

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 757 Cultural Affairs

SPONSOR(S): Oversight, Transparency & Public Management Subcommittee, Raschein

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1632

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Public Management Subcommittee	15 Y, 0 N, As CS	Villa	Smith
2) State Affairs Committee	21 Y, 0 N	Villa	Williamson

SUMMARY ANALYSIS

The Florida Arts and Culture Act (Act) was established to provide support to Florida artists, art agencies, museums, and nonprofit art organizations. The Division of Cultural Affairs (division), within the Department of State, is responsible for administering the Act. The Secretary of State (Secretary) is the head administrator of the division and is known as "Florida's Chief Cultural Officer."

The division is recognized by the National Endowment for the Arts (NEA), an independent federal agency that awards art related grants, as Florida's official State Arts Agency.

The bill changes the division's title from the "Division of Cultural Affairs" to the "Division of Arts and Culture" and the Secretary's title from "Florida's Chief Cultural Officer" to "Florida's Chief Arts and Culture Officer." The changes align the division with its mission to advance, support, and promote arts and culture.

The bill does not appear to have a fiscal impact on the state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida Arts and Culture Act

The Florida Arts and Culture Act¹ (Act) was established to provide support for, and gain national and international recognition of, the efforts, works, and performances of Florida artists, art agencies, museums, and nonprofit organizations. The intent of the Act is to foster and ensure that arts and culture have a significant and positive effect on Florida residents.²

Division of Cultural Affairs

The Secretary of State (Secretary) is Florida's chief cultural officer.³ The Secretary oversees the Division of Cultural Affairs (division),⁴ within the Department of State, which is designated as Florida's state arts administrative agency.⁵ As such, the division has direct administrative authority to oversee all of the programs authorized by the Act.⁶ The division's mission is to advance, support, and promote arts and culture to strengthen the economy and quality of life for all Floridians.⁷ To that end, the division must:

- Advance funds for grants on a quarterly basis;
- Enter into agreements for awarding grants or other contracts with any person, firm, corporation, or governmental entity as may be necessary to carry out its functions under the Act;
- Consult with and advise other individuals, groups, organizations, or state agencies and officials, particularly the Governor and Cabinet, concerning the acquisition of fine art works and the appropriate use and display of state-owned art treasures for maximum public benefit;
- Accept on behalf of the state donations of money, property, art objects, and antiquities;
- Sponsor performances and exhibits;
- Promote and encourage the study and appreciation of arts and culture;
- Collect, publish, and print pamphlets, papers, newsletters, and other materials related to arts and cultural programs available throughout the state;
- Conduct and support cultural exchanges by coordinating with the appropriate state agencies and other organizations; and
- Enter into contracts to insure museum collections, artifacts, relics, and fine arts to which it holds title or which are on loan to the division.⁸

Florida Council on Arts and Culture

The Florida Council on Arts and Culture (council), within the Department of State, is an advisory body consisting of 15 members appointed by the Governor, President of the Senate, and Speaker of the House of Representatives.⁹ Council member qualifications include a substantial history of community service in the performing or visual arts, service on boards of cultural institutions, and common recognition as a patron of the arts.¹⁰ It is the duty and responsibility of the council to:

- Advocate for arts and culture by encouraging the study and presentation of arts and cultural activities and to encourage participation in such activities;
- Advise the Secretary in matters pertaining to arts and cultural programs;

¹ Sections 265.281-265.709, F.S., are cited as the Florida Arts and Culture Act. Section 265.281, F.S.

² Section 265.282, F.S.

³ Section 15.18, F.S.; *see also* s. 265.284(1), F.S.

⁴ *Id.*

⁵ Section 265.284(2), F.S.

⁶ Section 265.284(3), F.S.

⁷ Florida Department of State Division of Cultural Affairs, *Strategic Plan 2020-2025*, (August 5, 2019), <https://dos.myflorida.com/media/702139/2020-2025-strategic-plan.pdf> (last visited January 27, 2020).

⁸ Section 265.284(3), F.S.

⁹ Section 265.285(1)(a), F.S.

¹⁰ *Id.*

- Advise the Secretary in matters concerning the awarding of grants authorized by the Act;
- Advise the Secretary in matters pertaining to grants administered by the division;
- Encourage the participation in and appreciation of arts and culture to meet the needs and aspirations of persons in all parts of the state;
- Encourage public interest in the state’s cultural heritage and expand its cultural resources; and
- Encourage and assist freedom of artistic expression that is essential for the well-being of the arts.¹¹

National Endowment for the Arts

The National Endowment for the Arts (NEA) is an independent, federal agency with substantial discretion to award financial grants to support the arts. The NEA awards grants to groups and individuals whose artistic endeavors have substantial artistic and cultural significance or are otherwise worthy of public support, and to state agencies established to serve the same purpose.¹² The division is recognized by the NEA as Florida’s official State Arts Agency and receives an annual partnership grant from the NEA.¹³ All 50 states have a State Arts Agency recognized by the NEA. Of those 50 State Arts Agencies, 47 include the word “Arts” in their name.¹⁴

Effect of the Bill

The bill changes the division’s title from the “Division of Cultural Affairs” to the “Division of Arts and Culture” and the Secretary’s title from “Florida’s Chief Cultural Officer” to “Florida’s Chief Arts and Culture Officer.” The changes align the division with its mission to advance, support, and promote arts and culture.

B. SECTION DIRECTORY:

Section 1 amends s. 20.10, F.S., renaming the Division of Cultural Affairs as the Division of Arts and Culture.

Section 2 amends s. 15.18, F.S., providing that the Secretary must be known as Florida’s Chief Arts and Culture Officer.

Sections 3 through 10 amend ss. 265.283, 265.284, 265.2865, 265.603, 265.701, 265.7025, 265.704, and 468.401, F.S., conforming provisions to changes made by the act.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

¹¹ Section 265.285(2), F.S.

¹² 20 U.S.C. § 954 (2018).

¹³ Florida Department of State, *Division of Cultural Affairs - National Endowment for the Arts*, <https://dos.myflorida.com/cultural/about-us/partners/national-endowment-for-the-arts/> (last visited January 28, 2020).

¹⁴ National Assembly of State Arts Agencies, *State Arts Agency Directory*, <https://nasaa-arts.org/state-arts-agencies/saa-directory/> (last visited January 28, 2020).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not confer rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2020, the Oversight, Transparency & Public Management Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably. The PCS removed a provision from the bill that repealed certain aspects of the Cultural Endowment Program.

This analysis is drafted to the committee substitute as approved by the Oversight, Transparency & Public Management Subcommittee.