

Bill No. SB 2384

Barcode 244748

CHAMBER ACTION

Senate

House

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The Committee on Government Efficiency Appropriations (Posey)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (a) of subsection (1) of section
265.285, Florida Statutes, is amended to read:

265.285 Florida Arts Council; membership, duties.--

(1)(a) The Florida Arts Council is created in the
department as an advisory body, as defined in s. 20.03(7), to
consist of 15 members. Seven members shall be appointed by the
Governor, four members shall be appointed by the President of
the Senate, and four members shall be appointed by the Speaker
of the House of Representatives. The appointments, to be made
in consultation with the Secretary of State, shall recognize
the need for geographical representation. Council members
appointed by the Governor shall be appointed for 4-year terms
beginning on January 1 of the year of appointment. Council
members appointed by the President of the Senate and the

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

27 Section 2. Subsections (4) and (5) of section 265.606,
28 Florida Statutes, are amended, present subsections (6) and (7)
29 of that section are redesignated as subsections (8) and (9),
30 respectively, and new subsections (6) and (7) are added to
31 that section, to read:

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1 265.606 Cultural Endowment Program; administration;
2 qualifying criteria; matching fund program levels;
3 distribution.--

4 (4) Once the secretary has determined that the
5 sponsoring organization has complied with the criteria imposed
6 by this section, he or she may authorize the transfer of the
7 appropriate state matching funds to the organization. However,
8 the secretary shall ensure that the local group has made
9 prudent arrangements for the trusteeship of the entire
10 endowment, and such trusteeship is hereby created. The
11 sponsoring organization may then expend moneys in the
12 endowment program fund, subject to the following requirements:

13 (a) The organization may expend funds only for
14 operating costs incurred while engaged in programs directly
15 related to cultural activities.

16 (b) The organization shall annually submit a report to
17 the division, in such form as the division specifies,
18 explaining how endowment program funds were utilized.

19 ~~(c) Any contract administered under this section shall~~
20 ~~require the local sponsoring organization to submit to the~~
21 ~~division an annual postaudit of its financial accounts~~
22 ~~conducted by an independent certified public accountant.~~

23 (5) The \$240,000 state matching fund endowment for
24 each individual endowment shall be returned to the state,
25 shall be deposited into ~~revert to~~ the Florida Fine Arts Trust
26 Fund, and shall be awarded to the first organization on the
27 Cultural Endowment Program priority list pursuant to
28 subsection (9) that has not previously received a cultural
29 endowment in the most current fiscal year funding cycle

30 ~~General Revenue Fund~~ if any of the following events occurs:

31 (a) The recipient sponsoring organization is no longer

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1 able to manage an endowment ~~ceases operations.~~

2 (b) The recipient sponsoring organization files for
3 protection under federal bankruptcy provisions.

4 (c) The recipient sponsoring organization willfully
5 expends a portion of the endowment principal of any individual
6 endowment.

7 (6) In the event an endowment is returned to the state
8 under subsection (5), authority to disburse funds shall be
9 subject to the notice and review procedures set forth in s.
10 216.177.

11 (7) If there is no other qualified organization on the
12 Cultural Endowment Program priority list, returned funds shall
13 revert to the General Revenue Fund at the end of the fiscal
14 year.

15 Section 3. Paragraph (d) of subsection (5) and
16 paragraph (c) of subsection (7) of section 267.174, Florida
17 Statutes, are amended to read:

18 267.174 Discovery of Florida Quincentennial
19 Commemoration Commission.--

20 (5) OFFICERS; BYLAWS; MEETINGS.--

21 (d) The initial meeting of the commission shall be
22 held no later than July 31, 2008 ~~January 31, 2007~~. Subsequent
23 meetings shall be held upon the call of the chair or vice
24 chair acting in the absence of the chair, and in accordance
25 with the commission's bylaws.

26 (7) DUTIES; MASTER PLAN.--

27 (c) The commission shall establish a timetable and
28 budget for completion for all parts of the master plan which
29 shall be made a part of the plan. An initial draft of the plan
30 shall be completed and submitted to the Governor, the
31 President of the Senate, the Speaker of the House of

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1 Representatives, and the Secretary of State by May 2009
2 ~~January 2008~~ with the completed master plan submitted to such
3 officials by May 2010 ~~January 2009~~.

4 Section 4. Section 272.129, Florida Statutes, is
5 amended to read:

6 272.129 Florida Historic Capitol; space allocation;
7 maintenance, repair, and security.--

8 (1) The Legislature ~~Department of State~~ shall ensure
9 ~~assure~~ that all space in the Florida Historic Capitol is
10 restored in a manner consistent with the 1902 form and made
11 available for allocation. Notwithstanding the provisions of
12 ss. 255.249 and 272.04 that relate to space allocation in
13 state-owned buildings, the President of the Senate and the
14 Speaker of the House of Representatives shall have
15 responsibility and authority for the allocation of all space
16 in the restored Florida Historic Capitol, provided:

17 (a) The rotunda, corridors, Senate chamber, House of
18 Representatives chamber, and Supreme Court chamber shall not
19 be used as office space.

