

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1524

INTRODUCER: Senator Grall

SUBJECT: Duties of the Department of State

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	McVaney	GO	Pre-meeting
2.			ATD	
3.			RC	

I. Summary:

SB 1524 amends chapters 257, 265, and 267, F.S., which govern the Department of State's (DOS) Division of Library and Information Services, Division of Arts and Culture, and Division of Historical Resources.

The bill grants the Secretary of the DOS greater authority to alter the recommended grant recipients throughout the above three divisions. For example:

- Many of the DOS' grants are awarded based on recommendations by subject area-specific Councils. The bill allows the Secretary to edit the list of award recommendations for all grants awarded by the Division of Library and Information Services, Arts and Culture grants administered by the Division of Arts and Culture, and the Historic Preservation Grants (including the Abandoned African-American cemeteries grant) administered by the Division of Historical Resources.
- The bill allows the Secretary to review and edit the funding recommendation list for recipients of federal funds distributed by the Division of Library and Information Services.
- The bill requires the Secretary to ensure a grant's compliance with federal, state and local laws and regulations.
- The bill requires the Secretary to monitor the use of grant funds to ensure its use only for activities and programs that are appropriate for all age groups.
- The bill allows the Secretary to edit the list of recommended grant recipients for Fiscal Year 2025-2026.

The bill also eliminates the following councils or grants:

- The individual artist fellowship grant program.
- The General Program Support and Specific Cultural Program.
- The state touring grant program.
- The cultural endowment program.

- The Grove Advisory Council.
- The Florida International Archive and Repository for the preservation of those public records, as defined in s. 119.011, F.S, manuscripts, international judgments involving disputes between domestic and foreign businesses, and all other public matters that the department or the Florida Council of International Development deems relevant to international issues.
- The Florida Museum of Black History Task Force, which issued its recommendations on June 28, 2024, and therefore fulfilled its statutory duty.

The bill reconfigures the membership of the Florida Council on Arts and Culture and its statutory duties.

The bill generally eliminates mandatory rulemaking, legislatively proscribed conditions on awarding grant funding, and levels of review. This may result in lessening the ability of public input in the award process and alerting the applicants of the way they will be scored.

The bill takes effect upon becoming law.

II. Present Situation:

Section 20.10, F.S., creates the Department of State (DOS) within the executive branch, headed by the Secretary of State (Secretary) who serves at the pleasure of the Governor. There are six divisions within the DOS:

- Division of Elections.
- Division of Historical Resources.
- Division of Corporations.
- Division of Library and Information Services.
- Division of Arts and Culture.
- Division of Administration.¹

The Division of Historical Resources, Division of Arts and Culture, and Division of Library and Information Services, administer grants pursuant to ch. 265, F.S., and promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity.²

The remainder of the present situation relative to each section of the bill is discussed in the Effect of Proposed Changes section of this bill analysis. Generally, there will be a heading or subheading, a discussion of the present situation, then a discussion of the effect of the proposed changes.

¹ Section 20.10(2), F.S.

² Section 15.18, F.S.

III. Effect of Proposed Changes:

Public Libraries and State Archives

The Division of Library and Information Services (Division), among its many functions, assists public libraries throughout the state, coordinates with the Division of Blind Services of the Department of Education to provide library services to the blind and physically handicapped persons of Florida, maintains a library for state employees, helps state agencies with relevant research, controls the State Library, and receives and coordinates distribution of materials and funds for the benefit of Floridians.³

With regard to its functions and duties pertaining to funding, the Division:

- May give aid and assistance—financial, advisory, or otherwise—to all school, state institutional, academic, free, and public libraries and to all Florida communities that propose to establish libraries, as to the best means of establishing and administering libraries, selecting and cataloging books, and other facets of library management;⁴
- Must establish operating standards under which libraries will be eligible to receive state moneys;⁵ and
- May accept, receive, administer, and expend any moneys, materials, or any other aid granted, appropriated, or made available by the United States or any of its agencies for the purpose of giving aid to libraries and providing educational library services in Florida.⁶

State Librarian and Library Council

The Secretary appoints the State Librarian, who serves as the director of the Division. The State Librarian manages the Division's programs.⁷ The nine members of the State Library Council, all appointed by the Secretary, advise and assist the Division on its programs and activities.⁸

Sections 1 and 3 amend the education qualifications for the State Librarian (s. 257.031, F.S.) and administrative heads of libraries that receive an operating grant⁹ (s. 257.17, F.S.), requiring graduation from programs accredited by “a national library professional association”¹⁰ rather than a program accredited by the American Library Association

Section 2 amends s. 257.12, F.S., to require the State Library Council to develop recommendations for providing available federal funds to public libraries. The Secretary, however, may limit the distribution of federal grant funds to ensure that the funds are expended in compliance with laws and are appropriate for all age groups. It is unclear to what extent the Secretary may amend the distribution of funds.

³ Section 257.04, F.S.

⁴ *Id.*

⁵ Section 257.15, F.S.

⁶ Section 257.12, F.S.

⁷ Section 257.031(1), F.S.

⁸ Section 257.02, F.S.

⁹ Discussed further *infra*.

¹⁰ See *infra* “VII. Related Issues.”

The State and International Archives

The Florida State Archives, under s. 257.35, F.S., is responsible for the preservation of those public records, as defined in s. 119.011(12), F.S., manuscripts, and other archival material that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation and have been accepted by the Division for deposit. The Florida State Archive conducts, promotes, and encourages research in Florida history, government, and culture.¹¹ The Florida International Archive and Repository, by comparison, preserves materials relevant to *international* issues. To the extent practical, the International Repository assists state and local public entities and individuals engaged in international related activities—including research and business.¹²

Section 6 repeals s. 257.34, F.S., which created the Florida International Archive and Repository. This repeal, therefore, eliminates the Florida International Archive and Repository.

Division of Library and Information Services Grants

Section 257.14, F.S., explicitly grants the Division authority to adopt administrative rules. Each program must be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures if applicable, and application forms. The Division is statutorily authorized to administer numerous grants, not all of which appear to be in current use, as they lack corresponding rules or are not mentioned on the DOS Grants website.

