

# Art in State Buildings

## Program Handbook for State Agencies

Florida Department of State, Division of Cultural Affairs

Florida Council on Arts and Culture

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## Handbook

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HANDBOOK

## Welcome

This Handbook sets out the required process for acquiring artworks for your new state building through the Art in State Buildings ("ASB") Program. The Department of State, Division of Cultural Affairs ("Division") has established the procedures and reporting requirements contained in this Handbook, which must be followed by your agency. This Handbook is incorporated in, and therefore part of Rule 1T-1.033, Florida Administrative Code, section entitled "Art in State Buildings Program."

## About the Program

The Art in State Buildings Program ("ASB") was established in 1979 by the Florida Legislature. ASB requires that each appropriation for the original construction of a state building which provides public access shall include an amount of up to 0.5 percent of the total appropriation for the construction of the building, not to exceed \$100,000, to be used for acquiring artwork for permanent display in public areas in the interior or on the grounds or the exterior of the building. See [section 255.043, Florida Statutes](#), "Art in State Buildings."

The ASB Program applies only to buildings that provide "public access." Those facilities that the public does not normally visit are not eligible for the program (such as maintenance sheds, laboratories, secure areas or prisons). Artwork acquired through the Program is displayed only in those areas that the visiting public may view and enjoy and is not intended for private offices or employee-only areas.

The artworks within the state buildings that have participated in the ASB Program create a permanent art collection of great variety that is owned by the citizens of Florida. These works, both interior and exterior, grace the many different buildings that are used by state agencies and state universities throughout our state. Art and design are vital to construction projects - we can be proud that Florida law recognizes the value and benefits of providing public art.

## Overview of the Selection Process

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The head of each agency that receives appropriations to construct new buildings with public access ("User Agency") shall designate a person to serve as the Art in State Buildings ("ASB") Administrator for all of the agency's eligible building projects, using the [ASB Administrator Designation Form](#) (pdf). Notifications of new eligible building projects shall be sent by the agency to the agency's ASB Administrator and to the Florida Arts Council in care of the Division of Cultural Affairs using the [Construction Appropriation Notification Form](#) (pdf) The ASB Administrator shall oversee and administer the ASB selection process, which includes the following:

- Assemble the local Art Selection Committees;
- Advise on artists, artwork media and maintenance;
- Advertise projects for artist submissions;
- Notice and conduct the review meetings;
- Notify the selected and unselected artists;
- Report the results to the Division;
- Serve as a liaison to artists during fabrication and installation of the artworks; and
- Notify the Division of project completions.

## Local Art Selection Committee

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The Art in State Buildings Program utilizes an open, transparent and community-based selection process. The local Art Selection Committee is at the heart of that process and is organized by the ASB Administrator. The Committee members represent a variety of stakeholders, including representatives from the local community.

The Committee is responsible for determining the site(s) for placement of artwork, reviewing submitted images of artwork, reviewing presentations and proposals, and making selections of artwork for the new facility. The Committee shall select artworks of high quality that are appropriate to the site and the nature of the agency, and address issues of safety, permanence, maintenance, and value.

Each Committee position shall be represented by a separate individual. Exceptions: in State University System projects, the User Agency Representative may also serve as the ASB Administrator. Also, more than one person may represent the employees of the User Agency as Co-Occupant Representatives.

A majority of Committee members must be present in order to hold a meeting and vote. Each voting Committee position shall have one vote, and the persons holding those positions must be present in order to vote. Committee members who are unable to attend shall send a person with comparable qualifications to replace them for that meeting. The number of required Committee members varies, as explained below.

## Committee Members

The amount of a project's art allocation determines the number of Art Selection Committee members. Agencies with project art allocations of less than \$10,000 are not required to use the art selection process in this Handbook but may instead purchase artwork with the advice of the ASB Administrator and other design professionals associated with the project.

