

**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 Governmental Operations Committee

BILL: SB 1516

INTRODUCER: Senator Storms

SUBJECT: Art in Public Buildings

DATE: March 4, 2008

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	<b>Favorable</b>
2.	_____	_____	GA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Section 255.043, F.S., provides that each appropriation for the original construction of a state building which provides public access must include an amount of up to 0.5 percent of the total appropriation for the construction of the building, not to exceed \$100,000, for the acquisition of works of art by Florida artists and craftspersons, and others. The section also establishes a process for determining the amount to be made available and the selection of the artists or craftspersons.

The bill repeals the statutory requirement that each appropriation for such state building include a provision for the acquisition of art, as well as rulemaking authority under the section.

This bill repeals the following section of the Florida Statutes: 255.043.

**II. Present Situation:**

Chapter 255, F.S., provides for the regulation of public property and publicly owned buildings. Section 255.043(1), F.S., provides that each appropriation for the original construction of a state building which provides public access shall include an amount of up to 0.5 percent of the total appropriation for the construction of the building, not to exceed \$100,000, to be used for the acquisition of works of art.

The works must be displayed for viewing in public areas in the interior or on the grounds or the exterior of the building and not in private offices or areas with limited public access.

Under subsection (2) of the section, the Department of Management Services (DMS) or other state agencies receiving appropriations for original construction must notify the Florida Arts Council and the user agency of any construction project which is eligible under the provisions of the section. The DMS or other state agency must determine the amount to be made available for purchase or commission of works of art for each project and must report these amounts to the Florida Arts Council and the user agency. Payments are made from funds appropriated for fixed capital outlay. The approval of any invoice for payment for any purchase of or commission or works of art is the responsibility of the user agency.

The user agency, not the Florida Arts Council, selects the artist or craftsperson under subsection (3) of the section. The final approval of any recommendation for the purchase of or commissioning of works must be consistent with the art selection process established by rule by the Department of State (DOS).

### **III. Effect of Proposed Changes:**

The bill repeals s. 255.043, F.S., thereby eliminating the statutory requirement that each appropriation for the original construction of a state building shall include an amount of up to 0.5 percent of the total appropriation for the construction of the building. Rulemaking authority under the section is also eliminated.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

The bill may have a negative fiscal impact on Florida artists and craftspersons, and others, as appropriations for original construction for state buildings will no longer be required to include funding for purchase of their works.

**C. Government Sector Impact:**

According to the Department of State, since the section was effective, there have been 1,448 works purchased or commissioned for a total of \$11,519,577 spent under the program. The smallest reported amount paid for a work was \$75.00 and the highest was \$125,000. The mean average paid for all works is \$7,955. In 2005, \$406,725 was spent for works; in 2006, \$294,069 was spent for works; and in 2007, \$701,389 was spent for works.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.