State Aid to Libraries Grant Programs

The State Aid to Libraries grant program encompasses three statutorily designated grants—operating, equalization, and multicounty library. An Operating Grant is an annual grant provided to single library administrative units in an amount equal to no more than 25% of all local funds expended by the relevant political subdivision for the operation and maintenance of the library during the second preceding fiscal year.¹³ An Equalization Grant is available to counties that qualify for an operating grant and have limited tax resources.¹⁴ The equalization formula, set forth in statute, was structured to provide an effective supplement to local funds for libraries serving counties with limited local tax resources, especially to those that choose to support their library at exceptionally high levels when compared to local resources and the investment of other counties.¹⁵ A Multicounty Library Grant is available to the administrative unit of a multicounty library that serves a population of 50,000 or more and serves two or more counties, at least one of which qualifies for an equalization grant.¹⁶

Grants are prorated among eligible libraries if the appropriation by the Legislature does not fully fund the State Aid to Libraries Grant Program.¹⁷

¹¹ Section 257.35, F.S.

¹² Section 257.34, F.S.

¹³ Division of Library & Information Services, Florida Dep't of State, *State Aid to Libraries Grant Guidelines*, 18-21, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15322> (last visited Nov. 14, 2024) [hereinafter *State Aid to Libraries Grant Guidelines*].

¹⁴ *State Aid to Libraries Grant Guidelines*, at 4.

¹⁵ *Id.* at 2; s. 257.18, F.S.

¹⁶ Section 257.172, F.S.

¹⁷ *State Aid to Libraries Grant Guidelines*, at 3.

Library Cooperative Grants

The Library Cooperative Grant supports libraries participating in library cooperatives “for the purpose of sharing library resources.” The participating libraries may be a combination of academic, school, special, state institutional, and public libraries.¹⁸ In order to receive a Library Cooperative Grant, cooperatives must obtain 10% matching cash funds, be a nonprofit organization consisting of more than one type of library, headed and administered by a full-time librarian, and in good standing with the DOS.¹⁹

Public Library Construction Grants

Public Library Construction Grants give a maximum of \$500,00 matching funds to a county, municipality, special district, or special tax district for the remodeling or construction of a free, publicly-available library.²⁰ Applications are scored on a scale of a maximum of 100 points, with different points allocated based on the type of building, project narrative and library function in the community, building uses and needs, and community need.²¹

Effects of Proposed Changes

Sections 4, 5, and 7, respectively, amend the construction grants statute (s. 257.191, F.S.); the cooperative grants statute (s. 257.42, F.S.); and the statute addressing applicants to any grants awarded by the Division (s. 257.23, F.S). For all three sections, the amendments:

- Allow the Secretary to edit the list of recommended grants recipients;
- Require the Secretary to consider whether the program applying for grant money is appropriate for all ages; and
- Direct the Secretary to review potential recipient-programs’ compliance with federal, state, and local laws.

Section 2, which amends the statute regarding the Division’s power to distribute federal funds (s. 257.12, F.S.), also explicitly empowers the Secretary to edit the recommendation list created by the Division on which libraries should receive the federal funding.

Memorials, Museums, and Arts and Culture

The Division of Arts and Culture (Division) is Florida’s designated state arts agency and oversees programs relating to memorials, museums, and arts and culture. To promote excellence and encourage access to cultural opportunities, the Division provides funding, programs, and resources, including grants for programs and projects in arts in education, local arts agencies, state service organizations, museums, theater, dance, folk arts, literature, media arts, multidisciplinary, music, sponsor or presenter, and visual arts.²²

¹⁸ Section 257.41(1), F.S.

¹⁹ Section 257.42, F.S.

²⁰ See ss. 288.0656 and 288.06561, F.S.

²¹ Division of Library & Information Services, Florida Dep’t of State, *Public Library Construction Grant Guidelines*, 10-11, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15325> (last visited Mar. 25, 2025); incorporated into 1B-2.011(2)(b), F.A.C., by 1B-2.011(3), F.A.C.

²² Florida Department of State, Division of Arts and Culture, *Mission*, <https://DoS.fl.gov/cultural/about-us/mission/> (last visited Mar. 30, 2025).

The Secretary currently serves as the “chief cultural officer of the state;” **section 9**, however, amends s. 265.284, F.S., to change the title to the “chief arts and culture officer.”

Florida Council on Arts and Culture

The Florida Council on Arts and Culture (FCOAC) is a 15-member panel consisting of:

- Seven members appointed by the Governor for 4-year terms,
- Four members appointed by the President of the Senate for 2-year terms, and
- Four members appointed by the Speaker of the House of Representatives for 2-year terms.

Appointments must “recognize the need for geographical representation,” and should be individuals with

a substantial history of community service in the performing or visual arts, which includes, but is not limited to, theater, dance, folk arts, music, architecture, photography, literature, and media arts, or in the areas of science, history, or children’s museums. In addition, it is desirable that members have successfully served on boards of cultural institutions such as museums and performing arts centers or are recognized as patrons of the arts.^[23]

Section 10 amends s. 265.285, F.S., which establishes the FCOAC. The changes address the qualifications of and methods of member appointments. In particular, the bill:

- Reorganizes how FCOAC members are appointed. While the number of members stays the same, the Governor is granted more appointments (up from seven to nine), made in consultation with the Secretary. In turn, the bill decreases the appointments reserved for the President of the Senate and Speaker of the House of Representative (from four to three, each).
- Effective July 1, 2025, the first vacancy of a seat appointed by the President of the Senate is filled by the Governor; the same for the first vacancy of a seat occupied by an appointee of the Speaker of the House of Representatives. Five of the Governor’s appointments, out of nine, must qualify as follows:
 - A licensed architect with expertise in cultural facilities;
 - A member of the Seminole Tribe of Florida;
 - A professional public folklorist;
 - A university-affiliated public folklorist; and
 - A practicing or former professional artist.²⁴
- Increases the FCOAC membership qualifications by requiring the appointed representatives to demonstrate an interest in and knowledge of the arts, culture, museums, folklore, and cultural heritage conditions.
- Clarifies that members of the FCOAC cannot receive any financial compensation as an employee or officer of an entity that receives grant funding (unless the entity is a state college or university).

²³ Section 265.285(1)(a), F.S.

²⁴ The Governor can meet these specific appointment responsibilities within the existing number of appointments he or she has and still have remaining seats to appoint.

Sections 10 and 12 amend ss. 265.285 and 265.2865, F.S., respectively, to modify the duties of the FCOAC.

Section 10 changes the FCOAC's duty to "assist in the freedom of artistic expression that is essential for the well-being of the arts," to instead simply "encourage arts and cultural development within communities."

