

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Glorioso offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5
6 Section 1. Section 265.281, Florida Statutes, is amended
7 to read:

8 265.281 Florida ~~Fine Arts and Culture~~ Act; short
9 title.--Sections 265.281-265.709 ~~265.281-265.286~~ shall be known
10 ~~and~~ may be cited as the "Florida ~~Fine Arts and Culture~~ Act of
11 ~~1980.~~"

12 Section 2. Section 265.282, Florida Statutes, is amended
13 to read:

14 265.282 Legislative intent.--The Legislature recognizes
15 the vast cultural resources available in this ~~the~~ state for the
16 development, promotion, and enjoyment of ~~the fine arts and~~ and

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17 culture. It is the intent of the Legislature ~~by enactment of~~
18 ~~this legislation~~ to provide for maximum efficiency in providing
19 state support for, and gaining national and international
20 recognition of, the efforts, works, and performances of Florida
21 artists and art agencies, museums, and nonprofit organizations.
22 Furthermore, ~~it is the intent of the Legislature~~ shall ~~to~~ foster
23 and ensure, through the state arts administrative agency,
24 programs authorized by this act ~~created hereunder~~, the
25 ~~development of a receptive climate for the fine arts; to enrich~~
26 ~~culturally and benefit the citizens of this state in their daily~~
27 ~~lives; to make Florida visits and vacations all the more~~
28 ~~appealing to the world; and to attract to Florida residency~~
29 ~~additional outstanding creators in the fields of fine arts~~
30 ~~through appropriate programs of publicity, education,~~
31 ~~coordination, grants, and activities, such as sponsorship of art~~
32 ~~lectures and exhibitions and central compilation and~~
33 ~~dissemination of information on the progress of the fine arts in~~
34 ~~Florida.~~

35 Section 3. Section 265.283, Florida Statutes, is amended
36 to read:

37 265.283 Definitions ~~relating to Florida Fine Arts Act of~~
38 ~~1980.~~ As used in ss. 265.281-265.709, the term ~~The following~~
39 ~~definitions shall apply to ss. 265.281-265.286:~~

40 (1) "Arts and cultural disciplines" includes, but is not
41 limited to, music, dance, theatre, creative writing, literature,
42 architecture, painting, sculpture, folk arts, photography,
43 crafts, media arts, visual arts, programs of museums, and other
44 such allied, major art forms.

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45 (2) "Arts in Education grant" means a grant the purpose of
46 which is to cultivate the learning and artistic development of
47 all students and teachers by promoting, encouraging, and
48 supporting arts and culture as an integral part of education and
49 lifelong learning for the citizens of and visitors to this
50 state.

51 (3)~~(1)~~ "Council" means the Florida Arts Council on Arts
52 and Culture.

53 (4) "Cultural Support grant" means a grant that provides
54 for general program support and specific cultural projects.

55 (5) "Culture Builds Florida grant" means a grant the
56 purpose of which is to connect the arts to key areas of the
57 division's long-term strategic plan.

58 (6)~~(2)~~ "Department" means the Department of State.

59 (7)~~(3)~~ "Director" means the Director of the Division of
60 Cultural Affairs of the Department of State.

61 (8)~~(4)~~ "Division" means the Division of Cultural Affairs
62 of the Department of State.

63 (9) "Historical museum" means a department or agency of
64 state or local government, or a public or private nonprofit
65 organization, located in this state and operating on a permanent
66 basis for the primary purpose of sponsoring, producing, and
67 exhibiting educational programs that are related to the
68 historical resources of this state.

69 (10) "Local arts agency" means a public or private
70 nonprofit organization located in this state and operating on a
71 permanent basis for the primary purpose of strengthening,

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72 supporting, and stabilizing the activities of one or more county
73 art and cultural constituencies.

74 (11)-(5) "Panel" means a grant review panel.

75 (12) "Science museum" means a public or private nonprofit
76 organization located in this state and operating on a permanent
77 basis for the primary purpose of sponsoring, producing, and
78 exhibiting programs for the observation and study of various
79 types of natural science and science technology.

80 (13)-(6) "Secretary" means the Secretary of State.

81 (14) "State service organization" means a public or
82 private nonprofit organization located in this state and
83 operating on a permanent basis for the primary purpose of
84 implementing programs that have substantial cultural
85 significance, giving emphasis to American creativity and the
86 maintenance and encouragement of professional excellence.

