

By the Committee on Tourism and Representatives Rubio,  
Trovillion, Allen, Justice, Davis, Bullard, Cantens, Barreiro,  
Heyman and Prieguez

1                                   A bill to be entitled  
2           An act relating to grants administered by the  
3           Division of Cultural Affairs; creating s.  
4           265.702, F.S.; authorizing the Division of  
5           Cultural Affairs of the Department of State to  
6           accept and administer funds to provide grants  
7           for acquiring, renovating, or constructing  
8           regional cultural facilities; providing for  
9           eligibility; requiring the Florida Arts Council  
10          to review grant applications; requiring the  
11          council to submit an annual list to the  
12          Secretary of State; requiring the updating of  
13          information submitted by an applicant that is  
14          carried over from a prior year; providing  
15          definitions; providing standards for matching  
16          state funds; limiting the maximum amounts of  
17          grants; granting rulemaking authority to the  
18          division; amending s. 265.286, F.S.; expanding  
19          eligibility criteria for the challenge grant  
20          program; providing match requirements;  
21          prohibiting participation by any programs  
22          operated in state-owned cultural facilities not  
23          affiliated with the State University System;  
24          providing an effective date.

25  
26   Be It Enacted by the Legislature of the State of Florida:

27  
28                   Section 1.   Section 265.702, Florida Statutes, is  
29   created to read:

30  
31

1           265.702 Regional cultural facilities; grants for  
2 acquisition, renovation, or construction; funding; approval;  
3 allocation.--

4           (1) The Division of Cultural Affairs of the Department  
5 of State may accept and administer moneys that are  
6 appropriated to it for providing grants to counties,  
7 municipalities, and qualifying nonprofit corporations for the  
8 acquisition, renovation, or construction of regional cultural  
9 facilities.

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

20           (3) Any entity that owns an interest in the land upon  
21 which a regional cultural facility is located or is to be  
22 located must meet the requirements set forth in subsection  
23 (2). A state grant awarded under this section must be matched  
24 by a contribution from the county, municipality, or nonprofit  
25 corporation in an amount equal to \$2 for each \$1 awarded under  
26 this section.

27           (4) The Florida Arts Council shall review each  
28 application for a grant to acquire, renovate, or construct a  
29 regional cultural facility which is submitted pursuant to  
30 subsection (2) and shall submit annually to the Secretary of  
31 State for approval a list of all applications received and a

1 list of all projects that are recommended by the council for  
2 the award of grants, arranged in order of priority. The  
3 division may allocate grants only for regional cultural  
4 facilities that are approved by the secretary or for which  
5 funds are appropriated by the Legislature. Regional cultural  
6 facilities that are approved and recommended by the Secretary  
7 of State but are not funded by the Legislature shall be  
8 retained on the project list for the following grant cycle  
9 only. For each project that is retained, such information as  
10 the department requires must be submitted by the established  
11 deadline date of the latest grant cycle, in order to  
12 adequately reflect the most current status of the regional  
13 cultural facility.

14 (5) As used in this section, the term "regional  
15 cultural facility" means an existing or proposed fixed  
16 facility that is primarily engaged in cultural programs and  
17 that:

18 (a) Has educational programs of excellence and  
19 facilities, space, and staff dedicated to the development and  
20 delivery of such cultural programs;

21 (b) Presents cultural programs or exhibits which are  
22 of national or international renown or reputation;

23 (c) Has, within a 150-mile radius of the facility, a  
24 service area that includes regular attendees, clients, or  
25 program participants; and

26 (d) Has a documented proposed acquisition, renovation,  
27 or construction cost of at least \$50 million.

28 (6) With respect to the matching funds required under  
29 subsection (3):

30  
31

1       (a) In-kind contributions of goods or services may be  
2 counted toward 50 percent of the required match; however, any  
3 such in-kind contribution:  
4           1. Must be documented and valued at the fair-market  
5 value to the facility;  
6           2. Must directly relate to the facility's acquisition,  
7 renovation, or construction; and  
8           3. Must not be in the form of a lease.  
9       (b) Documented expenditures made for project purposes  
10 during the 3 years immediately preceding the award of a grant  
11 may be used.  
12       (7) The annual amount of a grant made under this  
13 section may not exceed the lesser of \$2.5 million or 10  
14 percent of the total costs of the regional cultural facility.  
15 The total amount of the grants awarded to a regional cultural  
16 facility in a 5-year period may not exceed the lesser of \$10  
17 million or 10 percent of the total costs of a regional  
18 cultural facility. The total cost of a regional cultural  
19 facility must be calculated with respect to the primary scope  
20 of the original proposal as submitted under this section and  
21 may not include the cost of any additions that change the  
22 scope of the regional cultural facility, such as additional  
23 facilities or significant design alterations.  
24       (8) The Division of Cultural Affairs may adopt rules  
25 pursuant to ss. 120.536(1) and 120.54 prescribing the criteria  
26 to be applied to applications for grants and rules providing  
27 for the administration of this section.  
28       Section 2. Subsection (4) of section 265.286, Florida  
29 Statutes, is amended to read:  
30           265.286 Art grants award by Division of Cultural  
31 Affairs.--

1           (4) The division is authorized to develop and conduct  
2 a challenge grant program available to cultural institutions  
3 or groups of institutions ~~that~~ which have local, regional, or  
4 statewide impact. Challenge grants shall be made for not less  
5 than \$10,000; and matching moneys must be on at least a basis  
6 of 1 to 1 for local projects, 2 to 1 for regional projects,  
7 and 3 to 1 for state or capital projects, with the institution  
8 providing the higher amount in the ratio. Any programs  
9 operated in state-owned cultural facilities not affiliated  
10 with the State University System shall not be eligible to  
11 participate in the challenge grant program. The division  
12 shall by rule establish the specific eligibility and matching  
13 criteria for such grants. Separate funding for this program  
14 shall be provided by the Legislature.

15           Section 3. This act shall take effect July 1, 2001.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31