Section 10 also eliminates the FCOAC's involvement in the nomination for the Poet Laureate, an honorary position within the DOS; and duty to promote poetry throughout the state.²⁵ This is replaced with a duty to promote and assist Division programs, "such as the Major John Leroy Haynes Florida Veterans' History Program, the Arts and Culture recognition award program, and the apprenticeship program."²⁶ The Major John Leory Haynes Florida Veteran's History Program is a Florida Folklife Program within the Division created to "collect and preserve the stories and experiences of Florida's veterans and the State of Florida's military contributions throughout the nation's history."²⁷ The Division's folklorists seek out and identify those veterans willing to share their stories via interview or written submission.²⁸ The other programs mentioned do not currently exist in statute and are not created in the bill.

Currently, the FCOAC accepts nominations for persons to be recommended to the Secretary to be named as a members of the Florida Artists Hall of Fame. The Secretary can name up to four members to the Florida Artists Hall of Fame annually. Section 12 amends s. 265.2865, F.S., to decrease the number of annual nominations from four to three, and to make their nominations permissive rather than required. Consequently, the Secretary "may" (as opposed to shall) annually request an appropriation to carry out the section. Thus, the DOS will not be required to act under this section annually if the DOS opts not to accept any further applications.

Florida Folklife Council

The Florida Folklife Council advises and assists the Division and the State Folklorist to encourage statewide public interest in folk arts and folklore; promote Florida folk artists, performers, festivals, folklife projects, and folk resources; recommend projects; and develop proposals for grant applications to support the Florida folklife program.²⁹ Currently, the Secretary appoints the seven members of the Florida Folklife Council. **Section 15** amends s. 265.803, F.S., to make the Florida Folklife Council a sub-council within the FCOAC. As a consequence, the seven members of the council would come from the membership of the FCOAC. Appointed members currently provide a "geographical, ethnic, and professional representation;" the bill changes "ethnic" to "cultural and traditional."

Citizen Support Organizations

Section 265.703, F.S., permits the Division to establish citizen support organizations to provide assistance, funding, and promotional support for the cultural, arts, historical, and museum

²⁵ See ss. 265.285 and 265.2863, F.S.

²⁶ The apprenticeship program and Arts and Culture recognition award program do not currently exist in statute. See *infra* "VI. Technical Deficiencies."

²⁷ Section 265.8021(2), F.S.

²⁸ Section 265.8021(3), F.S.

²⁹ Section 265.803, F.S.

programs. Citizen support organizations, in this instance, are nonprofit corporations organized under the provisions of ch. 617, F.S., approved by the Division in writing, operated for the direct or indirect benefit of the Division, and organized and operated in the best interests of the state to perform specified tasks. **Section 14** amends s. 265.703, F.S., to permit citizen support organizations to support international and intergovernmental programs as well as the currently permitted support for cultural, historical, and museum programs.³⁰

Grants, generally

The Florida Arts and Culture Act (Act) is set forth in ss. 265.281-265.709, F.S., to provide state support for, and to gain national and international recognition of, the efforts, works, and performances of Florida artists, art agencies, museums, and nonprofit organizations.³¹ The Division must administer and oversee all programs authorized by the Act and may adopt rules to do so.³² This includes:

- Arts and culture grants to support science museums, youth and children’s museums, historical museums, local arts agencies, Florida artists, state service organizations, and organizations that have cultural program activities;³³
- An endowment to provide matching funds to local sponsoring organizations that engage in programs directly related to cultural activities;³⁴ and
- Grants to counties, municipalities, and qualifying nonprofit corporations for the acquisition, renovation, or construction of cultural facilities.³⁵

Generally, eligibility for grants administered by the Division requires the applicant be:³⁶

- In good standing with the Division and the DOS at the time of the application;
- A public entity or a Florida non-profit, tax exempt corporation that is registered and in active status with Florida’s Division of Corporations;
- Experienced in arts and cultural programming of at least 1 year; and
- Registered as a vendor with the Department of Financial Services to whom they provide their most recent Federal 990 form.

Section 265.284, F.S., explicitly requires the DOS to adopt rules. Each program must be governed by guidelines, adopted as rule, which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures if applicable, and application forms.

Many of the changes this bill proposes for grants administered by the Division delete the review of grant applications or the grants themselves and empower the Secretary to edit (change) the recommended list of grants currently determined by review panels and the FCOAC. Members of

³⁰ *But see infra* “VI. Technical Deficiencies”

³¹ Section 265.282, F.S.

³² Section 265.284(3)(j), F.S.

³³ Section 265.286, F.S.

³⁴ Sections 265.601-265.606, F.S.

³⁵ Section 265.701(1), F.S.

³⁶ Division of Arts & Culture, Florida Dep’t of State, *General Program Support Grant Guidelines*, 5, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15677> (last visited Nov. 13, 2024) [hereinafter *General Program Support Grant Guidelines*].

review panels are appointed by the Secretary and seven of the members of the FCOAC are appointed by the Governor.

The FCOAC reviews each grant application and annually submits to the Secretary lists of the applications that are recommended for award, arranged in order of priority.³⁷ **Section 10** amends s. 265.286, F.S., to require the FCOAC to consider whether applications are for programs appropriate for all ages language when advising the secretary in awarding grants.

Review panels currently serve in almost all grant application review processes as the first body that provides a substantive review of the applications. They utilize grading rubrics and scoring requirements set forth by statute or rules. **Sections 8, 10, and 11** delete references to or the definition of “panels” for Arts and Culture Grants. Section 11, specifically, amends s. 265.286, F.S., to delete the use of qualified review panels in the process of determining the award of Art and Culture Grants, which is further discussed below, and instead allows the Secretary to appoint reviewers at his or her discretion.

Arts and Culture Grants

Section 265.286, F.S., creates the Arts and Culture Grants Program and directs the Division to adopt rules establishing eligibility requirements, procedures, and panel review processes, including criteria for reviewing grant applications.³⁸

General Program Support and Specific Culture Program Grants

Section 265.286, F.S., mandates at least two sub-grants:³⁹

- The General Program Support Grant program, which provides funding to directly support arts and cultural programming, including museums and local arts organizations, in statutorily authorized disciplines that “include, but are not limited to, music, dance, theater, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, programs of museums, and other such allied, major art forms.”⁴⁰
- The Specific Cultural Program Grant, which provides up to \$25,000 to fund a specific cultural project, program, exhibition, or series that furthers the state’s cultural objectives, has four permissible proposal types established in rule:
 - Arts in Education projects that promote arts and culture in education;
 - Discipline-Based cultural or artistic projects that further the state’s cultural objectives through a pre-approved list of disciplines;
 - Underserved Cultural Community Development projects that assist with the development of underserved cultural organizations; or
 - Artist Projects that provide public benefit through the creation or presentation of new artistic work.⁴¹

³⁷ Sections 265.286, 265.606(1)(c), and 265.701(3), F.S.