87 (15) "Touring Program grant" means a grant the purpose of
88 which is to provide performances, activities, and exhibitions by
89 Florida artists to Florida communities.

90 (16) "Underserved Arts Community Assistance Program grant"
91 means a grant awarded to a qualified organization under the
92 Rural Economic Development Initiative, pursuant to ss. 288.0656
93 and 288.06561, for the purpose of economic and organizational
94 development of underserved cultural organizations.

95 (17) "Youth and children's museum" means a public or
96 private nonprofit organization located in this state and
97 operating on a permanent basis for the primary purpose of
98 sponsoring, producing, and exhibiting multidisciplinary,

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99 participatory programs oriented toward visitors ages 6 months
100 through 15 years and their families, teachers, and caregivers.

101 ~~(7) "The arts" means any and all artistic disciplines,~~
102 ~~which include, but are not limited to, music, dance, drama,~~
103 ~~theater programs, creative writing, literature, architecture,~~
104 ~~painting, sculpture, folk arts, photography, crafts, and public~~
105 ~~media, and the execution and exhibition of other such allied,~~
106 ~~major art forms.~~

107 Section 4. Section 265.284, Florida Statutes, is amended
108 to read:

109 265.284 Chief cultural officer; director of division;
110 powers and duties.--

111 (1) The Secretary of State is the chief cultural officer
112 of this the state, ~~and the Division of Cultural Affairs is~~
113 ~~designated as the state arts administrative agency.~~

114 (2) The division is the state arts administrative agency
115 ~~and of Cultural Affairs of the Department of State~~ shall be
116 headed by a director, who shall serve at the pleasure of the
117 ~~secretary of State.~~

118 (3) The division ~~of Cultural Affairs~~ shall have direct
119 administrative authority and responsibility for all of the
120 programs authorized by this act. In furtherance thereof, the
121 division shall have the authority to:

122 (a) Accept and administer state and federal funds
123 appropriated by the Legislature or those funds received from
124 other public or private sources ~~provided for the fine arts, the~~
125 ~~grants, and any program authorized by this act.~~

126 (b) Advance funds for grants on a quarterly basis.

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127 ~~(c) (b) Subject to the approval of the Secretary of State,~~
128 Enter into grant award agreements or other ~~such~~ contracts with
129 any person, firm, performing arts company, educational
130 institution, arts organization, corporation, or governmental
131 agency as may be necessary or advisable to carry out its
132 functions under this act.

133 ~~(c) Seek, and help assure, a uniformity of artwork within~~
134 ~~state buildings and review all art content of existing public~~
135 ~~buildings or buildings of state ownership for the purpose of~~
136 ~~making recommendations to the Department of Management Services~~
137 ~~as to matters of installation, relocation, restoration, removal,~~
138 ~~or any other disposition of such works of art.~~

139 (d) Upon ~~On~~ request, or at its own initiative, consult
140 with and advise other individuals, groups, organizations, or
141 state agencies and officials, particularly the Governor and the
142 Cabinet, concerning the acquisition by gift or purchase of fine
143 art works, the appropriate use and display of state-owned art
144 treasures for maximum public benefit, and the suitability of any
145 structures or fixtures, including framing, primarily intended
146 for ornamental or decorative purposes in the interior of public
147 buildings.

148 (e) Accept on behalf of the state donations of money,
149 property, art objects, and antiquities. Such donations of money
150 and any cash income ~~which~~ may be received ~~by the division or~~
151 ~~which were previously received by the Florida Fine Arts Council~~
152 from the disposal of any donations of property, art objects, or
153 antiquities. These amounts shall be deposited into the Florida
154 Fine Arts ~~a separate~~ Trust Fund and are hereby appropriated for

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155 ~~to the use by~~ of the division for the purposes authorized by ~~of~~
156 this act.

157 (f) Sponsor performances and exhibits; promote and
158 encourage the study and appreciation of arts and culture; and
159 collect, publish, and print pamphlets, papers, newsletters, and
160 other materials related to arts and cultural programs available
161 throughout the state.

162 (g) Conduct and support cultural programs and cultural
163 exchanges in conjunction with the appropriate state agencies and
164 other organizations, including the acceptance of funding and
165 other forms of support for such purposes.

