CHAPTER 265
MEMORIALS, MUSEUMS, AND FINE ARTS

265.001 Florida Women's Hall of Fame.—

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(1) It is the intent of the Legislature to recognize and honor those women who, through their works and lives, have made significant contributions to the improvement of life for women and for all citizens of Florida.

(2)(a) There is hereby established the Florida Women's Hall of Fame. The Division of Facilities Management of the Department of Management Services shall set aside an area on the Plaza Level of the Capitol Building and shall consult with the Florida Commission on the Status of Women regarding the design and theme of such area.

(b) Each person who is selected as a member shall have a designation placed in the Florida Women's Hall of Fame, which designation shall provide information

regarding the member’s particular discipline or contribution and any vital information relating to the member.

(3) Within 1 year after July 1, 1992, the Governor shall reinstate the 27 original members of the Florida Women's Hall of Fame selected during 1982, 1984, and 1986.

(4)(a) Upon July 1, 1992, the Florida Commission on the Status of Women shall accept nominations for the Florida Women’s Hall of Fame for 1992 and shall close nominations on September 1. By October 1, the commission shall recommend to the Governor 10 persons from which up to three members shall be selected by November 1.

(b) For every year thereafter, the commission shall accept nominations for persons to be recommended as members of the Florida Women’s Hall of Fame. The commission shall recommend to the Governor 10 persons from which up to three members shall be selected.

(c) In making recommendations pursuant to this subsection, the commission shall recommend women who were born in Florida or adopted Florida as their home state and base of operation and who have made a significant contribution to the enhancement of women in this state.

(5) The Florida Commission on the Status of Women may set specific time periods for acceptance of nominations and the selection of members to coincide with the appropriate activities of the Florida Women’s Hall of Fame.

History.—s. 1, ch. 92-48; s. 15, ch. 95-143.

265.26 Trustees of Ringling Museum of Art.—

(1) There is created a Board of Trustees of the John and Mable Ringling Museum of Art, which shall consist of 11 members, of whom 5 members must be residents of Sarasota County or Manatee County, and 6 must be residents of other counties in the state, no 2 of whom may be residents of the same county. Of the five members from Sarasota and Manatee Counties, there shall be at least two members from each of those counties. Each member must have been a resident of the state for at least 3 consecutive years before his or her appointment. Members shall be appointed to 4-year terms that expire on December 31 of the 4th year after the date of appointment. The appointment of the trustees shall be by the Governor. Each member is subject to confirmation by the Senate. The Governor may remove any member for cause and shall fill all vacancies that occur. Members whose terms have expired may continue to serve until replaced or reappointed.

(2)(a) The John and Mable Ringling Museum of Art is designated as the official art museum of the State of Florida. The purpose and function shall be to maintain and preserve all objects of art and artifacts donated to the state through the will of John Ringling; to acquire and preserve objects of art or artifacts of historical or cultural significance; to exhibit such objects to the public; to undertake scholarly research and publication relating to the collection; to provide educational programs for
children and adults; to assist other museums in the state
and nation through education programs and through
loaning objects from the collection when such loans do
not threaten the safety and security of the objects; to
enhance knowledge and appreciation of the collection;
and to engage in other activities related to visual arts
which benefit the public.

(b) The board of trustees shall maintain and pre-
serve the collections of the Circus Museum, the furnish-
ings and objects in the Ringling home, and other objects
of art and artifacts in the custody of the museum. Title
to all such collections, art objects, and artifacts of the
museum and its facilities shall remain with the board of
trustees, which shall assign a state property inventory
number to, and conduct annual inventories of, all such
properties.

c) The museum shall also engage in programs on
the national and international level to enhance further
the cultural resources of Florida.

(3) The board of trustees shall elect a chair annually.
The trustees shall be reimbursed for travel expenses, as
provided in s. 112.061, while in the performance of their
duties. The chair of the board may appoint such commit-
tees as deemed necessary to carry out the functions of
the board.

(4) The Board of Trustees of the John and Mable
Ringling Museum of Art is assigned to the Department
of State, which may, within its discretion, exercise over-
sight of the activities of the board.

(5) The board of trustees has complete jurisdiction
over the management of the museum and is invested
with full power and authority to appoint a director, who
shall be exempt from the Career Service System, and to
appoint other employees, in accordance with Florida
Statutes and rules; to remove the same in accordance
with Florida Statutes and rules; to provide for the proper
keeping of accounts and records and budgeting of funds;
to enter into contracts for professional programs of
the museum and for the support and maintenance of
the museum; to secure public liability insurance; and to
do and perform every other matter or thing requisite to
the proper management, maintenance, support, and
control of the John and Mable Ringling Museum of Art
at the highest efficiency economically possible while
taking into consideration the purposes of the establish-
ment.

(6)(a) The board of trustees may approve a direct-
support organization to raise funds, provide operational
and maintenance services for the museum, and other-
wise operate for the benefit of the museum and its pro-
grams. The direct-support organization shall operate
under a written contract with the board. The contract
may delegate responsibility for operating and maintain-
ing the John and Mable Ringling Museum of Art to the
direct-support organization. The contract must provide
for:

1. Approval of the articles of incorporation of the
direct-support organization by the board and the gov-
nance of the direct-support organization by members
appointed by the board.

2. Submission of an annual budget for the approval
of the board. The budget must be in accordance with
rules adopted by the board.

3. Certification by the board, after its review of the
annual audit of the direct-support organization, that the
direct-support organization is operating in compliance
with the terms of the contract and in a manner consist-
ent with the goals and purposes of the board and in the
best interest of the state. Such certification shall be
made annually and reported in the official minutes of a
meeting of the board.

4. All property held by the direct-support organiza-
tion, except for that used by the direct-support organi-
sation to conduct its business, including operating
funds and funds invested, to become property of the
state within 3 years after receipt by the direct-support
organization, unless transferred sooner, and for funds
and property held in trust by the direct-support organi-
sation to revert to the board if the direct-support organi-
sation is dissolved or is no longer approved to operate
on behalf of the board.

5. The fiscal year of the direct-support organization
to begin on July 1 of each year and end on June 30 of
the following year.

6. The disclosure of the distinction between the
board of trustees and the direct-support organization to
donors of gifts, contributions, or bequests, as well as on
all promotional and fundraising publications.

(b) The direct-support organization may retain all
funds received from admissions and rentals, which may
be expended only for the benefit of the John and Mable
Ringling Museum of Art pursuant to the annual budget
approved by the board of trustees and as provided by
the annual contract between the direct-support organi-
sation and the board of trustees. Upon approval by the
board of trustees, funds received from admissions and
rentals may be used for personnel expenses of the
direct-support organization and for other expenses in
accordance with the annual contract with the board of
trustees. The activities of the direct-support organiza-
tion are subject to oversight by the board of trustees.

(c) Any other funds, except those enumerated in
paragraph (b), may be held in a separate fund by the
direct-support organization and are subject to provi-
sions of the contract with the board of trustees.

(d) Upon approval by the board of trustees, only
moneys from the fund established in paragraph (c) may
be used for supplemental salaries and benefits for state
employees.

(7)(a) The Board of Trustees of the John and Mable
Ringling Museum of Art:

1. May permit the use of property, facilities, and
personal services at the John and Mable Ringling
Museum of Art by a direct-support organization subject
to the provisions of this section.

