



Government Accountability Committee

October 10, 2017
9:30 AM-11:30 AM
Morris Hall (17 HOB)

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Government Accountability Committee

Start Date and Time: Tuesday, October 10, 2017 09:30 am
End Date and Time: Tuesday, October 10, 2017 11:30 am
Location: Morris Hall (17 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 13 Sports Franchise Facilities by Avila, Diaz, M.
HB 139 National Statuary Hall by Henry, Leek

NOTICE FINALIZED on 10/03/2017 4:16PM by Larson.Lisa

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 13 Sports Franchise Facilities
SPONSOR(S): Avila
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Accountability Committee		Moore <i>JM</i>	Williamson <i>Raw</i>

SUMMARY ANALYSIS

Florida is home to many professional and semi-professional sports franchises. These franchises use facilities located on land leased from a local government and also have facilities on land they previously purchased from a local government.

The bill prohibits a sports franchise from constructing, reconstructing, renovating, or improving a facility on public land leased from the state or a political subdivision thereof. The bill also requires a lease of a facility on public land by the state or a political subdivision to a sports franchise to be at fair market value. In addition, the bill requires a sale of public land by the state or a political subdivision for a sports franchise to construct, reconstruct, renovate, or improve a facility on such land to be at fair market value.

The bill requires a contract or agreement, or a renewal of or an amendment to an existing contract or agreement, entered into on or after July 1, 2018, between the state or a political subdivision and a sports franchise to fund the construction, reconstruction, renovation, or improvement of a facility to include a provision requiring the sports franchise to pay any outstanding debt incurred by the state or political subdivision to fund such construction, reconstruction, renovation, or improvement if the sports franchise permanently discontinues use of the facility.

The bill creates the following definitions:

- "Facility" means a structure, and its adjoining parcels of land, primarily used to host games or events held by a sports franchise.
- "Sports franchise" means a professional or semi-professional sports franchise, including, but not limited to, a franchise of the National Football League, the National Hockey League, the National Basketball Association, the National League or American League of Major League Baseball, Minor League Baseball, Major League Soccer, the North American Soccer League, or the promoter of a signature event sanctioned by the National Association for Stock Car Auto Racing.

The bill specifies that the provisions in the bill may not be construed to impair any contract entered into before July 1, 2018, without the consent of the parties.

The bill may have an indeterminate fiscal impact on both the state and local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida Sports and Facilities

Many professional and semi-professional sports organizations and facilities reside in Florida. With respect to professional sports, Florida is home to professional football, basketball, baseball, hockey, and soccer teams and two National Association of Stock Car Racing (NASCAR) sanctioned tracks.¹ These teams use facilities located on land leased from a local government and also have facilities on land they previously purchased from a local government. Florida also hosts professional golf, tennis, equestrian, and rodeo events. Notably, the Breeder's Cup, Players Championship, and Daytona 500 all take place in Florida, and the Professional Golf Association (PGA) and Ladies Professional Golf Association (LPGA) both are headquartered in Florida.

Additionally, 15 Major League Baseball teams come to Florida every year for spring training in the state's Grapefruit League.² The teams use 14 spring training facilities, 13 of which are constructed on publicly owned land.³ The only facility on privately owned land is the ESPN Wide World of Sports Complex.⁴

Florida is also home to numerous minor league and semi-professional sports franchises in various sports.⁵ Florida has many Minor League Baseball teams, three North American Soccer League teams,⁶ two East Coast Hockey League teams,⁷ one Arena Football League team,⁸ and one National Arena League team.⁹ Most of the facilities that such teams use are located on city- or county-owned land.¹⁰

The following table provides basic information about Florida's 10 professional sports franchises and their facilities:

Franchise	League	Inaugural Season	Home Facility	County	Facility Opened	Land Owner
Miami Dolphins	NFL	1966	Hard Rock Stadium	Miami-Dade	1987	South Florida Stadium LLC ¹¹
Tampa Bay Buccaneers	NFL	1976	Raymond James Stadium	Hillsborough	1998	Hillsborough County ¹²
Miami Heat	NBA	1988	American Airlines Arena	Miami-Dade	1999	Miami-Dade County ¹³

¹ NASCAR website, <http://www.nascar.com> (last visited Aug. 25, 2017).