166 (h) Notwithstanding s. 287.022 or s. 287.025(1) (e), enter
167 into contracts to insure museum collections, artifacts, relics,
168 and fine arts to which it holds title or that are on loan to the
169 division.

170 (i) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
171 implement provisions of law conferring duties on the division.

172 (4) There is created the Florida Fine Arts Trust Fund,
173 which shall ~~to be administered by the department and of State~~
174 ~~for the purposes set forth by law. The Florida Fine Arts Trust~~
175 ~~Fund shall consist of moneys appropriated by the Legislature or~~
176 ~~and moneys contributed to the fund from any other source.~~

177 ~~(5) The division is further authorized to:~~

178 ~~(a) Accept and administer moneys appropriated by the~~
179 ~~Legislature, and moneys received from the Federal Government or~~
180 ~~from other public or private sources, for the development of~~
181 ~~nationally recognized Florida performing arts groups through a~~
182 ~~state touring program. The division shall develop and establish~~

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183 ~~a selection procedure which will ensure maximum opportunity for~~
184 ~~selection of and participation by Florida performing arts groups~~
185 ~~in the state touring program.~~

186 ~~(b) Sponsor performances and exhibits; promote and~~
187 ~~encourage the study and appreciation of fine arts; and collect,~~
188 ~~publish, and print pamphlets, papers, newsletters, and other~~
189 ~~materials relating to fine arts programs available throughout~~
190 ~~the state.~~

191 ~~(c) Conduct and support cultural programs and cultural~~
192 ~~exchanges in conjunction with the appropriate state agencies,~~
193 ~~including the acceptance of funding, technical assistance, and~~
194 ~~other forms of support for such purposes.~~

195 ~~(d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to~~
196 ~~implement provisions of law conferring duties on it.~~

197 ~~(6) Notwithstanding any provision of s. 287.022 or s.~~
198 ~~287.025(1)(c), the division may enter into contracts to insure~~
199 ~~museum collections, artifacts, relics, and fine arts to which it~~
200 ~~holds title.~~

201 Section 5. Section 265.285, Florida Statutes, is amended
202 to read:

203 265.285 Florida ~~Arts~~ Council on Arts and Culture;
204 membership, duties.--

205 (1) (a) The Florida ~~Arts~~ Council on Arts and Culture is
206 created within ~~in~~ the department as an advisory body, as defined
207 in s. 20.03(7), to consist of 15 members. Seven members shall be
208 appointed by the Governor, four members shall be appointed by
209 the President of the Senate, and four members shall be appointed
210 by the Speaker of the House of Representatives. The

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211 appointments, to be made in consultation with the Secretary of
212 State, shall recognize the need for geographical representation.
213 Council members appointed by the Governor shall be appointed for
214 4-year terms beginning on January 1 of the year of appointment.
215 Council members appointed by the President of the Senate and the
216 Speaker of the House of Representatives shall be appointed for
217 2-year terms beginning on January 1 of the year of appointment.
218 A member of the council who serves two 4-year terms or two 2-
219 year terms is not eligible for reappointment for 1 year
220 following the expiration of the member's second term. A member
221 whose term has expired shall continue to serve on the council
222 until such time as a replacement is appointed. Any vacancy on
223 the council shall be filled for the remainder of the unexpired
224 term in the same manner as for the original appointment. Members
225 should have a substantial history of community service in the
226 performing or visual arts, which includes, but is not limited
227 to, theatre, dance, folk arts, music, architecture, photography,
228 ~~and~~ literature, media arts, visual arts, and museums. In
229 addition, it is desirable that members have successfully served
230 on boards of cultural institutions such as museums and
231 performing arts centers or are recognized as patrons of the
232 arts.

233 (b) The members shall elect a chair from their number
234 annually. The council shall meet at the call of its chair, at
235 the request of the division ~~department~~, or at such times as may
236 be prescribed by its rules. A majority of the members of the
237 council constitutes a quorum, and a meeting may not be held with
238 less than a quorum present. The affirmative vote of a majority

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239 of the members of the council present is necessary for any
240 official action by the council.

