

1                   A bill to be entitled  
2           An act relating to the Department of State; amending s.  
3           265.281, F.S.; renaming the Florida Fine Arts Act of 1980  
4           as the Florida Arts and Culture Act; amending s. 265.282,  
5           F.S.; revising legislative intent to include the promotion  
6           of activities involving arts and culture and support for  
7           museums and nonprofit organizations; amending s. 265.283,  
8           F.S.; revising and providing definitions; amending s.  
9           265.284, F.S.; revising the responsibilities of the  
10          Division of Cultural Affairs to administer funds, sponsor  
11          events encouraging art and cultural programs, and enter  
12          into certain contracts and agreements; providing  
13          rulemaking authority; amending s. 265.285, F.S.; renaming  
14          the Florida Arts Council as the Florida Council on Arts  
15          and Culture; revising membership criteria; providing for  
16          the council to meet at the request of the division;  
17          deleting provisions relating to the appointment and  
18          responsibilities of review panels; revising duties of the  
19          council; amending s. 265.286, F.S.; authorizing the  
20          Secretary of State to appoint review panels representing  
21          arts and cultural disciplines and programs to assist the  
22          council in the grant review process; providing terms and  
23          responsibilities of panel members; requiring that the  
24          council review grant application lists; requiring the  
25          secretary to review the council's recommendations and  
26          submit approved lists to the Legislature at a certain  
27          time; establishing procedures for the awarding and funding  
28          of grants; providing funding authority to the division for

HB 5017

2009

29 certain programs and areas; requiring the division to  
30 establish rules for eligibility criteria, grant programs,  
31 and the panel review process; providing purposes for which  
32 the division shall award grants; establishing eligibility  
33 requirements for grantees; limiting grant awards to one  
34 recipient per grant cycle; providing exceptions; providing  
35 a formula for the distribution of matching and nonmatching  
36 funds and permitting certain in-kind funds; amending s.  
37 679.527, F.S.; providing for the termination of a contract  
38 for administrative and operational functions for the  
39 Florida Secured Transaction Registry upon a certain date;  
40 providing that the department shall perform the duties of  
41 filing officer and filing office; amending ss. 255.043,  
42 265.2865, 265.32, 265.606, 265.701, and 679.5011, F.S.;  
43 conforming provisions; repealing ss. 265.2861, 265.2862,  
44 265.289, 265.608, 265.609, 265.702, and 265.708, F.S.,  
45 relating to the Cultural Institutions Program and the  
46 Cultural Institutions Trust Fund, general support program  
47 for cultural institutions, audit information and admission  
48 fees for state theater contract organizations, science  
49 museums and grants, youth and children's museums and  
50 grants, regional cultural facilities, and historical  
51 museum grants; providing effective dates.

52  
53 Be It Enacted by the Legislature of the State of Florida:

54  
55 Section 1. Section 265.281, Florida Statutes, is amended  
56 to read:

57           265.281 Florida ~~Fine~~ Arts and Culture Act; short  
 58 title.--Sections 265.281-265.709 ~~265.281-265.286~~ shall be known  
 59 ~~and~~ may be cited as the "Florida ~~Fine~~ Arts and Culture Act ~~of~~  
 60 ~~1980.~~"

61           Section 2. Section 265.282, Florida Statutes, is amended  
 62 to read:

63           265.282 Legislative intent.--The Legislature recognizes  
 64 the vast cultural resources available in this ~~the~~ state for the  
 65 development, promotion, and enjoyment of ~~the fine arts and~~ and  
 66 culture. It is the intent of the Legislature ~~by enactment of~~  
 67 ~~this legislation~~ to provide for maximum efficiency in providing  
 68 state support for, and gaining national and international  
 69 recognition of, the efforts, works, and performances of Florida  
 70 artists and art agencies, museums, and nonprofit organizations.  
 71 Furthermore, ~~it is the intent of the~~ Legislature shall ~~to~~ foster  
 72 and ensure, through the state arts administrative agency,  
 73 programs authorized by this act ~~created hereunder, the~~  
 74 ~~development of a receptive climate for the fine arts; to enrich~~  
 75 ~~culturally and benefit the citizens of this state in their daily~~  
 76 ~~lives; to make Florida visits and vacations all the more~~  
 77 ~~appealing to the world; and to attract to Florida residency~~  
 78 ~~additional outstanding creators in the fields of fine arts~~  
 79 ~~through appropriate programs of publicity, education,~~  
 80 ~~coordination, grants, and activities, such as sponsorship of art~~  
 81 ~~lectures and exhibitions and central compilation and~~  
 82 ~~dissemination of information on the progress of the fine arts in~~  
 83 Florida.

