By the Committee on Governmental Operations; and Senators Crist, Joyner, Jones and Alexander

585-2290-07

1	A bill to be entitled
2	An act relating to the designation of official
3	state orchestras; creating s. 265.2867, F.S.;
4	providing criteria for designation as an
5	"Official Orchestra of the State of Florida";
6	requiring the Florida Arts Council to review
7	applications for and make designation
8	recommendations to the Secretary of State;
9	providing requirements for retaining the
10	designation; requiring the Secretary of State
11	to make designations and to remove designations
12	under certain circumstances; authorizing the
13	Division of Cultural Affairs of the Department
14	of State to adopt rules; providing an effective
15	date.
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17	Be It Enacted by the Legislature of the State of Florida:
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19	Section 1. Section 265.2867, Florida Statutes, is
20	created to read:
21	265.2867 Official state orchestras
22	(1) Any professional symphonic orchestra performing
23	for the general public and domiciled within the state may
24	apply for designation as an "Official Orchestra of the State
25	of Florida" and shall be designated as such if the orchestra
26	meets the following criteria:
27	(a) Has been in existence and continually performing
28	concerts within the state for at least 20 years preceding
29	designation;
30	(b) Employees at least 75 full-time professional
31	musicians;

1	(c) Regularly participates in community outreach
2	through education and other outreach programs, at least 50
3	percent of which must be integrated into public school
4	district curricula;
5	(d) Conducts within the state at least 100
6	performances each calendar year, consisting of any combination
7	of performances by the full orchestra and smaller specialized
8	performances by members of the full orchestra;
9	(e) Is either a Tier One or Tier Two orchestra as
10	designated by the American Symphony Orchestra League;
11	(f) Has an annual operating budget of at least \$7.5
12	million; and
13	(q) Regularly broadcasts live performances on radio or
14	television stations in the state.
15	(2)(a) The Florida Arts Council shall accept
16	applications annually for designation as an Official Orchestra
17	of the State of Florida. The council shall recommend to the
18	Secretary of State those orchestras meeting the criteria for
19	designation under this section.
20	(b) In order to retain designation as an Official
21	Orchestra of the State of Florida, the professional symphonic
22	orchestra must continue to meet the designation criteria and
23	to annually certify its compliance to the council. Upon
24	review, if the council determines that the professional
25	symphonic orchestra is not in compliance, the council shall
26	recommend to the Secretary of State that the designation be
27	withdrawn.
28	(3) The Secretary of State shall designate as an
29	Official Orchestra of the State of Florida any professional
30	symphonic orchestra recommended by the Florida Arts Council as
31	meeting the criteria of this section and shall remove such

1	designation when the professional symphonic orchestra is no
2	longer in compliance with designation criteria.
3	(4) The Division of Cultural Affairs of the Department
4	of State may adopt rules pursuant to ss. 120.536(1) and 120.54
5	necessary to carry out the purposes of this section,
6	including, but not limited to, procedures for accepting
7	applications for designation under this section, review of
8	applications, recommendation and designation, annual
9	certification and review, and removal of designation.
10	Section 2. This act shall take effect upon becoming a
11	law.
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13	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
14	Senate Bill 4
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16	Establishes a process by which any Tier One or Tier Two orchestra in the state that meets specified criteria may be
17	designated as an official orchestra of the state.
18	Authorizes the Division of Cultural Affairs of the Department of State to adopt rules to implement.
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