241 ~~(c) The Secretary of State may appoint review panels~~
242 ~~representing various artistic disciplines to assist the Florida~~
243 ~~Arts Council in the grant review process. Review panel members~~
244 ~~shall serve for 1-year terms. Each panel shall include~~
245 ~~practicing artists or other persons actively involved in the~~
246 ~~specific discipline for which the panel is to review grants. The~~
247 ~~panels shall review grant applications and make recommendations~~
248 ~~to the council concerning the relative merits of the applicants.~~
249 ~~The division shall, by rule, establish criteria for reviewing~~
250 ~~grant applications to ensure compliance with applicable federal~~
251 ~~and state laws relating to discrimination and conflicts of~~
252 ~~interest.~~

253 ~~(d) The council and panels shall provide a forum for~~
254 ~~public comment prior to voting on any art grant application.~~

255 (c) ~~(e)~~ Members of the council and panels shall not receive
256 any compensation for their services but shall be reimbursed for
257 travel and expenses incurred in the performance of their duties,
258 as provided in s. 112.061.

259 (d) ~~(f)~~ If a member of the council is absent from two
260 consecutive meetings or any two regularly scheduled meetings in
261 any calendar year, the council member's appointment shall be
262 terminated unless the original appointing authority determines
263 that extenuating circumstances exist.

264 (e) ~~(g)~~ The original appointing authority may remove any of
265 his or her appointees from the council for misconduct or
266 malfeasance in office, neglect of duty, incompetence, or
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267 permanent inability to perform official duties or if there has
268 been an adjudication that the member is guilty of a felony.

269 (2) The duties of the council shall be to:

270 (a) Advocate for arts and culture by stimulating and
271 encouraging throughout the state the study and presentation of
272 arts and cultural activities that are of public interest and
273 encourage participation in those activities.

274 (b) ~~(a)~~ Advise the secretary ~~of State in all~~ matters
275 pertaining to arts and cultural art, ~~specifically with respect~~
276 ~~to any programs and grants administered operated~~ by the division
277 ~~department as authorized hereunder.~~

278 ~~(b) Stimulate and encourage throughout the state the study~~
279 ~~and presentation of the arts and public interest and~~
280 ~~participation therein.~~

281 ~~(c) Make such surveys as may be advisable of public and~~
282 ~~private institutions which are engaged within the state in~~
283 ~~artistic and cultural activities.~~

284 (c) ~~(d)~~ Encourage the participation in and appreciation of
285 the arts and culture to meet the needs and aspirations of
286 persons in all parts of the state.

287 (d) ~~(e)~~ Encourage public interest in the cultural heritage
288 of this state and expand the cultural resources of this ~~the~~
289 state.

290 (e) ~~(f)~~ Encourage and assist freedom of artistic
291 expression, which is essential for the well-being of the arts.

292 (f) ~~(g)~~ Advise the secretary ~~of State in all~~ matters
293 concerning the awarding of grants for the arts as authorized by
294 ~~under~~ this act.

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295 ~~(h) Promote the enhancement and beautification of the~~
296 ~~interiors of the Capitol Building and other public buildings and~~
297 ~~advise appropriate state officers, state agencies, and the~~
298 ~~Department of Management Services in this regard.~~

299 (g)(i) Review grant applications for grants for the
300 acquisition, renovation, or construction of cultural facilities
301 and recommend a priority for the receipt of such grants, as
302 provided in s. 265.701.

303 Section 6. Section 265.286, Florida Statutes, is amended
304 to read:

305 (Substantial rewording of section. See
306 s. 265.286, F.S., for present text.)
307 265.286 Art and cultural grants.--

308 (1) The secretary may appoint review panels representing
309 various arts and cultural disciplines and programs to assist the
310 council in the grant review process. Review panel members shall
311 serve for 1-year terms. Each panel shall include practicing
312 artists or other professionals actively involved in the specific
313 discipline or program for which the panel is to review grants.
314 Panel members shall review and score grant applications and
315 recommend grant awards to the council by submitting lists of
316 eligible grant applicants, arranged in order of priority by
317 score. Scoring shall be by formula set forth in rule by the
318 division.

319 (2) The council and panels shall provide a forum for
320 public comment prior to voting on any grant application.

321 (3) The council shall review the recommended grant
322 application lists submitted by the review panels. It shall

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323 separate the applications that it recommends to the secretary
324 for funding into two lists, arranged in order by score, for
325 general program support funding and for specific cultural
326 project funding. The secretary shall review the council's
327 recommendations and, beginning July 1, 2010, submit the lists of
328 approved grant applications to the Legislature in the
329 department's legislative budget request.