³⁸ Section 265.286(6), F.S.

³⁹ Section 265.286(3) and (5), F.S.; *see* rule 1T-1.036(2), F.A.C.

⁴⁰ Sections 265.286(5)(b) and 265.283(1), F.S.

⁴¹ Division of Arts & Culture, Florida Dep’t of State, *Specific Cultural Project Grant Guidelines*, 6, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15678> (last visited Mar. 31, 2024) [hereinafter *Specific Cultural Project Grant Guidelines*].

The review process for both the General Program Support and Specific Cultural Program grants involves four steps of review, beginning with Division staff who determine eligibility before passing eligible applications to review panels.⁴²

After the staff's eligibility determination, review panels provide the first substantive review of applications; the panels are made up of an unspecified number of volunteer professionals appointed by the Secretary of State for 1-year terms. Panels "consist of practicing artists or other professionals actively involved in the specific discipline or program for which the panel has been appointed." Statute directs the Division to adopt rules establishing scoring criteria for the review panels. The panels must provide a forum for public comment before voting on an application. The panel then forwards its recommendations to the FCOAC.

The FCOAC has the power to amend and recalculate the review panels' recommendations and must provide a forum for public comment before voting on any application. The FCOAC reviews the review panel's recommendations before merging the recommendations and ranking them in a list provided to the Secretary.⁴³ The Secretary reviews and approves (but cannot change) the ranked lists from the FCOAC and includes those lists in the DOS's legislative budget request submitted to the Legislature.⁴⁴

State Touring Program Grants

State Touring Program Grants are "used to provide performances, activities, and exhibitions by Florida artists to communities,"⁴⁵ with a "selection procedure that ensures the maximum opportunity for Florida artists and cultural groups."⁴⁶ The program⁴⁷ creates an Artist Roster of approved artists chosen by the Secretary, as recommended by the FCOAC and a multidisciplinary panel which selects artists based on criteria set forth in the guidelines incorporated in Rule 1T-1.037(2). The program further provides Presenter Fee Support to any not-for-profit organization or unit of city, county, or state government in Florida, including school boards, to host an artist on the Artist Roster.⁴⁸ The State Touring Presenter Guidelines,⁴⁹ incorporated by the relevant administrative rule,⁵⁰ provide for how much financial support an applicant may qualify, but not criteria or scoring on how applicants are ranked.

The reviewing process for the State Touring Roster Guidelines is essentially identical to that for general program support and specific cultural grants; the primary difference being that panel members are explicitly described in rule as a "multidisciplinary panel."⁵¹

⁴² *General Program Support Grant Guidelines*, 23-26; *Specific Cultural Project Grant Guidelines*, 30-33.

⁴³ Section 265.286, F.S.; *General Program Support Grant Guidelines* at 25; *Specific Cultural Project Grant Guidelines* at 32.

⁴⁴ Section 265.286(3), F.S.

⁴⁵ Section 265.283(16), F.S.

⁴⁶ Section 265.286(5)(c), F.S.

⁴⁷ Rule 1T-1.037(1), F.A.C.

⁴⁸ Division of Arts and Culture, Florida Dep't of State, *State Touring Artist Roster Guidelines*,

<https://www.flrules.org/Gateway/reference.asp?No=Ref-01033> (last visited Nov. 14, 2024) [hereinafter *State Touring Artist Roster Guidelines*].

⁴⁹ Division of Arts and Culture, Florida Dep't of State, *State Touring Presenter Guidelines*,

<https://www.flrules.org/Gateway/reference.asp?No=Ref-01034> (last visited Nov. 14, 2024) [hereinafter *State Touring Presenter Guidelines*].

⁵⁰ Rule 1T-1.037(3), F.A.C.

⁵¹ *State Touring Artist Roster Guidelines*; *State Touring Presenter Guidelines*.

Individual Artist Fellowship Program

The Division is statutorily charged with administering an individual artist fellowship program with a “selection procedure that identifies individual artists of exceptional talent and demonstrated ability.” The selection procedure, adopted in rule, “identifies individual artists of exceptional talent and demonstrated ability.”⁵² Applicants are scored by a review panel based on artistic excellence, tradition and authenticity, and community impact and engagement.⁵³ The Division distributes grant funding as provided by rule, which provides that the Individual Artist Fellowship Program (Program) “fosters the development of individual artists.”⁵⁴ Funding is limited to Florida residents practicing in pre-determined disciplines.⁵⁵ Fellowships are awarded only to Florida residents practicing pre-determined disciplines in the amount of \$2,500 or \$5,000, in order of score, until funds are depleted.⁵⁶ Grant recipients are required to submit a grant report that details expenditures and activities during the grant period.⁵⁷

Effects of Proposed Changes

Section 11 amends s. 265.286, F.S., relating to art and cultural grants, to make the acceptance of applications for and general administration of arts and culture grants by the DOS optional rather than mandatory.⁵⁸

As previously discussed, the bill removes references to review panels. The bill still provides for grant application “reviewers”—which the Secretary may appoint but is no longer required to. Moreover, the bill eliminates the requirements for panels’ membership and duties, such as the requirement for panelist to come from relevant disciplines, utilize rubrics and scoring established in rule, and serve 1-year terms.

Changes contained in the bill allow the Secretary to re-distribute grant monies returned to applicants on his or her list—previously, the applicants had to be “approved,” but this requirement is eliminated in the bill. Other miscellaneous changes made in section 11 include provisions that prohibit an applicant seeking a recommendation from a reviewer from having have a substantial interest in any of its requested recommendations and direct priority to be given to applications in the 2025-2026 fiscal year that support America250 to celebrate the 50th anniversary of the signing of the Declaration of Independence. This subsection expires on July 1, 2026. Subsequently, the Secretary is further empowered to edit the list of recommended grant awardees prior to submitting it to the Legislature as a part of the DOS’ funding request for FY 2025-2026.

The remainder of section 11 generally focuses on the actual grant programs. In conjunction with section 8, section 11 eliminates any reference to the General Program Support, Specific Cultural Program, individual fellowship, and touring grant programs. In particular, it appears the modifications contained in the bill merge the General Program Support and Specific Cultural

⁵² Section 265.286(5)(d), F.S.; Rule 1T-1.038(1), F.A.C.