2. May prescribe by rule any condition with which
a direct-support organization must comply in order to
use property, facilities, or personal services at the John
and Mable Ringling Museum of Art.

3. May not permit the use of property, facilities, or
personal services at the John and Mable Ringling
Museum of Art by any direct-support organization that
does not provide equal employment opportunities to all
persons regardless of race, color, religion, sex, age, or
national origin.
The direct-support organization shall cause an annual audit of its financial accounts to be conducted by an independent certified public accountant, selected by the board of trustees, and performed in accordance with rules adopted by the Board of Trustees of the John and Mable Ringling Museum of Art. The audit report shall be submitted to the Auditor General and to the board of trustees for review. The Auditor General and the board of trustees are each authorized to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of such organization. Information which, if released, would identify donors who desire to remain anonymous is confidential and exempt from the provisions of s. 119.07(1). Information which, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when the direct-support organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. Identities of such donors and prospective donors shall not be revealed in the auditor’s report. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

The board of trustees shall appoint a council, comprised of at least five members but not more than nine members, to advise and to assist the board or the direct-support organization to develop nonstate support, primarily in the form of cash and in-kind gifts from individuals, and grants from private corporations, federal agencies, and foundations.

(a) The board of trustees shall set policies with regard to the operation and organization of the council.

(b) Funds raised through the activities of the council and its members shall be deposited with the direct-support organization for the sole and exclusive benefit of the museum and its programs.

9. All presently existing obligations, contracts, and other commitments of the John and Mable Ringling Museum of Art shall be honored by the board of trustees.

10. Any authority assumed or vested by law in the director or other officer or employee of the John and Mable Ringling Museum of Art is vested in the board of trustees. The board of trustees may annually budget and expend funds for public relations and other promotional purposes deemed by the trustees to be necessary and in the best interest of the museum.

11. Notwithstanding s. 287.025(1)(e), the board of trustees may enter into contracts to insure paintings and other objects of art.

12(a) The board of trustees may enter into agreements to accept credit card payments as compensation. The board of trustees may establish accounts in credit card banks for the deposit of credit card sales invoices.

(b) The board of trustees may establish a policy that permits the acceptance of tour vouchers issued by tour organizations or travel agents for payment of admissions.

13. The provisions of s. 287.057 to the contrary notwithstanding, the board of trustees may enter into contracts or agreements with or without competitive bidding, in its discretion, for the restoration of objects of art in the museum collection or for the purchase of objects of art that are to be added to the collection.

14(a) Notwithstanding s. 273.055, the board of trustees may sell any art object in the museum collection, which object has been acquired after 1936, if the director and the board of trustees determine it is no longer appropriate for the collection. The proceeds of the sale shall be deposited in a fund designated as the Ringling Museum Art Acquisition, Restoration, and Conservation Trust Fund. The board of trustees may also exchange any art object in the collection, which object has been acquired after 1936, for an art object or objects which the director and the board of trustees judge are of equivalent or greater value to the museum.

(b) An employee or member of the board of trustees may not receive a commission, fee, or financial benefit in connection with the sale or exchange of a work of art, and may not be a business associate of any individual, firm, or organization involved in the sale or exchange.

(c) The board of trustees shall establish policies and adopt rules for the sale or exchange of works of art.
Museum of Art is hereby given authority to make temporary loans of paintings and other objects of art or artifacts belonging to the John and Mable Ringling Museum of Art for the purpose of public exhibition in art museums, other museums, or institutions of higher learning wherever located, including such museums or institutions in other states or countries. Temporary loans may also be made to the executive mansion in Tallahassee, chapters and affiliates of the John and Mable Ringling Museum of Art, and, for educational purposes, to schools, public libraries, or other institutions in the state, where such exhibition will benefit the general public as in the judgment of the board of trustees is deemed wise and for the best interest of the John and Mable Ringling Museum of Art, and under policies established by the board of trustees and approved by the Department of State for the protection of the paintings and other objects of art and artifacts. In making temporary loans, the board of trustees shall give first preference to art museums, other museums, and institutions of higher learning.

History.—s. 1, ch. 59-61; ss. 10, 35, ch. 69-106; s. 1, ch. 77-15; s. 1, ch. 78-254; s. 4, ch. 78-323; ss. 2, 3, ch. 81-6; ss. 1, 4, ch. 82-46; s. 2, ch. 83-265; ss. 3, 4, ch. 90-114; s. 5, ch. 91-425; s. 3, ch. 94-157.

Note.—Former s. 272.20.

265.281 Short title.—Sections 265.281–265.286 shall be known and may be cited as the "Florida Fine Arts Act of 1980."

History.—s. 1, ch. 80-319.

265.282 Legislative intent.—The Legislature recognizes the vast cultural resources available in the state for the development, promotion, and enjoyment of the fine arts. It is the intent of the Legislature by enactment of this legislation to provide for maximum efficiency in providing state support for, and gaining national and international recognition of, the efforts, works, and performances of Florida artists and art agencies. Furthermore, it is the intent of the Legislature to foster, through the programs created hereunder, the development of a receptive climate for the fine arts; to enrich culturally and benefit the citizens of this state in their daily lives; to make Florida visits and vacations all the more appealing to the world; and to attract to Florida residency additional outstanding creators in the fields of fine arts through appropriate programs of publicity, education, coordination, grants, and activities, such as sponsorship of art lectures and exhibitions and central compilation and dissemination of information on the progress of the fine arts in Florida.

History.—s. 1, ch. 80-319.

265.283 Definitions.—The following definitions shall apply to ss. 265.281–265.286:

1. "Council" means the Florida Arts Council.
2. "Department" means the Department of State.
3. "Director" means the Director of the Division of Cultural Affairs of the Department of State.
4. "Division" means the Division of Cultural Affairs of the Department of State.
5. "Panel" means a grant review panel.
6. "Secretary" means the Secretary of State.
7. "The arts" means any and all artistic disciplines, which include, but are not limited to, music, dance, drama, theater programs, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, and public media, and the execution and exhibition of other such allied, major art forms.

History.—s. 1, ch. 80-319; s. 1, ch. 81-127; s. 8, ch. 90-267.

265.284 Chief cultural officer; director of division; powers and duties.—

1. The Secretary of State shall be chief cultural officer of the state.
2. The Division of Cultural Affairs of the Department of State shall be headed by a director who shall serve at the pleasure of the Secretary of State.
3. The Division of Cultural Affairs shall have direct administrative authority and responsibility for all of the programs authorized by this act. In furtherance thereof, the division shall have the authority to:
   a. Accept and administer state and federal funds provided for the fine arts, the grants, and any program authorized by this act.
   b. Subject to the approval of the Secretary of State, enter into such contracts with any person, firm, performing arts company, educational institution, arts organization, corporation, or governmental agency as may be necessary or advisable to carry out its functions under this act.
   c. Seek, and help assure, a uniformity of artwork within state buildings and review all art content of existing public buildings or buildings of state ownership for the purpose of making recommendations to the Department of Management Services as to matters of installation, relocation, restoration, removal, or any other disposition of such works of art.
   d. On request, or at its own initiative, consult with and advise other individuals, groups, organizations, or state agencies and officials, particularly the Governor and the Cabinet, concerning the acquisition by gift or purchase of fine art works, the appropriate use and display of state-owned art treasures for maximum public benefit, and the suitability of any structures or fixtures primarily intended for ornamental or decorative purposes in public buildings.
   e. Accept on behalf of the state donations of money, property, art objects, and antiquities. Such donations of money and any cash income which may be received by the division or which were previously received by the Florida Fine Arts Council from the disposal of any donations of property, art objects, or antiquities shall be deposited into a separate trust fund and are hereby appropriated to the use of the division for the purposes of this act.
   f. There is created the Florida Fine Arts Trust Fund to be administered by the Department of State for the purposes set forth by law. The Florida Fine Arts Trust Fund shall receive distributions as provided in s. 320.08058.

