

Bill No. CS/HB 1457

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators McKay and Silver moved the following amendment:

Senate Amendment (with title amendment)

On page 4, between lines 20 and 21,

insert:

Section 2. The John and Mable Ringling Museum of Art is transferred from the Board of Trustees of the John and Mable Ringling Museum of Art in the Department of State to the Florida State University.

Section 3. Section 240.711, Florida Statutes, is created to read:

240.711 Ringling Center for Cultural Arts.--

(1) The Florida State University Ringling Center for Cultural Arts is created. The center consists of the following properties located in Sarasota County:

(a) The John and Mable Ringling Museum of Art composed of:

- 1. The art museum;
- 2. The Ca' d'Zan (the Ringling residence); and
- 3. The Ringling Museum of the Circus.

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1 (b) The Florida State University Center for the Fine
2 and Performing Arts, including the Asolo Theater and the
3 Florida State University Center for the Performing Arts, both
4 of which shall provide for academic programs in theatre,
5 dance, art, art history, and museum management.

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7 The center shall be operated by the Florida State University,
8 which shall be charged with encouraging participation by K-12
9 schools and by other colleges and universities, public and
10 private, in the educational and cultural enrichment programs
11 of the center.

12 (2)(a) The John and Mable Ringling Museum of Arts is
13 designated as the official Art Museum of the State of Florida.
14 The purpose and function of the museum is to maintain and
15 preserve all objects of art and artifacts donated to the state
16 through the will of John Ringling; to acquire and preserve
17 objects of art or artifacts of historical or cultural
18 significance; to exhibit such objects to the public; to
19 undertake scholarly research and publication, including that
20 relating to the collection; to provide educational programs
21 for students at K-12 schools and those in college and graduate
22 school and enrichment programs for children and adults; to
23 assist other museums in the state and nation through education
24 programs and through loaning objects from the collection when
25 such loans do not threaten the safety and security of the
26 objects; to enhance knowledge and appreciation of the
27 collection; and to engage in other activities related to
28 visual arts which benefit the public. The museum shall also
29 engage in programs on the national and international level to
30 enhance further the cultural resources of the state.

31 (b) The Florida State University shall approve a John

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1 and Mable Ringling Museum of Art direct-support organization.
2 Such direct-support organization shall consist of no more than
3 31 members appointed by the president of the university from a
4 list of nominees provided by the Ringling direct-support
5 organization. No fewer than one-third of the members must be
6 residents of Sarasota and Manatee Counties, and the remaining
7 members may reside elsewhere. The current members of the Board
8 of Trustees of the John and Mable Ringling Museum of Art may
9 be members of the direct-support organization. They shall
10 develop a charter and by-laws to govern their operation, and
11 these shall be subject to approval by the Florida State
12 University.

13 (c) The John and Mable Ringling Museum of Art
14 direct-support organization, operating under the charter and
15 by-laws and such contracts as are approved by the university,
16 shall set policies to maintain and preserve the collections of
17 the Art Museum; the Circus Museum; the furnishings and objects
18 in the Ringling home, referred as the Ca' d'Zan; and other
19 objects of art and artifacts in the custody of the museum.
20 Title to all such collections, art objects, and artifacts of
21 the museums and its facilities shall remain with the Florida
22 State University, which shall assign state registration
23 numbers to, and conduct annual inventories of, all such
24 properties. The direct-support organization shall develop
25 policy for the museum, subject to the provisions of the John
26 Ringling will and the overall direction of the president of
27 the university; and it is invested with power and authority to
28 nominate a museum director who is appointed by and serves at
29 the pleasure of the president of the university and shall
30 report to the provost of the university or his or her
31 designee. The museum director, with the approval of the

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1 provost or his or her designee, shall appoint other employees
 2 in accordance with Florida Statutes and rules; remove the same
 3 in accordance with Florida Statutes and rules; provide for the
 4 proper keeping of accounts and records and budgeting of funds;
 5 enter into contracts for professional programs of the museum
 6 and for the support and maintenance of the museum; secure
 7 public liability insurance; and do and perform every other
 8 matter or thing requisite to the proper management,
 9 maintenance, support, and control of the museum at the highest
 10 efficiency economically possible, while taking into
 11 consideration the purposes of the museum.

12 (d) Notwithstanding the provision of s. 287.057, the
 13 John and Mable Ringling Museum of Art direct-support
 14 organization may enter into contracts or agreements with or
 15 without competitive bidding, in its discretion, for the
 16 restoration of objects of art in the museum collection or for
 17 the purchase of objects of art that are to be added to the
 18 collection.

19 (e) Notwithstanding s. 273.055, the university may
 20 sell any art object in the museum collection, which object has
 21 been acquired after 1936, if the director and the
 22 direct-support organization recommend such sale to the
 23 president of the university and if they first determine that
 24 the object is no longer appropriate for the collection. The
 25 proceeds of the sale shall be deposited in the Ringling Museum
 26 Art Acquisition, Restoration, and Conservation Trust Fund. The
 27 university also may exchange any art object in the collection,
 28 which object has been acquired after 1936, for an art object
 29 or objects that the director and the museum direct-support
 30 organization recommend to the university after judging these
 31 to be of equivalent or greater value to the museum.

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1 (f) An employee or member of the museum direct-support
2 organization may not receive a commission, fee, or financial
3 benefit in connection with the sale or exchange of a work of
4 art and may not be a business associate of any individual,
5 firm, or organization involved in the sale or exchange.

