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Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Transportation, Tourism, and Economic Development)

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A bill to be entitled

2 An act relating to cultural and historical programs; 3 creating s. 15.0455, F.S.; designating the Museum of 4 Florida History as the official state history museum; 5 amending s. 15.18, F.S.; providing that the Secretary 6 of State shall be known as "Florida's Chief Arts and 7 Culture Officer"; conforming a provision to changes 8 made by the act; amending s. 20.10, F.S.; renaming the 9 Division of Cultural Affairs as the Division of Arts 10 and Culture; amending s. 265.281, F.S.; conforming provisions to changes made by the act; reordering and 11 12 amending s. 265.283, F.S.; conforming provisions to changes made by the act; defining the term "folklife"; 13 amending s. 265.286, F.S.; conforming a cross-14 15 reference; amending ss. 265.2865 and 265.701, F.S.; conforming provisions to changes made by the act; 16 17 repealing s. 265.7025, F.S., relating to definitions relating to historic programs; amending s. 265.703, 18 19 F.S.; conforming provisions to changes made by the act; repealing ss. 265.704, 265.705, 265.706, and 20 21 265.709, F.S., relating to historical museums and 22 powers and duties of the Division of Cultural Affairs, 23 state policy relative to historical properties, 24 objects of historical or archaeological value, and 25 publications, respectively; reordering and amending s. 26 267.021, F.S.; deleting the definition of the term

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27 "folklife"; defining the term "historical museum"; 28 amending s. 267.071, F.S.; revising the duties of the Division of Historical Resources; transferring, 29 renumbering, and amending s. 265.707, F.S.; 30 31 transferring certain responsibilities from the Division of Cultural Affairs to the Division of 32 Historical Resources; revising provisions relating to 33 34 the Museum of Florida History museum store, the 35 establishment and operation of a certain nonprofit 36 organization or association, and the use of certain 37 funds; transferring, renumbering, and amending s. 38 265.565, F.S.; defining the term "abandoned property"; 39 removing the requirement that a museum inform a lender 40 of certain provisions in certain circumstances; 41 revising publication requirements for a termination of loan notice; providing for the disposition of 42 43 abandoned property; amending s. 267.115, F.S.; revising the duties of the Division of Historical 44 Resources relating to objects of historical or 45 46 archaeological value; transferring and renumbering ss. 47 267.16 and 267.161, F.S., relating to Florida Folklife Programs and the Florida Folklife Council, 48 respectively; amending ss. 258.081, 468.401, and 49 50 553.902, F.S.; conforming provisions and cross-51 references to changes made by the act; amending 52 chapter 2020-88, Laws of Florida; conforming a 53 provision to changes made by the act; providing an 54 effective date.

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56 Be It Enacted by the Legislature of the State of Florida:

58 Section 1. Section 15.0455, Florida Statutes, is created to 59 read:

60 <u>15.0455 Official state history museum.-The Museum of</u> 61 <u>Florida History, located in Tallahassee, is hereby designated as</u> 62 the official state history museum.

63 Section 2. Section 15.18, Florida Statutes, is amended to 64 read:

65 15.18 International and cultural relations.-The Divisions 66 of Arts and Culture Cultural Affairs, Historical Resources, and 67 Library and Information Services of the Department of State 68 promote programs having substantial cultural, artistic, and 69 indirect economic significance that emphasize American 70 creativity. The Secretary of State, as the head administrator of 71 these divisions, shall hereafter be known as "Florida's Chief 72 Arts and Culture Cultural Officer." As this officer, the Secretary of State is encouraged to initiate and develop 73 74 relationships between the state and foreign cultural officers, 75 their representatives, and other foreign governmental officials 76 in order to promote Florida as the center of American 77 creativity. The Secretary of State shall coordinate international activities pursuant to this section with 78 79 Enterprise Florida, Inc., and any other organization the 80 secretary deems appropriate. For the accomplishment of this 81 purpose, the Secretary of State shall have the power and 82 authority to:

83 (1) Disseminate any information pertaining to the State of84 Florida which promotes the state's cultural assets.