⁵³ Rule 1T-1.038(4), F.A.C.

⁵⁴ Section 265.286(5)(d), F.S.; Rule 1T-1.038(1), F.A.C.

⁵⁵ Rule 1T-1.038(2) and (3), F.A.C.

⁵⁶ Rule 1T-1.038(2), (3), and (6), F.A.C.

⁵⁷ Rule 1T-1.038(8), F.A.C.

⁵⁸ *See infra* “VII. Related Issues.”

Program grant programs into a single grant program; and otherwise eliminate the touring and fellowship programs completely. By eliminating the program, the other changes to ch. 265, F.S., that eliminate panel reviews are still relevant, if somewhat redundant. Section 8 also deletes the definition for underserved arts community assistance program grants.

As a result of eliminating the separate grant programs, the bill also eliminates provisions describing purposes, eligibility, and criteria for awarding these grants. In its place, section 11 provides the Division broad discretion to administer awarded grants to broadly supplement financial support for artistic and cultural activities that are appropriate for all age groups. The bill applies the appropriate for-all-ages language to several of the DOS' grants and programs. Moreover, section 11 requires the Secretary to consider whether the program applying for grant money is appropriate for all ages and complies with federal, state, and local laws.

Cultural Endowment Grant

The Legislature recognized the “critical need for significant additional funding” in local organizations in supporting “the disciplines of dance, music, theater, visual arts, literature, media arts, interdisciplinary and multidisciplinary, and programs of museums.”⁵⁹ Accordingly, the Cultural Endowment Program⁶⁰ was created to ensure that matching funds “primarily utilized for the day-to-day expenses,” are available to these organizations on a recurring basis.⁶¹

The program has two components that require an application – first, Cultural Sponsoring Organization (CSO) designation, and second, a receipt of a \$240,000 State matching Share (SMS). To be eligible, CSOs must be: designated by the DOS following a recommendation by the FCOAC; a non-for-profit, tax exempt Florida corporation; and able to submit documentation to demonstrate the organization’s cultural programming activities.⁶² The review process begins with an eligibility determination by the Division. The FCOAC then reviews the eligible applications and creates a list of recommendations for the Secretary, who reviews and approves the designation recommendation of the Council.⁶³

Section 11 deletes any reference to the cultural endowment program and grant, thereby eliminating the program. By eliminating this program entirely, the other changes to ch. 265, F.S., eliminating panel reviews are still relevant, if somewhat redundant.

⁵⁹ Sections 265.602 and 265.603(3), F.S.

⁶⁰ Sections 265.601-265.606 encompasses the “Cultural Endowment Program.”

⁶¹ Section 265.602, F.S.

⁶² Section 265.606, F.S.; Division of Arts and Culture, Florida Dep’t of State, *Cultural Endowment Program Guidelines*, 4-5, <https://DoS.fl.gov/media/706650/ce-guidelines-2025.pdf> (last visited Mar. 30, 2025) [hereinafter *Cultural Endowment Program Guidelines*].

⁶³ See *supra* information regarding appointments to the Florida Council on Arts and Culture.

Cultural Facilities Grants⁶⁴

The Cultural Facilities Grants program coordinates support and funding of renovation, new construction, or acquisition of “cultural facilities.”⁶⁵ Eligible applicants must use or plan to use the facility to conduct arts and cultural programming and have unrestricted use of the land and buildings associated with the project, appropriate matching funds, and the support of local officials. The statutory language creating the grant, however, is permissive and the Division does not appear to administer the grant.⁶⁶

Section 13 amends s. 265.701, F.S., to discontinue the use of grant funds to acquire a cultural facility. The entities may still use the funds to renovate or construct a facility. Additionally, the bill removes the requirement that unfunded grant applications that are approved and recommended by the Secretary be retained on the projects list for a year. The changes additionally require the Secretary to consider whether the program applying for grant money is appropriate for all ages and complies with federal, state, and local laws. It appears this empowers the Secretary to change the list recommended by the FCOAC.

Section 13, similar to section 11 above, directs priority to be given to applications in the 2025-2026 fiscal year that support America250 to celebrate the 50th anniversary of the signing of the Declaration of Independence. The Secretary is further empowered to modify the list of recommended grant awardees prior to submitting it to the Legislature as a part of the DOS’ funding request for FY 2025-2026. This subsection expires on July 1, 2026.

Historical Resources

The Division of Historical Resources (Division), led by a director who serves at the pleasure of the Secretary, is charged with encouraging the identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida’s historic sites and properties or objects related to Florida’s history and culture.⁶⁷ This includes cooperating with federal and state agencies, local governments, and private entities to accomplish its duties. The Division, in relevant part:

- Accepts and administers funding received by public and private sources and advances these funds and other grants on a quarterly basis;
- Enters into agreements for awarding grants or other contracts with any person, firm, performing arts company, educational institution, arts organization, corporation, or governmental agency as may be necessary or advisable;
- Consults with and advises individuals, groups, or public entities with the acquisition, acceptance, display, and care of fine art;
- Sponsors performances and exhibits;
- Promotes and encourages the study and appreciation of arts and culture; and

⁶⁴ Numerous states have similar grant or funding programs or mechanisms, including but not limited to Massachusetts (MASS. GEN. LAWS ch. 23G, § 42), Ohio (OHIO REV. CODE ANN. §§ 154.23, 123.201, and 3381.07 (West 2025)), Vermont (VT. STAT. ANN. tit. 24, § 5604), Washington (WASH. REV. CODE § 23.63A.750), Nevada (NEV. REV. STAT. § 268.450), New Jersey (N.J. STAT. ANN. § 34:1B-389 (West 2025)), and New Hampshire (N.H. REV. STAT. ANN. § 19-A:13).

⁶⁵ Note that cultural facilities are not defined in statute, regulation, or materials referenced and incorporated into regulation.

⁶⁶ Section 265.701, F.S.

⁶⁷ Florida Department of State, Division of Historical Resources, *About*, <https://dos.fl.gov/historical/about/> (last visited Mar. 25, 2025). *See also*, s. 267.031, F.S.

