

1989

Session Law 89-359

Florida Senate & House of Representatives

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**S 654 GENERAL BILL/CS/1ST ENG by Governmental Operations;
Johnson and others (Similar CS/H 527, H 1660, CS/CS/S 649)**
**Ringling Art Museum/Trustees; increases membership of board of trustees of
John & Mable Ringling Museum of Art; revises membership requirements of
board; creates Science Museum T.F.; authorizes Cultural Affairs Div. of Dept. of
State to provide grants from fund to science museums; adds to list of State Major
Cultural Institution Program; specifies criteria for receipt of grants; provides for
approval of grant applications by Secretary of State, etc. Amends F.S.; repeals
617.015. Effective Date: 07/06/89.**

03/24/89 SENATE Prefiled
04/07/89 SENATE Introduced, referred to Governmental Operations -SJ 101
04/14/89 SENATE Extension of time granted Committee Governmental Oper-
ations
04/19/89 SENATE On Committee agenda—Governmental Operations,
04/26/89, 8:30 am, Room-H-(428)
04/26/89 SENATE Comm. Report: CS by Governmental Operations, placed on
Calendar -SJ 212
04/27/89 SENATE CS read first time -SJ 225
05/16/89 SENATE Placed on Consent Calendar -SJ 354; CS passed; YEAS 39
NAYS 0 -SJ 373
05/18/89 HOUSE In Messages
06/02/89 HOUSE Received, placed on Calendar -HJ 1124; Read second time;
Amendments adopted; Read third time; CS passed as
amended; YEAS 115 NAYS 0 -HJ 1127
06/02/89 SENATE In Messages; Was taken up -SJ 915; Concurred; CS passed
as amended; YEAS 33 NAYS 0 -SJ 917; Motion to recon-
sider over under Rule -SJ 919; Reconsidered; CS passed as
amended; YEAS 33 NAYS 0 -SJ 1213
06/02/89 Ordered engrossed, then enrolled -SJ 1213
06/20/89 Signed by Officers and presented to Governor
07/06/89 Became Law without Governor's Signature; Chapter No.
89-359

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: _____

BILL NO. CS/SB 654

DATE: April 26, 1989

Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Hosack <i>mh</i></u>	<u>Stengle <i>pas</i></u>	1. <u>GO</u>	<u>Fav/CS</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Ringling Museum of Art;
Direct-Support Organization

BILL NO. AND SPONSOR:

CS/SB 654 by Governmental
Operations and Senator Johnson

I. SUMMARY:

A. Present Situation:

Section 265.26, F.S., 1988 Supp., designates the John and Mable Ringling Museum of Art as the official art museum of the state, and provides for the management of the museum by a board of trustees. The museum was donated to the state in 1936. Its art collection is the largest collection of 17th and 18th century baroque paintings in the United States. The statutory purpose of the museum is to acquire and preserve objects of art, to provide museum services to communities throughout the state, and to engage in national and international programs to enhance the cultural resources of Florida. The museum consists of an art collection, valued in excess of \$200 million, and the grounds, valued at approximately \$15 million.

The Board of Trustees of the John and Mable Ringling Museum of Art is assigned to the Department of State; however, as specified by law, the board has "complete jurisdiction over the management of the museum . . ." The board of trustees consists of nine members who are appointed by the Governor and confirmed by the Senate, to serve for staggered 4-year terms. Four of the members must be residents of Sarasota County or Manatee County, five must be from five different counties of the state, and all of the members must have been residents and citizens of the state for at least 10 years. The members of the board are not compensated but are entitled to per diem and travel expenses incurred in fulfilling their official duties. The board employs a full-time staff of 99 employees, whose salaries are funded by state appropriation.

The Board of Trustees of the John and Mable Ringling Museum of Art is a state entity, and therefore is generally subject to the state procedures and regulations pertaining to state agencies. The board is exempt from the competitive bidding requirements of s. 287.062, F.S., for the restoration or purchase of art objects, as well as the surplus property provisions of ch. 273, F.S., for the sale or trade of any object of art which has been acquired since 1936.