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85 (2) Plan and carry out activities designed to cause 86 improved cultural and governmental programs and exchanges with 87 foreign countries. (3) Plan and implement cultural and social activities for 88 89 visiting foreign heads of state, diplomats, dignitaries, and 90 exchange groups. 91 (4) Encourage and cooperate with other public and private 92 organizations or groups in their efforts to promote the cultural 93 advantages of Florida. 94 (5) Serve as the liaison with all foreign consular and 95 ambassadorial corps, as well as international organizations, 96 that are consistent with the purposes of this section. 97 (6) Provide, arrange, and make expenditures for the 98 achievement of any or all of the purposes specified in this 99 section. 100 Section 3. Paragraph (e) of subsection (2) of section 20.10, Florida Statutes, is amended to read: 101 102 20.10 Department of State.-There is created a Department of 103 State. 104 (2) The following divisions of the Department of State are 105 established: 106 (e) Division of Arts and Culture Cultural Affairs. Section 4. Section 265.281, Florida Statutes, is amended to 107 108 read: 109 265.281 Florida Arts and Culture Act; short title.-Sections

110 265.281-265.703 Sections 265.281-265.709 may be cited as the 111 "Florida Arts and Culture Act."

Section 5. Section 265.283, Florida Statutes, is reordered 112 113 and amended to read:

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114 265.283 Definitions.-The following definitions shall apply 115 to ss. 265.281-265.703 ss. 265.281-265.709:

116 (3)(1) "Council" means the Florida Council on Arts and 117 Culture.

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

119 <u>(7) (3)</u> "Director" means the Director of the Division of 120 <u>Arts and Culture</u> Cultural Affairs of the Department of State.

121 (8) (4) "Division" means the Division of <u>Arts and Culture</u>
 122 Cultural Affairs of the Department of State.

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(12) (5) "Panel" means a grant review panel.

(14) (6) "Secretary" means the Secretary of State.

125 <u>(1) (7)</u> "Arts and cultural disciplines" include, but are not 126 limited to, music, dance, theatre, creative writing, literature, 127 architecture, painting, sculpture, folk arts, photography, 128 crafts, media arts, visual arts, programs of museums, and other 129 such allied, major art forms.

130 <u>(11)(8)</u> "Local arts agency" means a public or private 131 nonprofit organization located in Florida and operating on a 132 permanent basis for the primary purpose of strengthening, 133 supporting, and stabilizing the activities of one or more county 134 art and cultural constituencies.

135 <u>(10)(9)</u> "Historical museum" means a department or agency of 136 state or local government or a public or private nonprofit 137 organization located in Florida and operating on a permanent 138 basis for the primary purpose of sponsoring, producing, and 139 exhibiting educational programs that are related to the 140 historical resources of Florida.

141 (13)(10) "Science museum" means a public or private 142 nonprofit organization located in Florida and operating on a

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143 permanent basis for the primary purpose of sponsoring, 144 producing, and exhibiting programs for the observation and study 145 of various types of natural science and science technology.

146 <u>(18) (11)</u> "Youth and children's museum" means a public or 147 private nonprofit organization located in Florida and operating 148 on a permanent basis for the primary purpose of sponsoring, 149 producing, and exhibiting multidisciplinary and participatory 150 programs for visitors who are 6 months to 15 years old, and 151 their families, teachers, and caregivers.

152 <u>(15)(12)</u> "State service organization" means a public or 153 private nonprofit organization located in Florida operating on a 154 permanent basis for the primary purpose of implementing programs 155 that have cultural significance and that emphasize American 156 creativity and the maintenance and encouragement of professional 157 excellence.

158 (2)(13) "Arts in education grants" means grants used to 159 cultivate the learning and artistic development of all students 160 and teachers by promoting, encouraging, and supporting arts and 161 culture as an integral part of education and lifelong learning 162 for residents and visitors.

163 (4) (14) "Cultural support grants" means grants that provide 164 support for general programs and specific cultural projects.

165 <u>(16) (15)</u> "State touring program grants" means grants used 166 to provide performances, activities, and exhibitions by Florida 167 artists to communities.

168 <u>(17) (16)</u> "Underserved arts community assistance program 169 grants" means grants used by qualified organizations under the 170 Rural Economic Development Initiative, pursuant to ss. 288.0656 171 and 288.06561, for the purpose of economic and organizational

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172 development for underserved cultural organizations.