² Florida Sports Foundation website, <http://www.flasports.com/spring-training> (last visited Aug. 25, 2017).

³ Telephone conversation with John Webb, President of the Florida Sports Foundation (Jan. 12, 2017).

⁴ *Id.*

⁵ Florida Sports Foundation Director and Facilities Guide, 2014-2015, p. 17-25, available at <http://www.flasports.com/sports-development/directory-and-facilities-guide> (last visited Aug. 25, 2017).

⁶ North American Soccer League website, <http://www.nasl.com/teams> (last visited Aug. 25, 2017).

⁷ East Coast Hockey League website, <http://www.echl.com/directory> (last visited Aug. 25, 2017).

⁸ Arena League Football website, <http://www.arenafootball.com> (last visited Aug. 25, 2017).

⁹ National Arena League website, <http://www.nationalarenaleague.com> (last visited Aug. 25, 2017).

¹⁰ The Florida Everblades (of the East Coast Hockey League) play at the Germain Arena in Lee County, which is privately owned. Lee County Property Appraiser's Office website, <http://www.leepa.org/Display/DisplayAccount.aspx?Account=BB00285430> (last visited Aug. 25, 2017).

¹¹ Miami-Dade County Property Appraiser's Office website, <http://www.miamidade.gov/propertysearch/#/> (last visited Aug. 25, 2017).

¹² Hillsborough County Property Appraiser's Office website,

<http://gis.hcpafl.org/propertysearch/#/parcel/basic/18290972800000000010A> (last visited Aug. 25, 2017).

Franchise	League	Inaugural Season	Home Facility	County	Facility Opened	Land Owner
Orlando Magic	NBA	1989	Amway Center	Orange	2010	City of Orlando ¹⁴
Tampa Bay Lightning	NHL	1992	Amalie Arena	Hillsborough	1996	Hillsborough County ¹⁵
Florida Panthers	NHL	1993	BB&T Center	Broward	1998	Broward County ¹⁶
Miami Marlins	MLB	1993	Marlins Park	Miami-Dade	2012	Miami-Dade County ¹⁷
Jacksonville Jaguars	NFL	1995	EverBank Field	Duval	1995	City of Jacksonville ¹⁸
Tampa Bay Rays	MLB	1998	Tropicana Field	Pinellas	1990	St. Petersburg ¹⁹
Orlando City Soccer Club (Lions)	MLS	2015	Orlando City Stadium	Orange	2017	Orlando City Soccer Club ²⁰

City and County Authority to Sell and Lease Land

Florida law provides broad authority to cities and counties to conduct governmental functions and render governmental services, except when expressly prohibited by law.²¹ Such authority includes, but is not limited to, certain statutorily enumerated powers and all implied authority necessary to effectively exercise those express powers, including the authority to contract and to purchase, lease, sell, and exchange real or personal property.²²

Counties and municipalities may also offer private entities below-market rate leases or deeds for real property for economic development purposes.²³

State Funding for Professional Sports Facilities

Current law provides a process by which an applicant may be certified to receive state funding to make payments on bonds issued for the acquisition, construction, reconstruction, or renovation of a facility for a new or retained professional sports franchise.²⁴ The Department of Economic Opportunity (DEO) is responsible for screening and certifying applicants for state funding.²⁵ In order for an applicant to be certified, DEO must determine that a unit of local government²⁶ is responsible for the construction, management, or operation of the facility or holds title to the property on which the facility is located.²⁷ A certified applicant may receive up to \$166,667 monthly (\$2,000,004 annually) for a period of up to 30

¹³ Miami-Dade County Property Appraiser's Office website, <http://www.miamidade.gov/propertysearch/#> (last visited Aug. 25, 2017).

¹⁴ Orange County Property Appraiser's Office website, <https://www.ocpafl.org/searches/parcelsearch.aspx> (last visited Aug. 25, 2017).

