

HB 7031

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## CHAMBER ACTION

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1 The Transportation & Economic Development Appropriations  
2 Committee recommends the following:

3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Department of State; amending s.  
7 265.285, F.S.; clarifying terms of appointment to the  
8 Florida Arts Council; removing obsolete language; amending  
9 s. 265.606, F.S.; deleting a requirement for local  
10 sponsoring organizations to submit an annual postaudit to  
11 the Division of Cultural Affairs under certain  
12 circumstances; providing for the reversion of the state's  
13 matching share of cultural endowment to the Florida Fine  
14 Arts Trust Fund rather than the General Revenue Fund under  
15 certain circumstances; providing for distribution of  
16 reverted funds; amending s. 267.174, F.S.; changing the  
17 dates for the first meeting of the Discovery of Florida  
18 Quincentennial Commemoration Commission, the completion of  
19 the initial draft of a specified master plan, and the  
20 submission of the completed master plan; amending s.  
21 272.129, F.S.; transferring responsibility for the Florida  
22 Historic Capitol from the Department of State to the  
23 Legislature; providing for allocation of certain space for

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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24 preservation, museum, and cultural programs of the  
25 Legislature; requiring the maintenance of the Florida  
26 Historic Capitol pursuant to certain historic preservation  
27 standards and guidelines; removing responsibility of the  
28 Department of Management Services for security of the  
29 Historic Capitol and adjacent grounds; amending s.  
30 272.135, F.S.; requiring the Capitol Curator to be  
31 appointed by the President of the Senate and the Speaker  
32 of the House of Representatives; deleting rulemaking  
33 authority of the Department of State to conform; amending  
34 s. 607.193, F.S.; correcting references to repealed  
35 sections of Florida Statutes within provisions relating to  
36 the annual supplemental corporate fee imposed on each  
37 business entity authorized to transact business in this  
38 state; providing an effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Paragraph (a) of subsection (1) of section  
43 265.285, Florida Statutes, is amended to read:

44 265.285 Florida Arts Council; membership, duties.--

45 (1)(a) The Florida Arts Council is created in the  
46 department as an advisory body, as defined in s. 20.03(7), to  
47 consist of 15 members. Seven members shall be appointed by the  
48 Governor, four members shall be appointed by the President of  
49 the Senate, and four members shall be appointed by the Speaker  
50 of the House of Representatives. The appointments, to be made in  
51 consultation with the Secretary of State, shall recognize the

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52 | need for geographical representation. Council members appointed  
53 | by the Governor shall be appointed for 4-year terms beginning on  
54 | January 1 of the year of appointment. Council members appointed  
55 | by the President of the Senate and the Speaker of the House of  
56 | Representatives shall be appointed for 2-year terms beginning on  
57 | January 1 of the year of appointment. ~~Council members serving on~~  
58 | ~~July 1, 2002, may serve the remainder of their respective terms.~~  
59 | ~~New appointments to the council shall not be made until the~~  
60 | ~~retirement, resignation, removal, or expiration of the terms of~~  
61 | ~~the initial members results in fewer than 15 members remaining.~~  
62 | ~~As vacancies occur, the first appointment to the council shall~~  
63 | ~~be made by the Governor. The President of the Senate, the~~  
64 | ~~Speaker of the House of Representatives, and the Governor,~~  
65 | ~~respectively, shall then alternate appointments until the~~  
66 | ~~council is composed as required herein. A~~ No member of the  
67 | council who serves two 4-year terms or two 2-year terms is not  
68 | will be eligible for reappointment for 1 year ~~during a 1-year~~  
69 | ~~period~~ following the expiration of the member's second term. A  
70 | member whose term has expired shall continue to serve on the  
71 | council until such time as a replacement is appointed. Any  
72 | vacancy on the council shall be filled for the remainder of the  
73 | unexpired term in the same manner as for the original  
74 | appointment. Members should have a substantial history of  
75 | community service in the performing or visual arts, which  
76 | includes, but is not limited to, theatre, dance, folk arts,  
77 | music, architecture, photography, and literature. In addition,  
78 | it is desirable that members have successfully served on boards

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79 | of cultural institutions such as museums and performing arts  
80 | centers or are recognized as patrons of the arts.

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

83 | 265.606 Cultural Endowment Program; administration;  
84 | qualifying criteria; matching fund program levels;  
85 | distribution.--

86 | (4) Once the secretary has determined that the sponsoring  
87 | organization has complied with the criteria imposed by this  
88 | section, he or she may authorize the transfer of the appropriate  
89 | state matching funds to the organization. However, the secretary  
90 | shall ensure that the local group has made prudent arrangements  
91 | for the trusteeship of the entire endowment, and such  
92 | trusteeship is hereby created. The sponsoring organization may  
93 | then expend moneys in the endowment program fund, subject to the  
94 | following requirements:

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

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

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

105 | (5) The \$240,000 state matching fund endowment for each  
106 | individual endowment shall revert to the Florida Fine Arts Trust

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107 Fund and shall be awarded to the first organization on the  
108 Cultural Endowment Program priority list pursuant to subsection  
109 (7) that has not previously received a cultural endowment in the  
110 most current fiscal year funding cycle ~~General Revenue Fund~~ if  
111 any of the following events occurs:

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

114 (b) The recipient sponsoring organization files for  
115 protection under federal bankruptcy provisions.