173 <u>(5) (17)</u> "Culture Builds Florida grants" means grants used 174 for the purpose of connecting the arts to key areas of the 175 division's long-term strategic plan.

176 (9) "Folklife" means the traditional expressive culture 177 shared within the various groups in Florida: familial, ethnic, occupational, religious, and regional. Expressive culture 178 179 includes a wide range of creative and symbolic forms, such as 180 custom, belief, technical skill, language, literature, art, 181 architecture, music, play, dance, drama, ritual, pageantry, and 182 handicraft, which forms are generally learned orally, by 183 imitation, or in performance and are maintained or perpetuated without formal instruction or institutional direction. 184

185Section 6. Paragraph (a) of subsection (5) of section186265.286, Florida Statutes, is amended to read:

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265.286 Art and cultural grants.-

(5) The division shall fund:

(a) Grants for general program support for science museums,
youth and children's museums, historical museums, local arts
agencies, state service organizations, and organizations that
have cultural program activities in any of the art and cultural
disciplines defined in <u>s. 265.283</u> s. 265.283(7).

Section 7. Subsection (6) of section 265.2865, FloridaStatutes, is amended to read:

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265.2865 Florida Artists Hall of Fame.-

(6) The Division of <u>Arts and Culture</u> Cultural Affairs of
the Department of State shall adopt rules necessary to carry out
the purposes of this section, including, but not limited to,
procedures for accepting nominations to, making recommendations

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for, selecting members of the Florida Artists Hall of Fame, and providing travel expenses for such recipients. Notwithstanding the provisions of s. 112.061, the Secretary of State may approve first-class travel accommodations for recipients of the Florida Artists Hall of Fame award and their representatives for health or security purposes.

207 Section 8. Subsections (1) and (5) of section 265.701, 208 Florida Statutes, are amended to read:

209 265.701 Cultural facilities; grants for acquisition, 210 renovation, or construction; funding; approval; allocation.-

(1) The Division of <u>Arts and Culture</u> Cultural Affairs may accept and administer moneys appropriated to it for providing grants to counties, municipalities, and qualifying nonprofit corporations for the acquisition, renovation, or construction of cultural facilities.

(5) The Division of <u>Arts and Culture</u> Cultural Affairs shall
adopt rules prescribing the criteria to be applied by the
Florida Council on Arts and Culture in recommending applications
for the award of grants and rules providing for the
administration of the other provisions of this section.

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Section 9. <u>Section 265.7025</u>, Florida Statutes, is repealed. Section 10. Subsection (3) of section 265.703, Florida Statutes, is amended to read:

224 265.703 Citizen support organizations; use of state 225 administrative services and property; audit.-

(3) ANNUAL AUDIT.-The citizen support organization shall
provide for an annual financial audit in accordance with s.
215.981. Information of the Museum of Florida History citizen
support organization which is confidential and exempt pursuant

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230	to s. 267.17 sha	ill retai	n its con:	fidentia	l and exem	pt status.
231	Section 11.	Section	265.704,	Florida	Statutes,	is repealed.
232	Section 12.	Section	265.705,	Florida	Statutes,	is repealed.
233	Section 13.	Section	265.706,	Florida	Statutes,	is repealed.
234	Section 14.	Section	265.709,	Florida	Statutes,	is repealed.
235	Section 15.	Section	267.021,	Florida	Statutes,	is reordered
236	and amended to m	read:				

237 267.021 Definitions.—For the purpose of this act, the term:
238 (2)-(1) "Division" means the Division of Historical
239 Resources of the Department of State.

(1) (2) "Agency" means any state, county, or municipal
 officer, department, division, board, bureau, commission, or
 other separate unit of government created or established by law.

243 (5) (3) "Historic property" or "historic resource" means any prehistoric or historic district, site, building, object, or 244 245 other real or personal property of historical, architectural, or 246 archaeological value, and folklife resources. These properties or resources may include, but are not limited to, monuments, 247 248 memorials, Indian habitations, ceremonial sites, abandoned 249 settlements, sunken or abandoned ships, engineering works, 250 treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, 251 252 relating to the history, government, and culture of the state.

