location, available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/nsh-location> (last visited Oct. 28, 2015).

¹³ See supra note 2.

¹⁴ 2 U.S.C. § 2132. However, the Joint Committee may waive this requirement for cause at the request of a state.

¹⁵ 2 U.S.C. § 2132

¹⁶ AOC website, National Statuary Hall Collection, John Campbell Greenway, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-campbell-greenway-replaced> (last visited Oct. 28, 2015).

¹⁷ *Id.*

¹⁸ Arizona Central New, *Goldwater statue dedicated in National Statuary Hall*, available at: <http://www.azcentral.com/story/news/arizona/politics/2015/02/11/goldwater-statue-dedicated-national-statuary-hall/23227893/> (last visited Oct. 28, 2015).

¹⁹ Cronkite News, *Months after unveiling, Goldwater statue still awaiting trip to the U.S. capitol*, available at: <http://cronkitenewsonline.com/2014/09/months-after-unveiling-goldwater-statue-still-awaiting-trip-to-the-u-s-capitol/> (last visited Oct. 27, 2015).

²⁰ *Id.*

²¹ The Columbus Dispatch, *Ohio's Edison Sculpture Set to Occupy Statuary Hall*, available at: <http://www.dispatch.com/content/stories/local/2015/08/10/edison-sculpture-set-to-occupy-statuary-hall.html> (last visited Oct. 27, 2015).

²² The Toledo Blade, *New statue of Thomas Edison unveiled in Columbus*, available at: <http://www.toledoblade.com/State/2015/05/20/New-statue-of-Thomas-Edison-unveiled-in-Columbus.html> (last visited Oct. 27, 2015).

²³ The Columbus Dispatch, *Ohio's Edison Sculpture Set to Occupy Statuary Hall*, available at: <http://www.dispatch.com/content/stories/local/2015/08/10/edison-sculpture-set-to-occupy-statuary-hall.html> (last visited Oct. 27, 2015).

Ohio in May 2015, and is currently waiting for appropriate funds to be gathered to complete the switch.²⁴ One estimate for the total cost of the replacement is \$250,000.²⁵

Great Floridians Program

State law provides that an ad hoc committee of the Great Floridians Program within the Division of Historical Resources of the Department of State is responsible for recognizing and honoring Floridians who have made significant contributions to the welfare and progress of the nation or to the state of Florida.²⁶ The Great Floridian ad hoc committee is comprised of representatives of the Governor, each member of the Florida Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State.²⁷

Florida Council on Arts and Culture

The Florida Council on Arts and Culture, which is administratively housed in the Department of State, consists of 15 members. The Governor appoints seven members, and the President of the Senate and the Speaker of the House each appoint four members to the Council.²⁸ The Council is responsible for the following:

- advocating for arts and culture by encouraging the study, participation, and presentation of arts and cultural activities that are of public interest throughout the state;
- advising the Secretary of State in matters pertaining to arts and cultural programs and grants administered by the division;
- encouraging the participation in and appreciation of arts and culture to meet the needs and aspirations of persons in all parts of the state;
- encouraging public interest in the state's cultural heritage and the expansion of its cultural resources;
- encouraging and assisting freedom of artistic expression that is essential for the well-being of the arts;
- advising the Secretary of State in matters concerning the awarding of grants for arts and culture;
- promoting the reading, writing, and appreciation of poetry throughout the state and accepting nominations and recommending nominees for appointment as the State Poet Laureate²⁹; and
- reviewing applications for grants for the acquisition, renovation, or construction of cultural facilities and recommending a priority for the receipt of such grants.³⁰

Effect of the Bill

The bill provides for the replacement of the statue of General Edmund Kirby Smith in the National Statuary Hall of the United States Capitol.

²⁴ See supra note 22.

²⁵ *Id.*

²⁶ Section 267.0731, F.S.

²⁷ Section 267.0731(1)(b), F.S.

²⁸ Section 265.285 (1)(a), F.S.

²⁹ See s. 265.2863, F.S., relating to the State Poet Laureate.

³⁰ Section 265.285 (2)(a-h), F.S.

To do so, the bill directs the Great Floridians Program within the Division of Historical Resources of the Department of State (GFP) to select a prominent deceased Florida citizen to be commemorated in the National Statuary Hall in the place of General Smith.