6 (g) The university, in consultation with the
7 direct-support organization, shall establish policies and may
8 adopt rules for the sale or exchange of works of art.

9 (h) The John and Mable Ringling Museum of Art
10 direct-support organization shall cause an annual audit of its
11 financial accounts to be conducted by an independent certified
12 public accountant, performed in accordance with generally
13 accepted accounting standards. Florida State University is
14 authorized to require and receive from the direct-support
15 organization, or from its independent auditor, any detail or
16 supplemental data relative to the operation of such
17 organization. Information that, if released, would identify
18 donors who desire to remain anonymous, is confidential and
19 exempt from the provisions of s. 119.07(1). Information that,
20 if released, would identify prospective donors is confidential
21 and exempt from the provisions of s. 119.07(1) when the
22 direct-support organization has identified the prospective
23 donor itself and has not obtained the name of the prospective
24 donor by copying, purchasing, or borrowing names from another
25 organization or source. Identities of such donors and
26 prospective donors shall not be revealed in the auditor's
27 report.

28 (i) The direct-support organization is given authority
29 to make temporary loans of paintings and other objects of art
30 or artifacts belonging to the John and Mable Ringling Museum
31 of Art for the purpose of public exhibition in art museums,

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1 other museums, or institutions of higher learning wherever
2 located, including such museums or institutions in other
3 states or countries. Temporary loans may also be made to the
4 executive mansion in Tallahassee, chapters and affiliates of
5 the John and Mable Ringling Museum of Art, and, for education
6 purposes, to schools, public libraries, or other institutions
7 in the state, if such exhibition will benefit the general
8 public as the university deems wise and for the best interest
9 of the John and Mable Ringling Museum of Art and under
10 policies established by Florida State University for the
11 protection of the paintings and other objects of art and
12 artifacts. In making temporary loans, the direct-support
13 organization shall give first preference to art museums, other
14 museums, and institutions of higher learning.

15 (j) Notwithstanding any other provision of law, the
16 John and Mable Ringling Museum of Art direct-support
17 organization is eligible to match state funds in the Major
18 Gifts Trust Fund established pursuant to s. 240.2605 as
19 follows:

20 1. For the first \$1,353,750, matching shall be on the
21 basis of 75 cents in state matching for each dollar of private
22 funds.

23 2. For additional funds, matching shall be provided on
24 the same basis as is authorized in s. 240.2605.

25 Section 4. Sections 265.26 and 265.261, Florida
26 Statutes, are repealed.

27 Section 5. Paragraph (e) of subsection (1) of section
28 265.2861, Florida Statutes, is amended to read:

29 265.2861 Cultural Institutions Program; trust fund.--

30 (1) CULTURAL INSTITUTIONS TRUST FUND.--There is
31 created a Cultural Institutions Trust Fund to be administered

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1 by the Department of State for the purposes set forth in this
2 section and to support the following programs as follows:

3 (e) For the officially designated Art Museum of the
4 State of Florida described in s. 240.711, \$2.2 million, and
5 for state-owned cultural facilities assigned to the Department
6 of State, which receive a portion of any operating funds from
7 the Department of State and one of the primary purposes of
8 which is the presentation of fine arts or performing arts,
9 \$500,000 not less than \$2.2 million.

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11 The trust fund shall consist of moneys appropriated by the
12 Legislature, moneys deposited pursuant to s. 607.1901(2), and
13 moneys contributed to the fund from any other source.

14 Section 6. Subsection (11) of section 565.02, Florida
15 Statutes, is amended to read:

16 565.02 License fees; vendors; clubs; caterers; and
17 others.--

18 (11) ~~The Board of Trustees of the~~ John and Mable
19 Ringling Museum of Art direct-support organization may obtain
20 a license upon the payment of an annual license tax of \$400.
21 Such license shall permit sales for consumption on the
22 premises of the museum in conjunction with artistic,
23 educational, cultural, civic, or charitable events held on the
24 premises of the museum under the auspices or authorization of
25 the licensee. The issuing of a license under this subsection
26 is not subject to any quota or limitation, except that the
27 license shall be issued only to the direct-support
28 organization ~~board of trustees~~ of the museum or its ~~the~~
29 ~~board's~~ designee. Except as otherwise provided in this
30 subsection, the entity licensed hereunder shall be treated as
31 a vendor licensed to sell by the drink the beverages mentioned

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1 herein and shall be subject to all provisions relating to such
2 vendors.

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4 (Redesignate subsequent sections.)

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

8 And the title is amended as follows:

9 On page 1, line 17, following the semicolon

10

11 insert:

12 transferring the John and Mable Ringling Museum
13 of Art to Florida State University; creating s.
14 240.711, F.S.; creating the Ringling Center for
15 Cultural Arts; providing for its governance,
16 for a direct-support organization, and for
17 operations; providing powers of the university
18 and its agents and employees; repealing s.
19 265.26, F.S., relating to the Trustees of the
20 John and Mable Ringling Museum of Art;
21 repealing s. 265.261, F.S., relating to that
22 museum's direct-support organization; amending
23 s. 265.2861, F.S.; revising distributions from
24 the Cultural Institutions Trust Fund; amending
25 s. 565.02, F.S.; transferring the beverage
26 license of the museum board of trustees to the
27 direct-support organization;

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