5. The division is further authorized to:
   a. Accept and administer moneys appropriated by the Legislature, and moneys received from the Federal Government or from other public or private sources, for the development of nationally recognized Florida performing arts groups through a state touring program. The division shall develop and establish a selection pro-
procedure which will ensure maximum opportunity for selection of and participation by Florida performing arts groups in the state touring program.

(b) Sponsor performances and exhibits; promote and encourage the study and appreciation of fine arts; and collect, publish, and print pamphlets, papers, newsletters, and other materials relating to fine arts programs available throughout the state.

(c) Conduct and support cultural programs and cultural exchanges in conjunction with the Department of Commerce and other appropriate state agencies, including the acceptance of funding, technical assistance, and other forms of support for such purposes.

(d) Promulgate such rules as are necessary to carry out its duties.

(6) Subject to funding by the Legislature, there are created the State Orchestra Program, State Dance Program, and State Opera Program, each to be administered as part of, and under the direct supervision of, the Division of Cultural Affairs.

(7) Notwithstanding any provision of s. 287.022 or s. 287.025(1)(e), the division may enter into contracts to insure museum collections, artifacts, relics, and fine arts to which it holds title.

Hist.—ss. 1, 2, ch. 80-319; s. 1, ch. 92-61; s. 194, ch. 92-279; s. 55, ch. 92-336; s. 5, ch. 95-282; s. 2, ch. 95-333.

Note.—As amended by s. 5, ch. 95-282. This version is published here because of the clear legislative intent of ch. 95-282 to transfer specialty license plates to s. 320.06065 as created by that act (see ss. 24, 25, ch. 95-282). Subsection (4) was also amended by s. 2, ch. 95-333, and that version reads:

(4) There is created the Florida Fine Arts Trust Fund to be administered by the Department of State for the purposes set forth by law. The Florida Fine Arts Trust Fund shall receive distributions as provided in s. 320.06066.

Note.—Repealed by s. 18, ch. 95-282.

265.285 Florida Arts Council; membership, duties.

(1)(a) The Florida Arts Council is created in the department as an advisory body, as defined in s. 20.03(7), to consist of 15 members appointed by the Secretary of State. In making the appointments, the secretary shall give due consideration to geographical representation so that every area of the state will have a voice on the council. The term of office of each member shall be 4 years. No member of the council who serves two 4-year terms will be eligible for reappointment during a 1-year period following the expiration of the member's second term. Any vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as for the original appointment.

(b) The members shall elect a chair from their number annually. The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules. A majority of the members of the council constitutes a quorum, and no meeting may be held with less than a quorum present. The affirmative vote of a majority of the members of the council shall be necessary for any official action by the council.

(c) The secretary may appoint review panels representing various artistic disciplines to assist the Florida Arts Council in the grant review process. Review panel members shall serve for 1-year terms. Each panel shall include practicing artists or other persons actively involved in the specific discipline for which the panel is to review grants. The panels shall review grant applications and make recommendations to the council concerning the relative merits of the applicants. The division shall, by rule, establish criteria for reviewing grant applications to ensure compliance with applicable federal and state laws relating to discrimination and conflicts of interest.

(d) The council and panels shall provide a forum for public comment prior to voting on any art grant application.

(e) Members of the council and panels shall not receive any compensation for their services but shall be reimbursed for travel and expenses incurred in the performance of their duties, as provided in s. 112.061.

(f) If a member of the council is absent from two consecutive meetings or any two regularly scheduled meetings in any calendar year, the council member's appointment shall be terminated unless the secretary determines that extenuating circumstances exist.

(g) The secretary may remove any member from the council for misconduct or malfeasance in office, neglect of duty, incompetence, or permanent inability to perform official duties or if there has been an adjudication that the member is guilty of a felony.

(2) The duties of the council shall be:

(a) Advise the Secretary of State in all matters pertaining to art, specifically with respect to any programs operated by the department as authorized hereunder.

(b) Stimulate and encourage throughout the state the study and presentation of the arts and public interest and participation therein.

(c) Make such surveys as may be advisable of public and private institutions which are engaged within the state in artistic and cultural activities.

(d) Encourage the participation in and appreciation of the arts to meet the needs and aspirations of persons in all parts of the state.

(e) Encourage public interest in the cultural heritage of this state and expand the cultural resources of the state.

(f) Encourage and assist freedom of artistic expression essential for the well-being of the arts.

(g) Advise the Secretary of State in all matters concerning the awarding of grants for the arts under this act.

(h) Promote the decoration and beautification of the interiors of the Capitol Building and other public buildings and advise appropriate state officers, state agencies, and the Department of Management Services in this regard.

(i) Review applications for grants for the acquisition, renovation, or construction of cultural facilities and recommend a priority for the receipt of such grants, as provided in s. 265.701.

Hist.—ss. 1, 4, ch. 80-319; ss. 2, 4, 5, ch. 81-127; ss. 1, 4, ch. 82-46; s. 2, ch. 83-265; s. 1, ch. 84-8; s. 6, ch. 88-137; ss. 9, 12, 13, ch. 90-267; s. 5, ch. 91-429; s. 156, ch. 92-279; s. 66, ch. 92-326; s. 155, ch. 95-149.

265.286 Art grants award by Division of Cultural Affairs.—

(1) Subject to the recommendation of the Florida Arts Council and to the approval of the Secretary of State, the division is authorized to expend appropriated state and federal funds for art grants. The division shall, by rule, establish criteria for the award of grants, including criteria relating to artistic quality, creativity, potential
public exposure and benefit, ability to properly adminis­
ter grant funds, and such other matters deemed neces­sary and appropriate to further the purposes of this act.
The division shall expend all funds in accordance with state law and shall use such appropriations to supple­ment the financial support of:

(a) Programs which have substantial artistic and cul­tural significance, giving emphasis to American creativ­ity and the maintenance and encouragement of profes­sional excellence.

(b) Programs meeting professional standards or stand­ards of authenticity, irrespective of origin, which programs are of significant merit and which, without such assistance, would otherwise be unavailable to the citizens of this state.

(2) Grants shall be made by contract with any non­profit corporation, local or state governmental entity, or artist engaged in or concerned with the arts. Of the total amount of funds available from all sources for art grants, 70 percent of such funds shall be awarded on a 50­percent matching basis. Up to 30 percent of such funds available may be awarded on a nonmatching basis, including individual fellowships.

