

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 Committee on Commerce and Tourism

BILL: CS/SB 1632

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Rouson

SUBJECT: Cultural Affairs

DATE: February 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ponder</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Reeve</u>	<u>McKay</u>	<u>CM</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1632 designates the Secretary of State as “Florida’s Chief Arts and Cultural Officer” rather than the chief cultural officer. The bill also renames the Division of Cultural Affairs within the Department of State as the Division of Arts and Culture and makes conforming changes.

The bill takes effect July 1, 2020.

II. Present Situation:

Department of State

The Department of State (department), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Cultural Affairs, and Administration. The head of the department is the Secretary of State (Secretary). The Secretary is appointed by the Governor, subject to confirmation by the Senate, and serves at the pleasure of the Governor. The Secretary performs functions conferred by the State Constitution upon the custodian of records.¹

¹ Section 20.10, F.S.

Secretary of State – Florida’s Chief Cultural Officer

The Divisions of Cultural Affairs, Historical Resources, and Library and Information Services within the department promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity.² The Secretary, as the head of these divisions, is designated as “Florida's Chief Cultural Officer” and is encouraged to initiate and develop relationships between the state and foreign governmental officials in order to promote Florida as the center of American creativity. As Florida’s Chief Cultural Officer, the Secretary shall coordinate international activities with Enterprise Florida, Inc., and any other organization the Secretary deems to be appropriate. To accomplish these purposes, the Secretary has the power and authority to do the following:³

- Disseminate any information pertaining to the state which promotes the state's cultural assets;
- Plan and carry out activities designed to cause improved cultural and governmental programs and exchanges with foreign countries;
- Plan and implement cultural and social activities for visiting foreign heads of state, diplomats, dignitaries, and exchange groups;
- Encourage and cooperate with other public and private organizations or groups in their efforts to promote the cultural advantages of Florida;
- Serve as the liaison with all foreign consular and ambassadorial corps, as well as international organizations, that are consistent with the purposes of expanding international and cultural relations; and
- Provide, arrange, and make expenditures for the achievement of any or all of the purposes specified in this section.

Division of Cultural Affairs

The Division of Cultural Affairs (division) is Florida’s designated state arts agency. The division promotes arts and culture as essential to the quality of life for all Floridians. To promote excellence and encourage access to cultural opportunities, the division provides funding, programs and resources, including grants for: arts in education, local arts agencies, state service organizations, museums, theater, dance, folk arts, literature, media arts, multidisciplinary, music, sponsor/presenter, and visual arts programs and projects.⁴

The Florida Arts and Cultural Act (Act) is set forth in ss. 265.281-265.709, F.S., to provide state support for, and to gain national and international recognition of, the efforts, works, and performances of Florida artists, art agencies, museums and nonprofit organizations.⁵ The division is charged with directly administering and overseeing all programs authorized by the Act and may adopt rules pursuant to ss. 120.536(1) and 120.54, F.S, to do so.

Section 265.2865, F.S., establishes the Florida Artists Hall of Fame to recognize persons, living or deceased, who have made significant contributions to the arts in Florida either as performing or practicing artists in individual disciplines. The Florida Artists Hall of Fame Wall is located on

² Section 15.18, F.S.

³ *Id.*

⁴ Florida Department of State, Division of Cultural Affairs, *Mission*, available at <https://dos.myflorida.com/cultural/about-us/mission/> (last visited Feb. 17, 2020).

⁵ Section 285.282, F.S.

the Plaza level in the rotunda of the Capitol building.⁶ The Florida Council on Arts and Culture accepts nominations annually for persons to be recommended as members of the Florida Artists Hall of Fame and then makes recommendations to the Secretary of those person who were born in Florida or adopted Florida as their home state and base of operation and made a significant contribution to the enhancement of the arts in this state.⁷ The Secretary must name no more than four members to the Florida Artists Hall of Fame in any one year.⁸

The division is permitted to accept and administer moneys appropriated to it for providing grants to counties, municipalities, and qualifying nonprofit corporations for the acquisition, renovation, or construction of cultural facilities.⁹ A county, municipality or qualified corporation may apply for a grant of state funds for the acquisition, renovation, or construction of a cultural facility.¹⁰ The Florida Council on Arts and Culture must review each application for a grant and must annually submit to the Secretary for approval lists of all applications recommended by the council for award of grants, arranged in order of priority.¹¹