For an allocation of **\$10,000 - \$30,000**, the Committee shall include:

- 1 ASB Administrator - non-voting
- 1 Project Director - non-voting
- 1 User Agency Representative - voting
- 1 Occupant Representative - voting
- 1 Visual Arts Representative - voting

For an allocation of **\$30,001 - \$100,000**, the Committee shall include:

- 1 ASB Administrator - non-voting
- 1 Project Director - non-voting
- 1 User Agency Representative - voting
- 1 Occupant Representative - voting
- 1 Architect - voting
- 2 Visual Arts Representative - voting

Up to five (5) non-voting members may be added to a Local Art Selection Committee to provide additional technical or advisory expertise. When the Department of Management Services builds a new facility and leases it to one or more other state agencies, the DMS agency head may appoint a voting member to the Art Selection Committee.

Committee members shall be ineligible to submit their own artworks for consideration. Members must abide by section 112.3143, *Florida Statutes*, entitled "Voting Conflicts" if they have any interest in those matters on which they are asked to vote.

## Committee Position Descriptions

#### **User Agency Representative - VOTING**

The User Agency head, or his/her designee, shall be responsible for bringing the aesthetic, safety, maintenance or other concerns of the user agency to the Committee. This member may serve for one or more ASB projects and shall be designated using the [User Agency Representative Designation Form](#) (pdf).

#### **Occupant Representative - VOTING**

This member shall be an employee designated by the User Agency Representative, to represent the staff of the new facility and shall be responsible for conveying the opinions of other employees to the Committee. In turn, this individual shall describe the Committee's deliberations to fellow employees. At the discretion of the agency head, multiple employees may serve as Co-Occupant Representatives. However, the position shall only have one vote.

#### **Architect - VOTING**

This member is the professional who designed the new facility (or his/her designee) who shall present blueprints and/or a model of the facility, and shall discuss site placement, construction materials, lighting, dimensions, and aesthetic concerns with the Committee.

#### **Visual Arts Representative - VOTING**

This member shall be a local community visual arts expert who shall suggest media and potential sites for artwork, recommend specific artists to be solicited, and utilize his/her professional arts background to assist the Committee in judging the artistic quality of the artists' images, presentations, and proposals. The ASB Administrator may request the assistance of Local Arts Agencies in choosing appropriate community visual art experts to serve in this position.

#### **Project Director - NON-VOTING**

This member shall be the person in charge of the construction project for the user agency or its designee. The Project Director shall advise the Committee on matters regarding scheduling, purchase orders, contracts with artists, and installation of the artwork. State agency construction architects or university facilities directors, or their designees, may serve as the Project Director.

#### **ASB Administrator - NON-VOTING**

This member shall be the primary facilitator of the ASB process who, utilizing public art expertise and training, leads the Committee through facility evaluation, artist search, decision-making, and final selection of artist(s) and artwork(s).

## **Artwork Selection Process**

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The artwork selection process may begin as soon as the budget has been signed by the Governor and the agency receives authorization for Legislatively-appropriated funds for the new building. This will ensure that the selected artist(s) and members of the design team, such as the architect, have enough time to collaborate. The process begins with the agency's submission of the project's [Construction Appropriation Notification Form](#) (pdf) to the ASB Administrator and to the Florida Arts Council via the Division.

The selection process shall reflect the national standards and best practices of the public art field. For example:

- Committees shall be comprised of state agency staff, professional designers, and local community stakeholders.
- Meetings shall be open to the public.

- Projects shall be widely advertised to attract the best artists.
- The first artist review shall be held as a "blind review" to ensure fairness.

## Art Selection Committee Meetings

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For each project, the Art Selection Committee shall meet from one (1) to three (3) times, or more, to select artists and/or artwork. Depending on the amount of the project's art budget, the Art Selection Process may be condensed.

Projects with art allocations under \$10,000 may form a committee and utilize the selection process, they may condense the selection process to one meeting or they may save selection process time by purchasing existing artwork with the advice of the ASB Administrator and other design professionals associated with the project. Committees for projects with art allocations of \$10,000 to \$30,000 may elect to hold their first meeting via conference call.