(3) In administering grants, contracts, and funds appropriated for arts programs, the division may release moneys in advance on a quarterly basis. By the end of the contract period, the grantee or contractor shall fur­nish to the division a complete and accurate accounting of how all state funds were expended. Postaudits to be conducted by an independent certified public account­ant may be required in accordance with rules adopted by the division.

(4) The division is authorized to develop and con­duct a challenge grant program available to cultural institutions or groups of institutions which have regional or statewide impact. Challenge grants shall be made for not less than $10,000; and matching moneys must be on at least a basis of 3 to 1, with the institution providing the higher amount in the ratio. The division shall by rule establish the specific eligibility and matching criteria for such grants. Separate funding for this program shall be provided by the Legislature.

(5) The division shall not award any new grant which will, in whole or in part, inure to the personal benefit of any council or review panel member during that member’s term of office if the council or panel member partic­i­pated in the vote of the council or panel recommending the award. This subsection shall not prohibit the division from awarding a grant to an entity with which a council or panel member is associated.

(6) The division shall by rule provide for separate consideration of grant applications of state–supported institutions from those of private institutions and individu­als.

History.—s. 1, ch. 80–319; s. 3, ch. 81–127; s. 128, ch. 83–217; s. 5, ch. 86–137; s. 2, ch. 88–359; ss. 7, 13, ch. 90–267; ss. 2, 7, ch. 91–214; s. 5, ch. 91–429; s. 1, ch. 92–77; s. 7, ch. 95–145.

265.2861 Cultural Institutions Program; trust fund.

(1) CULTURAL INSTITUTIONS TRUST FUND.—There is created a Cultural Institutions Trust Fund to be administered by the Department of State for the pur­poses set forth in this section and to support the follow­ing programs as follows:

(a) For statewide arts grants, $2.7 million.

(b) For arts in education and visiting arts programs, $250,000.

(c) For the State Touring Program, $200,000. First priority for the issuance of State Touring Program grants shall be given to applicants that reside in counties with a population of 50,000 or less.

(d) For local arts agencies or state service organiza­tions, $400,000.

(e) For state–owned cultural facilities assigned to the Department of State, which receive a portion of any operating funds from the Department of State and one of the primary purposes of which is the presentation of fine arts or performing arts, not less than $2.2 million.

The trust fund shall consist of moneys appropriated by the Legislature, moneys deposited pursuant to s. 607.1901(2), and moneys contributed to the fund from any other source.

(2) CULTURAL INSTITUTIONS PROGRAM.—

(a) There is created within the Department of State a Cultural Institutions Program.

(b) The Department of State shall establish, by rule, criteria for the award of grants to cultural organizations, including criteria relating to program quality, potential public exposure and benefit, fiscal stability, ability to properly administer grant funds, procedures for peer evaluation, and other matters deemed necessary and appropriate to further the purposes of this section. The Division of Cultural Affairs shall award grants to supple­ment the financial support of cultural organizations that have displayed a sustained commitment to cultural excellence and to recognize organizations for superior cultural contributions that have regional or statewide impact.

(c) Cultural organizations shall receive funding by the Division of Cultural Affairs from the Cultural Institutions Trust Fund.

(d) Except for programs that receive funds for chal­lenge grants, grants promoting arts education, grants for touring programs, and grants for international cul­tural exchange programs, an organization that receives a grant under the Cultural Institutions Program is pre­cluded from receiving funds from other art grants pro­grams administered under s. 265.286, s. 265.608, or s. 265.609, by the Division of Cultural Affairs.

(e)1. Upon appropriation by the Legislature of funds for the Cultural Institutions Program, the Depart­ment of State shall execute a contract with each organi­zation, which must contain information relative to the program, the projected operating income and expenses, and other provisions deemed necessary by the depart­ment for the administration of the program.

2. Each recipient organization must submit an annual report to the Division of Cultural Affairs detailing the expenditure of funds and is subject to the auditing provisions and rules of the division.

(f) Each organization shall cause an annual postau­dit or independent attestation of its financial accounts, as specified in s. 216.349, to be conducted by an independent certified public accountant. The annual audit report must be submitted to the Department of State for review. The department may require and
receive from the recipient institution, or from its independent auditor, any detail or supplemental data relative to the operation of such institution.

(g) The Department of State shall adopt rules necessary to administer this section.

History.—s. 1, ch. 88-137; s. 3, ch. 89-359; ss. 4, 13, ch. 90-267; ss. 3, 7, ch. 91-214; s. 5, ch. 91-429; s. 1, ch. 95-46; s. 8, ch. 96-145; s. 27, ch. 95-242.

265.2862 General support program for cultural institutions.—The Division of Cultural Affairs of the Department of State shall develop and conduct a general support program designed to supplement the financial support of cultural organizations that have a sustained commitment to cultural excellence and to recognize organizations for superior cultural contributions that have regional or statewide impact. The division shall establish, by rule, criteria for awarding grants to the cultural organizations. The rules must include, but need not be limited to, criteria relating to program quality, potential public exposure and benefit, fiscal stability, ability to properly administer grant funds, and procedures for a peer evaluation process.

History.—s. 1, ch. 92-77.

265.2865 Florida Artists Hall of Fame.—

(1) It is the intent of the Legislature to recognize and honor those persons, living or dead, who have made significant contributions to the arts in this state, either as performing artists, or practicing artists in individual disciplines.

(2)(a) Thereby created the Florida Artists Hall of Fame. The Florida Arts Council shall identify an appropriate location in the public area of a building in the Capitol Center or under the jurisdiction of the Division of Facilities Management of the Department of Management Services, which location shall be set aside by the Division of Facilities Management and designated as the Florida Artists Hall of Fame.

(b) Each person who is selected as a member shall have a plaque placed in the Florida Artists Hall of Fame, which plaque shall designate the member’s particular discipline or contribution and shall set forth vital information relating to the member. Each member, or the person designated by the Secretary of State in the case of a posthumous selection, shall also receive a standardized memento of the member’s selection.

(3) The Florida Arts Council shall accept nominations annually for persons to be recommended as members of the Florida Artists Hall of Fame. The council shall recommend to the Secretary of State persons to be named as members of the Florida Artists Hall of Fame. The council shall recommend as members of the Florida Artists Hall of Fame persons who were born in Florida or adopted Florida as their home state and base of operation and who have made a significant contribution to the enhancement of the arts in this state.

(4) In the first year, the Secretary of State shall name no more than 12 members to the Florida Artists Hall of Fame. Thereafter, the Secretary of State shall name no more than four members to the Florida Artists Hall of Fame in any 1 year.

(5) Any benefactor of the arts who was named to the Florida Artists Hall of Fame before October 1, 1995, shall remain in the Florida Artists Hall of Fame.

(6) The Division of Cultural Affairs of the Department of State shall adopt rules necessary to carry out the purposes of this section, including, but not limited to, procedures for accepting nominations to, making recommendations for, selecting members of the Florida Artists Hall of Fame, and providing travel expenses for such recipients. Notwithstanding the provisions of s. 112.061, the Secretary of State may approve first-class travel accommodations for recipients of the Florida Artists Hall of Fame award and their representatives for health or security purposes.

(7) The Secretary of State shall annually request an appropriation sufficient to carry out the purposes of this section.

