

A bill to be entitled

An act relating to the Department of State; amending s. 15.09, F.S.; providing for deposit of certain reinstatement fees, late fees, and penalties collected by the Division of Corporations of the Department of State into the Florida Fine Arts Trust Fund rather than the General Revenue Fund; providing for disbursement of such revenues to fund cultural and historical preservation grants and programs; amending s. 265.606, F.S.; deleting a requirement for local sponsoring organizations to submit an annual postaudit to the Division of Cultural Affairs under certain circumstances; providing for the reversion of the state's matching share of cultural endowment to the Florida Fine Arts Trust Fund rather than the General Revenue Fund under certain circumstances; providing for distribution of reverted funds; amending s. 267.174, F.S.; changing the dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, the completion of the initial draft of a specified master plan, and the submission of the completed master plan; providing an effective date.

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

Section 1. Subsection (4) of section 15.09, Florida Statutes, is amended to read:

15.09 Fees.--

(4) (a) Except as provided in paragraph (b), all funds

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29 collected by the Division of Corporations of the department
30 shall be deposited in the General Revenue Fund.

31 (b) All reinstatement fees, late fees, and penalties
32 collected pursuant to ss. 607.0122(13), 607.1422(1),
33 607.1502(4), 607.193(2)(b), 608.502(4), 617.0122(13),
34 617.1422(1), and 617.1623(1) shall be deposited in the Florida
35 Fine Arts Trust Fund and disbursed each fiscal year as follows:

36 1. The sum of \$2 million shall be transferred to the
37 Historical Resources Operating Trust Fund for the purpose of
38 funding historic preservation matching grants pursuant to s.
39 267.0617.

40 2. The sum of \$1.75 million shall be transferred to the
41 Historical Resources Operating Trust Fund for the purpose of
42 funding historical museum grants pursuant to s. 267.0619.

43 3. The sum of \$14.3 million shall be used for the purpose
44 of funding cultural grants as provided in ss. 265.286, 265.2861,
45 265.608, and 265.609.

46 4. Any remaining proceeds shall be used for the purpose of
47 providing state matching funds for the Cultural Endowment
48 Program as provided in s. 265.606.

49
50 If proceeds fall below the amounts required to be disbursed in
51 subparagraphs 1. through 3., the spending authority provided in
52 this paragraph for the Florida Fine Arts Trust Fund and the
53 Historical Resources Operating Trust Fund shall be reduced
54 proportionally.

55 Section 2. Subsections (4) and (5) of section 265.606,
56 Florida Statutes, are amended to read:

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57 | 265.606 Cultural Endowment Program; administration;
 58 | qualifying criteria; matching fund program levels;
 59 | distribution.--

60 | (4) Once the secretary has determined that the sponsoring
 61 | organization has complied with the criteria imposed by this
 62 | section, he or she may authorize the transfer of the appropriate
 63 | state matching funds to the organization. However, the secretary
 64 | shall ensure that the local group has made prudent arrangements
 65 | for the trusteeship of the entire endowment, and such
 66 | trusteeship is hereby created. The sponsoring organization may
 67 | then expend moneys in the endowment program fund, subject to the
 68 | following requirements:

69 | (a) The organization may expend funds only for operating
 70 | costs incurred while engaged in programs directly related to
 71 | cultural activities.

72 | (b) The organization shall annually submit a report to the
 73 | division, in such form as the division specifies, explaining how
 74 | endowment program funds were utilized.

75 | ~~(c) Any contract administered under this section shall~~
 76 | ~~require the local sponsoring organization to submit to the~~
 77 | ~~division an annual postaudit of its financial accounts conducted~~
 78 | ~~by an independent certified public accountant.~~

79 | (5) The \$240,000 state matching fund endowment for each
 80 | individual endowment shall revert to the Florida Fine Arts Trust
 81 | Fund and shall be awarded to the first organization on the
 82 | Cultural Endowment Program priority list pursuant to subsection
 83 | (7), that has not previously received a cultural endowment in
 84 | the most current fiscal year funding cycle, ~~General Revenue Fund~~

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85 if any of the following events occurs:

86 (a) The recipient sponsoring organization is no longer
 87 able to manage an endowment ~~ceases operations~~.

88 (b) The recipient sponsoring organization files for
 89 protection under federal bankruptcy provisions.

90 (c) The recipient sponsoring organization willfully
 91 expends a portion of the endowment principal of any individual
 92 endowment.

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

96 267.174 Discovery of Florida Quincentennial Commemoration
 97 Commission.--

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

99 (d) The initial meeting of the commission shall be held no
 100 later than July 31, 2008 ~~January 31, 2007~~. Subsequent meetings
 101 shall be held upon the call of the chair or vice chair acting in
 102 the absence of the chair, and in accordance with the
 103 commission's bylaws.

104 (7) DUTIES; MASTER PLAN.--

105 (c) The commission shall establish a timetable and budget
 106 for completion for all parts of the master plan which shall be
 107 made a part of the plan. An initial draft of the plan shall be
 108 completed and submitted to the Governor, the President of the
 109 Senate, the Speaker of the House of Representatives, and the
 110 Secretary of State by May 2009 ~~January 2008~~ with the completed
 111 master plan submitted to such officials by May 2010 ~~January~~
 112 ~~2009~~.

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Section 4. This act shall take effect July 1, 2006.