In 1977, the Legislature granted the John and Mable Ringling Museum of Art the authority to create a direct-support organization. The organization, as specified in s. 265.261, F.S., 1988 Supp., is a corporation not for profit incorporated under ch. 617, F.S., organized and operated to raise funds, submit requests and receive grants, hold, invest, and administer property, and to make expenditures for the benefit of the museum. The direct-support organization must be approved by the board of trustees to be operating on behalf of the museum, and may be authorized to use property, facilities, and personal services of the board, which include both personnel and payroll processing.

The direct-support organization is required to submit annually an audit report conducted by an independent certified public accountant to the board of trustees and to the Auditor General. Other than the audit report, all records of the direct-support organization are exempt from provisions requiring public access to records under ch. 119, F.S., the Public Records Law. Unlike the board of trustees, the direct-support organization is not subject to laws and regulations which generally govern state agencies, such as those which prescribe budget processes, personnel policies, and state audits.

Section 265.26, F.S., 1988 Supp., specifies that the funds held by the direct-support organization are to be kept in a separate trust fund. Such funds do not include those received from admission or rental fees, or funds received from museum programs. A trust agreement must provide that funds held in trust by the direct-support organization revert to the board in the event the agreement is terminated. The direct-support organization must submit its annual budget to the board of trustees for approval.

The direct-support organization of the museum is the John and Mable Ringling Museum of Art Inc. Although not required by law, in accordance with an annual agreement, the Board of Trustees of the John and Mable Ringling Museum of Art serves as the governing board of the direct-support organization.

B. Effect of Proposed Changes:

Section 265.26, F.S., 1988 Supp., would be amended to expand the membership of the Board of Trustees of the John and Mable Ringling Museum of Art to eleven members, rather than the current nine members. Five members, rather than the current four members, would be required to be residents of Sarasota County or Manatee County, and at least two members would be mandated to be from each of those counties. Six members, rather than the current five members, would be required to represent six different counties in the state, selected on a geographical basis. The requirement that members be residents of the state would be reduced from a 10-year residency requirement to a 3-year residency requirement. All appointments would continue to be made by the Governor and confirmed by the Senate.

The board of trustees would be directed to appoint a council to advise and assist the board of trustees in developing nonstate support, in the form of private contributions, and grants from private foundations, corporations, and federal agencies. The council would be composed of from five to nine members who would serve for 4-year staggered terms. The board of trustees would set policies for the operation and organization of the council. All funds raised through the activities of the council would be deposited with the direct-support organization for the exclusive benefit of the museum and its programs.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

It is estimated that minimal costs associated with the travel expenses and per diem of the two additional members of the board of trustees would be incurred.

III. COMMENTS:

The public records exemption currently provided to the direct-support organization in s. 265.26, F.S., 1988 Supp., was reviewed

by the Committee on Governmental Operations pursuant to the Open Government Sunset Review Act. The language in the bill which pertains to exempting certain records of the direct-support organization from the public access requirements of ch. 119, F.S., is identical to the language contained in SB 278, which resulted from the committee's review.

The findings of a review by the Committee on Governmental Operations indicate that the direct-support organization is subject to the sunshine provisions contained in ch. 286.011, F.S., the Public Meetings Law. Thus, the advisory council which would be established in this bill would be required to conduct its activities in the sunshine.

IV. AMENDMENTS:

None.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 654

Deletes provisions directing the board of trustees to appoint an advisory board of five members to advise on matters pertaining to the direct-support organization. Removes requirements and duties pertaining to the advisory board.

Directs the board of trustees to appoint a council of from five to nine members to assist the board in developing nonstate support. Requires all monies raised through the activities of the council to be deposited with the direct-support organization and used exclusively for the museum and its programs.

Reorganizes certain provisions relating to the direct-support organization.

Committee on Governmental Operations


Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)