¹⁵ Hillsborough County Property Appraiser's Office website,

<http://gis.hcpafl.org/propertysearch/#/parcel/basic/19291952R000010000140A> (last visited Aug. 25, 2017).

¹⁶ Broward County Property Appraiser's Office website, http://www.bcpa.net/RecInfo.asp?URL_Folio=494026070010 (last visited Aug. 25, 2017).

¹⁷ Miami-Dade County Property Appraiser's Office website, <http://www.miamidade.gov/propertysearch/#> (last visited Aug. 25, 2017).

¹⁸ Duval County Property Appraiser's Office website, http://apps.coj.net/PAO_PropertySearch/Basic/Detail.aspx?RE=1308490000 (last visited Aug. 25, 2017).

¹⁹ Stephen Nohlgren, *What is Tropicana Field worth if Tampa Bay Rays Leave? That depends*, TAMPA BAY TIMES, Feb. 6, 2015, available at <http://www.tampabay.com/news/localgovernment/what-is-tropicana-field-worth-if-rays-leave-that-depends/2216781>.

²⁰ Jeff Weiner, *Orlando OKs stadium-land deal with Orlando City Soccer Club*, ORLANDO SENTINEL, Jan. 25, 2016, available at <http://www.orlandosentinel.com/news/breaking-news/os-orlando-city-soccer-stadium-vote-20160125-story.html>.

²¹ See ss. 125.01 and 166.021, F.S.

²² Sections 125.01(3)(a) and 166.021(1), F.S. See also Art. VIII, s. 2, FLA. CONST.

²³ See ss. 125.045(5)(a) and 166.021(8)(e), F.S.

²⁴ Section 288.1162, F.S.

²⁵ Section 288.1162(1), F.S.

²⁶ The term "unit of local government" means a county, municipality, special district, district school board, local agency, authority, or consolidated city-county government or any other local governmental body or public body corporate and politic authorized or created by general or special law and granted the power to issue general obligation or revenue bonds. Sections 218.1162(4)(a) and 218.369, F.S.

²⁷ Section 288.1162(4)(a), F.S.

years.²⁸ The number of facilities that DEO may certify to receive funding is limited to eight, and each facility may only receive one certification.²⁹ Eight facilities have been granted certification, so no other facility is eligible to receive funding under this section.

In 2014, the Legislature created a new program to allow for distributions of state sales and use tax revenue to fund the construction, reconstruction, renovation, or improvement of professional sports franchise facilities.³⁰ DEO is responsible for administering the program and screening applicants for funding.³¹ An applicant must be either a unit of local government that is responsible for the construction, management, or operation of a facility or an entity that is responsible for the construction, management, or operation of a facility that is located on property owned by a unit of local government.³² A request for funding must be approved by the Legislature through enactment of a general law or conforming bill that is approved by the Governor.³³ An approved applicant may receive up to \$3 million per year for up to 30 years, depending upon the total cost of the project.³⁴ However, no funding requests have been approved by the Legislature since the program was created.

Effect of Proposed Changes

The bill creates s. 288.11633, F.S., and prohibits a sports franchise from constructing, reconstructing, renovating, or improving a facility on public land leased from the state or a political subdivision thereof. The bill also requires a lease of a facility on public land by the state or a political subdivision to a sports franchise to be at fair market value. In addition, the bill requires a sale of public land by the state or a political subdivision for a sports franchise to construct, reconstruct, renovate, or improve a facility on such land to be at fair market value.

The bill requires a contract or agreement, or a renewal of or an amendment to an existing contract or agreement, entered into on or after July 1, 2018, between the state or a political subdivision and a sports franchise to fund the construction, reconstruction, renovation, or improvement of a facility to include a provision requiring the sports franchise to pay any outstanding debt incurred by the state or political subdivision to fund such construction, reconstruction, renovation, or improvement if the sports franchise permanently discontinues use of the facility.