The meetings of the Art Selection Committee shall be public meetings appropriately noticed by the ASB Administrator in accordance with Florida's "Government in the Sunshine Law" (see section 286.011, *Florida Statutes*).

## Orientation Meeting

At the initial Orientation Meeting, the members of the Local Art Selection Committee shall:

- Hear an overview of the Florida Art in State Buildings Program and its procedures;
- Review recent statewide and national developments in public art;
- Review the new project facility and its construction schedule;
- Discuss potential artwork sites and possible media and themes;
- Determine the deadline for artist entries; and
- Schedule the Image Review Meeting, if possible.

The ASB Administrator shall complete the first page of the Committee Meetings Report within 14 days after the meeting and maintain it for the agency's records.

## Methods of Solicitation

The Committee shall solicit artist entries via Invitation or Open Competition.

### **Invitational**

Based on consultation with the Visual Arts Representative(s), the Committee shall recommend artists to be contacted by the ASB Program Administrator and invited to submit images of their work for the Committee's review.

### **Open Competition**

To solicit artists via Open Competition, the Committee shall disseminate information about the project using various artist mailing lists which may include the Division's public art mailing list. The project may be advertised locally, statewide, regionally, nationally or internationally.

## Artist Criteria

Artists shall meet at least two (2) of the following criteria to have their submissions presented to the Art Selection Committee. This ensures that artists have achieved a level of expertise and recognition in their profession. The ASB Administrator shall review all submissions and notify any artists that do not meet the required criteria.

- The artist has completed other public commissions on a similar scale.
- The artist has received awards, grants, or fellowships.
- The artist's works are included in public, private, corporate, or museum collections.
- The artist has participated in exhibitions at major museums or galleries.

## Artist Submission Requirements

In addition to meeting the foregoing criteria, each artist shall submit the following.

1. A **brief letter of interest** describing why his/her artwork is appropriate for the project and how the submitted images relate to the project requirements. Artwork that does not meet the project specifications shall not be considered; for example, when an artist submits images of sculpture when images of paintings were requested. Artists may also briefly describe their history, training, and experience.
2. **Current professional resume**, with emphasis on public art experience.
3. **Ten (10) to 20 digital images of artworks** .
4. The **Image Identification Sheet**, which shall describe the submitted images, and be clearly labeled with the project number, project name, artist name, artist address, artist phone number, and artist email. For each image, the artist shall include a thumbnail of image, image number, title of work, date of work, medium of work, dimensions of work, price of work or amount of commission, and indication of artwork's availability for purchase (if applicable). For images of commissioned work, the artist may include a brief description or explanation.

Artists shall comply with these specific instructions in regard to their submissions. If the Committee receives an incorrect or incomplete submission, the ASB Administrator shall contact the artist and explain the issue. Artists shall be allowed to resubmit correctly, if this can be done in a reasonable time before the Image Review Meeting.

## Image Review Meeting

At this meeting, the members of the Arts Selection Committee shall:

- Review the project facility and its construction schedule;
- Conduct a brief "blind review" of all entries;
- Review entries again with discussion (and repeat as necessary);
- Select artwork and/or finalists;
- Record implementation expenses, if applicable;
- Select the finalist review method (Presentations or Proposals). The method selected must be the same for all finalists; and
- Schedule the Finalist Review Meeting, if possible.

## Image Review Procedures

### Preliminary Blind Review

The Committee shall complete a preliminary blind review of a representative sample of images to get an overall sense of all the submissions. Artists shall remain anonymous and referred to by number only. No discussion shall occur at this point. The Committee may take brief notes.

### Second Blind Review

The Committee shall complete a second blind review of the images based solely on demonstrated artistic excellence as determined by each Committee member in consultation with the visual art representative(s). Artists shall remain anonymous. Information regarding medium and scale shall be given. Other information may be discussed. The following elements shall be considered in the determination of artistic excellence and shall serve as a guide for consideration and discussion.