20 (b) The Legislature ~~Department of State~~ shall be
21 allocated sufficient space for program and administrative
22 functions relating to the preservation, museum, and cultural
23 programs of the Legislature ~~department~~.

24 (2) The Florida Historic Capitol shall be maintained
25 in accordance with good historic preservation practices as
26 specified in the National Park Service Preservation Briefs and
27 the Secretary of the Interior's Standards for Rehabilitation
28 and Guidelines for Rehabilitating Historic Buildings.

29 ~~(3)(2)~~ Custodial and preventive maintenance ~~and~~
30 repair, ~~and security~~ of the entire Historic Capitol and the
31 grounds located adjacent thereto shall be the responsibility

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1 of the Department of Management Services, subject to the
2 special requirements of the building as determined by the
3 Capitol Curator.

4 Section 5. Section 272.135, Florida Statutes, is
5 amended to read:

6 272.135 Florida Historic Capitol Curator.--

7 (1) The position of Capitol Curator is created within
8 the Legislature ~~Department of State~~, which shall establish the
9 qualifications for the position. The curator shall be
10 appointed by and serve at the pleasure of the President of the
11 Senate and the Speaker of the House of Representatives
12 ~~Secretary of State~~.

13 (2) The Capitol Curator shall:

14 (a) Promote and encourage throughout the state
15 knowledge and appreciation of the Florida Historic Capitol.

16 (b) Collect, research, exhibit, interpret, preserve,
17 and protect the history, artifacts, objects, furnishings, and
18 other materials related to the Florida Historic Capitol,
19 except for archaeological research and resources.

20 (c) Develop, direct, supervise, and maintain the
21 interior design and furnishings of all space within the
22 Florida Historic Capitol in a manner consistent with the
23 restoration of the Florida Historic Capitol in its 1902 form.

24 ~~(3) The Department of State shall promulgate rules to~~
25 ~~implement this section.~~

26 Section 6. Subsections (1) and (2) of section 607.193,
27 Florida Statutes, are amended to read:

28 607.193 Supplemental corporate fee.--

29 (1) In addition to any other taxes imposed by law, an
30 annual supplemental corporate fee of \$88.75 is imposed on each
31 business entity that is authorized to transact business in

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1 this state and is required to file an annual report with the
2 Department of State under s. 607.1622, s. 608.452, or s.
3 620.1210 ~~620.177~~.

4 (2)(a) The business entity shall remit the
5 supplemental corporate fee to the Department of State at the
6 time it files the annual report required by s. 607.1622, s.
7 608.452, or s. 620.1210 ~~620.177~~.

8 (b) In addition to the fees levied under ss. 607.0122,
9 608.452, and 620.1109 ~~620.182~~ and the supplemental corporate
10 fee, a late charge of \$400 shall be imposed if the
11 supplemental corporate fee is remitted after May 1 except in
12 circumstances in which a business entity did not receive the
13 uniform business report prescribed by the department.

14 Section 7. This act shall take effect July 1, 2006.

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

18 And the title is amended as follows:

19 Delete everything before the enacting clause

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21 and insert:

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A bill to be entitled

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An act relating to the Department of State;

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amending s. 265.285, F.S.; clarifying terms of

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appointment to the Florida Arts Council;

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removing obsolete provisions; amending s.

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265.606, F.S.; deleting a requirement for local

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sponsoring organizations to submit an annual

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postaudit to the Division of Cultural Affairs

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under certain circumstances; requiring the

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state's matching share of cultural endowment to

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1 be returned to the state and deposited into the
2 Florida Fine Arts Trust Fund rather than the
3 General Revenue Fund under certain
4 circumstances; providing for distribution of
5 reverted funds; requiring the authority to
6 disburse funds to be subject to certain notice
7 and review procedures; providing for the
8 reversion of returned funds to the General
9 Revenue Fund under certain circumstances;
10 amending s. 267.174, F.S.; changing the dates
11 for the first meeting of the Discovery of
12 Florida Quincentennial Commemoration
13 Commission, the completion of the initial draft
14 of a specified master plan, and the submission
15 of the completed master plan; amending s.
16 272.129, F.S.; transferring responsibility for
17 the Florida Historic Capitol from the
18 Department of State to the Legislature;
19 providing for allocation of certain space for
20 preservation, museum, and cultural programs of
21 the Legislature; requiring the maintenance of
22 the Florida Historic Capitol pursuant to
23 certain historic preservation standards and
24 guidelines; removing responsibility of the
25 Department of Management Services for security
26 of the Historic Capitol and adjacent grounds;
27 amending s. 272.135, F.S.; requiring the
28 Capitol Curator to be appointed by the
29 President of the Senate and the Speaker of the
30 House of Representatives; deleting rulemaking
31 authority of the Department of State, to

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1 conform; amending s. 607.193, F.S.; correcting
2 references to repealed sections of the Florida
3 Statutes within provisions relating to the
4 annual supplemental corporate fee imposed on
5 each business entity authorized to transact
6 business in this state; providing an effective
7 date.

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