Additionally, the bill directs the Florida Council on Arts and Culture (FCAC) to raise any necessary funds to carry out the replacement of the statue, and to select, according to guidelines prescribed by the Department of State, a sculptor to design the replacement.

Lastly, the bill provides that once the GFP selects a prominent deceased Florida citizen as a replacement to General Smith and the FCAC selects a sculptor and raises the necessary funds, the Florida Legislature is directed to request by memorial that the United States Joint Committee on the Library of Congress replace the statue and for the Architect of the Capitol to carry out the request.

B. SECTION DIRECTORY:

Section 1: Creates an unnumbered section of law and calls for the replacement of General Edmund Kirby Smith in the National Statuary Hall of the United States Capitol with an alternative deceased Floridian.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill calls for the Florida Council on Arts and Sciences to "raise any necessary" funds to carry out the replacement of the statue. It is unclear how the Florida Council on Arts and Sciences should raise such funds, a timeline for raising the funds, and whether the funds might include public dollars.

Regardless, the state (as opposed to the federal government) is responsible for the following costs:

- paying the sculptor for designing and carving or casting the statue;
- designing and fabricating the pedestal;

- transporting the statue and pedestal to the United States Capitol;
- removing and transporting the replaced statue;
- any cost occurred with the unveiling ceremony; and
- any other expenses that the State commission may deem necessary.³¹

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not prescribe who or what entity will be responsible for removing the statue of General Smith. The bill also does not indicate what will be done with the statue after its removal.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

³¹ 2 U.S.C. § 2132.

1 A bill to be entitled
 2 An act relating to the National Statuary Hall;
 3 providing for replacement of the statue of General
 4 Edmund Kirby Smith in the National Statuary Hall of
 5 the United States Capitol; providing for selection of
 6 a prominent Florida citizen to be commemorated in the
 7 National Statuary Hall; providing for selection of a
 8 sculptor to design the statue; providing for the
 9 gathering of necessary funds to carry out replacement
 10 of the statue; providing for submission of the state's
 11 request to the United States Joint Committee on the
 12 Library of Congress for approval to replace the
 13 statue; providing an effective date.

14
 15 WHEREAS, pursuant to 2 U.S.C. s. 2131, each state is
 16 permitted to provide and furnish to the United States Capitol
 17 two statues, in marble or bronze, of deceased persons who have
 18 been prominent citizens of the state for placement in the
 19 National Statuary Hall, and

20 WHEREAS, currently, Florida has two statues, of Dr. John
 21 Gorrie and of General Edmund Kirby Smith, in the National
 22 Statuary Hall, and

23 WHEREAS, pursuant to 2 U.S.C. s. 2132, a state may request
 24 that the Joint Committee on the Library of Congress approve the
 25 replacement of any statue the state has provided for display in

26 the National Statuary Hall of the United States Capitol, NOW,
 27 THEREFORE,

28
 29 Be It Enacted by the Legislature of the State of Florida:

30
 31 Section 1. (1) At its first annual meeting following the
 32 effective date of this act, the ad hoc committee of the Great
 33 Floridians Program within the Division of Historical Resources
 34 of the Department of State, as established under s.
 35 267.0731(1)(b), Florida Statutes, shall select, according to
 36 guidelines prescribed by the division, a prominent Florida
 37 citizen to be commemorated in the National Statuary Hall of the
 38 United States Capitol.

39 (2) At its first meeting following the effective date of
 40 this act, the Florida Council on Arts and Culture, as
 41 established under s. 265.285, Florida Statutes, shall select,
 42 according to guidelines prescribed by the Department of State, a
 43 sculptor to design a statue of the prominent Florida citizen
 44 selected pursuant to subsection (1) for replacement of the
 45 statue of General Edmund Kirby Smith in the National Statuary
 46 Hall and shall gather necessary funds to carry out the
 47 replacement of the statue.

