

By the Committee on Governmental Oversight and Accountability;
and Senator Rouson

585-03391-20

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1 A bill to be entitled
2 An act relating to cultural affairs; amending s.
3 15.18, F.S.; providing that the Secretary of State
4 shall be known as "Florida's Chief Arts and Culture
5 Officer"; conforming a provision to changes made by
6 the act; amending s. 20.10, F.S.; renaming the
7 Division of Cultural Affairs of the Department of
8 State as the Division of Arts and Culture; amending
9 ss. 265.283, 265.284, 265.2865, 265.603, 265.701,
10 265.7025, 265.704, and 468.401, F.S.; conforming
11 provisions to changes made by the act; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 15.18, Florida Statutes, is amended to
17 read:

18 15.18 International and cultural relations.—The Divisions
19 of Arts and Culture ~~Cultural Affairs~~, Historical Resources, and
20 Library and Information Services of the Department of State
21 promote programs having substantial cultural, artistic, and
22 indirect economic significance that emphasize American
23 creativity. The Secretary of State, as the head administrator of
24 these divisions, shall hereafter be known as "Florida's Chief
25 Arts and Culture ~~Cultural~~ Officer." As this officer, the
26 Secretary of State is encouraged to initiate and develop
27 relationships between the state and foreign cultural officers,
28 their representatives, and other foreign governmental officials
29 in order to promote Florida as the center of American

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30 creativity. The Secretary of State shall coordinate
31 international activities pursuant to this section with
32 Enterprise Florida, Inc., and any other organization the
33 secretary deems appropriate. For the accomplishment of this
34 purpose, the Secretary of State shall have the power and
35 authority to:

36 (1) Disseminate any information pertaining to the State of
37 Florida which promotes the state's cultural assets.

38 (2) Plan and carry out activities designed to cause
39 improved cultural and governmental programs and exchanges with
40 foreign countries.

41 (3) Plan and implement cultural and social activities for
42 visiting foreign heads of state, diplomats, dignitaries, and
43 exchange groups.

44 (4) Encourage and cooperate with other public and private
45 organizations or groups in their efforts to promote the cultural
46 advantages of Florida.

47 (5) Serve as the liaison with all foreign consular and
48 ambassadorial corps, as well as international organizations,
49 that are consistent with the purposes of this section.

50 (6) Provide, arrange, and make expenditures for the
51 achievement of any or all of the purposes specified in this
52 section.

53 Section 2. Paragraph (e) of subsection (2) of section
54 20.10, Florida Statutes, is amended to read:

55 20.10 Department of State.—There is created a Department of
56 State.

57 (2) The following divisions of the Department of State are
58 established:

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59 (e) Division of Arts and Culture ~~Cultural Affairs~~.

60 Section 3. Subsections (3) and (4) of section 265.283,
61 Florida Statutes, are amended to read:

62 265.283 Definitions.—The following definitions shall apply
63 to ss. 265.281-265.709:

64 (3) "Director" means the Director of the Division of Arts
65 and Culture ~~Cultural Affairs~~ of the Department of State.

66 (4) "Division" means the Division of Arts and Culture
67 ~~Cultural Affairs~~ of the Department of State.

68 Section 4. Section 265.284, Florida Statutes, is amended to
69 read:

70 265.284 Chief arts and culture ~~cultural~~ officer; director
71 of division; powers and duties.—

72 (1) The Secretary of State is the chief arts and culture
73 ~~cultural~~ officer of the state.

74 (2) The division is the state arts administrative agency
75 and shall be headed by a director who shall serve at the
76 pleasure of the secretary.

77 (3) The division shall directly administer and oversee all
78 of the programs authorized by this act. In furtherance thereof,
79 the division shall:

80 (a) Accept and administer state and federal funds
81 appropriated by the Legislature or funds received from other
82 public or private sources.

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

84 (c) Enter into agreements for awarding grants or other
85 contracts with any person, firm, performing arts company,
86 educational institution, arts organization, corporation, or
87 governmental agency as may be necessary or advisable to carry

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88 out its functions under this act.

89 (d) Upon request, or at its own initiative, consult with
90 and advise other individuals, groups, organizations, or state
91 agencies and officials, particularly the Governor and the
92 Cabinet, concerning the acquisition by gift or purchase of fine
93 art works, the appropriate use and display of state-owned art
94 treasures for maximum public benefit, and the suitability of any
95 structures or fixtures, including framing, primarily intended
96 for ornamental or decorative purposes in the interior of public
97 buildings.

98 (e) Accept on behalf of the state donations of money,
99 property, art objects, and antiquities. Such donations of money
100 and any cash income may be received from the disposal of any
101 donations of property, art objects, or antiquities, which shall
102 be deposited into the Grants and Donations Trust Fund and are
103 hereby appropriated for use by the division for the purposes
104 authorized in this act.

105 (f) Sponsor performances and exhibits; promote and
106 encourage the study and appreciation of arts and culture; and
107 collect, publish, and print pamphlets, papers, newsletters, and
108 other materials related to arts and cultural programs available
109 throughout the state.

110 (g) Conduct and support cultural programs and cultural
111 exchanges by coordinating with the appropriate state agencies
112 and other organizations.

113 (h) Accept funding and other forms of support for the
114 purposes in this act.