330 (4) Project grants shall be funded from the secretary's
331 approved list, in the order of score, until all appropriated
332 funds are depleted. When specific project grant funds are
333 returned to the division, the division shall award those funds
334 to the next grant applicant on the secretary's approved project
335 grants list. General program support grants shall be awarded to
336 applicants on the secretary's approved list in amounts to be
337 determined by rule.

338 (5) The division may fund the following grant program
339 areas and adopt rules related thereto:

340 (a) General program support for science museums, youth and
341 children's museums, historical museums, local arts agencies,
342 state service organizations, and organizations with cultural
343 program activity in any of the arts and cultural disciplines.

344 (b) Specific cultural projects for arts in education,
345 museums, Culture Builds Florida, or nonprofit public or private
346 organizations with cultural project activity in any of the arts
347 and cultural disciplines.

348 (c) A touring program with a selection procedure that will
349 ensure maximum opportunity for Florida artists and cultural
350 groups.

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351 (d) An individual artist fellowship program with a
352 selection procedure that will identify individual artists of
353 exceptional talent and demonstrated ability. The division shall
354 distribute grant appropriations as set forth by rule.

355 (e) Other programs consistent with the purposes of this
356 act.

357 (6) Consistent with the requirements of this act, the
358 division shall also establish rules regarding:

359 (a) Eligibility criteria for the award of grants, which
360 may include application requirements, program quality, artistic
361 quality, creativity, potential public exposure and benefit,
362 ability to properly administer grant funds, professional
363 excellence, fiscal stability, state or regional impact, matching
364 requirements, and such other requirements to further the
365 purposes of this act.

366 (b) Particular grant programs, categories of grants, and
367 procedures necessary for the prudent administration of the grant
368 programs.

369 (c) The panel review process, including criteria for
370 reviewing grant applications to ensure compliance with
371 applicable federal and state law, including those related to
372 discrimination and conflicts of interest. The division may not
373 award any new grant that will, in whole or in part, inure to the
374 personal benefit of any council or review panel member during
375 that member's term of office if the council or panel member
376 participated in the vote of the council or panel recommending
377 the award. This subsection does not prohibit the division from

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378 awarding a grant to an entity with which a council or panel
379 member is associated.

380 (7) The division shall award grants:

381 (a) To supplement the financial support of artistic and
382 cultural activities and programs that, without grant assistance,
383 may otherwise be unavailable to citizens of this state.

384 (b) To those activities and programs that have substantial
385 artistic and cultural significance, giving emphasis to
386 creativity and the maintenance and encouragement of professional
387 excellence.

388 (c) To those activities and programs meeting professional
389 standards or standards of authenticity of significant merit,
390 regardless of origin.

391 (d) For other purposes consistent with this act.

392 (8) An eligible grantee shall be a nonprofit, tax-exempt
393 Florida corporation; local or state governmental entity; school
394 district, community college, college, or university; agency of
395 state government; or artist engaged in or concerned with arts
396 and cultural activities.

397 (9) In order to equitably distribute limited state
398 funding, grant applicants may only apply for and be awarded one
399 grant per annual grant cycle, except for cultural facilities,
400 cultural endowments, touring program grants, and individual
401 artist fellowships.

402 (10) Of the total amount of grant funds available from all
403 sources for grants, except cultural facilities and cultural
404 endowments, 70 percent shall be awarded on at least a dollar-
405 for-dollar matching basis. Up to 50 percent of the grantee's

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406 match may consist of in-kind funds. Up to 30 percent of all
407 grant funds may be awarded on a nonmatching basis, including
408 individual fellowships.

409 Section 7. Effective upon this act becoming a law, section
410 679.527, Florida Statutes, is amended to read:

411 679.527 Florida Secured Transaction Registry.--

412 (1) As used in this section, the term:

413 (a) The "Florida Secured Transaction Registry" or
414 "registry" means the centralized database in which all initial
415 financing statements, amendments, assignments, and other
416 statements of change authorized to be filed under this chapter
417 are filed, maintained, and retrieved. The term does not apply to
418 documents that are filed under this chapter with the clerk of a
419 circuit court.