- Advertises arts and cultural programs available throughout the state.⁶⁸

The Florida Historical Resources Act⁶⁹ was established to preserve archaeological sites and objects of antiquity for the public benefit.⁷⁰ The Act recognizes Florida's historic properties as an important legacy to be valued and conserved for present and future generations. Accordingly, it is Florida's policy to lead, assist, administer, and encourage public entities and private citizens to preserve the state's historic environment and resources.⁷¹

The Division director is advised by the Florida Historical Commission, which, in addition to several other advising roles, is specifically charged with advising and providing recommendations on awards of special category historic preservation grant-in-aid administered by the Division.⁷² Seven members of the Commission are appointed by the Governor in consultation with the Secretary of State; two are appointed by the President of the Senate; and two are appointed by the Speaker of the House of Representatives.⁷³

Sections 267.031, 267.0617, and 267.21, F.S., allows the Division to adopt rules pursuant to the Administrative Procedures Act. Each program must be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures if applicable, and application forms.

The Grove Advisory Council

The Call/Collins House, commonly known as "The Grove," is a museum located in Tallahassee used to educate the public on the lives and accomplishments of The Grove's first owner and builders of the estate, Richard Keith Call, Florida's last Territorial Governor; as well as LeRoy Collins, Florida's 33rd Governor, who, with his wife, Mary Call Darby Collins (a descendant of Call's), were the last private owners of The Grove. The Grove is now owned by the state? And is listed on the National Register of Historic Places.⁷⁴

The Grove Advisory Council advises the Division on the operation, maintenance, preservation, and protection of the Grove's house, grounds, cemeteries, and all other structures thereon; the furniture and furnishing located therein; any changes in the architecture, structure, furnishings, landscaping; and the design and development of interpretive programs and exhibits in connection therewith.⁷⁵ Five members of the council are appointed by the Secretary; the remainder of the council membership is made up of the Secretary of Management Services, or his or her designee, the director of the Division, and a direct descendent of Mary Call Darby Collins. The members appointed by the Secretary consist of individuals with curatorial and museum expertise,

⁶⁸ Section 265.284, F.S.

⁶⁹ Sections 267.011-267.1736, F.S.

⁷⁰ Section 267.14, F.S.

⁷¹ Section 267.061(2)(a), F.S.

⁷² Section 267.0612(6)(c), F.S.

⁷³ Section 267.0612(1)(a)1., F.S.

⁷⁴ Section 267.075(1), F.S.; Dep't of State, *Richard Kieth Call*, <https://DoS.fl.gov/florida-facts/florida-history/florida-governors/richard-keith-call/#:~:text=Call%20led%20the%20Florida%20militia,and%20the%20national%20business%20depression> (last visited Mar. 19, 2025).

⁷⁵ Section 267.075(2), F.S.

professional architectural historic preservation expertise, and professional landscaping experience. Council members serve without compensation but receive per diem for travel expenses, and the council receives clerical support from the Division.⁷⁶

Sections 18 repeals s. 267.075, F.S., to eliminate the Grove Advisory Council.

Florida Museum of Black History Task Force

In 2023, the Legislature created the Florida Museum of Black History Task Force to advise the Division on the planning, construction, operation, and administration of future Florida Museum of Black History. The Florida Museum of Black History is a yet to be established museum that is supposed to be a self-sustaining museum that functions on the revenues of the museum and meeting rooms, banquet facilities, and performing arts theater therein.⁷⁷ After its tenth meeting on June 28, 2024, the Task Force issued its final report, thereby completing the purpose of the Task Force.⁷⁸

Section 19 repeals s. 267.0722, F.S., to eliminate the Florida Museum of Black History Task Force.

The Historic Preservation Grant Program

The Division administers the Historic Preservation Grant Program pursuant to s. 267.0617, F.S., which authorizes grants of moneys appropriated by the Legislature and other contributions for the purpose of historic preservation.⁷⁹ The Division adopts rules setting forth the criteria applied by the Florida Historical Commission and grant review panels in reviewing and recommending grant application.⁸⁰ Grant review panels are appointed by the Secretary and chaired by a member or designee of the Florida Historical Commission. Grant money is appropriated from the Historical Resources Operating Trust Fund.⁸¹

There are two relevant types of Historic Preservation Programs:

- Small Matching Grants, which provide matching funding to assist local, regional, and state-wide efforts to preserve significant historic and archaeological resources and promote knowledge and appreciation of the history of Florida.⁸²
- Special Category Grants., which provide funding to assist major local, regional, and state-wide efforts to preserve significant historic and archaeological resources, to assist major archaeological excavations or research projects, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida.⁸³

⁷⁶ Section 267.075(3), F.S.

⁷⁷ Section 267.0722, F.S.

⁷⁸ *Id.*; Division of Historical Resource, Dep't of State, *The Florida Museum of Black History Task Force*, <https://DoS.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Mar. 18, 2025).

⁷⁹ Section 267.0617, F.S.

⁸⁰ Section 267.0617(5), F.S.

⁸¹ Section 267.0617(3), F.S.

⁸² Section 267.0617(2), F.S.; Rule 1A-39.001(3)(a), F.A.C.

⁸³ Section 267.0617(3), F.S.; Rule 1A-39.001(3)(b), F.A.C.

Section 16 amends s. 267.0612, F.S., to consolidate the grant review processes for the special category historic preservation grants-in-aid under the Historic Preservation Grant Program provisions of s. 267.617, F.S. This does not represent a change in law.

Section 17 amends s. 267.0617, F.S., relating to the Historic Preservation Grant Program, to remove reference to the Historical Resources Operating Trust Fund, which is the current fund for all money received and paid by the Historic Preservation Grant Program. The bill additionally allows the Secretary to review and change the recommended list of grants-in-aid recipients to ensure that the funds awarded are expended in compliance with law and regulation and are used only for age-appropriate activities; this allows the Secretary to substitute his/her judgment over the recommendations made by >>>> for the historic preservation grant program.

Abandoned African-American Cemeteries Program

The Division administers the Historic Cemeteries Program, directed by the State Historic Preservation Officer, and addresses historic and abandoned cemeteries throughout the state—including coordinating with the University of South Florida's Black Cemetery Network to facilitate the inclusion of abandoned African-American cemeteries in the Black Cemetery Network.⁸⁴ Subject to legislative appropriations, the Historic Cemeteries Program provides grants to research institutions, colleges and universities, non-profits, and local governments to assist efforts to protect, preserve, repair, and restore abandoned African-American cemeteries in the State of Florida.⁸⁵ Members of the Historic Cemeteries Program Advisory Council serve as the application review panel for the Abandoned African-American Cemeteries Grant program. The Historic Cemeteries Program Advisory Council consists of nine members, all appointed by the Secretary.⁸⁶

Sections 20 and 21 amend ss. 267.21 and 267.22, F.S., respectively, which in relevant part address the abandoned African-American cemeteries grant program and corresponding task force.

