

CHAMBER ACTION

1 The State Infrastructure Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

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

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24 amending s. 272.129, F.S.; transferring responsibility for
25 the Florida Historic Capitol from the Department of State
26 to the Legislature; providing for allocation of certain
27 space for preservation, museum, and cultural programs of
28 the Legislature; requiring the maintenance of the Florida
29 Historic Capitol pursuant to certain historic preservation
30 standards and guidelines; removing responsibility of the
31 Department of Management Services for security of the
32 Historic Capitol and adjacent grounds; amending s.
33 272.135, F.S.; requiring the Capitol Curator to be
34 appointed by the President of the Senate and the Speaker
35 of the House of Representatives; deleting rulemaking
36 authority of the Department of State to conform; amending
37 s. 607.193, F.S.; correcting references to repealed
38 sections of Florida Statutes within provisions relating to
39 the annual supplemental corporate fee imposed on each
40 business entity authorized to transact business in this
41 state; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Paragraph (a) of subsection (1) of section
46 265.285, Florida Statutes, is amended to read:

47 265.285 Florida Arts Council; membership, duties.--

48 (1)(a) The Florida Arts Council is created in the
49 department as an advisory body, as defined in s. 20.03(7), to
50 consist of 15 members. Seven members shall be appointed by the
51 Governor, four members shall be appointed by the President of

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

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

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80 music, architecture, photography, and literature. In addition,
81 it is desirable that members have successfully served on boards
82 of cultural institutions such as museums and performing arts
83 centers or are recognized as patrons of the arts.

84 Section 2. Subsections (4) and (5) of section 265.606,
85 Florida Statutes, are amended, present subsections (6) and (7)
86 are renumbered as subsections (8) and (9), respectively, and new
87 subsections (6) and (7) are added to that section, to read:

88 265.606 Cultural Endowment Program; administration;
89 qualifying criteria; matching fund program levels;
90 distribution.--

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

100 (a) The organization may expend funds only for operating
101 costs incurred while engaged in programs directly related to
102 cultural activities.

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

106 ~~(c) Any contract administered under this section shall~~
107 ~~require the local sponsoring organization to submit to the~~

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108 ~~division an annual postaudit of its financial accounts conducted~~
109 ~~by an independent certified public accountant.~~

110 (5) The \$240,000 state matching fund endowment for each
111 individual endowment shall be returned ~~revert~~ to the state,
112 shall be deposited into the Florida Fine Arts Trust Fund, and
113 shall be awarded to the first organization on the Cultural
114 Endowment Program priority list pursuant to subsection (9) that
115 has not previously received a cultural endowment in the most
116 current fiscal year funding cycle ~~General Revenue Fund~~ if any of
117 the following events occurs:

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

120 (b) The recipient sponsoring organization files for
121 protection under federal bankruptcy provisions.

122 (c) The recipient sponsoring organization willfully
123 expends a portion of the endowment principal of any individual
124 endowment.

125 (6) In the event an endowment is returned to the state
126 under subsection (5), authority to disburse funds shall be
127 subject to the notice and review procedures set forth in s.
128 216.177.

129 (7) If there is no qualified organization on the Cultural
130 Endowment Program priority list, returned funds shall revert to
131 the General Revenue Fund at the end of the fiscal year.

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

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135 267.174 Discovery of Florida Quincentennial Commemoration
136 Commission.--

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

138 (d) The initial meeting of the commission shall be held no
139 later than July 31, 2008 ~~January 31, 2007~~. Subsequent meetings
140 shall be held upon the call of the chair or vice chair acting in
141 the absence of the chair, and in accordance with the
142 commission's bylaws.

143 (7) DUTIES; MASTER PLAN.--

144 (c) The commission shall establish a timetable and budget
145 for completion for all parts of the master plan which shall be
146 made a part of the plan. An initial draft of the plan shall be
147 completed and submitted to the Governor, the President of the
148 Senate, the Speaker of the House of Representatives, and the
149 Secretary of State by May 2009 ~~January 2008~~ with the completed
150 master plan submitted to such officials by May 2010 ~~January~~
151 ~~2009~~.

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

154 272.129 Florida Historic Capitol; space allocation;
155 maintenance, repair, and security.--

156 (1) The Legislature ~~Department of State~~ shall ensure
157 ~~assure~~ that all space in the Florida Historic Capitol is
158 restored in a manner consistent with the 1902 form and made
159 available for allocation. Notwithstanding the provisions of ss.
160 255.249 and 272.04 that relate to space allocation in state-
161 owned buildings, the President of the Senate and the Speaker of
162 the House of Representatives shall have responsibility and

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163 authority for the allocation of all space in the restored
164 Florida Historic Capitol, provided:

165 (a) The rotunda, corridors, Senate chamber, House of
166 Representatives chamber, and Supreme Court chamber shall not be
167 used as office space.

168 (b) The Legislature ~~Department of State~~ shall be allocated
169 sufficient space for program and administrative functions
170 relating to the preservation, museum, and cultural programs of
171 the Legislature ~~department~~.

172 (2) The Florida Historic Capitol shall be maintained in
173 accordance with good historic preservation practices as
174 specified in the National Park Service Preservation Briefs and
175 the Secretary of the Interior's Standards for Rehabilitation and
176 Guidelines for Rehabilitating Historic Buildings.

177 (3) ~~(2)~~ Custodial and preventive maintenance and, repair,
178 ~~and security~~ of the entire Historic Capitol and the grounds
179 located adjacent thereto shall be the responsibility of the
180 Department of Management Services, subject to the special
181 requirements of the building as determined by the Capitol
182 Curator.

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

185 272.135 Florida Historic Capitol Curator.--

186 (1) The position of Capitol Curator is created within the
187 Legislature ~~Department of State~~, which shall establish the
188 qualifications for the position. The curator shall be appointed
189 by and serve at the pleasure of the President of the Senate and
190 the Speaker of the House of Representatives ~~Secretary of State~~.

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191 (2) The Capitol Curator shall:

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

194 (b) Collect, research, exhibit, interpret, preserve, and
195 protect the history, artifacts, objects, furnishings, and other
196 materials related to the Florida Historic Capitol, except for
197 archaeological research and resources.

198 (c) Develop, direct, supervise, and maintain the interior
199 design and furnishings of all space within the Florida Historic
200 Capitol in a manner consistent with the restoration of the
201 Florida Historic Capitol in its 1902 form.

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

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

206 607.193 Supplemental corporate fee.--

207 (1) In addition to any other taxes imposed by law, an
208 annual supplemental corporate fee of \$88.75 is imposed on each
209 business entity that is authorized to transact business in this
210 state and is required to file an annual report with the
211 Department of State under s. 607.1622, s. 608.452, or s.
212 620.1210 ~~620.177~~.

213 (2)(a) The business entity shall remit the supplemental
214 corporate fee to the Department of State at the time it files
215 the annual report required by s. 607.1622, s. 608.452, or s.
216 620.1210 ~~620.177~~.

217 (b) In addition to the fees levied under ss. 607.0122,
218 608.452, and 620.1109 ~~620.182~~ and the supplemental corporate

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219 | fee, a late charge of \$400 shall be imposed if the supplemental
220 | corporate fee is remitted after May 1 except in circumstances in
221 | which a business entity did not receive the uniform business
222 | report prescribed by the department.

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