Florida Senate - 2000

 $\mathbf{B}\mathbf{y}$ the Committee on Governmental Oversight and Productivity; and Senator Silver

	302-1818-00
1	A bill to be entitled
2	An act relating to regional cultural
3	facilities; creating s. 265.702, F.S.;
4	authorizing the Division of Cultural Affairs of
5	the Department of State to accept and
6	administer funds to provide grants for
7	acquiring, renovating, or constructing regional
8	cultural facilities; providing for eligibility;
9	requiring the Florida Arts Council to review
10	grant applications; requiring the council to
11	submit an annual list to the Secretary of
12	State; requiring the updating of information
13	submitted by an applicant that is carried over
14	from a prior year; providing definitions;
15	providing standards for matching state funds;
16	limiting the maximum amounts of grants;
17	granting rulemaking authority to the division;
18	providing an effective date.
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20	Be It Enacted by the Legislature of the State of Florida:
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22	Section 1. Section 265.702, Florida Statutes, is
23	created to read:
24	265.702 Regional cultural facilities; grants for
25	acquisition, renovation, or construction; funding; approval;
26	allocation
27	(1) The Division of Cultural Affairs of the Department
28	of State may accept and administer moneys that are
29	appropriated to it for providing grants to counties,
30	municipalities, and qualifying nonprofit corporations for the
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1 acquisition, renovation, or construction of regional cultural 2 facilities. 3 (2) A county, municipality, or qualified corporation 4 may apply for a grant of state funds for the acquisition, 5 renovation, or construction of a regional cultural facility. б As used in this section, the term "qualified corporation" 7 means a corporation that is designated as a not-for-profit 8 corporation pursuant to s. 501(c)(3) or s. 501(c)(4) of the Internal Revenue Code, that is described in and allowed to 9 receive contributions under s. 170 of the Internal Revenue 10 11 Code, and that is a corporation not for profit incorporated 12 under chapter 617. 13 (3) Any entity that owns an interest in the land upon which a regional cultural facility is located or is to be 14 15 located must meet the requirements set forth in subsection (2). A state grant awarded under this section must be matched 16 17 by a contribution from the county, municipality, or nonprofit corporation in an amount equal to \$2 for each \$1 awarded under 18 19 this section. (4) The Florida Arts Council shall review each 20 application for a grant to acquire, renovate, or construct a 21 regional cultural facility which is submitted pursuant to 22 subsection (2) and shall submit annually to the Secretary of 23 24 State for approval a list of all applications received and a 25 list of all projects that are recommended by the council for the award of grants, arranged in order of priority. The 26 27 division may allocate grants only for regional cultural 28 facilities that are approved by the secretary or for which 29 funds are appropriated by the Legislature. Regional cultural facilities that are approved and recommended by the Secretary 30 31 of State but are not funded by the Legislature shall be

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1 retained on the project list for the following grant cycle only. For each project that is retained, such information as 2 3 the department requires must be submitted by the established deadline date of the latest grant cycle, in order to 4 5 adequately reflect the most current status of the regional б cultural facility. 7 (5) As used in this section, the term "regional 8 cultural facility" means either: 9 (a) A facility described in s. 265.26 or s. 265.2901; 10 or 11 (b) An existing or proposed fixed facility that is primarily engaged in cultural programs and that: 12 1. Has educational programs of excellence and 13 facilities, space, and staff dedicated to the development and 14 delivery of such cultural programs; 15 Presents cultural programs or exhibits that are of 16 2. 17 national or international renown or reputation; 3. Has, within a 150-mile radius of the facility, a 18 19 service area that includes regular attendees, clients, or 20 program participants; and 4. Has a documented proposed acquisition, renovation, 21 or construction cost of at least \$50 million. 22 23 (6) With respect to the matching funds required under 24 subsection (3): 25 (a) In-kind contributions of goods or services may be 26 counted toward 50 percent of the required match; however, any 27 such in-kind contribution: 28 1. Must be documented and valued at the fair-market 29 value to the facility; 30 2. Must directly relate to the facility's acquisition, 31 renovation, or construction; and 3

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1	3. Must not be in the form of a lease.
2	(b) Documented expenditures made for project purposes
3	during the 3 years immediately preceding the award of a grant
4	may be used.
5	(7) The annual amount of a grant made under this
6	section may not exceed the lesser of \$2.5 million or 10
7	percent of the total costs of the regional cultural facility.
8	The total amount of the grants awarded to a regional cultural
9	facility in a 5-year period may not exceed the lesser of \$10
10	million or 10 percent of the total costs of a regional
11	cultural facility. The total cost of a regional cultural
12	facility must be calculated with respect to the primary scope
13	of the original proposal as submitted under this section and
14	may not include the cost of any additions that change the
15	scope of the regional cultural facility, such as additional
16	facilities or significant design alterations.
17	(8) The Division of Cultural Affairs may adopt rules
18	prescribing the criteria to be applied to applications for
19	grants and rules providing for the administration of this
20	section.
21	Section 2. This act shall take effect July 1, 2000.
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23	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24	COMMITTEE SUBSTITUTE FOR <u>SB 1602</u>
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26	Expands the type of facility that is eligible under the bill
27	by substituting "cultural programs" for "the arts." "Cultural programs" includes various types of museums.
28	Clarifies that in-kind contributions of goods or services may
29	be counted toward 50 percent of the required match.
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