

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Governmental Oversight and Accountability Committee

BILL: SB 1104

INTRODUCER: Senator Storms

SUBJECT: Art in State Buildings

DATE: March 4, 2009

REVISED: 3/9/09

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McKay	Wilson	GO	Favorable
2.			GA	
3.			WPSC	
4.				
5.				
6.				

I. Summary:

The bill repeals a statutory requirement that each appropriation for new construction of a state building include an amount of up to 0.5 percent of the total appropriation for buying works of art for the building. The repeal of s. 255.043, F.S., also eliminates all requirements related to the purchase of works of art for new state building construction, and related rulemaking authority.

This bill repeals the following section of the Florida Statutes: 255.043.

II. Present Situation:

Chapter 255, F.S., provides for the regulation of public property and publicly owned buildings. Section 255.043(1), F.S., provides that each appropriation for the original construction of a state building which provides public access shall include an amount of up to 0.5 percent of the total appropriation for the construction of the building, not to exceed \$100,000, to be used for the acquisition of works of art.

The works must be displayed for viewing in public areas in the interior or on the grounds or the exterior of the building and not in private offices or areas with limited public access.

Under subsection (2) of the section, the Department of Management Services (DMS) or other state agencies receiving appropriations for original construction must notify the Florida Arts Council and the user agency of any construction project which is eligible under the provisions of the section. The DMS or other state agency must determine the amount to be made available for purchase or commission of works of art for each project and must report these amounts to the Florida Arts Council and the user agency. Payments are made from funds appropriated for fixed

capital outlay. The approval of any invoice for payment for any purchase of or commission of works of art is the responsibility of the user agency.

The user agency, not the Florida Arts Council, selects the artist or craftsperson under subsection (3) of the section. The final approval of any recommendation for the purchase of or commissioning of works must be consistent with the art selection process established by rule by the Department of State.

III. Effect of Proposed Changes:

The bill repeals s. 255.043, F.S., thereby eliminating the statutory requirement that each appropriation for the original construction of a state building must include an amount of up to 0.5 percent of the total appropriation for procuring works of art for the building. The repeal of s. 255.043, F.S., also eliminates all requirements related to the purchase of works of art for new state building construction, and related rulemaking authority.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a negative fiscal impact on Florida artists and craftspersons, and others, as appropriations for original construction for state buildings will no longer be required to include funding for purchase of their works.

C. Government Sector Impact:

According to the Department of State, since the section was effective, there have been 1,448 works purchased or commissioned for a total of \$11,519,577 spent under the program.¹ The smallest reported amount paid for a work was \$75.00 and the highest was

¹ As of March, 2008.

\$125,000. The mean average paid for all works is \$7,955. In 2005, \$406,725 was spent for works; in 2006, \$294,069 was spent for works; and in 2007, \$701,389 was spent for works.

Project appropriations scheduled over the next 24 months provide for the purchase or commission of works of art totaling approximately \$655,000.²

VI. Technical Deficiencies:

None.

VII. Related Issues:

By repealing all of s. 255.403, F.S., the bill deletes the cap on how many funds may be spent on art, and the procedures for acquiring the art. The Legislature may wish to consider specifying that agencies may not purchase art without a specific appropriation to do so, and retaining the provisions relating to how the art will be selected and purchased, in the event the Legislature authorizes such a purchase.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

² Department of State bill analysis for SB 1104.