420 (b) "Department" means the Department of State.

421 (c) "Materials and records" includes, but is not limited
422 to databases, source or object codes, and any software relating
423 to the Florida Secured Transaction Registry or other filing
424 system for centralized filing under this chapter, regardless of
425 the original source of its creation or maintenance.

426 ~~(2) Under chapter 287, the department has the authority to~~
427 ~~determine and select the most qualified respondents to the~~
428 ~~request for qualifications and to negotiate and enter into one~~
429 ~~or more contracts as provided in this section. The contract may~~
430 ~~not be assignable or otherwise transferable without the express~~
431 ~~written consent of the department, notwithstanding any~~
432 ~~limitations imposed by s. 679.4061 or s. 679.4081.~~

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433 ~~(3) The department shall perform the duties, as filing~~
434 ~~officer and filing office under this chapter, for the Florida~~
435 ~~Secured Transaction Registry until October 1, 2001, or until the~~
436 ~~effective date of a contract executed by the department to~~
437 ~~administer and operate the registry for the performance of these~~
438 ~~duties, whichever occurs later. At that time, the department~~
439 ~~shall cease serving as the designated filing officer and filing~~
440 ~~office for the registry under this chapter, and thereafter,~~
441 ~~except to the extent the department may reclaim those duties as~~
442 ~~provided below, the department shall not be responsible for the~~
443 ~~performance of the duties of the filing office or officer under~~
444 ~~this chapter, including determining whether documents tendered~~
445 ~~for filing under this chapter satisfy the requirements of law.~~
446 ~~The department shall retain authority under this chapter to~~
447 ~~approve the forms required to be filed under this chapter. If~~
448 ~~authorized by the contract with the department, the entity~~
449 ~~performing the duties of the filing office may certify a copy of~~
450 ~~a financing statement, or an amendment thereto, which shall be~~
451 ~~admissible in a state or federal court or in a proceeding before~~
452 ~~any other tribunal.~~

453 (2) (4) Notwithstanding The terms and conditions of any
454 contract to perform the administrative and operational functions
455 of the filing office or filing officer under this part for the
456 Florida Secured Transaction Registry shall terminate on June 30,
457 2009. Beginning July 1, 2009, the department shall perform the
458 administrative and operational functions of the filing office or
459 filing officer under this part for the Florida Secured
460 Transaction Registry. The department and the state shall retain

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461 sole and exclusive ownership of the materials and records of the
462 registry, ~~shall have the right to inspect and make copies of the~~
463 ~~materials and records of the registry,~~ and shall have the right
464 to immediately reclaim and take possession and control of the
465 ~~original~~ materials and records of the registry ~~if any entity~~
466 ~~under contract with the department to administer and operate the~~
467 ~~registry does not, or cannot, perform the terms and conditions~~
468 ~~of the contract for any reason or commences or is adjudicated a~~
469 ~~debtor in an insolvency proceeding. If the department reclaims~~
470 ~~control of the materials and records of the registry, the~~
471 ~~department shall provide for the uninterrupted fulfillment of~~
472 ~~the duties of the filing office and filing officer under this~~
473 ~~chapter by administration and operation by the department until~~
474 ~~a subsequent contract for such duties can be executed. The~~
475 ~~department shall be entitled to injunctive relief if the entity~~
476 ~~fails to turn over the materials and records upon demand, and~~
477 ~~the Circuit Court for Leon County, Florida, shall have exclusive~~
478 ~~original jurisdiction to adjudicate any disputes pertaining to~~
479 ~~this section or any contract entered into under this section.~~

480 ~~(5) The Department of State shall immediately develop and~~
481 ~~issue a Request for Qualifications seeking capable entities to~~
482 ~~perform both the duties currently being performed by the~~
483 ~~department as a filing officer and filing office under this~~
484 ~~chapter.~~

485 ~~(a) The qualifications shall, at a minimum, provide for~~
486 ~~the organization and maintenance of the Florida Secured~~
487 ~~Transaction Registry as the centralized Uniform Commercial Code~~
488 ~~filing and retrieval system, which:~~

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489 ~~1. Is comparable and compatible with the department's~~
490 ~~existing filing system.~~

