

## Senate Bill No. 98

An act relating to regional cultural facilities; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant which is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; providing an effective date.

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

Section 1. Section 265.702, Florida Statutes, is created to read:

265.702 Regional cultural facilities; grants for acquisition, renovation, or construction; funding; approval; allocation.—

(1) The Division of Cultural Affairs of the Department of State may accept and administer moneys that are appropriated to it for providing grants to counties, municipalities, and qualifying nonprofit corporations for the acquisition, renovation, or construction of regional cultural facilities.

(2) A county, municipality, or qualified corporation may apply for a grant of state funds for the acquisition, renovation, or construction of a regional cultural facility. As used in this section, the term “qualified corporation” means a corporation that is designated as a not-for-profit corporation pursuant to s. 501(c)(3) or s. 501(c)(4) of the Internal Revenue Code, that is described in and allowed to receive contributions under s. 170 of the Internal Revenue Code, and that is a corporation not for profit incorporated under chapter 617.

(3) Any entity that owns an interest in the land upon which a regional cultural facility is located or is to be located must meet the requirements set forth in subsection (2). A state grant awarded under this section must be matched by a contribution from the county, municipality, or nonprofit corporation in an amount equal to \$2 for each \$1 awarded under this section.

(4) The Florida Arts Council shall review each application for a grant to acquire, renovate, or construct a regional cultural facility which is submitted under subsection (2) and shall submit annually to the Secretary of State for approval a list of all applications received and a list of all projects that are recommended by the council for the award of grants, arranged in order of priority. The division may allocate grants only for regional cultural facilities that are approved by the secretary or for which funds are appropriated by the Legislature. Regional cultural facilities that are approved and recommended by the Secretary of State but are not funded by the Legislature shall

be retained on the project list for the following grant cycle only. For each project that is retained, such information as the department requires must be submitted by the established deadline date of the latest grant cycle, in order to adequately reflect the most current status of the regional cultural facility.

(5) As used in this section, the term “regional cultural facility” means an existing or proposed fixed facility that is primarily engaged in cultural programs and that:

(a) Has educational programs of excellence and facilities, space, and staff dedicated to the development and delivery of such cultural programs;

(b) Presents cultural programs or exhibits that are of national or international renown or reputation;

(c) Has, within a 150-mile radius of the facility, a service area that includes regular attendees, clients, or program participants; and

(d) Has a documented proposed acquisition, renovation, or construction cost of at least \$50 million.

(6) With respect to the matching funds required under subsection (3):

(a) In-kind contributions of goods or services may be counted toward 50 percent of the required match; however, any such in-kind contribution:

1. Must be documented and valued at the fair-market value to the facility;

2. Must directly relate to the facility’s acquisition, renovation, or construction; and

3. Must not be in the form of a lease.

(b) Documented expenditures made for project purposes during the 3 years immediately preceding the award of a grant may be used.

(7) The annual amount of a grant made under this section may not exceed the lesser of \$2.5 million or 10 percent of the total costs of the regional cultural facility. The total amount of the grants awarded to a regional cultural facility in a 5-year period may not exceed the lesser of \$10 million or 10 percent of the total costs of a regional cultural facility. The total cost of a regional cultural facility must be calculated with respect to the primary scope of the original proposal as submitted under this section and may not include the cost of any additions that change the scope of the regional cultural facility, such as additional facilities or significant design alterations.

(8) The Division of Cultural Affairs may adopt rules prescribing the criteria to be applied to applications for grants and rules providing for the administration of this section.

Section 2. This act shall take effect July 1, 2002.

Approved by the Governor May 23, 2002.

Filed in Office Secretary of State May 23, 2002.