253 <u>(8) (4)</u> "Preservation" or "historic preservation" means the 254 identification, evaluation, recordation, documentation, 255 analysis, recovery, interpretation, curation, acquisition, 256 protection, management, rehabilitation, restoration, 257 stabilization, maintenance, or reconstruction of historic 258 properties.

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259 (6) (5) "National Register of Historic Places" means the 260 list of historic properties significant in American history, 261 architecture, archaeology, engineering, and culture, maintained 262 by the Secretary of the Interior, as established by the National 263 Historic Preservation Act of 1966, as amended.

264 (6) "Folklife" means the traditional expressive culture 265 shared within the various groups in Florida: familial, ethnic, occupational, religious, and regional. Expressive culture 266 2.67 includes a wide range of creative and symbolic forms such as 268 custom, belief, technical skill, language, literature, art, 269 architecture, music, play, dance, drama, ritual, pageantry, and 270 handicraft, which forms are generally learned orally, by imitation, or in performance and are maintained or perpetuated 271 272 without formal instruction or institutional direction.

273 (3) (7) "Florida history museum" means a public or private nonprofit institution which is established permanently in this 274 275 state for the purpose of promoting and encouraging knowledge and 276 appreciation of Florida history through the collection, 277 preservation, exhibition, and interpretation of artifacts and other historical properties related to Florida history and the 278 279 primary role of which is to collect and care for artifacts and 280 other objects of intrinsic historical or archaeological value 281 and exhibit them regularly through a facility or facilities 2.82 owned or operated by the institution.

283 (7) (8) "Official Florida Historical Marker" means any 284 marker, plaque, or similar device awarded, approved, or 285 administered by the Division of Historical Resources for the purpose of recognizing and informing the general public about 286 287 historic properties, persons, events, and other topics relating

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288 to the history and culture of the state.

(4) "Historical museum" means a department or an agency of state or local government or a public or private nonprofit organization located in Florida and operating on a permanent basis for the primary purpose of sponsoring, producing, and exhibiting educational programs that are related to the historical resources of Florida.

295 Section 16. Subsection (2) of section 267.071, Florida 296 Statutes, is amended, and subsection (4) is added to that 297 section, to read:

298 267.071 Historical museums.—It is the duty of the division 299 to:

300 (2) Encourage, promote, maintain, and operate historical 301 museums, including <u>the Museum of Florida History</u>, but not 302 <u>limited to</u>, mobile museums, and <u>other Florida history</u> junior 303 museums.

304 <u>(4) (a) Establish professional standards for the</u> 305 preservation, exclusive of acquisition, of each of the 306 <u>collections under state ownership or control.</u>

307 (b) Take such other actions as are necessary or appropriate
 308 to locate, acquire, preserve, operate, interpret, and promote
 309 the location, acquisition, protection, preservation, operation,
 310 and interpretation of historical artifacts and resources to
 311 foster an appreciation of Florida history and culture.

312 Section 17. Section 265.707, Florida Statutes, is 313 transferred, renumbered as section 267.0721, Florida Statutes, 314 and amended to read:

315 <u>267.0721</u> 265.707 Museum of Florida History and programs; 316 other historical museums.-

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317 (1) The division is authorized to operate the Museum of318 Florida History and other historical museums.

(2) The division shall establish and administer a museum 319 320 store for in the Museum of Florida History to provide 321 information and materials relating to Florida history, museum 322 exhibits, collections, and programs to the public and may 323 operate additional stores associated with the museum. The stores 324 store may produce, acquire, and sell craft products, clearly 325 marked replicas and reproductions of artifacts, documents, and 326 other merchandise relating to historical and cultural resources 327 and may make a reasonable charge for such merchandise. All 328 proceeds received from sales must be deposited into the Grants 329 and Donations Trust Fund, or funds in excess of the amount 330 required to pay employees involved in the direct management of 331 the museum store may be deposited into a bank account of a the 332 citizen support organization created pursuant to s. 267.17 or created before July 1, 2021, pursuant to s. 265.703 and may be 333 used only to support operations of the museum stores and the 334 335 programs of the Museum of Florida History or other museums 336 operated by the division. The museum stores store may enter into 337 agreements and accept credit card credit-card payments as 338 compensation for goods and products sold. The division may 339 establish accounts in credit card credit-card banks for the 340 deposit of credit card credit-card sales invoices and to pay 341 discounts and service charges in connection with the use of 342 credit cards.

