

By Senator Silver

38-793A-00

1 A bill to be entitled
2 An act relating to regional cultural
3 facilities; creating s. 265.702, F.S.;
4 authorizing the Division of Cultural Affairs of
5 the Department of State to accept and
6 administer funds to provide grants for
7 acquiring, renovating, or constructing regional
8 cultural facilities; providing for eligibility;
9 requiring the Florida Arts Council to review
10 grant applications; requiring the council to
11 submit an annual list to the Secretary of
12 State; requiring the updating of information
13 submitted by an applicant that is carried over
14 from a prior year; providing definitions;
15 providing standards for matching state funds;
16 limiting the maximum amounts of grants;
17 granting rulemaking authority to the division;
18 providing an effective date.

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

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22 Section 1. Section 265.702, Florida Statutes, is
23 created to read:24 265.702 Regional cultural facilities; grants for
25 acquisition, renovation, or construction; funding; approval;
26 allocation.--27 (1) The Division of Cultural Affairs of the Department
28 of State may accept and administer moneys that are
29 appropriated to it for providing grants to counties,
30 municipalities, and qualifying nonprofit corporations for the

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1 acquisition, renovation, or construction of regional cultural
2 facilities.

3 (2) A county, municipality, or qualified corporation
4 may apply for a grant of state funds for the acquisition,
5 renovation, or construction of a regional cultural facility.
6 As used in this section, the term "qualified corporation"
7 means a corporation that is designated as a not-for-profit
8 corporation pursuant to s. 501(c)(3) or s. 501(c)(4) of the
9 Internal Revenue Code, that is described in and allowed to
10 receive contributions under s. 170 of the Internal Revenue
11 Code, and that is a corporation not for profit incorporated
12 under chapter 617.

13 (3) Any entity that owns an interest in the land upon
14 which a regional cultural facility is located or is to be
15 located must meet the requirements set forth in subsection
16 (2). A state grant awarded under this section must be matched
17 by a contribution from the county, municipality, or nonprofit
18 corporation in an amount equal to \$2 for each \$1 awarded under
19 this section.

20 (4) The Florida Arts Council shall review each
21 application for a grant to acquire, renovate, or construct a
22 regional cultural facility which is submitted pursuant to
23 subsection (2) and shall submit annually to the Secretary of
24 State for approval a list of all applications received and a
25 list of all projects that are recommended by the council for
26 the award of grants, arranged in order of priority. The
27 division may allocate grants only for regional cultural
28 facilities that are approved by the secretary or for which
29 funds are appropriated by the Legislature. Regional cultural
30 facilities that are approved and recommended by the Secretary
31 of State but are not funded by the Legislature shall be

1 retained on the project list for the following grant cycle
2 only. For each project that is retained, such information as
3 the department requires must be submitted by the established
4 deadline date of the latest grant cycle, in order to
5 adequately reflect the most current status of the regional
6 cultural facility.

7 (5) As used in this section, the term "regional
8 cultural facility" means either:

9 (a) A facility described in s. 265.26 or s. 265.2901;
10 or

11 (b) An existing or proposed fixed facility that is
12 primarily engaged in the arts and that:

13 1. Has educational programs of excellence and
14 facilities, space, and staff dedicated to the development and
15 delivery of programs in the arts;

16 2. Presents programs or exhibits in the arts which are
17 of national or international renown or reputation;

18 3. Has, within a 150-mile radius of the facility, a
19 service area that includes regular attendees, clients, or
20 program participants; and

21 4. Has a documented proposed acquisition, renovation,
22 or construction cost of at least \$50 million.

23 (6) With respect to the matching funds required under
24 subsection (3):

25 (a) Fifty percent of any in-kind contributions of
26 goods or services may be counted toward the required match;
27 however, any such in-kind contribution:

28 1. Must be documented and valued at the fair-market
29 value to the facility;

30 2. Must directly relate to the facility's acquisition,
31 renovation, or construction; and

1 3. Must not be in the form of a lease.
2 (b) Documented expenditures made for project purposes
3 during the 3 years immediately preceding the award of a grant
4 may be used.

5 (7) The annual amount of a grant made under this
6 section may not exceed the lesser of \$2.5 million or 10
7 percent of the total costs of the regional cultural facility.
8 The total amount of the grants awarded to a regional cultural
9 facility in a 5-year period may not exceed the lesser of \$10
10 million or 10 percent of the total costs of a regional
11 cultural facility. The total cost of a regional cultural
12 facility must be calculated with respect to the primary scope
13 of the original proposal as submitted under this section and
14 may not include the cost of any additions that change the
15 scope of the regional cultural facility, such as additional
16 facilities or significant design alterations.

17 (8) The Division of Cultural Affairs may adopt rules
18 prescribing the criteria to be applied to applications for
19 grants and rules providing for the administration of this
20 section.

21 Section 2. This act shall take effect July 1, 2000.
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SENATE SUMMARY

Authorizes the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities. Provides for eligibility to apply for such a grant. Provides that the Florida Arts Council shall review grant applications. Requires the council to submit an annual list of applicants and recommended grant recipients to the Secretary of State. Requires the updating of information submitted by an applicant that is carried over from a prior year. Defines the terms "qualified corporation" and "regional cultural facility." Provides standards for matching state funds. Limits the maximum amounts of a grant which may be awarded in a single year and over a 5-year period. Grants rulemaking authority to the division.