115 (i) Notwithstanding s. 287.022 or s. 287.025(1)(e), enter
116 into contracts to insure museum collections, artifacts, relics,

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117 and fine arts to which it holds title or which are on loan to
118 the division.

119 (j) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
120 implement this subsection.

121 Section 5. Subsection (6) of section 265.2865, Florida
122 Statutes, is amended to read:

123 265.2865 Florida Artists Hall of Fame.—

124 (6) The Division of Arts and Culture ~~Cultural Affairs~~ of
125 the Department of State shall adopt rules necessary to carry out
126 the purposes of this section, including, but not limited to,
127 procedures for accepting nominations to, making recommendations
128 for, selecting members of the Florida Artists Hall of Fame, and
129 providing travel expenses for such recipients. Notwithstanding
130 the provisions of s. 112.061, the Secretary of State may approve
131 first-class travel accommodations for recipients of the Florida
132 Artists Hall of Fame award and their representatives for health
133 or security purposes.

134 Section 6. Subsection (2) of section 265.603, Florida
135 Statutes, is amended to read:

136 265.603 Definitions relating to Cultural Endowment
137 Program.—The following terms and phrases when used in ss.
138 265.601–265.606 shall have the meaning ascribed to them in this
139 section, except where the context clearly indicates a different
140 meaning:

141 (2) "Division" means the Division of Arts and Culture
142 ~~Cultural Affairs~~ of the Department of State.

143 Section 7. Subsections (1) and (5) of section 265.701,
144 Florida Statutes, are amended to read:

145 265.701 Cultural facilities; grants for acquisition,

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146 renovation, or construction; funding; approval; allocation.—

147 (1) The Division of Arts and Culture ~~Cultural Affairs~~ may
148 accept and administer moneys appropriated to it for providing
149 grants to counties, municipalities, and qualifying nonprofit
150 corporations for the acquisition, renovation, or construction of
151 cultural facilities.

152 (5) The Division of Arts and Culture ~~Cultural Affairs~~ shall
153 adopt rules prescribing the criteria to be applied by the
154 Florida Council on Arts and Culture in recommending applications
155 for the award of grants and rules providing for the
156 administration of the other provisions of this section.

157 Section 8. Subsection (2) of section 265.7025, Florida
158 Statutes, is amended to read:

159 265.7025 Definitions relating to historic programs.—For the
160 purposes of ss. 265.7025-265.709, the term:

161 (2) "Division" means the Division of Arts and Culture
162 ~~Cultural Affairs~~ of the Department of State.

163 Section 9. Section 265.704, Florida Statutes, is amended to
164 read:

165 265.704 Historical museums; powers and duties of the
166 Division of Arts and Culture ~~Cultural Affairs~~.—

167 (1) The division shall adopt rules pursuant to ss.
168 120.536(1) and 120.54 to administer the provisions of ss.
169 265.7025-265.709.

170 (2) The division may make and enter into all contracts and
171 agreements with other agencies, organizations, associations,
172 corporations, and individuals or with federal agencies as it may
173 determine are necessary, expedient, or incidental to the
174 performance of its duties or the execution of its powers under

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175 ss. 265.7025-265.709.

176 (3) The division may accept gifts, grants, bequests, loans,
177 and endowments for purposes not inconsistent with its
178 responsibilities under this chapter. The division may also
179 establish an endowment that is consistent with the
180 responsibilities under ss. 265.7025-265.709.

181 (4) It is the duty of the division to:

182 (a) Promote and encourage throughout the state knowledge
183 and appreciation of Florida history by encouraging the people of
184 the state to engage in the preservation and care of artifacts,
185 museum items, treasure troves, and other historical properties;
186 the collection, research, fabrication, exhibition, preservation,
187 and interpretation of historical materials; the publicizing of
188 the state's history through public information media; and other
189 activities in historical and allied fields.

190 (b) Encourage, promote, maintain, and operate historical
191 museums, including, but not limited to, mobile museums, junior
192 museums, and the Museum of Florida History in the state capital.

193 (c) Plan and develop, in cooperation with other state
194 agencies and with municipalities, programs to promote and
195 encourage the teaching of Florida's history and heritage in
196 Florida schools and other educational institutions and other
197 such educational programs as may be appropriate.

198 (d) Establish professional standards for the preservation,
199 exclusive of acquisition, of historical resources in state
200 ownership or control.

201 (e) Take such other actions as are necessary or appropriate
202 to locate, acquire, protect, preserve, operate, interpret, and
203 promote the location, acquisition, protection, preservation,

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204 operation, and interpretation of historical resources to foster
205 an appreciation of Florida history and culture.

206 Section 10. Subsection (4) of section 468.401, Florida
207 Statutes, is amended to read:

208 468.401 Regulation of talent agencies; definitions.—As used
209 in this part or any rule adopted pursuant hereto:

210 (4) "Engagement" means any employment or placement of an
211 artist, where the artist performs in his or her artistic
212 capacity. However, the term "engagement" shall not apply to
213 procuring opera, music, theater, or dance engagements for any
214 organization defined in s. 501(c)(3) of the Internal Revenue
215 Code or any nonprofit Florida arts organization that has
216 received a grant from the Division of Arts and Culture ~~Cultural~~
217 ~~Affairs~~ of the Department of State or has participated in the
218 state touring program of the Division of Arts and Culture
219 ~~Cultural Affairs~~.

220 Section 11. This act shall take effect July 1, 2020.