HB 5017

2009

84 Section 3. Section 265.283, Florida Statutes, is amended  
85 to read:

86 265.283 Definitions ~~relating to Florida Fine Arts Act of~~  
87 ~~1980.--As used in ss. 265.281-265.709, the term~~ The following  
88 ~~definitions shall apply to ss. 265.281-265.286:~~

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

94 (2) "Arts in Education grant" means a grant the purpose of  
95 which is to cultivate the learning and artistic development of  
96 all students and teachers by promoting, encouraging, and  
97 supporting arts and culture as an integral part of education and  
98 lifelong learning for the citizens of and visitors to this  
99 state.

100 (3)~~(1)~~ "Council" means the Florida ~~Arts~~ Council on Arts  
101 and Culture.

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

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

107 (6)~~(2)~~ "Department" means the Department of State.

108 (7)~~(3)~~ "Director" means the Director of the Division of  
109 Cultural Affairs of the Department of State.

110 (8)~~(4)~~ "Division" means the Division of Cultural Affairs  
111 of the Department of State.

112       (9) "Historical museum" means a department or agency of  
 113 state or local government, or a public or private nonprofit  
 114 organization, located in this state and operating on a permanent  
 115 basis for the primary purpose of sponsoring, producing, and  
 116 exhibiting educational programs that are related to the  
 117 historical resources of this state.

118       (10) "Local arts agency" means a public or private  
 119 nonprofit organization located in this state and operating on a  
 120 permanent basis for the primary purpose of strengthening,  
 121 supporting, and stabilizing the activities of one or more county  
 122 art and cultural constituencies.

123       ~~(11)(5)~~ "Panel" means a grant review panel.

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

129       ~~(13)(6)~~ "Secretary" means the Secretary of State.

130       (14) "State service organization" means a public or  
 131 private nonprofit organization located in this state and  
 132 operating on a permanent basis for the primary purpose of  
 133 implementing programs that have substantial cultural  
 134 significance, giving emphasis to American creativity and the  
 135 maintenance and encouragement of professional excellence.

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

HB 5017

2009

139           (16) "Underserved Arts Community Assistance Program grant"  
 140 means a grant awarded to a qualified organization under the  
 141 Rural Economic Development Initiative, pursuant to ss. 288.0656  
 142 and 288.06561, for the purpose of economic and organizational  
 143 development of underserved cultural organizations.

144           (17) "Youth and children's museum" means a public or  
 145 private nonprofit organization located in this state and  
 146 operating on a permanent basis for the primary purpose of  
 147 sponsoring, producing, and exhibiting multidisciplinary,  
 148 participatory programs oriented toward visitors ages 6 months  
 149 through 15 years and their families, teachers, and caregivers.

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

156           Section 4. Section 265.284, Florida Statutes, is amended  
 157 to read:

158           265.284 Chief cultural officer; director of division;  
 159 powers and duties.--

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

163           (2) The division is the state arts administrative agency  
 164 and ~~of Cultural Affairs of the Department of State~~ shall be  
 165 headed by a director, who shall serve at the pleasure of the  
 166 secretary ~~of~~ State.

167           (3) The division ~~of Cultural Affairs~~ shall have direct  
 168 administrative authority and responsibility for all of the  
 169 programs authorized by this act. In furtherance thereof, the  
 170 division shall have the authority to:

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

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

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

182           ~~(c) Seek, and help assure, a uniformity of artwork within~~  
 183 ~~state buildings and review all art content of existing public~~  
 184 ~~buildings or buildings of state ownership for the purpose of~~  
 185 ~~making recommendations to the Department of Management Services~~  
 186 ~~as to matters of installation, relocation, restoration, removal,~~  
 187 ~~or any other disposition of such works of art.~~

188           (d) Upon ~~On~~ request, or at its own initiative, consult  
 189 with and advise other individuals, groups, organizations, or  
 190 state agencies and officials, particularly the Governor and the  
 191 Cabinet, concerning the acquisition by gift or purchase of fine  
 192 art works, the appropriate use and display of state-owned art  
 193 treasures for maximum public benefit, and the suitability of any  
 194 structures or fixtures, including framing, primarily intended

195 for ornamental or decorative purposes in the interior of public  
 196 buildings.