116 (c) The recipient sponsoring organization willfully  
117 expends a portion of the endowment principal of any individual  
118 endowment.

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

122 267.174 Discovery of Florida Quincentennial Commemoration  
123 Commission.--

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

125 (d) The initial meeting of the commission shall be held no  
126 later than July 31, 2008 ~~January 31, 2007~~. Subsequent meetings  
127 shall be held upon the call of the chair or vice chair acting in  
128 the absence of the chair, and in accordance with the  
129 commission's bylaws.

130 (7) DUTIES; MASTER PLAN.--

131 (c) The commission shall establish a timetable and budget  
132 for completion for all parts of the master plan which shall be  
133 made a part of the plan. An initial draft of the plan shall be  
134 completed and submitted to the Governor, the President of the

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135 Senate, the Speaker of the House of Representatives, and the  
 136 Secretary of State by May 2009 ~~January 2008~~ with the completed  
 137 master plan submitted to such officials by May 2010 ~~January~~  
 138 ~~2009~~.

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

141 272.129 Florida Historic Capitol; space allocation;  
 142 maintenance, repair, and security.--

143 (1) The Legislature ~~Department of State~~ shall ensure  
 144 ~~assure~~ that all space in the Florida Historic Capitol is  
 145 restored in a manner consistent with the 1902 form and made  
 146 available for allocation. Notwithstanding the provisions of ss.  
 147 255.249 and 272.04 that relate to space allocation in state-  
 148 owned buildings, the President of the Senate and the Speaker of  
 149 the House of Representatives shall have responsibility and  
 150 authority for the allocation of all space in the restored  
 151 Florida Historic Capitol, provided:

152 (a) The rotunda, corridors, Senate chamber, House of  
 153 Representatives chamber, and Supreme Court chamber shall not be  
 154 used as office space.

155 (b) The Legislature ~~Department of State~~ shall be allocated  
 156 sufficient space for program and administrative functions  
 157 relating to the preservation, museum, and cultural programs of  
 158 the Legislature ~~department~~.

159 (2) The Florida Historic Capitol shall be maintained in  
 160 accordance with good historic preservation practices as  
 161 specified in the National Park Service Preservation Briefs and

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162 the Secretary of the Interior's Standards for Rehabilitation and  
163 Guidelines for Rehabilitating Historic Buildings.

164 ~~(3)(2)~~ Custodial and preventive maintenance and~~7~~ repair~~7~~  
165 ~~and security~~ of the entire Historic Capitol and the grounds  
166 located adjacent thereto shall be the responsibility of the  
167 Department of Management Services, subject to the special  
168 requirements of the building as determined by the Capitol  
169 Curator.

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

172 272.135 Florida Historic Capitol Curator.--

173 (1) The position of Capitol Curator is created within the  
174 Legislature ~~Department of State~~, which shall establish the  
175 qualifications for the position. The curator shall be appointed  
176 by and serve at the pleasure of the President of the Senate and  
177 the Speaker of the House of Representatives ~~Secretary of State~~.

178 (2) The Capitol Curator shall:

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

181 (b) Collect, research, exhibit, interpret, preserve, and  
182 protect the history, artifacts, objects, furnishings, and other  
183 materials related to the Florida Historic Capitol, except for  
184 archaeological research and resources.

185 (c) Develop, direct, supervise, and maintain the interior  
186 design and furnishings of all space within the Florida Historic  
187 Capitol in a manner consistent with the restoration of the  
188 Florida Historic Capitol in its 1902 form.

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

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

193 607.193 Supplemental corporate fee.--

194 (1) In addition to any other taxes imposed by law, an  
195 annual supplemental corporate fee of \$88.75 is imposed on each  
196 business entity that is authorized to transact business in this  
197 state and is required to file an annual report with the  
198 Department of State under s. 607.1622, s. 608.452, or s.  
199 620.1210 ~~620.177~~.

200 (2)(a) The business entity shall remit the supplemental  
201 corporate fee to the Department of State at the time it files  
202 the annual report required by s. 607.1622, s. 608.452, or s.  
203 620.1210 ~~620.177~~.

204 (b) In addition to the fees levied under ss. 607.0122,  
205 608.452, and 620.1109 ~~620.182~~ and the supplemental corporate  
206 fee, a late charge of \$400 shall be imposed if the supplemental  
207 corporate fee is remitted after May 1 except in circumstances in  
208 which a business entity did not receive the uniform business  
209 report prescribed by the department.

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