History.—s. 1, ch. 89-169; s. 13, ch. 90-267; s. 78, ch. 91-221; s. 5, ch. 91-429; s. 196, ch. 92-279; s. 55, ch. 92-326; s. 2, ch. 93-46; s. 1, ch. 95-235.

265.2889 State theater contract organizations; audit information; admission fees.—

(1) DEFINITION.—For the purposes of this section, a "state theater contract organization" means an organization that

(a) Receives funding pursuant to the Cultural Institutions Program authorized under s. 265.2861;

(b) Received funding from the Department of State as a state theater contract organization prior to October 1, 1990.

(2) INFORMATION IN AUDITS.—Information contained in an audit required of a state theater contract organization pursuant to rules authorized under s. 265.2861 which, if released, would identify donors who desire to remain anonymous is confidential and exempt from the provisions of s. 119.07(1). Information which, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when a contract organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. Identities of such donors and prospective donors shall not be revealed in the auditor's report. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.119.

(3) ADMISSION FEES.—Any admission fee to a performance of a state theater contract organization shall be wholly retained by the contract organization.

History.—ss. 3, 4, ch. 89-298; s. 4, ch. 82-168; s. 2, ch. 89-55; s. 99, ch. 90-360; s. 3, ch. 92-77; s. 4, ch. 93-46.

Note.—

A. Repealed by s. 1, ch. 95-217.

B. Section 4, ch. 95-217, provides that "[n]otwithstanding any provision of law to the contrary, exemptions from chapter 119, Florida Statutes, or chapter 286, Florida Statutes, which are prescribed by law and are specifically made subject to the Open Government Sunset Review Act in accordance with section 119.119, Florida Statutes, are not subject to review under that act, and are not abrogated by the operation of that act, after October 1, 1996."

265.2901 Coconut Grove Playhouse Trust Fund.—

(1) Thereby created the Coconut Grove Playhouse Trust Fund to be administered by the Division of Cultural Affairs of the Department of State.

(2) All revenue received by the Department of State as a result of leasing the Coconut Grove Playhouse property in Miami, Florida, from the granting of licenses for the use of the property; or from the operation of licensed concessions on the premises by anyone other than a state theater contract organization as defined in this chapter shall be deposited into the trust fund.
(3) All funds deposited into the Coconut Grove Playhouse Trust Fund shall be used for the maintenance and operation of the Coconut Grove Playhouse property and the operation of state theater programs thereon. The Legislature shall appropriate from these funds such amounts as it deems necessary for the purpose of administering the provisions of this chapter and any other authorized activities and operations of the Coconut Grove Playhouse.

History.—s. 1, ch. 81-92.

265.32 County fine arts council.—

(1) COUNTY AUTHORITY TO CREATE; PURPOSE.
Each county of the state is hereby vested with the authority to create a county fine arts council, hereinafter referred to as "council" or "arts council," a public agency corporate and politic, for the purposes of:
(a) Stimulating greater governmental and public awareness and appreciation of the importance of the arts to the people of Florida.
(b) Encouraging and facilitating greater and more efficient use of governmental and private resources for the development and support of the arts.
(c) Encouraging and facilitating opportunities for Florida residents to participate in artistic activities.
(d) Promoting the development of Florida artists, arts institutions, community organizations sponsoring arts activities, and audiences.
(e) Surveying and assessing the needs of the arts, artists, arts institutions, community organizations sponsoring arts activities, and people of this state relating to the arts.
(f) Supporting and facilitating the preservation and growth of the state's artistic resources.
(g) Contracting for artistic services, performances, and exhibits.
(h) Developing a center or complex of physical facilities for the use of the arts.
(i) Providing financial and technical assistance to artists, arts institutions, and audiences.
(j) Otherwise serving the citizens of the county and state in the realm of the arts.

The purposes provided by this section are hereby deemed to be public purposes.

(2) MEMBERSHIP AND ORGANIZATION.—
(a) Initial members of the arts council shall be appointed by the board of county commissioners and shall be selected in such manner as to assure that the general arts needs of the people in the county may best be served. It shall be remembered that each council member will be charged with the responsibility of serving the best interests of the arts in the county within the purposes of this act, and no council member shall view his or her role as that of representing any particular geographic area of the county, interest group, arts institution, community organization, or audience. No individual committed to, or owing allegiance to, any particular arts faction shall be eligible to serve on the council.

(b) If a county is creating a council under the provisions of this act, the arts council shall consist of 15 members. Vacancies which exist on the council shall be filled by the board of county commissioners. However, in filling any vacancy which occurs, the board of county commissioners shall select the replacement council member from a list of three candidates to be submitted by the remaining members of the council. In the event that none of the three candidates suggested meets commission approval, the council shall submit another and entirely different list for commission consideration. This process shall continue until a suitable replacement has been found to fill the existing or anticipated vacancy.

2. The council shall make the general public aware of any vacancy which occurs, or which is expected, by complying with the notice and publication requirements established in paragraph (f). The council shall then consider suggestions or recommendations made by members of the public; representative civic, labor, and cultural associations; and groups concerned with encouraging the development and appreciation of the arts before submitting any list of candidates to the board of county commissioners.

3. There shall be an ex officio member who shall be a member of the board of county commissioners to be designated by it. The council may authorize additional ex officio members from any municipality within the county which it determines deserves representation, and any such member shall be designated by the city commission from its membership. The council may also authorize other ex officio members from the general public when such membership will serve the best interests of the arts and help carry out the objectives and duties of the council.

(c) The term of office for each member shall be 4 years. All members of the council shall be qualified electors residing in the county.

(d) No council member who serves two full terms shall be reappointed to the council during the 2-year period following expiration of his or her term.

(e) No council member may receive compensation for his or her services, but each member may be reimbursed in accordance with chapter 112 for actual expenses necessarily incurred in the performance of his or her duties.

(f) For purposes of this section, notice and publication requirements shall be deemed to have been met by daily advertisement in a newspaper, or in any of the electronic media, with countywide circulation or exposure for a period of 3 days at least 10 days prior to the taking of the intended action.

(g) Council members may be removed for cause, and continued and unexcused absence shall constitute a form of, but not limit, such cause for removal. The removed member’s replacement shall be chosen as provided in paragraph (b). Removal shall only be accomplished by a two-thirds vote of the remaining council members.

(3) COUNCIL OFFICERS.—The council shall elect annually one of the members of the council to be its chair. No member of the council may serve as its chair for more than two terms. The council may annually elect such other officers as it deems appropriate.

(4) EXECUTIVE DIRECTOR.—The council may appoint an executive director who shall be a full-time employee and shall serve at the pleasure of, and at a sal-
ary fixed by, the council. The executive director shall carry out the policies and programs established by the council, shall employ, subject to council approval, such full-time and part-time staff and consultants as appropriate to carry out those policies and programs, and shall be in charge of the day-to-day operations of those policies and programs. The executive director may be empowered by the council to sign contracts, leases, and other agreements on its behalf.

(5) **POWERS OF THE COUNCIL.**—Within the limit of funds available to it and the conditions set forth in this act, the council shall have all legal powers necessary and appropriate to effectuate its purposes and duties as set forth in this act and as enumerated in the bylaws of the council. The council shall adopt at the earliest possible opportunity a set of bylaws enumerating its purposes, duties, powers, and rules of organization and operation, which bylaws shall not be inconsistent with, or exceed the provisions of, this act.