197 (e) Accept on behalf of the state donations of money,  
 198 property, art objects, and antiquities. Such donations of money  
 199 and any cash income ~~which may be received by the division or~~  
 200 ~~which were previously received by the Florida Fine Arts Council~~  
 201 from the disposal of any donations of property, art objects, or  
 202 antiquities. These amounts shall be deposited into the Florida  
 203 Fine Arts ~~a separate~~ Trust Fund and are hereby appropriated for  
 204 ~~to the use by~~ of the division for the purposes authorized by ~~of~~  
 205 this act.

206 (f) Sponsor performances and exhibits; promote and  
 207 encourage the study and appreciation of arts and culture; and  
 208 collect, publish, and print pamphlets, papers, newsletters, and  
 209 other materials related to arts and cultural programs available  
 210 throughout the state.

211 (g) Conduct and support cultural programs and cultural  
 212 exchanges in conjunction with the appropriate state agencies and  
 213 other organizations, including the acceptance of funding and  
 214 other forms of support for such purposes.

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

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

221 (4) There is created the Florida Fine Arts Trust Fund,  
 222 which shall ~~to~~ be administered by the department and ~~of~~ State



223 ~~for the purposes set forth by law. The Florida Fine Arts Trust~~  
 224 ~~Fund shall consist of moneys appropriated by the Legislature or~~  
 225 ~~and moneys contributed to the fund from any other source.~~

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

227 ~~(a) Accept and administer moneys appropriated by the~~  
 228 ~~Legislature, and moneys received from the Federal Government or~~  
 229 ~~from other public or private sources, for the development of~~  
 230 ~~nationally recognized Florida performing arts groups through a~~  
 231 ~~state touring program. The division shall develop and establish~~  
 232 ~~a selection procedure which will ensure maximum opportunity for~~  
 233 ~~selection of and participation by Florida performing arts groups~~  
 234 ~~in the state touring program.~~

235 ~~(b) Sponsor performances and exhibits; promote and~~  
 236 ~~encourage the study and appreciation of fine arts; and collect,~~  
 237 ~~publish, and print pamphlets, papers, newsletters, and other~~  
 238 ~~materials relating to fine arts programs available throughout~~  
 239 ~~the state.~~

240 ~~(c) Conduct and support cultural programs and cultural~~  
 241 ~~exchanges in conjunction with the appropriate state agencies,~~  
 242 ~~including the acceptance of funding, technical assistance, and~~  
 243 ~~other forms of support for such purposes.~~

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

246 ~~(6) Notwithstanding any provision of s. 287.022 or s.~~  
 247 ~~287.025(1) (c), the division may enter into contracts to insure~~  
 248 ~~museum collections, artifacts, relics, and fine arts to which it~~  
 249 ~~holds title.~~

HB 5017

2009

250 Section 5. Section 265.285, Florida Statutes, is amended  
 251 to read:

252 265.285 Florida ~~Arts~~ Council on Arts and Culture;  
 253 membership, duties.--

254 (1)(a) The Florida ~~Arts~~ Council on Arts and Culture is  
 255 created within ~~in~~ the department as an advisory body, as defined  
 256 in s. 20.03(7), to consist of 15 members. Seven members shall be  
 257 appointed by the Governor, four members shall be appointed by  
 258 the President of the Senate, and four members shall be appointed  
 259 by the Speaker of the House of Representatives. The  
 260 appointments, to be made in consultation with the Secretary of  
 261 State, shall recognize the need for geographical representation.  
 262 Council members appointed by the Governor shall be appointed for  
 263 4-year terms beginning on January 1 of the year of appointment.  
 264 Council members appointed by the President of the Senate and the  
 265 Speaker of the House of Representatives shall be appointed for  
 266 2-year terms beginning on January 1 of the year of appointment.  
 267 A member of the council who serves two 4-year terms or two 2-  
 268 year terms is not eligible for reappointment for 1 year  
 269 following the expiration of the member's second term. A member  
 270 whose term has expired shall continue to serve on the council  
 271 until such time as a replacement is appointed. Any vacancy on  
 272 the council shall be filled for the remainder of the unexpired  
 273 term in the same manner as for the original appointment. Members  
 274 should have a substantial history of community service in the  
 275 performing or visual arts, which includes, but is not limited  
 276 to, theatre, dance, folk arts, music, architecture, photography,  
 277 ~~and~~ literature, media arts, visual arts, and museums. In

HB 5017

2009

278 addition, it is desirable that members have successfully served  
279 on boards of cultural institutions such as museums and  
280 performing arts centers or are recognized as patrons of the  
281 arts.