The bill creates the following definitions:

- "Facility" means a structure, and its adjoining parcels of land, primarily used to host games or events held by a sports franchise.
- "Sports franchise" means a professional or semi-professional sports franchise, including, but not limited to, a franchise of the National Football League, the National Hockey League, the National Basketball Association, the National League or American League of Major League Baseball, Minor League Baseball, Major League Soccer, the North American Soccer League, or the promoter of a signature event sanctioned by the National Association for Stock Car Auto Racing.

The bill specifies that the provisions in the bill may not be construed to impair any contract entered into before July 1, 2018, without the consent of the parties.

B. SECTION DIRECTORY:

Section 1. creates s. 288.11633, F.S., relating to sports franchise facilities.

²⁸ Section 212.20(6)(d)6.b., F.S.

²⁹ Section 288.1162(6), F.S.

³⁰ Chapter 2014-167, L.O.F.

³¹ Section 288.11625(1), F.S.

³² Section 288.11625(2)(b), F.S.

³³ Section 288.11625(4)(e), F.S.

³⁴ *Id.*; s. 288.11625(6)(a), F.S.

Section 2. provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

There may be an indeterminate impact to the state, local governments, and sports franchises for the payment of any outstanding debt related to the construction, renovation, or improvement of a sports franchise facility if the sports franchise permanently discontinues use of that facility and has an agreement that was executed or amended on or after July 1, 2018. In these circumstances, the state or local government would no longer be obligated for the debt; the sports franchise would incur those costs.

There may be an indeterminate positive fiscal impact to the state and local governments if a sports franchise leases or purchases land at fair market value because the state or local government may receive increased revenues associated with the land lease or purchase as well as property taxes on purchased land.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Meaning of Terms

The meaning of the terms "renovate" and "improve" is unclear.

Other Comments: Laws Requiring Facility Updates

It is unclear how the bill would affect a sports franchise that is mandated by law or regulation to update or "improve" its facility for safety reasons.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to sports franchise facilities;
 3 creating s. 288.11633, F.S.; prohibiting a sports
 4 franchise from constructing, reconstructing,
 5 renovating, or improving a facility on leased public
 6 land; requiring that a lease of a facility on public
 7 land by a sports franchise or a sale of public land
 8 for a sports franchise facility be at fair market
 9 value; providing requirements for a contract to fund
 10 the construction, reconstruction, renovation, or
 11 improvement of a facility; defining the terms
 12 "facility" and "sports franchise"; specifying that the
 13 act does not impair contracts entered into before July
 14 1, 2018; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 288.11633, Florida Statutes, is created
 19 to read:

20 288.11633 Sports franchise facilities; lease or sale of
 21 public land.-

22 (1) Notwithstanding any other provision of law:

23 (a) A sports franchise may not construct, reconstruct,
 24 renovate, or improve a facility on public land leased from the
 25 state or a political subdivision thereof.

26 (b) A lease of a facility on public land by the state or a
 27 political subdivision thereof to a sports franchise must be at
 28 fair market value.

29 (c) A sale of public land by the state or a political
 30 subdivision thereof for a sports franchise to construct,
 31 reconstruct, renovate, or improve a facility on such land must
 32 be at fair market value.

33 (2) On or after July 1, 2018, a contract or agreement, or
 34 a renewal of or an amendment to an existing contract or
 35 agreement, entered into between the state or a political
 36 subdivision and a sports franchise to fund the construction,
 37 reconstruction, renovation, or improvement of a facility must
 38 include a provision that requires the sports franchise to pay
 39 any outstanding debt incurred by the state or political
 40 subdivision to fund such construction, reconstruction,
 41 renovation, or improvement if the sports franchise permanently
 42 discontinues use of the facility.

43 (3) For purposes of this section, the term:

44 (a) "Facility" means a structure, and its adjoining
 45 parcels of land, primarily used to host games or events held by
 46 a sports franchise.

47 (b) "Sports franchise" means a professional or semi-
 48 professional sports franchise, including, but not limited to, a
 49 franchise of the National Football League, the National Hockey
 50 League, the National Basketball Association, the National League

HB 13

2018

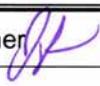
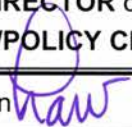
51 or American League of Major League Baseball, Minor League
52 Baseball, Major League Soccer, the North American Soccer League,
53 or the promoter of a signature event sanctioned by the National
54 Association for Stock Car Auto Racing.