(3) The division shall support the establishment and
operation of a nonprofit organization or association established
pursuant to <u>s. 267.17 or established before July 1, 2021,</u>

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346 pursuant to s. 265.703 to promote and encourage knowledge and 347 appreciation of Florida history and the programs of the Museum 348 of Florida History and other museums operated by the division 349 and to cooperate with historical societies and other 350 organizations to provide funding and promotional support for the 351 programs of the museum. Such organization or association may, 352 with the consent of the division, operate the museum store or 353 conduct special events and programs in the museum. All proceeds 354 must be used to support the programs of the Museum of Florida 355 History and other museums operated by the division.

(4) The division <u>may shall</u> deposit <u>grant funding</u>, gifts, and donations for the purpose of assisting the Museum of Florida History and its programs in the Grants and Donations Trust Fund to be used exclusively for the benefit of programs of the museum and in a manner consistent with any terms or conditions agreed to by the division in accepting such <u>grants</u>, gifts, <u>and</u> donations.

363 Section 18. Section 265.565, Florida Statutes, is 364 transferred and renumbered as section 267.0723, Florida 365 Statutes, present paragraphs (a) through (f) of subsection (2) 366 of that section are redesignated as paragraphs (b) through (g), 367 respectively, a new paragraph (a) is added to that subsection 368 and subsection (13) is added to that section, and paragraphs (a) 369 and (b) of subsection (3), paragraph (c) of subsection (5), and 370 subsections (6) and (12) of that section are amended, to read:

371 <u>267.0723</u> <u>265.565</u> Property loaned to <u>or abandoned at</u> 372 museums; obligations to lenders; notice; loan termination; 373 acquisition of title; liens; conservation or disposal.-374 (2) DEFINITIONS.-

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375 (a) "Abandoned property" means property left at or 376 delivered to a museum with no loan, deed of gift, or donation 377 paperwork. 378 (3) OBLIGATIONS OF MUSEUMS TO LENDERS.-379 (a) For property loaned to a museum after the effective 380 date of this act, the museum shall: 381 1. Make and retain a written record containing, at a 382 minimum, the lender's name, address, and telephone number, a 383 description of the property loaned in sufficient detail for 384 clear identification, including a description of the general 385 condition of the property at the time of the loan, the beginning 386 date of the loan, and the expiration date of the loan. 387 2. Provide the lender with a signed receipt or loan 388 agreement containing, at a minimum, the record set forth in 389 subparagraph 1. 390 3. Inform the lender of the existence of the provisions this act and Provide the lender with a copy of the provisions of 391 392 this act upon the lender's request. 393 (b) Regardless of the date of a loan of property, the 394 museum shall: 395 1. Update its records if a lender informs the museum of a 396 change of address or change in ownership of property loaned, or 397 if the lender and museum negotiate a change in the duration of the loan. 398 2. Inform the lender of the existence of the provisions of 399 400 this act When renewing or updating the records of an existing 401 loan, and provide the lender with a copy of the provisions of 402 this act upon the lender's request. 403 (5) TERMINATION OF LOANS.-

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404 (c) If the museum is unable to identify sufficient 405 information to send notice pursuant to paragraph (b), or if a 406 signed return receipt of a notice sent by certified mail 407 pursuant to paragraph (b) is not received by the museum within 408 30 days after the notice is mailed, the museum shall publish the 409 notice of termination of loan containing all the information 410 available to the museum provided in paragraph (b) on its website and at least twice, 60 or more days apart, in a publication of 411 412 general physical or online circulation in the county in which 413 the museum is located and the county of the lender's last known 414 address, if known.

(6) MUSEUM GAINING TITLE TO <u>LOANED</u> PROPERTY; CONDITIONS.—As
of the effective date of this act, a museum acquires title to
unclaimed property under any of the following circumstances:

(a) For property for which a museum provides notice to a lender in accordance with paragraph (5)(b) and a signed receipt is received, if the lender of the property does not contact the museum within 90 days after the date notice was received.

(b) For property for which notice by publication is made pursuant to paragraph (5)(c), if the lender or anyone claiming a legal interest in the property does not contact the museum within 90 days after the date of the second publication.