282 (b) The members shall elect a chair from their number  
283 annually. The council shall meet at the call of its chair, at  
284 the request of the division ~~department~~, or at such times as may  
285 be prescribed by its rules. A majority of the members of the  
286 council constitutes a quorum, and a meeting may not be held with  
287 less than a quorum present. The affirmative vote of a majority  
288 of the members of the council present is necessary for any  
289 official action by the council.

290 ~~(c) The Secretary of State may appoint review panels~~  
291 ~~representing various artistic disciplines to assist the Florida~~  
292 ~~Arts Council in the grant review process. Review panel members~~  
293 ~~shall serve for 1-year terms. Each panel shall include~~  
294 ~~practicing artists or other persons actively involved in the~~  
295 ~~specific discipline for which the panel is to review grants. The~~  
296 ~~panels shall review grant applications and make recommendations~~  
297 ~~to the council concerning the relative merits of the applicants.~~  
298 ~~The division shall, by rule, establish criteria for reviewing~~  
299 ~~grant applications to ensure compliance with applicable federal~~  
300 ~~and state laws relating to discrimination and conflicts of~~  
301 ~~interest.~~

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

304 (c) ~~(e)~~ Members of the council and panels shall not receive  
305 any compensation for their services but shall be reimbursed for

306 travel and expenses incurred in the performance of their duties,  
 307 as provided in s. 112.061.

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

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

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

319 (a) Advocate for arts and culture by stimulating and  
 320 encouraging throughout the state the study and presentation of  
 321 arts and cultural activities that are of public interest and  
 322 encourage participation in those activities.

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

327 ~~(b)~~ ~~Stimulate and encourage throughout the state the study~~  
 328 ~~and presentation of the arts and public interest and~~  
 329 ~~participation therein.~~

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

333        ~~(c)-(d)~~ Encourage the participation in and appreciation of  
 334 ~~the arts~~ and culture to meet the needs and aspirations of  
 335 persons in all parts of the state.

336        ~~(d)-(e)~~ Encourage public interest in the cultural heritage  
 337 of this state and expand the cultural resources of this ~~the~~  
 338 state.

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

341        ~~(f)-(g)~~ Advise the secretary ~~of State~~ in ~~all~~ matters  
 342 concerning the awarding of grants for the arts as authorized by  
 343 ~~under~~ this act.

344        ~~(h)~~ ~~Promote the enhancement and beautification of the~~  
 345 ~~interiors of the Capitol Building and other public buildings and~~  
 346 ~~advise appropriate state officers, state agencies, and the~~  
 347 ~~Department of Management Services in this regard.~~

348        ~~(g)-(i)~~ Review grant applications for grants for the  
 349 acquisition, renovation, or construction of cultural facilities  
 350 and recommend a priority for the receipt of such grants, as  
 351 provided in s. 265.701.

352        Section 6. Section 265.286, Florida Statutes, is amended  
 353 to read:

354        (Substantial rewording of section. See  
 355 s. 265.286, F.S., for present text.)

356        265.286 Art and cultural grants.--

357        (1) The secretary may appoint review panels representing  
 358 various arts and cultural disciplines and programs to assist the  
 359 council in the grant review process. Review panel members shall  
 360 serve for 1-year terms. Each panel shall include practicing

HB 5017

2009

361 artists or other professionals actively involved in the specific  
362 discipline or program for which the panel is to review grants.  
363 Panel members shall review and score grant applications and  
364 recommend grant awards to the council by submitting lists of  
365 eligible grant applicants, arranged in order of priority by  
366 score. Scoring shall be by formula set forth in rule by the  
367 division.

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

370 (3) The council shall review the recommended grant  
371 application lists submitted by the review panels. It shall  
372 separate the applications that it recommends to the secretary  
373 for funding into two lists, arranged in order by score, for  
374 general program support funding and for specific cultural  
375 project funding. The secretary shall review the council's  
376 recommendations and, beginning July 1, 2010, submit the lists of  
377 approved grant applications to the Legislature in the  
378 department's legislative budget request.