491 ~~2. Is open to the public and accessible through the~~
492 ~~Internet, to permit the review of all existing filings of the~~
493 ~~department and all future filings in the registry, in compliance~~
494 ~~with chapter 119.~~

495 ~~3. Provides for oversight and compliance audits by the~~
496 ~~department.~~

497 ~~4. Requires records maintenance in compliance with this~~
498 ~~chapter and chapter 119.~~

499 ~~5. Maintains the current level of filing fees and~~
500 ~~procedures for the deposit of revenues with the department as~~
501 ~~specified in chapter 15, net of operating costs, for a period of~~
502 ~~5 years.~~

503 ~~(b) The Department of State shall develop performance~~
504 ~~standards to ensure that the Florida Secured Transaction~~
505 ~~Registry is accurate and complete and that the users thereof are~~
506 ~~being well-served. Periodically, the department shall verify~~
507 ~~that these performance standards are being met or modified as~~
508 ~~may be needed from time to time.~~

509 Section 8. Subsection (2) of section 255.043, Florida
510 Statutes, is amended to read:

511 255.043 Art in state buildings.--

512 (2) The Department of Management Services or other state
513 agencies receiving appropriations for original constructions
514 shall notify the Florida ~~Arts~~ Council on Arts and Culture and
515 the user agency of any construction project which is eligible
516 under the provisions of this section. The Department of

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517 Management Services or other state agency shall determine the
518 amount to be made available for purchase or commission of works
519 of art for each project and shall report these amounts to the
520 Florida ~~Arts~~ Council on Arts and Culture and the user agency.
521 Payments therefor shall be made from funds appropriated for
522 fixed capital outlay according to law.

523 Section 9. Paragraph (a) of subsection (2) and subsection
524 (3) of section 265.2865, Florida Statutes, are amended to read:

525 265.2865 Florida Artists Hall of Fame.--

526 (2) (a) There is hereby created the Florida Artists Hall of
527 Fame. The Florida ~~Arts~~ Council on Arts and Culture shall
528 identify an appropriate location in the public area of a
529 building in the Capitol Center that is under the jurisdiction of
530 the Department of Management Services, which location shall be
531 set aside by the department and designated as the Florida
532 Artists Hall of Fame.

533 (3) The Florida ~~Arts~~ Council on Arts and Culture shall
534 accept nominations annually for persons to be recommended as
535 members of the Florida Artists Hall of Fame. The council shall
536 recommend to the Secretary of State persons to be named as
537 members of the Florida Artists Hall of Fame. The council shall
538 recommend as members of the Florida Artists Hall of Fame persons
539 who were born in Florida or adopted Florida as their home state
540 and base of operation and who have made a significant
541 contribution to the enhancement of the arts in this state.

542 Section 10. Paragraph (f) of subsection (7) of section
543 265.32, Florida Statutes, is amended to read:

544 265.32 County fine arts council.--

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Amendment No.

545 (7) COUNCIL MEETINGS; PUBLIC HEARINGS; COMMITTEES AND
546 ADVISERS; REPORTS; RULES.--

547 (f) The county arts council may, from time to time and at
548 any time, submit to the Florida ~~Arts~~ Council on Arts and Culture
549 a report summarizing its activities and setting forth any
550 recommendations it considers appropriate, including
551 recommendations with respect to present or proposed legislation
552 concerning state encouragement and support of the arts.

553 Section 11. Paragraph (c) of subsection (1) of section
554 265.606, Florida Statutes, is amended to read:

555 265.606 Cultural Endowment Program; administration;
556 qualifying criteria; matching fund program levels;
557 distribution.--

558 (1) To be eligible for receipt of state matching funds,
559 the local sponsoring organization shall meet all of the
560 following criteria:

561 (c) Be designated a cultural sponsoring organization by
562 the department, if recommended by the Florida ~~Arts~~ Council on
563 Arts and Culture to the Secretary of State pursuant to the
564 procedures contained in s. 265.285.

565 Section 12. Subsections (3) and (5) of section 265.701,
566 Florida Statutes, are amended to read:

567 265.701 Cultural facilities; grants for acquisition,
568 renovation, or construction; funding; approval; allocation.--

569 (3) The Florida ~~Arts~~ Council on Arts and Culture shall
570 review each application for a grant to acquire, renovate, or
571 construct a cultural facility which is submitted pursuant to
572 subsection (2) and shall submit annually to the Secretary of
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Amendment No.