48 (3) In accordance with 2 U.S.C. s. 2132, upon the
 49 selection of a prominent Florida citizen under subsection (1)
 50 and a sculptor under subsection (2), the Legislature shall
 51 request by memorial that the United States Joint Committee on

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52 the Library of Congress approve the request to replace the
53 statue of General Edmund Kirby Smith and that the Architect of
54 the Capitol carry out the request. Upon adoption of the memorial
55 by the Legislature and approval of the request in writing by the
56 Governor, the memorial shall be submitted to the United States
57 Joint Committee on the Library of Congress.

58 Section 2. This act shall take effect upon becoming a law.



Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Economic Development &
2 Tourism Subcommittee
3 Representative Diaz, J. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. (1) At its first annual meeting following the
8 effective date of this act, the ad hoc committee of the Great
9 Floridians Program within the Division of Historical Resources
10 of the Department of State, as established under s.
11 267.0731(1)(b), Florida Statutes, shall select, according to
12 guidelines prescribed by the division, a prominent Florida
13 citizen, including but not limited to a person of distinguished
14 civil or military service to be commemorated in the National
15 Statuary Hall of the United States Capitol. The ad hoc committee
16 of the Great Floridians Program shall submit its recommendations



Amendment No.1

17 to the Division of Historical Resources and the Division of
18 Cultural Affairs.

19 (2) At its first meeting following the effective date of
20 this act, the Florida Council on Arts and Culture, as
21 established under s. 265.285, Florida Statutes, shall select,
22 according to guidelines prescribed by the Department of State, a
23 sculptor to design a statue of the prominent Florida citizen
24 selected pursuant to subsection (1) for replacement of the
25 statue of General Edmund Kirby Smith in the National Statuary
26 Hall.

27 (3) The Department of State shall coordinate the results of
28 the Division of Historical Resources and the Division of
29 Cultural Affairs and submit a report of the findings and
30 recommendations, which shall include, but is not limited to:

31 1. The name of the prominent Florida citizen and the
32 process used to select the prominent Florida citizen.

33 2. The name of the sculptor and the process used to select
34 the sculptor.

35 3. An estimate of the total costs associated with the
36 replacement of the statue, including the costs to remove and
37 transfer the current statue and to install the replacement
38 statue.

39
40 The report containing the findings and recommendations shall be
41 submitted to the Governor, the President of the Senate, and the
42 Speaker of the House of Representatives by January 1, 2017.



Amendment No.1

43 (4) In accordance with 2 U.S.C. s. 2132, upon receiving
 44 the report of findings under subsection (3), the Legislature may
 45 request by memorial that the United States Joint Committee on
 46 the Library of Congress approve the request to replace the
 47 statue of General Edmund Kirby Smith and that the Architect of
 48 the Capitol carry out the request. Upon adoption of the memorial
 49 by the Legislature and approval of the request in writing by the
 50 Governor, the memorial shall be submitted to the United States
 51 Joint Committee on the Library of Congress.

52 Section 2. This act shall take effect upon becoming a law.

53
 54 -----
 55 **T I T L E A M E N D M E N T**

56 Remove everything before the enacting clause and insert:

57 A bill to be entitled

58 An act relating to the National Statuary Hall;
 59 providing for replacement of the statue of General
 60 Edmund Kirby Smith in the National Statuary Hall of
 61 the United States Capitol; providing for selection of
 62 a prominent Florida citizen to be commemorated in the
 63 National Statuary Hall; providing for selection of a
 64 sculptor to design the statue; requiring the
 65 Department of State to submit a report and
 66 recommendations; providing for submission of the
 67 state's request to the United States Joint Committee



Amendment No.1

68 on the Library of Congress for approval to replace the
69 statue; providing an effective date.

70
71 WHEREAS, pursuant to 2 U.S.C. s. 2131, each state is
72 permitted to provide and furnish to the United States Capitol
73 two statues, in marble or bronze, of deceased persons who have
74 been prominent citizens of the state for placement in the
75 National Statuary Hall, and

76 WHEREAS, currently, Florida has two statues, of Dr. John
77 Gorrie and of General Edmund Kirby Smith, in the National
78 Statuary Hall, and

79 WHEREAS, pursuant to 2 U.S.C. s. 2132, a state may request
80 that the Joint Committee on the Library of Congress approve the
81 replacement of any statue the state has provided for display in
82 the National Statuary Hall of the United States Capitol, NOW,
83 THEREFORE,