379 (4) Project grants shall be funded from the secretary's  
380 approved list, in the order of score, until all appropriated  
381 funds are depleted. When specific project grant funds are  
382 returned to the division, the division shall award those funds  
383 to the next grant applicant on the secretary's approved project  
384 grants list. General program support grants shall be awarded to  
385 applicants on the secretary's approved list in amounts to be  
386 determined by rule.

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

389        (a) General program support for science museums, youth and  
 390 children's museums, historical museums, local arts agencies,  
 391 state service organizations, and organizations with cultural  
 392 program activity in any of the arts and cultural disciplines.

393        (b) Specific cultural projects for arts in education,  
 394 museums, Culture Builds Florida, or nonprofit public or private  
 395 organizations with cultural project activity in any of the arts  
 396 and cultural disciplines.

397        (c) A touring program with a selection procedure that will  
 398 ensure maximum opportunity for Florida artists and cultural  
 399 groups.

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

404        (e) Other programs consistent with the purposes of this  
 405 act.

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

408        (a) Eligibility criteria for the award of grants, which  
 409 may include application requirements, program quality, artistic  
 410 quality, creativity, potential public exposure and benefit,  
 411 ability to properly administer grant funds, professional  
 412 excellence, fiscal stability, state or regional impact, matching  
 413 requirements, and such other requirements to further the  
 414 purposes of this act.

HB 5017

2009

415 (b) Particular grant programs, categories of grants, and  
416 procedures necessary for the prudent administration of the grant  
417 programs.

418 (c) The panel review process, including criteria for  
419 reviewing grant applications to ensure compliance with  
420 applicable federal and state law, including those related to  
421 discrimination and conflicts of interest. The division may not  
422 award any new grant that will, in whole or in part, inure to the  
423 personal benefit of any council or review panel member during  
424 that member's term of office if the council or panel member  
425 participated in the vote of the council or panel recommending  
426 the award. This subsection does not prohibit the division from  
427 awarding a grant to an entity with which a council or panel  
428 member is associated.

429 (7) The division shall award grants:

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

433 (b) To those activities and programs that have substantial  
434 artistic and cultural significance, giving emphasis to  
435 creativity and the maintenance and encouragement of professional  
436 excellence.

437 (c) To those activities and programs meeting professional  
438 standards or standards of authenticity of significant merit,  
439 regardless of origin.

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

441 (8) An eligible grantee shall be a nonprofit, tax-exempt  
442 Florida corporation; local or state governmental entity; school



HB 5017

2009

443 district, community college, college, or university; agency of  
444 state government; or artist engaged in or concerned with arts  
445 and cultural activities.

446 (9) In order to equitably distribute limited state  
447 funding, grant applicants may only apply for and be awarded one  
448 grant per annual grant cycle, except for cultural facilities,  
449 cultural endowments, touring program grants, and individual  
450 artist fellowships.

451 (10) Of the total amount of grant funds available from all  
452 sources for grants, except cultural facilities and cultural  
453 endowments, 70 percent shall be awarded on at least a dollar-  
454 for-dollar matching basis. Up to 50 percent of the grantee's  
455 match may consist of in-kind funds. Up to 30 percent of all  
456 grant funds may be awarded on a nonmatching basis, including  
457 individual fellowships.

458 Section 7. Effective upon this act becoming a law, section  
459 679.527, Florida Statutes, is amended to read:

460 679.527 Florida Secured Transaction Registry.--

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

462 (a) The "Florida Secured Transaction Registry" or  
463 "registry" means the centralized database in which all initial  
464 financing statements, amendments, assignments, and other  
465 statements of change authorized to be filed under this chapter  
466 are filed, maintained, and retrieved. The term does not apply to  
467 documents that are filed under this chapter with the clerk of a  
468 circuit court.