55 (4) Nothing in this section shall be construed to impair
56 any contract entered into before July 1, 2018, without the
57 consent of the parties.

58 Section 2. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 139 National Statuary Hall
SPONSOR(S): Henry, Leek, and others
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Accountability Committee		Renner 	Williamson 
2) Rules & Policy Committee			

SUMMARY ANALYSIS

Each state may display two statues in the National Statuary Hall within the Capitol of the United States. The statues must be of deceased citizens of that state who were illustrious for their historic renown or for distinguished civic or military services and deemed worthy of national commemoration. A state may request the Joint Committee on the Library of Congress to approve the replacement of its statue by a resolution adopted by the state's Legislature and approved by the Governor.

The Florida statues in the National Statuary Hall Collection are of Dr. John Gorrie and General Edmund Kirby Smith. In 2016, the Legislature enacted legislation to establish a process for recommending the replacement and removal of the statute of General Edmund Kirby Smith. In part, it required the Great Floridians Program (GFP) within the Division of Historical Resources of the Department of State to select three prominent Florida citizens to replace General Edmund Kirby Smith's statue. In January 2017, the GFP submitted three recommendations to the Legislature for consideration:

- Mary McLeod Bethune: Educator and civil rights activist who founded what became Bethune-Cookman University in Daytona Beach, Florida, in 1904.
- George Washington Jenkins, Jr.: Founder of the Publix grocery store chain in 1930, based in Lakeland, Florida.
- Marjory Stoneman Douglas: Author and environmentalist best known for her 1947 work *The Everglades: River of Grass*.

This bill requests the Joint Committee on the Library of Congress to approve the replacement of the statue of General Edmund Kirby Smith in the National Statuary Hall with a statue of Mary McLeod Bethune.

The bill does not appear to have an impact on state or local revenues or expenditures. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

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.¹ Originally located in the Old Hall of the House of Representatives, the placement of statues has expanded throughout the corridors of the Capitol.² Each state may display no more than two statues of deceased citizens of that state who were “illustrious for their historic renown or for distinguished civic or military services” and deemed worthy of national commemoration.³ An individual must have been deceased for 10 years before his or her statue may be displayed in the National Statuary Hall.⁴

Replacement of Statues

A state may replace its statues provided the state meets certain requirements. A statue must have been on display for at least a decade before it may be replaced.⁵ Like all current statues, a replacement statue must be made of marble or bronze and depict a distinguished, deceased citizen of the donating state.⁶

A state may request the Joint Committee on the Library of Congress to approve the replacement of its statues by a resolution adopted by the state’s Legislature and approved by the Governor.⁷ The state is responsible for costs related to the replacement, including costs associated with the “design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.”⁸

If the Joint Committee approves 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.⁹ A duly authorized state official must notify the Architect of the Capitol of the location in the state where the replaced statue will be displayed after it is removed from the Capitol.¹⁰

Florida Statues

The Florida statues in the National Statuary Hall Collection are of Dr. John Gorrie and General Edmund Kirby Smith.¹¹

¹ Architect of the Capitol, *About the National Statuary Hall Collection*, available at <https://www.aoc.gov/art/national-statuary-hall-collection/about-national-statuary-hall-collection> (last visited August 31, 2017).

² *Id.*

³ 2 U.S.C. § 2131.

⁴ 2 U.S.C. § 2131(a).

⁵ 2 U.S.C. § 2132(a)(2)(B). The Joint Committee on the Library of Congress may grant a waiver of this requirement.

⁶ 2 U.S.C. § 2132(b)(1).

⁷ 2 U.S.C. § 2132(a).

⁸ 2 U.S.C. § 2132(b)(2).

⁹ 2 U.S.C. § 2132(d).

¹⁰ 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: https://www.aoc.gov/sites/default/files/statue_replacement_guidelines_2014.pdf (last visited August 31, 2017).