As to the abandoned African-American cemeteries grant program, section 20 requires the Secretary to consider whether the grant awardee program is appropriate for all ages and complies with federal, state, and local laws; and section 21 makes a conforming change. The language appears to allow the Secretary to change the list of potential recipients, thus substituting the Secretary's judgment over the recommendations made by the Historic Cemeteries Program Advisory Council.

Section 20 makes the award of funds for the abandoned African-American cemeteries permissive, rather than mandatory. While the bill does require the Florida Historic Cemeteries Program Council to review each application to the African-American cemeteries and annually submit a prioritized list of recommendations to the Secretary, it is not clear whether the Secretary must submit the list to the Legislature to request funding.

⁸⁴ Section 267.21(1), F.S.

⁸⁵ Section 267.21, F.S.; Rule 1A-39.001(3)(C), F.A.C.

⁸⁶ Section 267.22, F.S.

Section 21 amends s. 267.22, F.S., relating to the Historic Cemeteries Program Advisory Council, to codify the review requirements currently promulgated by the DOS in their guidelines. Section 21 also reorganizes the Historic Cemeteries Program Advisory Council (Advisory Council) as a sub-council within the Florida Historical Commission, who may become members of the Advisory Council. The Advisory Council, under these changes, only needs five members (as opposed to the current nine required) who would be appointed by the Florida Historical Commission (as opposed to the Secretary). Terms are shortened from four to two years. Current members of the Advisory Council may serve out the rest of their turn.

Effective Date

Section 22 provides that the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

The Legislature is the body in charge of the state's purse. It is not only the Legislature's prerogative, but duty, to oversee and administer funds in the best interest of the state. This bill removes many of the current legislative guardrails on how the DOS may spend appropriated money. It is unclear if this broaches a separation of powers or over delegation issue. This concept is further elaborated on in Related Issues *infra*.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

It is difficult to identify how the private sector may be impacted. Many administrative rules that will no longer be required provide ways for grant applicants to demonstrate return on investment. It is unclear how, without such rules, the DOS will continue to monitor the return on investment.

C. Government Sector Impact:

The fiscal impact on state and local governments is indeterminate at this time.

VI. Technical Deficiencies:

Sections 1 and 3 amend the education qualifications for the State Librarian and administrative heads of libraries receiving an operating grant so that they only need to complete a program accredited by “a national library professional association,” as opposed to the American Library Association. No accreditation program other than the American Library Association appears to exist.

It is unclear what will happen to the documents and information stored by the Florida International Archive and Repository eliminated in section 6, if and how the files will be transported to a new storage institution before the International Repository closes, and whether the Florida State Archives or other agency will absorb the responsibilities and expectations of the International Repository.

At lines 252-254, the Legislature may want to change ‘and’ to ‘or’ so qualifications for FCOAC members are public representatives with demonstrated interests in arts, culture, museums, folklore, *or* cultural heritage traditions. As is currently written, the language appears to require each appointed member be a public representative with demonstrated interest in all five areas.

Section 10 amends the FCOAC’s duties to include promotion of the Arts and Culture Recognition award and apprenticeship programs. These programs do not exist in statute. The Legislature may wish to codify the Arts and Culture Recognition award and apprenticeship programs and provide the DOS the statutory authority to administer these programs. This would provide a basis for the FCOAC’s promotion of the programs as provided in section 10 of the bill.

Section 20 provides that the Secretary shall submit a list of recommended historical cemeteries to receive funding to the Legislature; however, how often must that list be submitted is unclear. The sponsor may wish to amend the bill to require the Secretary to submit the list annually.

VII. Related Issues:

Overall, the bill decreases the DOS’ required rulemaking and eliminates or reduces current statutory criteria for the DOS’ award of state funds. These changes may allow the DOS to award grants in an arbitrary fashion, should the DOS make such awards without the clear standards provided for in rule/guidelines. This may give rise to a lack of accountability in grant awards.

If the DOS engages in less rulemaking, the public may be deprived of the opportunity to voice opinions on the grant guidelines during rulemaking. Moreover, granting such broad deference to the DOS may raise concerns over overdelegation of the Legislature's duty to responsibly appropriate funds.

The bill also eliminates or decreases grants that specifically target, or provide special consideration and allowances for, rural communities.

Decreasing Oversight and Legislative Guardrails

The Legislature is the sole branch of government with the inherent power to create laws.⁸⁷ The State Constitution vests the “power of the purse” in the Legislature by granting it exclusive and plenary power to raise and appropriate state funds. The power to appropriate funds, therefore, rests with the Legislature alone.⁸⁸ Beyond the “power of the purse,” however, the Legislature may use laws to delegate to executive branch agencies the power to create rules that have the force and effect of law.⁸⁹ An agency cannot create rules at its discretion but instead must limit the rule to the specific empowerments and responsibilities delegated by the Legislature in law.⁹⁰ A rule is an agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedures or practice requirements of an agency.⁹¹ An agency rule therefore includes forms and applications used to administer a program.

Rulemaking and Review Panels

The bill—and in particular those sections dealing with arts and cultural grants—removes language requiring rule making (which allows for public input), strikes legislative direction regarding how the DOS may use grant funding, and decreases input by qualified professionals in the grant review process by deleting many grant review panels. Notably, statute and rule allow the Legislature and public the ability to comment on and provide feedback on the scoring and rubrics set up in rule for use by review panels. Moreover, many rules require a showing of the return on investment. It is unclear how the state will continue to monitor the return on investment without such rules.

Review panels currently serve in almost all grant application review processes as the first body providing substantive review. They utilize grading rubrics and scoring requirements set forth by statute or the DOS in statutorily required rules. By deleting the need for review panels, the bill eliminates the statutory requirement to adopt rules to establish a scoring system formula for such determinations.

⁸⁷ Article III, s. 1, FLA. CONST. *See also* Art. II, s. 3, FLA. CONST.

⁸⁸ FLA. CONST. art. VII, s. 1(c, d); *Graham v. Haridopolos*, 75 So. 3d 315, 318 (Fla. 1st DCA 2011), approved, 108 So. 3d 597 (Fla. 2013); *Chiles v. Child. A, B, C, D, E, & F*, 589 So. 2d 260, 267 (Fla. 1991) (explicitly providing that the Legislature and not the executive branch is entrusted with appropriating state funds).