(6) **BONDS AUTHORIZED.**—

(a) Upon resolution of the county commission approving such authority, each county arts council created pursuant to this act shall have the power to issue, refund, or take any other action with respect to revenue bonds to finance or refinance a capital project as part I of chapter 159 authorizes, insofar as the provisions of part I of chapter 159 are applicable. For the purposes of this act, the term "unit," as defined in s. 159.02, shall be deemed to include any county fine arts council created pursuant to this act, and the term "governing body," as defined in s. 159.02, shall be deemed to include any county fine arts council created pursuant to this act.

(b) Bonds issued under the provisions of this act shall not constitute a debt of the county or any municipality therein or a pledge of the faith and credit of the county or any municipality therein, and a statement to that effect shall be recited on the face of the bonds. However, any county or municipality therein may, by express resolution, assume as its debt, or pledge its faith and credit as a guarantee of, the bonds of the county arts council if such bonds are issued to finance or refinance a capital project authorized by law and are approved by a vote of the electors.

(7) **COUNCIL MEETINGS; PUBLIC HEARINGS; COMMITTEES AND ADVISERS; REPORTS; RULES.**—

(a) The council shall meet at least quarterly pursuant to notice and at such times and places as the council shall determine. One-half of the council membership, plus one, shall comprise a quorum for the transaction of business at council meetings.

(b) The council shall hold at least one public hearing annually, pursuant to public notice specifying the date and place of hearing and the subjects to be considered, for the purposes of making the council's work known and investigating and assessing the needs and development of the arts in the county. Notwithstanding the publication of an agenda for the annual meeting, the specification of subjects shall not preclude consideration of any other subject pertinent to the above-stated purpose of the meeting if that other subject is raised by any county resident present at the meeting.

(c) The council may establish such working committees of council members as it deems appropriate to carry out its objectives, duties, and powers.

(d) The council may convene such advisory panels and may consult with such advisers and experts as it deems necessary and appropriate for carrying out its objectives, duties, and powers.

(e) The council shall formulate and publish rules setting forth the criteria pursuant to which its financial aid is given and such other rules regarding its activities as it deems appropriate.

(f) The county arts council may, from time to time and at any time, submit to the Florida Arts Council a report summarizing its activities and setting forth any recommendations it considers appropriate, including recommendations with respect to present or proposed legislation concerning state encouragement and support of the arts.

(8) **ACT FOR PUBLIC PURPOSE; EFFECT ON EXISTING COUNCILS.**—

(a) This act, being for public purpose and for the welfare of the citizens of Florida, shall be liberally construed to effect the purposes hereof.

(b) Nothing in this act shall affect the operation or structure of any existing arts council that provides service to any community or county and is so recognized by members of said community or county. Nonetheless, any existing council may be reorganized by resolution of the board of county commissioners into a public agency corporate and politic as provided in subsection (1); however, the council shall conform to the provisions of subsection (2) except as to number of appointed members. In such case, any and all prior enabling legislation pursuant to which said council was established shall be repealed and superseded by this act insofar as it is inconsistent with this act. Council members serving at the time of passage of the hereinbefore mentioned resolution may serve for the remaining portions of their terms. In the event that some council members are elected to their positions, those positions shall continue to be filled by election as they had been previously.

**History.**—ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, ch. 76-244; s. 1, ch. 77-174; s. 129, ch. 83-217; s. 14, ch. 90-267; s. 11, ch. 91-49; s. 158, ch. 95-148.

265.51 **Authority of Department of State to indemnify.**—The Department of State is authorized to make agreements to indemnify against loss or damage such items as may be eligible in accordance with the provisions of ss. 265.51–265.56, and on such terms and conditions as the department may prescribe, by rule, in order to achieve the purposes of ss. 265.51–265.56 and, consistent with such purposes, in order to protect the financial interest of this state.

**History.**—s. 1, ch. 81-231.

265.52 **Items eligible for indemnity agreements.**—

(1) The Department of State shall enter into an indemnity agreement under ss. 265.51–265.56 with respect to:

(a) Works of art, including tapestries, paintings, sculpture, folk art, graphics, and craft arts.

(b) Manuscripts, rare documents, books, and other printed or published materials.

(c) Other artifacts or objects.

(d) Photographs, motion pictures, or audio and video tape.
(2) Eligibility shall be based on the following criteria:
   (a) Items which are of public, educational, cultural, artistic, historical, or scientific significance.
   (b) Items which are not eligible for an indemnity agreement under the United States Arts and Artifacts
       Indemnity Act, 20 U.S.C. ss. 971 et seq., and regulations promulgated pursuant thereto.
   (c) Items having or constituting a portion of an exhibition having an aggregate fair market value of at least
       $1 million.
   (d) Items certified by the Department of State to be in conformity with the requirements of ss. 265.51–265.56.

(3) An indemnity agreement made under ss. 265.51–265.56 shall cover eligible items from the time the items
leave the premises of the lender or place previously designated in writing by the lender until the time such items
are returned to the premises of the lender or place previously designated in writing by the lender.

History.—s. 1, ch. 81-231.

265.53 Application for indemnity agreement.—
(1) Any nonprofit agency, institution, or government in the state wishing to obtain indemnification for eligible
items it proposes to borrow from a person, organization, institution, or government not in the state shall apply to
the Department of State in accordance with procedures, in the form, and in the manner prescribed by department
rules.

(2) The Department of Insurance shall determine whether applicants qualify for indemnity coverage under
ss. 265.51–265.56. Qualification criteria, which shall be set by rule, shall include factors such as:
   (a) Physical security of an applicant's exhibition facilities and of the means of transportation of the eligible
items from the borrower to the lender.
   (b) Experience and qualifications of an applicant's director, curator, registrar, or other staff.
   (c) Eligibility of an applicant's exhibition facilities for commercial insurance coverage of works of art displayed
there.
   (d) Availability of proper equipment to protect works of art from damage from extremes of temperature or
humidity or exposure to glare, dust, or corrosion.

The department may consult with such private insurance and art experts as reasonably necessary to carry out
the intent of this subsection.

(3) An application under subsection (1) shall:
   (a) Describe each item to be covered by the agreement and include an estimated value of such item.
   (b) Show evidence that the items are eligible under s. 265.52(1) and (2).
   (c) Set forth policies, procedures, techniques, and methods with respect to preparation for, and conduct of,
the exhibition of the items and any transportation related to such items to show compliance with the requirements
of subsection (2).
   (d) Upon receipt of an application under this section, the Department of State shall, if such application
conforms to the requirements of ss. 265.51–265.56, approve the application and enter into an indemnity agreement
with, and issue a certificate to, the lender of the eligible items, which shall constitute a contract among the
department, the lender, and the applicant whereby the department becomes liable under such agreement.

History.—s. 1, ch. 81-231.

265.54 Estimated values; limits of indemnity.—
(1) Upon receipt of an application meeting the requirements of ss. 265.53(1)–(3), the Department of
State, through a committee of experts designated by the Division of Cultural Affairs, shall review the validity
of the application, including the accuracy of the value of the items for which coverage by an indemnity agree-
ment is sought. The department may have the items appraised by an independent appraiser, with the cost
charged to the applicant. If the committee agrees with such estimated value, for the purposes of ss. 265.51–
265.56, the department shall, after approval of the application as provided in s. 265.53(4), make an indemnity
agreement.

