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PART 9. - ART IN PUBLIC PLACES

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Sec. 126.901. - Definitions.

For the purposes of this part, the following terms shall have the following meanings:

- (a) *Capital improvement program* means and includes the capital improvement programs adopted or approved by the Council.
- (b) *Construction costs* means the estimated cost of construction or alterations of a project listed as Priority One within the capital improvement program including engineering and architectural costs. Land acquisition costs, site preparation and specific equipment and furnishings costs shall be excluded from the definition of construction costs. Furthermore, cost overruns and change-order costs shall not be considered construction costs for the purposes of the funding calculations set forth in this part.
- (c) *Construction or alterations* means new construction, where construction costs are \$100,000 or more, and rehabilitation, renovation, remodeling, or improvements (herein collectively "alterations") to existing buildings. Alterations to buildings that are under \$100,000 in cost, or are primarily "redecorating" and involve no actual structural alterations, shall be excluded. Alterations of a strictly structural or mechanical nature necessary to keep the facility functional, but without altering the aesthetic character of the facility shall be excluded. Examples of this type of alteration would be replacing an air conditioning system or major repairs to a leaking roof. These types of structural items shall be included when part of a larger renovation project involving aesthetic changes to facilities.
- (d) *Public facility* means any City-owned building or facility intended for habitation where public employees work on a regular basis or which the general public uses on a regular basis. Public facility includes, but is not limited to, office buildings, recreation and community centers, libraries, maintenance garages, firehouses, police substations, parks and recreation spaces and the like. Public facility specifically excludes water and sewer pump stations, electrical and communications substations and switching houses, and similar unoccupied structures except in designated Urban Art and Streetscaping Areas.

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- (e) *Urban Art and Streetscaping Areas* are defined as art within the boundaries of the Downtown Community Redevelopment Area, Riverside Avondale Historic District Overlay, San Marco Neighborhood Overlay Zone and Springfield Historic District Overlay, which have been identified and approved by the Art in Public Places Selection Panel.

(Ord. 2004-602-E, § 4; Ord. 2014-730-E, § 1)

Sec. 126.902. - Public art standards.

- (a) Public art is a work of art to which the general public has open and easy access and which will enrich and give dimension to the public environment, and which reflects generally accepted community standards of aesthetic appeal and artistic expression in the decorative arts.
- (b) The goal of the Art in Public Places Committee of the Cultural Council of Greater Jacksonville will be to choose art which is compatible with and which will enhance the architecture and general environment of the City. In some cases, the work will be site specific (i.e. art which is commissioned especially for the specific space and becomes integral to the site). Such art may relate to the function and the users of the facility, to the history or population of its neighborhood and/or may become a part of its architecture. Planning of site specific works will begin early in the project and may be a collaboration between artist and architect.
- (c) Acceptable forms of artwork shall include all visual arts mediums, including, but not limited to, painting, drawing, original prints, mixed media, sculpture, bas relief, mobiles, murals, kinetic art, electronic art, photography, clay, glass, fiber and textiles, as well as art which may be functional (e.g. doors, gates, furniture, etc).
- (d) Public art shall not include items that are mass-produced or of standard design.
- (e) Works shall be created by artists of appropriate status who shall be selected by the means outlined in detail in this part. Such artists shall generally be recognized by recognized art professionals, as artists of serious intent and recognized ability, and shall not be a member of the project architectural, engineering, or design team or of the Art in Public Places Committee, Art Selection Panel or the Cultural Council Board or their respective Staffs.
- (f) Appropriate sites for placement of public art include any outdoor, easily accessible public facility or the interior of public buildings. Appropriate sites for placement of art within public buildings include, but are not limited to, lobbies, foyers, corridors, waiting rooms, conference rooms, plazas, courtyards, transportation facilities, facades, and any other sites without restricted visual or physical public access. Private meeting rooms and offices are examples of inappropriate sites with restricted access.

(Ord. 2004-602-E, § 4; Ord. 2006-289-E, § 2)

Sec. 126.903. - Art in Public Places Committee.