- Use of design: the visual composition of the artist's work.
- Composition: the arrangement of the artistic parts for a unified whole in the artist's work.
- Originality: whether the artist's work is fresh, creative and not copied.
- Craftsmanship: whether the artist's work displays skill, proficiency and expertness in technique.
- Thematic content: whether the artist's work embodies or expands upon ideas, perceptions or points of view.
- Materials: whether the materials are appropriate to concept and to permanence for conservation purposes.

### Third Review

The Committee shall discuss those artists who have been identified for further consideration; resumes may be reviewed. After consultation with the Visual Art Representative(s), the Committee shall eliminate those artists that do not meet the criteria for artist submissions, in that they do not possess adequate training or experience for the project.

The Committee shall proceed through as many rounds of review, discussion and elimination as necessary, to decide upon artwork(s) to purchase and/or 1 to 4 finalists from whom to request Proposals or Presentations.

## Artwork/Finalist Selection

After the images have been reviewed, the Committee shall decide to:

- Purchase existing works of art; or
- Select up to 4 finalists for Presentations or site-specific Proposals; or
- Purchase existing work **and** select finalists.

## Purchase of Existing Pieces

For each piece selected for purchase, the artist shall supply:

- A complete description including title, dimensions, medium and method of construction, and year completed; and

- Publication quality, high-resolution image(s) of the selected work(s). Sculptural work shall be documented with overall views, detail views, and in-context views.

## Finalist Review Methods

The Committee shall select one (1) of the two (2) following methods to review finalists. All finalists shall be reviewed using the same method, either Presentation or Proposal.

### Artist Presentations

This method allows the Committee to take a closer look at the background, previous works, and artwork style of each finalist, i.e., the Committee reviews/selects the artist rather than the artwork. Finalist Presentations may be scheduled within two (2) to six (6) weeks of the Image Review Meeting, at the convenience of the Committee and the finalists. The Committee shall work with the selected artist(s) to develop a proposal and then choose the actual artwork for the site.

### Site-specific Proposals

With this method each finalist shall present what he/she proposes to do with the site. This method reviews/selects the proposed artwork, rather the artist. Finalists shall be provided with sufficient information about the facility and its design, materials and construction to assist with the creation of their proposals. All finalists shall be given the same information and encouraged to confer with the Committee in the development of their proposals. Proposals shall be presented to the Committee no less than eight (8) weeks after the Image Review Meeting. During and after the Finalist Review Meeting, the Committee shall work with the selected artist(s) to finalize and implement the chosen artworks.

## Submission Requirements for Finalists

All finalists shall submit the following items to be presented to the Committee in the Finalist Review Meeting:

- A signed [Artist's Declaration Form](#);
- An invoice for the presentation or proposal fee in the amount determined by the Committee; and
- A current professional resume that includes a complete description and price of the last three (3) works commissioned or purchased from the artist for comparison by the Committee.

For **Artist Presentations**, the artist shall include:

- A written history of public art projects with which he/she has been involved;
- Details on project budgets, commission circumstances, construction timelines, visual documentation of the finished work, and references for three (3) of the projects; and
- A written statement describing how the artist's general style of work would relate to the current project.

For **Site-Specific Proposals**, the artist shall include:

- Model, scale drawing or digital depiction of the proposed artwork(s);
- Written description of the work, its thematic content and its intended relationship to the facility;

- Dimensions, medium, and method of construction;
- Anticipated time required to complete and install the work; and
- Detailed budget which shall provide for publication quality photo-documentation of completed works, including high resolution digital images of the entire work plus relevant detail views. Sculptural work should be documented with overall views, detail views, and in-context views.

The Art Selection Committee may also supply additional instructions for the finalists, such as specifications for media, dimensions or themes.

## Implementation Expenses

A portion of the project's art allocation may be set aside for implementation expenses related to the acquisition of artwork. Examples of allowable expenditures include but are not limited to: advertising the project, publicity documents, educational materials, fees for artist presentations or the commissioning of site-specific proposals, signage, selection process administration, and any installation costs that are not the responsibility of the artist. The amount set aside for implementation expenses may be no more than 20% of the project's art allocation and, of this amount, no more than 15% of the project's art allocation may be used for selection process administration. This may include contracting with an outside source to administer the selection process. Implementation Expenses shall be reported on the Committee Meetings Report.