(2) Covered indemnity claims shall be limited to $1 million for any one exhibition. Aggregate claims for loss
or damage covered by indemnity agreements under ss. 265.51–265.56 shall not exceed $3 million.

(3) Coverage under ss. 265.51–265.56 shall extend only to loss or damage in excess of the first $25,000 of
loss or damage resulting from a single exhibition.

History.—s. 1, ch. 81-231.

265.55 Claims.—
(1) The Division of Risk Management of the Department of Insurance may prescribe rules providing for
prompt adjustment of valid claims for losses which are covered by an indemnity agreement made pursuant to
the provisions of ss. 265.51–265.56, including rules providing for the employment of consultants and for the
arbitration of issues relating to the dollar value of damages involving less than total loss or destruction of such
covered objects.

(2) In the case of a claim of loss with respect to an item which is covered by an agreement made pursuant
to the provisions of ss. 265.51–265.56, the division shall certify the validity of the claim and authorize payment of
the amount of the loss, less any deductible portion, to the indemnitee.

(3) The authorization for payment delineated in subsection (2) shall be forwarded to the Comptroller. The
Comptroller shall take appropriate action to execute authorized payment of the claim from the Working Cap-
ital Fund, as defined in s. 215.32.

History.—s. 1, ch. 81-231.

265.56 Annual report to Legislature.—The Department of State shall report annually to the Legislature:
(1) The claims, if any, actually paid pursuant to ss. 265.51–265.56 during the preceding fiscal year.
(2) Pending claims under ss. 265.51–265.56 as of the close of that fiscal year.
(3) The aggregate face value of contracts entered into by the department which are outstanding at the
close of that fiscal year.

History.—s. 1, ch. 81-231.

265.601 Short title.—Sections 265.601–265.606 shall be known and may be cited as the "Fine Arts
Endowment Program of 1985."

History.—s. 1, ch. 85-152.
265.602 Legislative intent.—The Legislature recognizes the critical need for significant additional funding which is currently being experienced by local fine arts organizations in this state. Furthermore, the Legislature recognizes that this supplemental funding should be available on a recurring basis, and should be primarily utilized for the day-to-day expenses incurred by fine arts groups. It is, therefore, the intent of the Legislature to create an endowment matching fund program which will guarantee sufficient operating resources for those organizations which participate.

History.—s. 2, ch. 86-152.

265.603 Definitions.—The following terms and phrases when used in ss. 265.601–265.606 shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Department" means the Department of State.

2. "Division" means the Division of Cultural Affairs of the Department of State.

3. "Fine arts" means artistic disciplines as defined by rule by the Department of State.

4. "Secretary" means the Secretary of State.

5. "Sponsoring organization" means a fine arts organization which:

a. Is designated as not for profit pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of 1954;

b. Is described in, and allowed to receive contributions pursuant to, the provisions of s. 170 of the Internal Revenue Code of 1954;

c. Is a corporation not for profit incorporated pursuant to chapter 617; and

d. Is primarily and directly responsible for conducting, creating, producing, presenting, staging, or sponsoring a fine arts exhibit, performance, or event. This provision includes museums owned and operated by political subdivisions of the state, except those constituted pursuant to s. 240.317.

History.—s. 3, ch. 85-152; s. 1, ch. 90-263; s. 1, ch. 91-132.

265.605 Fine Arts Endowment Trust Fund; creation; administration; rulemaking.—

1. There is hereby created within the department the Fine Arts Endowment Trust Fund which shall consist of moneys appropriated by the Legislature, moneys specifically contributed from other public or private sources, and interest earned from the investment of moneys in this fund.

2. (a) The fund shall be administered by the department. However, only the secretary is empowered to authorize the transfer of moneys in the trust fund to sponsoring organizations which have qualified for receipt of state matching funds pursuant to s. 265.606.

b. The department shall adopt any rules necessary to implement the provisions of this act.

(c) Information which, if released, would identify donors and amounts contributed by donors to the trust fund, or to the local organization’s matching fund, is, at the request of the donor, confidential and exempt from the provisions of s. 119.07(1). Information which, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when the department or the local organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

History.—s. 4, ch. 85-152; s. 6, ch. 86-169; s. 4, ch. 88-255; s. 3, ch. 89-55; s. 30, ch. 90-360; s. 2, ch. 91-192; s. 4, ch. 92-77.

265.606 Fine Arts Endowment Program; administration; qualifying criteria; matching fund program levels; distribution.—

1. As long as sufficient unencumbered moneys exist in the Fine Arts Endowment Trust Fund, any sponsoring organization shall be eligible to apply for the award of matching fund endowments from available funds. To be eligible for receipt of state matching funds, the local sponsoring organization shall meet all of the following criteria:

a. Establish a fine arts endowment program fund or funds, which it shall administer and invest.

b. Deposit into the appropriate program fund account the required matching funds which have been collected from new public and private donations and gifts having a total annual value or income-generating capability of at least $360,000 for each individual endowment. Income from gifts of real property or tangible personal property which will not be converted to cash shall be earmarked for the program fund by appropriate legal instruments.

c. Be designated a fine arts sponsoring organization by the department, if recommended by the Florida Arts Council to the Secretary of State pursuant to the procedures contained in s. 265.285.

2. Contributions to the sponsoring organization for which state matching funds may be received shall include cash, negotiable securities, or gifts of similar liquidity; any irrevocable instrument in the estate of a donor or any irrevocable trust agreement; or any real property or tangible personal property. Real or tangible personal property shall be valued at its current assessed value or replacement cost. However, gifts of real or tangible personal property shall be converted to cash or negotiable securities prior to release of state matching funds if such property does not generate sufficient annual income for endowment purposes.

3. Each individual endowment in this program shall have a total value of $600,000 of which $360,000 shall be raised by the sponsoring organization with the remaining $240,000 in matching funds being contributed by the state from the Fine Arts Endowment Trust Fund. A sponsoring organization that receives a matching fund endowment is eligible to apply for additional matching fund endowments; however, additional endowments shall not be awarded to a sponsoring organization more frequently than once every 36 months. Application for and award of each matching fund endowment must comply with the requirements of this act.
section, including the matching fund requirements. A sponsoring organization may establish an endowment program fund for each endowment, or may combine two or more endowments in one program fund.

(4) Once the secretary has determined that the sponsoring organization has complied with the criteria imposed by this section, he or she may authorize the transfer of the appropriate state matching funds from the Fine Arts Endowment Trust Fund to the fine arts endowment program fund designated by the organization. However, the secretary shall ensure that the local group has made prudent arrangements for the trusteeship of the entire endowment, and such trusteeship is hereby created. The sponsoring organization may then expend moneys in the endowment program fund, subject to the following requirements:

(a) The organization may only expend funds for operating costs incurred while engaged in programs directly related to fine arts activities.

(b) The organization shall annually submit a report to the division, in such form as the division specifies, explaining how endowment program funds were utilized.

(c) The organization shall not allow the balance for each individual endowment in an endowment program fund to fall below $600,000 as of January 1 of any calendar year.

