

By Senator Silver

38-35-02

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 which 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 under subsection
23 (2) and shall submit annually to the Secretary of State for
24 approval a list of all applications received and a list of all
25 projects that are recommended by the council for the award of
26 grants, arranged in order of priority. The division may
27 allocate grants only for regional cultural facilities that are
28 approved by the secretary or for which funds are appropriated
29 by the Legislature. Regional cultural facilities that are
30 approved and recommended by the Secretary of State but are not
31 funded by the Legislature shall be retained on the project

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

6 (5) As used in this section, the term "regional
7 cultural facility" means an existing or proposed fixed
8 facility that is primarily engaged in cultural programs and
9 that:

10 (a) Has educational programs of excellence and
11 facilities, space, and staff dedicated to the development and
12 delivery of such cultural programs;

13 (b) Presents cultural programs or exhibits that are of
14 national or international renown or reputation;

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

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

20 (6) With respect to the matching funds required under
21 subsection (3):

22 (a) In-kind contributions of goods or services may be
23 counted toward 50 percent of the required match; however, any
24 such in-kind contribution:

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

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

29 3. Must not be in the form of a lease.

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1 (b) Documented expenditures made for project purposes
2 during the 3 years immediately preceding the award of a grant
3 may be used.

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

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

20 Section 2. This act shall take effect July 1, 2002.

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23 SENATE SUMMARY

24 Authorizes the Division of Cultural Affairs of the
25 Department of State to accept and administer funds to
26 provide grants for acquiring, renovating, or constructing
27 regional cultural facilities. Provides for eligibility.
28 Requires the Florida Arts Council to review grant
29 applications. Requires the council to submit an annual
30 list to the Secretary of State. Requires the updating of
31 information submitted by an applicant which is carried
 over from a previous year. Provides standards for
 matching state funds. Limits the maximum amounts of
 grants. Grants rulemaking authority to the division.