573 State for approval lists of all applications that are
574 recommended by the council for the award of grants, arranged in
575 order of priority. The division may allocate grants only for
576 projects that are approved or for which funds are appropriated
577 by the Legislature. Projects approved and recommended by the
578 Secretary of State which are not funded by the Legislature shall
579 be retained on the project list for the following grant cycle
580 only. All projects that are retained shall be required to submit
581 such information as may be required by the department as of the
582 established deadline date of the latest grant cycle in order to
583 adequately reflect the most current status of the project.

584 (5) The Division of Cultural Affairs shall adopt rules
585 prescribing the criteria to be applied by the Florida ~~Arts~~
586 Council on Arts and Culture in recommending applications for the
587 award of grants and rules providing for the administration of
588 the other provisions of this section.

589 Section 13. Subsection (2) of section 679.5011, Florida
590 Statutes, is amended to read:

591 679.5011 Filing office.--

592 (2) The office in which to file a financing statement to
593 perfect a security interest in collateral, including fixtures,
594 of a transmitting utility is the Office of the Secretary of
595 State, ~~or the filing office authorized by s. 679.527 to accept~~
596 ~~filings for the Florida Secured Transaction Registry~~. The
597 financing statement also constitutes a fixture filing as to the
598 collateral indicated in the financing statement which is or is
599 to become fixtures.

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600 Section 14. Sections 265.2861, 265.2862, 265.289, 265.608,
601 265.609, 265.702, and 265.708, Florida Statutes, are repealed.

602 Section 15. Except as otherwise expressly provided in this
603 act, this act shall take effect July 1, 2009.

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T I T L E A M E N D M E N T

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Remove the entire title and insert:

609

A bill to be entitled

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An act relating to the Department of State; amending s.

611

265.281, F.S.; renaming the Florida Fine Arts Act of 1980

612

as the Florida Arts and Culture Act; amending s. 265.282,

613

F.S.; revising legislative intent to include the promotion

614

of activities involving arts and culture and support for

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museums and nonprofit organizations; amending s. 265.283,

616

F.S.; revising and providing definitions; amending s.

617

265.284, F.S.; revising the responsibilities of the

618

Division of Cultural Affairs to administer funds, sponsor

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events encouraging art and cultural programs, and enter

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into certain contracts and agreements; providing

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rulemaking authority; amending s. 265.285, F.S.; renaming

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the Florida Arts Council as the Florida Council on Arts

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and Culture; revising membership criteria; providing for

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the council to meet at the request of the division;

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deleting provisions relating to the appointment and

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responsibilities of review panels; revising duties of the

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council; amending s. 265.286, F.S.; authorizing the

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628 Secretary of State to appoint review panels representing
629 arts and cultural disciplines and programs to assist the
630 council in the grant review process; providing terms and
631 responsibilities of panel members; requiring that the
632 council review grant application lists; requiring the
633 secretary to review the council's recommendations and
634 submit approved lists to the Legislature at a certain
635 time; establishing procedures for the awarding and funding
636 of grants; providing funding authority to the division for
637 certain programs and areas; requiring the division to
638 establish rules for eligibility criteria, grant programs,
639 and the panel review process; providing purposes for which
640 the division shall award grants; establishing eligibility
641 requirements for grantees; limiting grant awards to one
642 recipient per grant cycle; providing exceptions; providing
643 a formula for the distribution of matching and nonmatching
644 funds and permitting certain in-kind funds; amending s.
645 679.527, F.S.; providing for the termination of a contract
646 for administrative and operational functions for the
647 Florida Secured Transaction Registry upon a certain date;
648 providing that the department shall perform the duties of
649 filing officer and filing office; amending ss. 255.043,
650 265.2865, 265.32, 265.606, 265.701, and 679.5011, F.S.;
651 conforming provisions; repealing ss. 265.2861, 265.2862,
652 265.289, 265.608, 265.609, 265.702, and 265.708, F.S.,
653 relating to the Cultural Institutions Program and the
654 Cultural Institutions Trust Fund, general support program
655 for cultural institutions, audit information and admission

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656 fees for state theater contract organizations, science
657 museums and grants, youth and children's museums and
658 grants, regional cultural facilities, and historical
659 museum grants; providing effective dates.

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