(5) The $240,000 state matching fund endowment for each individual endowment shall revert to the Fine Arts Endowment Trust Fund if any of the following events occurs:

(a) The recipient sponsoring organization ceases operations.

(b) The recipient sponsoring organization files for protection under federal bankruptcy provisions.

(c) The recipient sponsoring organization willfully expends a portion of the $600,000 endowment principal of any individual endowment.

(6)(a) Preservation of the $600,000 capital value of each endowment shall be the primary investment constraint upon the trustee.

(b) The investment objectives of the trustee are to preserve the principal amount of each endowment while maximizing current income through the use of investment-quality fixed income instruments. The minimum net cost value of $600,000 for each individual endowment in a local fine arts endowment program fund shall be maintained at all times.

History.—s. 6, ch. 85-152; s. 4, ch. 86-169; s. 76, ch. 87-224; ss. 13, 15, ch. 90-267, s. 3, ch. 91-132; s. 5, ch. 91-425; s. 157, ch. 95-148.

265.607 Local fine arts sponsoring organization; annual postaudit.—Each local fine arts sponsoring organization receiving an endowment pursuant to this act shall cause an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be adopted by the department. The annual audit shall be submitted to the Auditor General and the department for review. The Auditor General and the department are each authorized to require and receive from the fine arts organization or from its independent auditor, any detail or supplemental data relative to the operation of such organization.

History.—s. 8, ch. 86-152.

265.608 Science Museum Trust Fund; grants.—

(1) There is hereby created a Science Museum Trust Fund to be administered by the Department of State.

(2)(a) The Division of Cultural Affairs of the Department of State is authorized to grant moneys from the trust fund, including matching grants to science museums recommended by the Florida Arts Council and approved by the Secretary of State. The division shall, by rule, establish criteria for awarding grants including criteria based upon the quality of the proposed grant recipient, the potential public exposure and public benefit of the exhibits of the proposed grant recipient, and the ability of the proposed grant recipient to properly administer grant funds and any other criteria the division determines are necessary and appropriate to further the purposes of this act. The division shall grant moneys from the trust fund in accordance with state law.

(b) For purposes of this section, the term “science museum” means a public or private nonprofit institution located in this state operating on a permanent basis for the primary purpose of sponsoring, producing, and exhibiting programs for the observation and study of various types of natural science and science technology.

(c) A science museum must be open to the public, have a full-time staff, be a not-for-profit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, and be incorporated pursuant to chapter 617 or administered as a part of local or state government in order to receive a grant from the fund.

(d) The Secretary of State may appoint review panels representing various disciplines to assist the Florida Arts Council in the grant review process contemplated by this section. The term of office of each review panel member shall be 1 year. The membership of each panel shall include persons actively involved in the specific discipline for which the respective panel is to review grants. Members of the panels shall not receive any compensation for their services, but shall be reimbursed for travel and expenses incurred in the performance of their duties, as provided in s. 112.061. The panels shall review grant applications and make recommendations to the council concerning the relative merits of the applicants. The division shall by rule establish criteria for reviewing grant applications to ensure compliance with applicable state laws relating to nondiscrimination and prohibited conflicts of interest.

(e) The division may grant moneys quarterly from the trust fund to science museums in advance of an exhibit or program for which the moneys are granted, pursuant to a grant agreement or a contract. Before the end of the contract period, the grant recipient shall file with the division a complete accounting of all moneys received from the trust fund. The division may adopt rules requiring a postaudit of such accounting to be conducted by an independent certified public accountant.

History.—s. 1, ch. 89-339; ss. 10, 13, ch. 90-267; s. 5, ch. 91-429.

265.609 Youth and Children's Museum Trust Fund; grants.—

(1) There is hereby created a Youth and Children’s Museum Trust Fund to be administered by the Department of State.
(2)(a) The Division of Cultural Affairs of the Department of State is authorized to grant moneys from the trust fund, including matching grants, to youth and children's museums recommended by the Florida Arts Council and approved by the Secretary of State. The division shall, by rule, establish criteria for awarding grants, including criteria based upon the quality of the proposed grant recipient, the potential public exposure and public benefit of the exhibits of the proposed grant recipient, and the ability of the proposed grant recipient to properly administer grant funds, and any other criteria the division determines are necessary and appropriate to further the purposes of this section. The division shall grant moneys from the trust fund in accordance with state law.

(b) For purposes of this section, the term "youth and children’s museum" means a public or private nonprofit institution located in this state operating on a permanent basis for the primary purpose of sponsoring, producing, and exhibiting multidisciplinary, participatory programs oriented toward visitors ages 6 months through 15 years, and their families, teachers, and caregivers.

(c) A youth and children's museum shall be open to the public, have a full-time staff, be an organization not for profit pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, and be incorporated pursuant to chapter 617 or administered as a part of local or state government in order to receive a grant from the fund.

(d) The secretary may appoint review panels representing various disciplines to assist the Florida Arts Council in the grant review process. Review panel members shall serve for 1-year terms. Each panel shall include persons actively involved in the specific discipline for which the panel is to review grants. The panels shall review grant applications and make recommendations to the council concerning the relative merits of the applicants. The division shall, by rule, establish criteria for reviewing grant applications to ensure compliance with applicable state laws relating to discrimination and conflicts of interest.

(e) The division may grant moneys quarterly from the trust fund to youth and children's museums in advance of an exhibit or program for which the moneys are granted, pursuant to a grant agreement or a contract. Before the end of the contract period, the grant recipient shall file with the division a complete accounting of all moneys received from the trust fund. The division may adopt rules requiring a postaudit of such accounting to be conducted by an independent certified public accountant.

History.—ss. 16, 17, ch. 90-267; s. 25, ch. 91-201; s. 5, ch. 91-429; s. 31, ch. 95-242.

265.701 Cultural facilities; grants for acquisition, renovation, or construction; funding; approval; allocation.—

(1) The Division of Cultural Affairs may 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.

(2) A county, municipality, or qualified corporation may apply for a grant of state funds for the acquisition, renovation, or construction of a cultural facility. For the purposes of this section, a "qualified corporation" is a corporation which is designated a not-for-profit corporation pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of 1954, and which is described in, and allowed to receive contributions pursuant to the provisions of, s. 170 of the Internal Revenue Code of 1954, and which is a corporation not for profit incorporated pursuant to chapter 617. The state grant must be matched by a contribution from the county, municipality, or nonprofit corporation in an amount to be determined by the Department of State.

(3) The Florida Arts Council shall review each application for a grant to acquire, renovate, or construct a cultural facility which is submitted pursuant to subsection (2) and shall submit annually to the Secretary of State for approval lists of all applications that are recommended by the council for the award of grants, arranged in order of priority. The division may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature. Projects approved and recommended by the Secretary of State which are not funded by the Legislature shall be retained on the project list for the following grant cycle only. All projects that are retained shall be required to submit such information as may be required by the department as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.

(4) The Division of Cultural Affairs shall adopt rules prescribing the criteria to be applied by the Florida Arts Council in recommending applications for the award of grants and rules providing for the administration of the other provisions of this section.

History.—s. 7, ch. 88-137; ss. 11, 13, ch. 90-267; s. 5, ch. 91-429.