⁸⁹ Section 120.52(17), F.S. *See also*, *Whiley v. Scott*, 79 So. 3d 702, 710 (Fla. 2011) (“Rulemaking is a derivative of lawmaking.”).

⁹⁰ Section 120.54(1)(a), F.S.

⁹¹ Section 120.52(16), F.S.

In particular, s. 265.286, F.S., amended by section 11, eliminates the review panels and their duties. Section 11 still lists criteria that the Division may consider in awarding grants,⁹² the DOS is no longer required to adopt rules reflecting this. The permitted criteria currently in law do not provide enough guidance to be implemented without rule. Therefore, there is nothing requiring the DOS to consider these criteria.

Empowering the Secretary

The bill additionally deletes the requirement that the Secretary distribute funds appropriated based on a list organized by the applicants' scores submitted to the Secretary. Instead, under the bill, the Secretary is empowered to edit the list before giving it to the Legislature. What "edit" means in this situation is unclear, and may be interpreted to allow the Secretary to add or remove potential grant recipients without oversight or required consideration for merit and other characteristics. Those instances where the Secretary would now be empowered to amend the lists include:

- Library constructions grants (s. 257.191, F.S.; section 4)
- Library cooperative grants (s. 257.42, F.S.; section 5)
- Library statute addressing the applicants to any grants awarded (s. 257.23, F.S.; section 7)
- Library distribution of federal funds (s. 257.12, F.S.; section 2)
- Arts and culture grants (s. 265.286, F.S.; section 11)
- Historic Preservation Grant Program (267.0617, F.S.; section 17)
- Abandoned African-American cemeteries grant (s. 267.21, F.S.; section 20)

While the statutory language appears to limit how the Secretary may edit the lists through the abiding by federal, state, and local law, as well as the appropriate-for-all-ages language, it is unclear how this would work in practice. Grant recipients are currently required to comply with local, state, and federal laws.

Moreover, the "appropriate for all ages" language is undefined. There is nothing requiring the DOS to set out in rule or otherwise its interpretation of the term. Applicants for these grants may not have any notice as to what standard they are being held to in review—especially where this review is not by bodies beholden to providing a public forum in their review of applicants. Some grants may be entirely disqualified based on interpretations of what is "appropriate for all ages." For instance, books are not always appropriate for all ages, as demonstrated by reading levels; art created for young children differs from that created for the elderly; and how abandoned African-American cemeteries can attend to neglected cemeteries in a manner that is appropriate for all ages is unclear.

Lessening Legislative Directives

Beyond removing mandatory rulemaking, section 11 (dealing with s. 265.286, F.S., Arts and Cultural grants) also deletes reference to specific grants that must be awarded by the Division.

⁹² The bill provides that "The division may adopt rules establishing [e]ligibility criteria for the award of grants, which may include, but need not be limited to, application requirements, allowable and nonallowable costs, program quality, artistic quality, creativity, potential public exposure and benefit, the ability to properly administer grant funds, professional excellence, fiscal stability, state or regional impact and economic development, matching requirements, and other requirements to further the purposes of this act."

For instance, the bill merges the General Program Support and Specific Cultural Program grant programs into one grant program and at lines 368-392, deletes the prerogative of the Division to “fund” at least four separate areas of grants. This appears to allow the FCOAC to recommend, and the Secretary to ultimately determine, the distribution of moneys to recipients by unspecified requirements, or to determine that no money should be distributed to a certain tranche of grants at all.

Moreover, under current law, returned or unspent grants funds are distributed to the next grant recipient on the “list of approved applicants.” The bill removes the word “approved” in section 11; it is unclear who currently “approves” these applicants. Therefore, it would again appear that this removes a certain level of oversight.

Decreasing Requirements to Enact Statutorily Prescribed Programs

Section 11 repeals the *requirement* for the DOS to accept applications for cultural endowment funding (*see* line 316). This empowers the DOS to not accept applications, and thereby not implement the grant programs established in statute. This may be an oversight. The Senate may wish to require the DOS to accept applications by stating, at lines 316-317, in relevant part, the “division *must* accept applications for arts and cultural grants...”

Section 12 amends s. 265.2865, F.S., to decrease the number of annual nominations the FCOAC can make to the Florida Artists Hall of Fame from four to three, and to make their nomination permissive, instead of required. Consequently, the Secretary “may” (as opposed to shall) annually request an appropriation to carry out the section. This permits the DOS to not implement this section of law if they do not accept any further applications.

Effect on Rural Communities

Most of the current arts and culture grants aimed at helping rural Florida are eliminated in this bill. The Legislature may wish to amend the bill to either save these grant programs or, in their place, create another way to fund rural arts and culture initiatives.

The Rural Economic Development Initiative (REDI) recognizes that that rural communities and regions continue to face extraordinary challenges in their efforts to significantly improve their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases. Among other things, REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.

Both the General Program Support and Specific Cultural Program grants give areas involved in the REDI either a complete waiver of matching fund requirements (General Program Support grant), or a decrease in the percentage of the matching required (Specific Cultural Program grants).⁹³ These two specific grant programs are eliminated in the bill.

Section 8 amends s. 265.283, F.S., to delete the definitions for the state touring grant and underserved arts community assistance program grants. These reflect the ending of the state

⁹³ *General Program Support Grant Guidelines* at 17; *Specific Cultural Grant Guidelines* at 7.

touring program and underserved arts community assistance program grants throughout the bill. The Specific Cultural Program grant encompasses “Underserved Cultural Community Development projects,” which presumably meets the underserved arts community assistance program.⁹⁴ The state touring program grants and underserved community grants mainly support rural communities. For touring grants in particular, underpopulated counties can request twice as much fee support as other counties and underpopulated counties are given priority.⁹⁵ Underpopulated counties refer to counties with a population of 75,000 or less in the 2010 Census.⁹⁶ Moreover, the touring program gives funding priority to underpopulated counties.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 257.031, 257.12, 257.17, 257.191, 257.23, 257.34, 257.42, 265.283, 265.284, 265.285, 265.286, 265.2865, 265.701, 265.703, 265.803, 267.0612, 267.0617, 267.0722, 267.075, 267.21, and 267.22.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

⁹⁴ *Specific Cultural Grant Guidelines* at 6, 17-18, 25, 43.

⁹⁵ *State Touring Presenter Guidelines*.

⁹⁶ Currently, 31 Florida counties qualify as an underpopulated county. These counties are Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Monroe, Nassau, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla, Walton, and Washington.