

1 the Florida Historic Capitol pursuant to
2 certain historic preservation standards and
3 guidelines; removing responsibility of the
4 Department of Management Services for security
5 of the Historic Capitol and adjacent grounds;
6 amending s. 272.135, F.S.; requiring the
7 Capitol Curator to be appointed by the
8 President of the Senate and the Speaker of the
9 House of Representatives; deleting rulemaking
10 authority of the Department of State, to
11 conform; amending s. 607.193, F.S.; correcting
12 references to repealed sections of the Florida
13 Statutes within provisions relating to the
14 annual supplemental corporate fee imposed on
15 each business entity authorized to transact
16 business in this state; providing an effective
17 date.

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

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21 Section 1. Paragraph (a) of subsection (1) of section
22 265.285, Florida Statutes, is amended to read:

23 265.285 Florida Arts Council; membership, duties.--

24 (1)(a) The Florida Arts Council is created in the
25 department as an advisory body, as defined in s. 20.03(7), to
26 consist of 15 members. Seven members shall be appointed by the
27 Governor, four members shall be appointed by the President of
28 the Senate, and four members shall be appointed by the Speaker
29 of the House of Representatives. The appointments, to be made
30 in consultation with the Secretary of State, shall recognize
31 the need for geographical representation. Council members

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

30 Section 2. Subsections (4) and (5) of section 265.606,
31 Florida Statutes, are amended, present subsections (6) and (7)

1 of that section are redesignated as subsections (8) and (9),
2 respectively, and new subsections (6) and (7) are added to
3 that section, to read:

4 265.606 Cultural Endowment Program; administration;
5 qualifying criteria; matching fund program levels;
6 distribution.--

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

16 (a) The organization may expend funds only for
17 operating costs incurred while engaged in programs directly
18 related to cultural activities.

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

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

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

1 endowment in the most current fiscal year funding cycle

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

3 (a) The recipient sponsoring organization is no longer
4 able to manage an endowment ceases operations.

5 (b) The recipient sponsoring organization files for
6 protection under federal bankruptcy provisions.

7 (c) The recipient sponsoring organization willfully
8 expends a portion of the endowment principal of any individual
9 endowment.

10 (6) In the event an endowment is returned to the state
11 under subsection (5), authority to disburse funds shall be
12 subject to the notice and review procedures set forth in s.
13 216.177.

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

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

21 267.174 Discovery of Florida Quincentennial
22 Commemoration Commission.--

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

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

29 (7) DUTIES; MASTER PLAN.--

30 (c) The commission shall establish a timetable and
31 budget for completion for all parts of the master plan which

1 shall be made a part of the plan. An initial draft of the plan
2 shall be completed and submitted to the Governor, the
3 President of the Senate, the Speaker of the House of
4 Representatives, and the Secretary of State by May 2009
5 ~~January 2008~~ with the completed master plan submitted to such
6 officials by May 2010 ~~January 2009~~.

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

9 272.129 Florida Historic Capitol; space allocation;
10 maintenance, repair, and security.--

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

20 (a) The rotunda, corridors, Senate chamber, House of
21 Representatives chamber, and Supreme Court chamber shall not
22 be used as office space.

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

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

1 ~~(3)(2)~~ Custodial and preventive maintenance and,
2 repair, ~~and security~~ of the entire Historic Capitol and the
3 grounds located adjacent thereto shall be the responsibility
4 of the Department of Management Services, subject to the
5 special requirements of the building as determined by the
6 Capitol Curator.

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

9 272.135 Florida Historic Capitol Curator.--

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

16 (2) The Capitol Curator shall:

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

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

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

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

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

31 607.193 Supplemental corporate fee.--

1 (1) In addition to any other taxes imposed by law, an
2 annual supplemental corporate fee of \$88.75 is imposed on each
3 business entity that is authorized to transact business in
4 this state and is required to file an annual report with the
5 Department of State under s. 607.1622, s. 608.452, or s.
6 620.1210 ~~620.177~~.

7 (2)(a) The business entity shall remit the
8 supplemental corporate fee to the Department of State at the
9 time it files the annual report required by s. 607.1622, s.
10 608.452, or s. 620.1210 ~~620.177~~.

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

17 Section 7. This act shall take effect July 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 2384
4 The committee substitute for SB 2384:
5 1) Removes the first section of the bill, which established
6 a dedicated funding source for cultural and historical
7 grants and provided for distribution of funds from that
8 dedicated source.
9 2) Establishes the start date for appointments to the
10 Florida Arts Council, both Governor and legislative, as
11 January 1; and deletes outdated language on appointments
12 to the Council.
13 3) Revises language governing the Cultural Endowment Program
14 to remove an audit requirement to conform to Single
15 Audit Act requirements; broaden one of the criteria for
16 reversion of the state funding portion of an endowment;
17 and require that reverted money not go into General
18 Revenue but be used to fund the next organization on the
19 priority list for funding.
20 4) Revises language related to the Discovery of Florida
21 Quincentennial Commemoration Commission to move forward
22 by 1 year the requirements for the first meeting of the
23 Commission, the initial draft of the master plan, and the
24 submission of the master plan to the Legislature.
25 5) Revises language governing the Florida Historic Capitol
26 to transfer to the Legislature the responsibilities of
27 the Florida Historic Capitol that are currently under the
28 Department of State; ensures that the Florida Historic
29 Capitol is maintained in accordance with good historic
30 preservation practices; and transfer the Florida Historic
31 Capitol Curator responsibilities to the Legislature from
the Department of State.
6) Corrects a cross reference related to supplemental
corporate fees.