

By the Committee on Appropriations; and Senators Pruitt, Clary, Sanderson, Dawson, Klein, Villalobos, Posey and Mitchell

309-2166-02

1 A bill to be entitled
2 An act relating to the Department of State;
3 amending s. 265.285, F.S.; revising the
4 membership of and appointing authority for the
5 Florida Arts Council; providing for terms of
6 members; providing a limitation on consecutive
7 terms of membership; providing qualifications
8 for council appointees; revising a duty of the
9 council; amending s. 265.286, F.S.; revising
10 the scope of a challenge grant program
11 authorized by the Division of Cultural Affairs
12 of the Department of State; providing match
13 ratio criteria for local, regional, and state
14 or capital projects; providing an effective
15 date.

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

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19 Section 1. Section 265.285, Florida Statutes, is
20 amended to read:
21 265.285 Florida Arts Council; membership, duties.--
22 (1)(a) The Florida Arts Council is created in the
23 department as an advisory body, as defined in s. 20.03(7), to
24 consist of 15 members ~~appointed by the Secretary of State.~~
25 Seven members shall be appointed by the Governor, four members
26 shall be appointed by the President of the Senate, and four
27 members shall be appointed by the Speaker of the House of
28 Representatives. The appointments, to be made in consultation
29 with the Secretary of State, shall recognize the need for
30 geographical representation. Council members appointed by the
31 Governor shall be appointed for 4-year terms. Council members

1 appointed by the President of the Senate and the Speaker of
2 the House of Representatives shall be appointed for 2-year
3 terms. Council members serving on July 1, 2002, may serve the
4 remainder of their respective terms. New appointments to the
5 council shall not be made until the retirement, resignation,
6 removal, or expiration of the terms of the initial members
7 results in fewer than 15 members remaining. As vacancies
8 occur, the first appointment to the council shall be made by
9 the Governor. The President of the Senate, the Speaker of the
10 House of Representatives, and the Governor, respectively,
11 shall then alternate appointments until the commission is
12 composed as required in this section.~~in making the~~
13 ~~appointments, the secretary shall give due consideration to~~
14 ~~geographical representation so that every area of the state~~
15 ~~will have a voice on the council. The term of office of each~~
16 ~~member shall be 4 years. No member of the council who serves~~
17 ~~two 4-year terms~~ or two 2-year terms ~~will be eligible for~~
18 ~~reappointment during a 1-year period following the expiration~~
19 ~~of the member's second term. A member whose term has expired~~
20 ~~shall continue to serve on the council until a replacement is~~
21 ~~appointed.~~Any vacancy on the council shall be filled for the
22 remainder of the unexpired term in the same manner as for the
23 original appointment. Members should have a substantial
24 history of community service in the performing or visual arts,
25 which includes, but is not limited to, theatre, dance, folk
26 arts, music, architecture, photography, and literature. In
27 addition, it is desirable that members have successfully
28 served on boards of cultural institutions such as museums and
29 performing-arts centers or are recognized as patrons of the
30 arts.
31

1 (b) The members shall elect a chair from their number
2 annually. The council shall meet at the call of its chair, at
3 the request of the department, or at such times as may be
4 prescribed by its rules. A majority of the members of the
5 council constitutes a quorum, and a meeting may not be held
6 with less than a quorum present. The affirmative vote of a
7 majority of the members of the council present is necessary
8 for any official action by the council.

9 (c) The Secretary of State may appoint review panels
10 representing various artistic disciplines to assist the
11 Florida Arts Council in the grant review process. Review
12 panel members shall serve for 1-year terms. Each panel shall
13 include practicing artists or other persons actively involved
14 in the specific discipline for which the panel is to review
15 grants. The panels shall review grant applications and make
16 recommendations to the council concerning the relative merits
17 of the applicants. The division shall, by rule, establish
18 criteria for reviewing grant applications to ensure compliance
19 with applicable federal and state laws relating to
20 discrimination and conflicts of interest.

21 (d) The council and panels shall provide a forum for
22 public comment prior to voting on any art grant application.

23 (e) Members of the council and panels shall not
24 receive any compensation for their services but shall be
25 reimbursed for travel and expenses incurred in the performance
26 of their duties, as provided in s. 112.061.

27 (f) If a member of the council is absent from two
28 consecutive meetings or any two regularly scheduled meetings
29 in any calendar year, the council member's appointment shall
30 be terminated unless the original appointing authority
31 ~~secretary~~ determines that extenuating circumstances exist.

1 (g) The original appointing authority ~~secretary~~ may
2 remove any of his or her appointees ~~member~~ from the council
3 for misconduct or malfeasance in office, neglect of duty,
4 incompetence, or permanent inability to perform official
5 duties or if there has been an adjudication that the member is
6 guilty of a felony.

7 (2) The duties of the council shall be to:

8 (a) Advise the Secretary of State in all matters
9 pertaining to art, specifically with respect to any programs
10 operated by the department as authorized hereunder.

11 (b) Stimulate and encourage throughout the state the
12 study and presentation of the arts and public interest and
13 participation therein.

14 (c) Make such surveys as may be advisable of public
15 and private institutions which are engaged within the state in
16 artistic and cultural activities.

17 (d) Encourage the participation in and appreciation of
18 the arts to meet the needs and aspirations of persons in all
19 parts of the state.

20 (e) Encourage public interest in the cultural heritage
21 of this state and expand the cultural resources of the state.

22 (f) Encourage and assist freedom of artistic
23 expression essential for the well-being of the arts.

24 (g) Advise the Secretary of State in all matters
25 concerning the awarding of grants for the arts under this act.

26 (h) Promote the enhancement ~~decoration~~ and
27 beautification of the interiors of the Capitol Building and
28 other public buildings and advise appropriate state officers,
29 state agencies, and the Department of Management Services in
30 this regard.

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1 (i) Review applications for grants for the
2 acquisition, renovation, or construction of cultural
3 facilities and recommend a priority for the receipt of such
4 grants, as provided in s. 265.701.

5 Section 2. Subsection (4) of section 265.286, Florida
6 Statutes, is amended to read:

7 265.286 Art grants award by Division of Cultural
8 Affairs.--

9 (4) The division is authorized to develop and conduct
10 a challenge grant program available to cultural institutions
11 or groups of institutions which have local, regional, or
12 statewide impact. Challenge grants shall be made for not less
13 than \$10,000; and matching moneys must be on at least a basis
14 of 1 to 1 for local projects, 2 to 1 for regional projects,
15 and 3 to 1 for state or capital projects, with the institution
16 providing the higher amount in the ratio. The division shall
17 by rule establish the specific eligibility and matching
18 criteria for such grants. Separate funding for this program
19 shall be provided by the Legislature.

20 Section 3. This act shall take effect July 1, 2002.

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 544

25 Provides that seven members shall be appointed by the
26 Governor, four members shall be appointed by the President of
27 the Senate, and four members shall be appointed by the Speaker
28 of the House of Representatives.
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