¹¹ Architects of the Capitol, *National Statuary Hall Collection*, available at <https://www.aoc.gov/the-national-statuary-hall-collection> (last visited August 31, 2017).

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 he is credited with being the father of refrigeration and air-conditioning.¹²

In 1922, Florida gave a statue of General Edmund Kirby Smith to the National Statuary Hall Collection. General 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 army of 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. After the Civil War, he moved to Tennessee where he pursued an academic career and served as Chancellor of the University of Nashville.¹³

Replacement of the Statue of General Edmund Kirby Smith

In 2016, the Legislature enacted legislation to establish a process for recommending the replacement and removal of the statute of General Edmund Kirby Smith. Chapter 2016-41, Laws of Florida, required the ad hoc committee of the Great Floridians Program (GFP)¹⁴ within the Division of Historical Resources (division) of the Department of State (DOS) to select three prominent Florida citizens for consideration to be commemorated in the National Statuary Hall and to submit its recommendations to the Legislature by January 1, 2017. From the GFP recommendations, the Legislature must select one Florida citizen to replace General Edmund Kirby Smith's statue.

The law required the division to establish eligibility guidelines to assist the GFP in making its recommendations. The division's guidelines required the eligible candidate to have been a citizen of the state by either birth or residence and to have been deceased for 10 or more years as of January 1, 2017, and provided that the eligible candidate could not be a fictional character, animal, plant, structure, or other non-human entity or being.¹⁵ The division also recommended that the GFP consider the following:

- Significant contributions of the candidate to Florida history, economy, culture, arts, education, infrastructure, and/or environment;
- Significant contributions of the candidate to United States history, economy, culture, arts, education, infrastructure, and/or environment;
- Distinguished military or civil service of the candidate, at the national and/or state level; and
- Length of time the candidate was a resident of the State of Florida.¹⁶

The law required the Florida Council on Arts and Culture (council)¹⁷ to select a sculptor to design the replacement statue and to raise funds from private sources to fund the costs associated with

¹² Architect of the Capitol, *National Statuary Hall Collection, John Gorrie*, available at: <https://www.aoc.gov/art/national-statuary-hall-collection/john-gorrie> (last visited August 31, 2017).

¹³ Architect of the Capitol, *National Statuary Hall Collection, Edmund Kirby Smith*, available at: <https://www.aoc.gov/art/national-statuary-hall-collection/edmund-kirby-smith> (last visited August 31, 2017).

¹⁴ The GFP recognizes and records the achievements of living and deceased Floridians who have made major contributions to the progress and welfare of Florida. Annually, the Division of Historical Resources of the Department of State must convene an ad hoc committee composed of representatives of specified government officials. The ad hoc committee must meet at least twice a year and nominate at least two individuals to be honored as "Great Floridians." Section 267.0731, F.S.

¹⁵ Florida Department of State *Report to the Governor, Senate President and Speaker of the House on the National Statuary Hall Recommendations and Artist Selection*, pg. 6, December 27, 2016. On file with the Government Accountability Committee.

¹⁶ *Id.*

¹⁷ The council is an advisory body within DOS that promotes arts and culture throughout the state. The council consists of 15 members 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. The council

replacement, including costs for the removal and transfer of the current statue; the design, construct, transport, and placement of a new statue in the National Statuary Hall; and any unveiling ceremony for the new statue. The estimated costs are as follows:¹⁸

Description	Costs
Removal of the current sculpture from the United States Capitol and placement of the new statue	\$15,000
Artist payment for design and development of the new statue	\$50,000
Artist payment to fabricate the sculpture and the sculpture's base and to transport both	\$250,000
Additional in-person council meeting, including travel and per diem	\$8,000
Transport of the current sculpture to Florida	\$10,000
Unveiling ceremony, including event planning, invitations, venue, catering, and travel	\$55,000
Estimated Total	\$388,000

In January 2017, the GFP submitted the following three citizens for consideration:

- Mary McLeod Bethune: Educator and civil rights activist who founded what became Bethune-Cookman University in Daytona Beach, Florida, in 1904.
- George Washington Jenkins, Jr: Founder of the Publix grocery store chain in 1930, based in Lakeland, Florida.
- Marjory Stoneman Douglas: Author and environmentalist best known for her 1947 work *The Everglades: River of Grass*.