(12) <u>LIABILITY.-</u>If a museum applies conservation measures to or disposes of a property pursuant to subsection (11), the museum shall have a lien on the property and on the proceeds from any disposition thereof for the costs incurred by the museum, and the museum shall not be liable for injury to or loss of the property if:

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(a) The museum had a reasonable belief at the time the

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433 action was taken that the action was necessary to protect the 434 property on loan or other property in the custody of the museum, 435 or that the property on loan constituted a hazard to the health 436 and safety of the public or the museum's staff.

437 (b) The museum exercised reasonable care in the choice and438 application of conservation measures.

439 (13) DISPOSITION OF ABANDONED PROPERTY.—A museum may keep,
 440 transfer, sell, or dispose of abandoned property.

441 Section 19. Subsection (1) of section 267.115, Florida442 Statutes, is amended to read:

443 267.115 Objects of historical or archaeological value.-The 444 division shall acquire, maintain, preserve, interpret, exhibit, and make available for study objects which have intrinsic 445 446 historical or archaeological value relating to the history, 447 government, or culture of the state. Such objects may include 448 tangible personal property of historical or archaeological 449 value. Objects acquired under this section belong to the state, 450 and title to such objects is vested in the division.

451 (1) Notwithstanding s. 273.02, the division shall maintain 452 an adequate record of all objects in its custody which have a 453 historical or archaeological value. Once each year, on July 1 or 454 as soon thereafter as practicable, the division shall take a 455 complete inventory of all such objects in its custody the value 456 or cost of which is \$1,000 \$500 or more and a sample inventory 457 of such objects the value or cost of which is less than \$1,000 458 \$500. Each inventory shall be compared with the property record, 459 and all discrepancies shall be traced and reconciled. Objects of historical or archaeological value are not required to be 460 461 identified by marking or other physical alteration of the

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462 objects.

Section 20. Section 267.16, Florida Statutes, is 463 464 transferred and renumbered as section 265.802, Florida Statutes. 465 Section 21. Section 267.161, Florida Statutes, is 466 transferred and renumbered as section 265.803, Florida Statutes. 467 Section 22. Section 258.081, Florida Statutes, is amended 468 to read:

469 258.081 Stephen Foster State Folk Culture Center.-The 470 division shall maintain and operate the Stephen Foster State 471 Folk Culture Center facility in such manner that the performing 472 arts component of the Florida Folklife Programs provided in s. 473 265.802 s. 267.16 shall have priority use of the facility.

474 Section 23. Subsection (4) of section 468.401, Florida 475 Statutes, is amended to read:

476 468.401 Regulation of talent agencies; definitions.-As used 477 in this part or any rule adopted pursuant hereto:

(4) "Engagement" means any employment or placement of an 478 479 artist, where the artist performs in his or her artistic 480 capacity. However, the term "engagement" shall not apply to 481 procuring opera, music, theater, or dance engagements for any 482 organization defined in s. 501(c)(3) of the Internal Revenue 483 Code or any nonprofit Florida arts organization that has 484 received a grant from the Division of Arts and Culture Cultural 485 Affairs of the Department of State or has participated in the 486 state touring program of the Division of Arts and Culture 487 Cultural Affairs.

488 Section 24. Paragraph (d) of subsection (2) of section 489 553.902, Florida Statutes, is amended to read: 490

553.902 Definitions.-As used in this part, the term:

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491	(2) "Exempted building" means:				
492	(d) A historical building as <u>defined</u> described in <u>s.</u>				
493	<u>267.021</u> s. 267.021(3) .				
494					
495	The Florida Building Commission may recommend to the Legislature				
496	additional types of buildings which should be exempted from				
497	compliance with the Florida Building Code-Energy Conservation.				
498	Section 25. Subsection (1) of section 2 of chapter 2020-88,				
499	Laws of Florida, is amended to read:				
500	Section 2. The Secretary of State is directed to:				
501	(1) In coordination with the Division of <u>Historical</u>				
502	Resources Cultural Affairs of the Department of State, determine				
503	how the Museum of Florida History and other state museums will				
504	promote the history of the 1920 Ocoee Election Day Riots through				
505	exhibits and educational programs.				
506	Section 26. This act shall take effect July 1, 2021.				