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

HB 5017

2009

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

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

482 ~~(3) The department shall perform the duties, as filing~~  
483 ~~officer and filing office under this chapter, for the Florida~~  
484 ~~Secured Transaction Registry until October 1, 2001, or until the~~  
485 ~~effective date of a contract executed by the department to~~  
486 ~~administer and operate the registry for the performance of these~~  
487 ~~duties, whichever occurs later. At that time, the department~~  
488 ~~shall cease serving as the designated filing officer and filing~~  
489 ~~office for the registry under this chapter, and thereafter,~~  
490 ~~except to the extent the department may reclaim those duties as~~  
491 ~~provided below, the department shall not be responsible for the~~  
492 ~~performance of the duties of the filing office or officer under~~  
493 ~~this chapter, including determining whether documents tendered~~  
494 ~~for filing under this chapter satisfy the requirements of law.~~  
495 ~~The department shall retain authority under this chapter to~~  
496 ~~approve the forms required to be filed under this chapter. If~~  
497 ~~authorized by the contract with the department, the entity~~

498 ~~performing the duties of the filing office may certify a copy of~~  
 499 ~~a financing statement, or an amendment thereto, which shall be~~  
 500 ~~admissible in a state or federal court or in a proceeding before~~  
 501 ~~any other tribunal.~~

502 (2)(4) ~~Notwithstanding~~ The terms and conditions of any  
 503 contract to perform the administrative and operational functions  
 504 of the filing office or filing officer under this part for the  
 505 Florida Secured Transaction Registry shall terminate on June 30,  
 506 2009. Beginning July 1, 2009, the department shall perform the  
 507 administrative and operational functions of the filing office or  
 508 filing officer under this part for the Florida Secured  
 509 Transaction Registry. The department and the state shall retain  
 510 sole and exclusive ownership of the materials and records of the  
 511 registry, ~~shall have the right to inspect and make copies of the~~  
 512 ~~materials and records of the registry,~~ and shall have the right  
 513 to immediately reclaim and take possession and control of the  
 514 ~~original materials and records of the registry if any entity~~  
 515 ~~under contract with the department to administer and operate the~~  
 516 ~~registry does not, or cannot, perform the terms and conditions~~  
 517 ~~of the contract for any reason or commences or is adjudicated a~~  
 518 ~~debtor in an insolvency proceeding. If the department reclaims~~  
 519 ~~control of the materials and records of the registry, the~~  
 520 ~~department shall provide for the uninterrupted fulfillment of~~  
 521 ~~the duties of the filing office and filing officer under this~~  
 522 ~~chapter by administration and operation by the department until~~  
 523 ~~a subsequent contract for such duties can be executed. The~~  
 524 ~~department shall be entitled to injunctive relief if the entity~~  
 525 ~~fails to turn over the materials and records upon demand, and~~

HB 5017

2009

526 ~~the Circuit Court for Leon County, Florida, shall have exclusive~~  
527 ~~original jurisdiction to adjudicate any disputes pertaining to~~  
528 ~~this section or any contract entered into under this section.~~

529 ~~(5) The Department of State shall immediately develop and~~  
530 ~~issue a Request for Qualifications seeking capable entities to~~  
531 ~~perform both the duties currently being performed by the~~  
532 ~~department as a filing officer and filing office under this~~  
533 ~~chapter.~~

534 ~~(a) The qualifications shall, at a minimum, provide for~~  
535 ~~the organization and maintenance of the Florida Secured~~  
536 ~~Transaction Registry as the centralized Uniform Commercial Code~~  
537 ~~filing and retrieval system, which:~~

538 ~~1. Is comparable and compatible with the department's~~  
539 ~~existing filing system.~~

540 ~~2. Is open to the public and accessible through the~~  
541 ~~Internet, to permit the review of all existing filings of the~~  
542 ~~department and all future filings in the registry, in compliance~~  
543 ~~with chapter 119.~~

544 ~~3. Provides for oversight and compliance audits by the~~  
545 ~~department.~~

546 ~~4. Requires records maintenance in compliance with this~~  
547 ~~chapter and chapter 119.~~

548 ~~5. Maintains the current level of filing fees and~~  
549 ~~procedures for the deposit of revenues with the department as~~  
550 ~~specified in chapter 15, net of operating costs, for a period of~~  
551 ~~5 years.~~

552 ~~(b) The Department of State shall develop performance~~  
553 ~~standards to ensure that the Florida Secured Transaction~~

HB 5017

2009

554 ~~Registry is accurate and complete and that the users thereof are~~  
 555 ~~being well-served. Periodically, the department shall verify~~  
 556 ~~that these performance standards are being met or modified as~~  
 557 ~~may be needed from time to time.~~

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

560 255.043 Art in state buildings.--

561 (2) The Department of Management Services or other state  
 562 agencies receiving appropriations for original constructions  
 563 shall notify the Florida ~~Arts~~ Council on Arts and Culture and  
 564 the user agency of any construction project which is eligible  
 565 under the provisions of this section. The Department of  
 566 Management Services or other state agency shall determine the  
 567 amount to be made available for purchase or commission of works  
 568 of art for each project and shall report these amounts to the  
 569 Florida ~~Arts~~ Council on Arts and Culture and the user agency.  
 570 Payments therefor shall be made from funds appropriated for  
 571 fixed capital outlay according to law.