Mary McLeod Bethune

Mary McLeod Bethune was born in 1875 in Mayesville, South Carolina. Mary McLeod Bethune 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. The "dream of opening her own school" took Mary McLeod Bethune to Palatka, Florida and then to Daytona Beach, where she started the school that would eventually become Bethune-Cookman University.¹⁹

Mary McLeod Bethune also became a national leader on issues related to civil rights, education, women, and young people. She served as president of the National Association of Colored Women's Clubs and founded the National Council of Negro Women. She was appointed to numerous national commissions and was an advisor on minority affairs in the Roosevelt Administration, organizing two national black conferences on the problem of black Americans.²⁰

Effect of Proposed Changes

The bill requests the Joint Committee on the Library of Congress to approve the replacement of the statue of General Edmund Kirby Smith in the National Statuary Hall with a statue of Mary McLeod Bethune.

also 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. Section 265.285, F.S.

¹⁸ *Id.* at pg. 14

¹⁹ Bethune-Cookman University biography page on Bethune, available at http://www.cookman.edu/about_bcu/history/our_founder.html (last visited August 31, 2017).

²⁰ *Id.*

B. SECTION DIRECTORY:

- Section 1 Requesting the Joint Committee on the Library of Congress to approve the replacement of the statue of General Edmund Kirby Smith in the National Statuary Hall Collection with a statue of Mary McLeod Bethune.
- Section 2 Provides an effective date of July 1, 2018.

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:

The Florida Council on Arts and Culture may raise funds from private sources to fund the costs associated with the replacement of the current statue. The funds must be placed into the Grants and Donations Trust Fund within the Department of State and may be used only for limited purposes associated with replacing the statue. To date, no funds have been raised.²¹

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:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

²¹ Phone conversation between committee staff and DOS staff, September 6, 2017.
STORAGE NAME: h0139.GAC.DOCX
DATE: 10/3/2017

C. DRAFTING ISSUES OR OTHER COMMENTS:

A duly authorized state official must submit the state's request to replace a statue together with the legislation approving its replacement to the Architect of the Capitol.²² The bill does not direct a Florida official to submit the request and a copy of the legislation to the Joint Committee on the Library of Congress.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

²² The Architect of the Capitol, *Procedure and Guidelines for Replacement of Statues in the National Statuary Hall Collection*, at pg. 2. On file with the Government Accountability Committee.

1 A bill to be entitled
 2 An act relating to the National Statuary Hall;
 3 requesting the Joint Committee on the Library of
 4 Congress to approve the replacement of the statue of
 5 Confederate General Edmund Kirby Smith in the National
 6 Statuary Hall Collection with a statue of Mary McLeod
 7 Bethune; providing an effective date.

8
 9 WHEREAS, in March 2016, the Florida Legislature passed, and
 10 the Governor signed into law, Senate Bill 310, authorizing the
 11 replacement of the statue of Confederate General Edmund Kirby
 12 Smith in the National Statuary Hall Collection with a statue of
 13 a prominent Florida citizen recommended by the ad hoc committee
 14 of the Great Floridians Program within the Division of
 15 Historical Resources of the Department of State, and

16 WHEREAS, one of the three prominent Florida citizens
 17 recommended by the ad hoc committee is Mary McLeod Bethune, and

18 WHEREAS, Mary McLeod Bethune was born on July 10, 1875, in
 19 Mayesville, South Carolina, and she was the first member of her
 20 family, including all of her 16 siblings, born free following
 21 the conclusion of the Civil War, and

22 WHEREAS, beginning at a young age, Mary McLeod Bethune
 23 became engaged with learning and teaching after receiving an
 24 opportunity to attend Trinity Presbyterian Mission School in her
 25 hometown, and her dedication was evidenced through attending as

26 | many classes as she could and teaching her parents and siblings
 27 | what she had learned, and