## Finalist Review Meeting

At this meeting, the Committee shall:

- Review representative images, resumes, and references for each finalist;
- Review a proposal or presentation from each finalist; and
- Make final artist or artwork(s) selections.

Before the Proposals or the Presentations, the Committee shall review representative images of the finalists' artwork and their resumes. Each finalist shall be given the same amount of time to present his/her Proposal for artwork or to make a Presentation of their qualifications. This time shall include a question and answer period for the Committee. If a finalist presenting a proposal is unable to attend the meeting in person, the ASB Administrator may present his/her proposal; however, the finalist must be available to answer Committee questions (by phone, facsimile, email, etc.). After all Presentations or Proposals, the Committee shall attempt to reach a consensus decision through a thorough discussion of the artist(s) and/or artworks.

If a consensus cannot be reached, a vote shall be taken, with the majority carrying the decision. Each voting Committee position shall have one vote and all Committee members must be present in order to vote. Voting members who are unable to attend should send a qualified substitute, if possible.

## Finalist Review Guide

The Presentations or Proposals shall be reviewed, considered, and discussed by the Committee, based on the following criteria:

- Has the artist completed other public commissions on a similar scale and, if so, were they part of a government program?

- Did the references supplied by the artist substantiate that he/she is qualified and appropriate for the project?
- Have all the required materials been submitted?
- Has the artist addressed any specific Committee concerns, such as specifications for media or dimensions?
- Does the proposed artwork relate to the site?
- If the work is site-specific, does it provide for collaboration between the artist and the architect to promote the integration of the artwork and the site?

After the artwork is selected, the ASB Administrator shall complete the Selection Detail Form, which provides the artist's name, address, telephone, and email, as well as a complete description of the selected artwork(s) and purchase price and/or commission amount.

The User Agency Representative may veto any selection made by the Committee. All Committee selections shall be approved by the signature of the User Agency Representative and the Project Director on the Committee Meetings Report. If no artists are selected, the art selection process shall start over from the beginning.

## Project Completion

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Upon completion of the Selection Process, the ASB Administrator shall:

- Complete the required forms; and
- Assemble forms and images of the artwork into a record of the selection process.

The User Agency shall:

- Issue a purchase order for purchased works and/or a purchase order or contract for commissioned work, which shall include terms of acceptance, installation and completion timeline, and payment schedule;
- Oversee the contract, payment of artist(s), and installation of the artwork; and
- Complete a [Project Completion Form](#) (pdf) which requires:
  - a. All required photographic documentation of the artwork;
  - b. Confirmation that the work has been labeled as required by this Handbook;
  - c. Completed Artwork Inventory Sheet for each artwork;
  - d. Completed Condition Report for each artwork; and
  - e. Copies of any publicity or education materials relating to the project either previously published or prepared for publication.

## Label Format

All installed works of art should be labeled in the following uniform manner:

ARTIST (birth and death year)  
Title, year completed

Medium, dimensions (HxWxD)

Purchased (year) with funds provided by Florida's Art in State Buildings Program (F.S. 255.043)

EXAMPLE:

JAMES T. CARLSON (1941 - )

*Yesterday's Memory*, 1984

Oil on canvas, 48" x 62"

Purchased 1984 with funds provided by Florida's Art in State Buildings Program (F.S. 255.043)

This label format contains the minimum amount of information required by the Art in State Buildings Program. Expanded signage is encouraged to increase the viewers' understanding of the artwork and to convey more information about the artist. This expanded signage may consist of paragraphs added to the label, separate handouts, or some other format.

## Artwork Maintenance Responsibilities

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Maintenance and security of the artwork acquired through this program shall be the responsibility of the User Agency of the facility where the artwork is sited. Artwork becomes the property of the User Agency and is placed in the agency's inventory for insurance purposes.

