

Committee Substitute for House Bill No. 377

An act relating to the Department of State; amending s. 265.285, F.S.; revising the membership of and appointing authority for the Florida Arts Council; providing for terms of members; providing a limitation on consecutive terms of membership; providing qualifications for council appointees; revising a duty of the council; amending s. 265.286, F.S.; revising the scope of a challenge grant program authorized by the Division of Cultural Affairs of the Department of State; providing match ratio criteria for local, regional, and state or capital projects; providing an effective date.

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

Section 1. Section 265.285, Florida Statutes, is amended to read:

265.285 Florida Arts Council; membership, duties.—

(1)(a) The Florida Arts Council is created in the department as an advisory body, as defined in s. 20.03(7), to consist of 15 members appointed by the Secretary of State. Seven members shall be appointed by the Governor, four members shall be appointed by the President of the Senate, and four members shall be appointed by the Speaker of the House of Representatives. The appointments, to be made in consultation with the Secretary of State, shall recognize the need for geographical representation. Council members appointed by the Governor shall be appointed for 4-year terms. Council members appointed by the President of the Senate and the Speaker of the House of Representatives shall be appointed for 2-year terms. Council members serving on July 1, 2002, may serve the remainder of their respective terms. New appointments to the council shall not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than 15 members remaining. As vacancies occur, the first appointment to the council shall be made by the Governor. The President of the Senate, the Speaker of the House of Representatives, and the Governor, respectively, shall then alternate appointments until the commission is composed as required herein. In making the appointments, the secretary shall give due consideration to geographical representation so that every area of the state will have a voice on the council. The term of office of each member shall be 4 years. No member of the council who serves two 4-year terms or two 2-year terms will be eligible for reappointment during a 1-year period following the expiration of the member's second term. A member whose term has expired shall continue to serve on the council until such time as a replacement is appointed. Any vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as for the original appointment. Members should have a substantial history of community service in the performing or visual arts, which includes, but is not limited to, theatre, dance, folk arts, music, architecture, photography, and literature. 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.

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

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

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

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

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

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

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

(a) Advise the Secretary of State in all matters pertaining to art, specifically with respect to any programs operated by the department as authorized hereunder.

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

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

(d) Encourage the participation in and appreciation of the arts to meet the needs and aspirations of persons in all parts of the state.

(e) Encourage public interest in the cultural heritage of this state and expand the cultural resources of the state.

(f) Encourage and assist freedom of artistic expression essential for the well-being of the arts.

(g) Advise the Secretary of State in all matters concerning the awarding of grants for the arts under this act.

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

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

Section 2. Subsection (4) of section 265.286, Florida Statutes, is amended to read:

265.286 Art grants award by Division of Cultural Affairs.—

(4) The division is authorized to develop and conduct a challenge grant program available to cultural institutions or groups of institutions ~~that~~ which have local, regional, or statewide impact. Challenge grants shall be made for not less than \$10,000; and matching moneys must be on at least a basis of 1 to 1 for local projects, 2 to 1 for regional projects, and 3 to 1 for state or capital projects, with the institution providing the higher amount in the ratio. The division shall by rule establish the specific eligibility and matching criteria for such grants. Separate funding for this program shall be provided by the Legislature.

Section 3. This act shall take effect July 1, 2002.

Approved by the Governor April 29, 2002.

Filed in Office Secretary of State April 29, 2002.