28 | WHEREAS, Mary McLeod Bethune was awarded a scholarship
 29 | allowing her to enroll at the then-Scotia Seminary for Girls in
 30 | Concord, North Carolina, from which she graduated in 1893, and
 31 | she went on to continue her studies at the Moody Bible Institute
 32 | in Chicago, and

33 | WHEREAS, upon graduating from the Moody Bible Institute,
 34 | Mary McLeod Bethune became a teacher and taught at schools in
 35 | Georgia and South Carolina before moving to Florida to teach at
 36 | the Palatka Mission School, and

37 | WHEREAS, through observing the burgeoning black population
 38 | in the area prompted by labor needed for railroad construction,
 39 | Mary McLeod Bethune decided to follow through with her dream of
 40 | opening her own school, and

41 | WHEREAS, Mary McLeod Bethune bought a small cottage in
 42 | Daytona Beach to allow for the opening of the Daytona Literary
 43 | and Industrial Training School for Negro Girls in 1904 and
 44 | through her commitment to fundraising, the school's enrollment
 45 | grew from 5 to 250 students in just 2 years, and

46 | WHEREAS, the school continued to grow, which eventually
 47 | resulted in its merger with the Cookman Institute for Men in
 48 | Jacksonville to form Bethune-Cookman College, where she later
 49 | served as president, and

50 WHEREAS, Mary McLeod Bethune's advocacy continued with her
 51 founding of the National Council of Negro Women and her
 52 appointment as Director of the Division of Negro Affairs of the
 53 National Youth Administration by President Franklin Delano
 54 Roosevelt, and

55 WHEREAS, through her position as the highest ranking
 56 African-American woman in the Federal Government, Mary McLeod
 57 Bethune was able to assist African-American youth in finding
 58 employment and worked with the Women's Army Corps during World
 59 War II to recruit African-American female officers, and

60 WHEREAS, upon her death in 1955, Mary McLeod Bethune's
 61 inspirational leadership was praised by many, including former
 62 First Lady Eleanor Roosevelt, who lauded "her wisdom and her
 63 goodness," and

64 WHEREAS, in 1995, the United States National Park Service
 65 established the Mary McLeod Bethune Council House National
 66 Historic Site in Washington, D.C., which has preserved the
 67 townhouse that was once her personal residence and the first
 68 headquarters of the National Council of Negro Women, and

69 WHEREAS, Mary McLeod Bethune's legacy continues to be felt
 70 in Florida through the continued success of Bethune-Cookman
 71 University, whose enrollment is currently approaching a record
 72 high of 4,000 students, and

73 WHEREAS, it is appropriate to honor Mary McLeod Bethune as
 74 one of two Floridians memorialized in statues in the National

75 Statuary Hall Collection given her significant and continuing
76 impact on this state, NOW, THEREFORE,

77

78 Be It Enacted by the Legislature of the State of Florida:

79

80 Section 1. The Legislature of the State of Florida hereby
81 respectfully requests the Joint Committee on the Library of
82 Congress to approve the replacement of the statue of Confederate
83 General Edmund Kirby Smith in the National Statuary Hall
84 Collection with a statue of Mary McLeod Bethune.

85

Section 2. This act shall take effect July 1, 2018.



Amendment No.

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: Government Accountability
 2 Committee
 3 Representative Henry offered the following:
 4

Amendment (with title amendment)

Between lines 84 and 85, insert:

7 Section 2. This act shall serve as an official request to
 8 the Joint Committee on the Library of Congress pursuant to s. 2
 9 U.S.C. s. 2132.

10 Section 3. On the effective date of this act, the
 11 Department of State shall deliver a copy of this act to the
 12 President of the United States Senate, the Speaker of the United
 13 States House of Representatives, the Joint Committee on the
 14 Library of Congress, and to each member of the Florida
 15 delegation to the United States Congress.
 16



Amendment No.

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T I T L E A M E N D M E N T

Remove line 7 and insert:

Bethune; providing that this act is an official request to the
Joint Committee on the Library of Congress; requiring the
Department of State to deliver copies of the act to certain
persons on the effective date of this act; providing an
effective date.