If requested by the User Agency, the Division will offer its recommendations for any necessary maintenance, cleaning, or repairs, which will be based on written instructions submitted by the artist at the time of purchase or installation of the work, or on consultations with professional art conservators.

## Deaccession Policy

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The term deaccession applies to the disposition or exchange of public artworks no longer appropriate for display and to the process by which a decision is made to transfer title of the artwork from one institution to another institution or individual or otherwise move or dispose of the artwork. The State of Florida through its Agencies reserves the right to deaccession works of art in its public art collection in the best interest of the public and as a means of improving the overall quality of the State's public art collection. All meetings in which artworks are recommended for deaccession from the State's public art collection are open to public attendance.

Removing artwork from the State's public art collection by deaccession should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the influence or fluctuations of taste and the premature removal of a work from the collection. The procedures within this Deaccession Policy have been assembled with the intent of providing a manual of best practices to be adhered to by the Agencies of the State of Florida before, throughout and during the deaccession process.

### **Criteria for Deaccession of Artworks:**

While the intent of the Art in State Buildings Program's acquisition of artwork is for a permanent or other reasonable lifespan for each artwork, circumstances and/or conditions may arise that make it prudent for the State, on behalf of the public interest, to remove an artwork from public display or to change its original location. In general, it shall be the policy of the State not to remove an artwork from display or relocate it prior to the artwork having been in place for at least five (5) years, unless public safety or other technical circumstances are involved.

After that time, one or more of the following conditions must apply in order for artworks to qualify for permanent removal or deaccession:

- The artwork presents a threat to public safety;
- The condition or security of the artwork cannot be guaranteed, or the State Agency cannot properly care for or store the artwork;
- The artwork requires excessive or unreasonable maintenance;
- The artwork has serious or dangerous faults in design or workmanship;
- The condition of the artwork requires restoration in excess of its monetary value or is in such a deteriorated state that restoration would prove either unfeasible, impractical or would render the work essentially false;
- The site for the artwork has become inappropriate or is no longer accessible to the public, it is unsafe, or it is due to be demolished;
- Significant changes in the use, character, or actual design of the site require reevaluation of the relationship of the artwork to the site;
- The artwork is of poor quality or is judged to have little aesthetic and/or historical or cultural value;
- No suitable alternate site for the artwork is available;
- The artwork is a forgery;
- A written request from the artist has been received to remove the work from public display.

#### **Notify Artist**

An artist whose artwork is being considered for deaccession shall be notified in a timely manner of the situation or circumstances that has prompted that consideration. Some artwork problems may be resolved after consultation with the artist(s), thereby eliminating the need for convening an Artwork Evaluation Committee. If the issue cannot be resolved, the artist shall be notified of the committee meeting(s) and shall be invited to speak on behalf of themselves and the artwork.

#### **Organize Committee**

Once an artwork problem has been identified and preliminary efforts at resolution have been unsuccessful, the state agency's ASB Administrator shall organize an Artwork Evaluation Committee

#### **Artwork Evaluation Committee**

The Artwork Evaluation Committee shall include the following members:

- 1) A person appointed by the state agency head to represent the agency
- 2) A person who represents the agency section that occupies the building where the artwork is sited
- 3) A staff person from the agency's Facilities section, if possible the person who served as Project Director on the initial Art Selection Committee
- 4) Two persons knowledgeable and experienced in the fields of visual art, public art, art history, architecture, or design; one of those persons should have knowledge of artwork conservation
- 5) The agency's ASB Administrator, who shall organize, notice and facilitate the committee meetings

More committee members may be added for technical expertise or to represent more stakeholders. Additional persons may attend the committee meetings and request to address the committee: persons from other governmental entities, interested members of the public, etc.