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

574 265.2865 Florida Artists Hall of Fame.--

575 (2)(a) There is hereby created the Florida Artists Hall of  
 576 Fame. The Florida ~~Arts~~ Council on Arts and Culture shall  
 577 identify an appropriate location in the public area of a  
 578 building in the Capitol Center that is under the jurisdiction of  
 579 the Department of Management Services, which location shall be  
 580 set aside by the department and designated as the Florida  
 581 Artists Hall of Fame.

HB 5017

2009

582 (3) The Florida ~~Arts~~ Council on Arts and Culture shall  
 583 accept nominations annually for persons to be recommended as  
 584 members of the Florida Artists Hall of Fame. The council shall  
 585 recommend to the Secretary of State persons to be named as  
 586 members of the Florida Artists Hall of Fame. The council shall  
 587 recommend as members of the Florida Artists Hall of Fame persons  
 588 who were born in Florida or adopted Florida as their home state  
 589 and base of operation and who have made a significant  
 590 contribution to the enhancement of the arts in this state.

591 Section 10. Paragraph (f) of subsection (7) of section  
 592 265.32, Florida Statutes, is amended to read:

593 265.32 County fine arts council.--

594 (7) COUNCIL MEETINGS; PUBLIC HEARINGS; COMMITTEES AND  
 595 ADVISERS; REPORTS; RULES.--

596 (f) The county arts council may, from time to time and at  
 597 any time, submit to the Florida ~~Arts~~ Council on Arts and Culture  
 598 a report summarizing its activities and setting forth any  
 599 recommendations it considers appropriate, including  
 600 recommendations with respect to present or proposed legislation  
 601 concerning state encouragement and support of the arts.

602 Section 11. Paragraph (c) of subsection (1) of section  
 603 265.606, Florida Statutes, is amended to read:

604 265.606 Cultural Endowment Program; administration;  
 605 qualifying criteria; matching fund program levels;  
 606 distribution.--

607 (1) To be eligible for receipt of state matching funds,  
 608 the local sponsoring organization shall meet all of the  
 609 following criteria:

HB 5017

2009

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

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

616 265.701 Cultural facilities; grants for acquisition,  
617 renovation, or construction; funding; approval; allocation.--

618 (3) The Florida ~~Arts~~ Council on Arts and Culture shall  
619 review each application for a grant to acquire, renovate, or  
620 construct a cultural facility which is submitted pursuant to  
621 subsection (2) and shall submit annually to the Secretary of  
622 State for approval lists of all applications that are  
623 recommended by the council for the award of grants, arranged in  
624 order of priority. The division may allocate grants only for  
625 projects that are approved or for which funds are appropriated  
626 by the Legislature. Projects approved and recommended by the  
627 Secretary of State which are not funded by the Legislature shall  
628 be retained on the project list for the following grant cycle  
629 only. All projects that are retained shall be required to submit  
630 such information as may be required by the department as of the  
631 established deadline date of the latest grant cycle in order to  
632 adequately reflect the most current status of the project.

633 (5) The Division of Cultural Affairs shall adopt rules  
634 prescribing the criteria to be applied by the Florida ~~Arts~~  
635 Council on Arts and Culture in recommending applications for the  
636 award of grants and rules providing for the administration of  
637 the other provisions of this section.

HB 5017

2009

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

640 679.5011 Filing office.--

641 (2) The office in which to file a financing statement to  
642 perfect a security interest in collateral, including fixtures,  
643 of a transmitting utility is the Office of the Secretary of  
644 State, ~~or the filing office authorized by s. 679.527 to accept~~  
645 ~~filings for the Florida Secured Transaction Registry~~. The  
646 financing statement also constitutes a fixture filing as to the  
647 collateral indicated in the financing statement which is or is  
648 to become fixtures.

649 Section 14. Sections 265.2861, 265.2862, 265.289, 265.608,  
650 265.609, 265.702, and 265.708, Florida Statutes, are repealed.

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