Any contract administered under s. 265.701, F.S., must require the recordation of a restrictive covenant by the grantee and property owner or purchase of a bond as prescribed by rule to ensure that the facility continues to be used as a cultural facility for a period of 10 years following the grant award.¹²

Division of Historical Resources

The Division of Historical Resources (DHR) is responsible for preserving and promoting Florida's historical, archaeological, and folk culture resources. The DHR Director's Office oversees a Historic Preservation Grants program to help preserve and maintain Florida's historic buildings and archaeological sites and to coordinate outreach programs that identify and promote the state's traditional culture.

The Division of Historical Resources is comprised of the Bureau of Historic Preservation (BHP) and the Bureau of Archaeological Research (BAR). The BHP manages the Florida Main Street Program and, under federal and state laws, oversees the National Register of Historic Places program for Florida, maintains an inventory of the state's historical resources in the Florida Master Site File, assists applicants in federal tax benefit and local government ad valorem tax relief programs for historic buildings, and reviews the impact that development projects may have on significant historic resources. The BAR is responsible for the state's archaeological programs, including surveys and excavations throughout the state, maintenance of records on historical resources that have been recorded, and assistance to consultants and planners in protecting sites.¹³

⁶ Florida Department of State, *Florida Artists Hall of Fame*, available at <https://dos.myflorida.com/cultural/programs/florida-artists-hall-of-fame/> (last visited Feb. 17, 2020).

⁷ Section 265.2865(3), F.S.

⁸ Section 265.2865(4), F.S.

⁹ Section 265.701(1), F.S.

¹⁰ Section 265.701(2), F.S.

¹¹ Section 265.701(3), F.S.

¹² Section 265.701(4), F.S.

¹³ *Id.*

Division of Library and Information Services

The Division of Library and Information Services (DLIS) manages the State Library and Archives, supports public libraries, directs record management services, and is the designated information resource provider for the state of Florida.¹⁴

The DLIS may receive gifts of money, books, or other property and may purchase books, periodicals, furniture, and equipment it deems necessary to carry out its mission. The DLIS may also give aid and assistance to all school, state, academic, free, and public libraries, and to all communities in the state which may establish libraries. The DLIS is required to maintain a library for state officials and employees and provide research and informational services for all state agencies. The DLIS must also provide library services to blind and physically handicapped persons within the state.¹⁵

III. Effect of Proposed Changes:

Sections 1 and 4 amend ss. 15.18 and 265.284, F.S., respectively, to provide that the Secretary will be known as “Florida’s Chief Arts and Cultural Officer” instead of the chief cultural officer.

Section 2 amends s. 20.10, F.S., to rename the Division of Cultural Affairs as the Division of Arts and Culture.

Section 3 amends s. 265.283, F.S., to provide that, as used in ss. 265.281-265.709, F.S., “director” means the Director of the Division of Arts and Culture and “division” means the Division of Arts and Culture.

Sections 5, 7, 9, and 10 amend ss. 265.2865, 265.701, 265.704, and 468.401, F.S., to update references to the Division of Arts and Culture.

Section 6 and 8 amend ss. 265.603 and 265.7025, F.S., to provide that, as used in ss. 265.601-265.606 and 265.7025-265.709, F.S., respectively, “division” means the Division of Arts and Culture.

Section 11 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁴ Florida Department of State, Division of Library and Information Services, available at <https://dos.myflorida.com/library-archives/> (last visited Feb. 17, 2020).

¹⁵ Section 257.04(5), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The department will likely experience an indeterminate negative fiscal impact associated with the rebranding and re-naming of its Division of Cultural Affairs as the Division of Arts and Culture.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 468.401, 15.18, 20.10, 265.283, 265.284, 265.2865, 265.603, 265.701, 265.7025, and 265.704.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Governmental Oversight and Accountability on February 10, 2020:

The committee substitute removes the repeal of ss. 265.601, 265.602, 265.603 and 265.605, F.S., and updates the definition of the term “division” in s. 265.603, F.S.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