#### **Prepare Report**

The administrator will prepare a complete report on the artwork for presentation to the committee. The artwork report will begin with a brief explanation describing the artwork, its history and the current problematic situation. The description of the artwork and its history shall include:

- Title, artist, medium, dimensions and present location of the artwork;
- Acquisition method (direct purchase or commission) and purchase price;
- Provenance of the art work;
- Digital images, photographs or slides of the artwork;
- Detailed report on the current condition of the artwork;
- Appraised current value of the work by two independent consultants, if obtainable;
- Copy of title and other ownership documents for the artwork
- Any additional relevant information regarding the artwork, obtained from the artist, art galleries, curators, appraisers or other professionals

The report shall then fully describe, in a fair and even-handed manner, the situation which led to the necessity for convening an Artwork Evaluation Committee, identifying the applicable artwork condition(s) [see Deaccession Criteria above] that led to the formation of the committee and documenting all efforts at resolution. The report may be sent to the individual committee members for review in advance of the meeting.

#### **Convene Committee**

At the Artwork Evaluation Committee meeting, the ASB Administrator shall introduce and identify all of the committee members and ask audience members to introduce themselves. The Administrator shall then restate the main points of report and request a thorough discussion of the issue. Each member shall present their views and participate in the discussion. Members of the audience may speak briefly to contribute suggestions or viewpoints. The committee may adjourn and reconvene at a later time to gather more information or to provide more time for discussion and decision.

#### **Deaccession Methods**

The Artwork Evaluation Committee may recommend any of the following courses of action as a result of considering the ASB Administrator's Report and after a full discussion of deaccession options. The committee shall not be limited to the listed methods of deaccession but may suggest alternatives appropriate to meet particular circumstances as they arise.

The preferred methods of deaccession are as follows:

- Relocation of the artwork to another site within the state agency or to another state agency (this method should be given the highest priority) ;
- Removal of the artwork from public display and subsequent storage;
- Sale or exchange of the artwork through the following means:
  - 1) Offer the artist the right of first refusal to buy back the artwork at a negotiated price appropriate to the artwork's current condition;
  - 2) Obtain a professional appraisal of the artwork's value and advertise for sale by auction; or
  - 3) Seek competitive bids for the purchase of the artwork.
- Donate the artwork to another government entity or non-profit, civic, charitable, or cultural organization that will properly install and display the artwork in an appropriate public space;
- Dispose of the artwork using surplus property procedures.

If the artwork is sold, all proceeds from the sale of public artworks shall be deposited into a fund to be used solely for the maintenance for other artworks acquired through the Art in State Buildings Program.

The deaccession of any artworks from the State's public art collection valued at or in excess of \$10,000.00 shall be reported to the Florida Council on Arts and Culture. The original artwork report plus a full description of the committee's discussion and ultimate decision shall be sent to the Division of Cultural Affairs. The Art in State Buildings Program Manager will notify the Florida Council on Arts and Culture by submitting the report at a regular public meeting of the Council.

Visual Artists Rights Act of 1990 (VARA): The Art in State Buildings Program Deaccession Policy takes into account the Federal regulations set forth in the Visual Artists Rights Act of 1990 and its amendments in any decisions to deaccession artworks from the State's public art collection. The Visual Artists Rights Act, or VARA, states that "the significant or substantial distortion, mutilation, or other alteration to a pictorial, graphic, or sculptural work, which is publicly displayed, caused by an intentional act or by gross negligence, is a violation of the exclusive rights of the copyright owner where the author of the work is the copyright owner." For further information regarding VARA, see [United States Code Annotated, Title 17. Copyrights, Chapter 1 – Subject Matter and Scope of Copyright](#), Current through P.L. 105-153, approved 12-17-97.

## Legal References

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- Section 255.043, *Florida Statutes*, "Art in State Buildings"
- Section 112.3143, *Florida Statutes*, "Voting Conflicts"
- Rule 1T-1.001(2)(a), *Florida Administrative Code*, "Art in State Buildings Program"

## Terms and Definitions

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### **Architect**

The architect assigned to the project or the architect's designee(s).

### **Art Allocation**

The amount set aside by the state agency that is responsible for the new construction, to be used for acquiring and installing artwork, which may be up to one-half of one percent (.5%) of the total construction appropriation, but may not exceed \$100,000.

### **ASB Administrator**

The person assigned by the User Agency head to administer and facilitate the Art Selection Process for that agency's eligible construction project(s). In the State University System, the User Agency Representative may also serve as ASB Administrator or they may appoint an ASB Administrator.

### **Blind Review**

The initial review of artists' submissions based solely on artistic excellence and appropriateness to the site, where artists' identities remain anonymous.

### **Commissioned Work**

A work of art that is site-specific, professionally designed for a particular location, and that is a specified medium, genre, size, or subject.

### **Committee**

The project's local Art Selection Committee that is responsible for selecting artwork for purchase or commission, or both.

**DMS Representative**

The Department of Management Services agency head or an individual designated by the agency head when DMS is the builder and lessor of a facility occupied by one or more other state agencies.

**Division**

The Division of Cultural Affairs of the Department of State

**Division's Public Art Mailing List**

A list that may be used by Art Selection Committees to solicit artists for projects. Artists may add their names to this list by setting up a profile in the Division's online mailing list system. ASB Administrators may request the most current version of this list from the Division.

**Implementation Expense**

The project expenditures for items other than artwork, such as proposal fees for the commissioning of site-specific proposals from artists, advertising the project, creating educational and publicity documents, and selection process administration.

**Occupant Representative**

An employee who will work in the new facility and is designated by the User Agency Representative to serve on the local Art Selection Committee. At the discretion of the User Agency, this Committee position may be held by more than one person (called Co-Occupants), but regardless how many persons serve, there shall only be one vote cast on behalf of the Occupant Representative.

**Presentation**

One of the two methods chosen by the Art Selection Committee to select artwork. With the Presentation method, finalist(s) present their qualifications and examples of their previous artwork to the Art Selection Committee.

**Primary User**

In those buildings that will be occupied by more than one state agency, the agency that will occupy the largest amount of square feet in the new building.

**Project Director**

The individual managing the construction of a state building.

**Proposal**

One of the two methods chosen by the Art Selection Committee to select the artwork. With the Proposal method, finalists submit a proposal for a site-specific artwork.

**Proposal Fees**

The amount to commission site-specific Proposals from artists or for artist Presentations. This expense is considered an implementation expense.

**Public Access**

Free access by the public to an area, in the interior of a building, during normal operating hours.

**Public Areas**

Those areas of a building or its surrounding grounds normally frequented by the general public without limitation of access during normal work hours.

**State Building**

An original construction project funded through the fixed capital outlay appropriation process.

**User Agency**

The state agency or university that will occupy the new facility. When multiple agencies occupy a facility, the User Agency is called the Primary User. When there is no Primary User or the User Agency has not been determined, the User Agency should be the agency that builds the facility.

**User Agency Representative**

The User Agency head or an individual designated by the agency head to represent the User Agency as a member of the Art Selection Committee.

**Visual Arts Representative**

A professional in such fields as art, design arts, art history, architecture, or architectural history.

**Work of Art**

Aesthetic objects or works produced by an artist as a result of skill and creative imagination which includes but is not limited to such items as architecturally integrated work, bas-relief, ceramic, craft, drawing, environmental piece, fiber, fountain, glass, kinetic, light sculpture, mixed media, mobile, mosaic, mural, painting, photography, print, sculpture, tapestry, wall hanging or digital media created by a professional artist, artisan, or craftsman. Reproductions and mass-produced items are excluded from this definition.

## Art in State Buildings Forms (appended)

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The User Agency is responsible for maintaining the record copies of all forms.

1. [ASB Administrator Designation Form](#) (pdf, 19KB)
2. [Construction Appropriation Notification Form](#) (pdf, 24KB) (must be submitted to the Florida Arts Council, care of the Division of Cultural Affairs)
3. [User Agency Representative Designation Form](#) (pdf, 19KB)
4. [Committee Meetings Report](#) (pdf, 82KB)
5. [Selection Detail Form](#) (pdf, 36KB)
6. [Artist Declaration Form](#) (pdf, 17KB)
7. [Project Completion Form](#) (pdf, 24KB) (submit a copy to the Division for informational purposes)

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