There is hereby created an Art In Public Places Committee. The Committee will be an 11-member board appointed by the Mayor as follows: Three from the Cultural Council of Greater Jacksonville Board of Directors; three from the professions of architecture, interior design, landscape architecture, planning, art professional, or art historian; and five from the community at large as community representatives, each residing within a different planning district whose interests, professions and community activities reflect the diversity of the Jacksonville arts community and of the community at large. All members shall be confirmed by the council. Initially one member of each group shall be appointed for three years, one of each shall serve two years and one of each shall serve one year. Thereafter, all terms shall be for three years. No member appointed to the Committee for two consecutive full terms shall be eligible for

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appointment to the next succeeding term. The Committee shall be responsible for receiving, reviewing and acting on the recommendations of the Art Selection Panels.

(Ord. 2004-602-E, § 4; Ord. 2006-289-E, § 2)

Sec. 126.904. - Funding.

- (a) A percentage of the total allocation ("allocation percentage")(including multi-year phasing) for construction costs of a public facility, as determined by that percentage existing by ordinance at its initial inclusion within the capital improvement program, and as outlined in section 126.911, Ordinance Code, shall be appropriated to the Art In Public Places Trust Fund.
- (b) Funds appropriated to the Art In Public Places Trust Fund shall be used to implement a city-wide plan for the creation and placement of artworks as developed and administered by the Cultural Council.
- (c) Up to five percent of the allocation percentage shall be dedicated to maintenance, and up to ten percent of the allocation percentage shall be dedicated to administration and community education; provided however, these allocation percentages shall not apply to appropriations originating from any funds which prohibit expenditures for maintenance and administration. These amounts shall be used at the discretion of the Cultural Council in collaboration with the Department of Finance and Administration and any other City department as appropriate for maintenance, administration and community education.
- (d) The maintenance costs over the anticipated life or a period of 20 years, whichever is less, shall be included in the initial project budget, for any installation and such project shall not be initiated unless funding for such budgeted maintenance has been secured.

(Ord. 2004-602-E, § 4; Ord. 2006-289-E, § 2; Ord. 2014-730-E, § 2; Ord. [2016-140-E](#), § 16)

Editor's note— Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Sec. 126.905. - Duties.

The duties of the Cultural Council are as follows:

- (a) Create updates to the five-year plan known as the Art in Public Places Program Five Year Plan for Program Development and Implementation. This plan may also be revised from time to time by the Cultural Council. Updates shall be provided to the Mayor and Council at least six months prior to the expiration of the five-year plan and shall be placed on file with the Legislative Services Division. The updates and revisions to the plan shall be reviewed by Council and shall not take effect until Council approval.
- (b) Review annual City Capital Improvement Projects with appropriate boards, agencies, authorities and departments and establish a list of eligible projects to include in the program.
- (c) Develop budgets for public art administration, maintenance, conservation and community education.
- (d) Develop an annual plan and budget for public art projects.
- (e) Develop and oversee policy implementation and administration of the public art program, which may include such things as acceptance of gifts.

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- (f) Be responsible, in its discretion, for applying for and receiving state, federal and private funds related to public art on behalf of the City through appropriate grant applications, and for the administration thereof.

(Ord. 2004-602-E, § 4; Ord. 2006-289-E, § 2)

Sec. 126.906. - Art selection panels.

The Art in Public Places Committee shall, when deemed appropriate by, and as outlined in, the Art in Public Places Program Five-Year Plan for Program Development and Implementation, form Art Selection Panels to make recommendations to the Committee on the selection of artwork. Each Selection Panel will be composed of up to nine members: a Chair, who will be a member of and represent the Art In Public Places Committee; a representative of the site selected for the art (Staff or Board member); architect or other design professional for the project, if available; two artists, art educators or art professionals; and one to three community representatives, at least one of whom shall reside in the planning district within which the art shall be sited. The artists or arts professional representatives will be selected from a list, maintained by the Committee, of interested and qualified individuals. The Chief Administrative Officer shall select a department representative to provide subject matter expertise and city process guidance, including but not limited to risk management, ADA compliance, and ordinance code compliance.

(Ord. 2004-602-E, § 4; Ord. 2006-289-E, § 2; Ord. 2014-730-E, § 3)

Sec. 126.907. - Art selection; methods.

- (a) The Art Selection Panel shall select artists and art work in one of the following ways:
 - (i) Open competition: Requesting artists' submissions with specifications regarding local, state, regional or national scope.
 - (ii) Limited competition: Inviting a small number of artists to respond with examples of past work or to prepare formal proposals, and selecting a specific artist based on these submissions.
 - (iii) Direct purchase: Purchase of existing work and all rights thereto.
 - (iv) Invitational commission: Selecting a specific artist for direct commission.
- (b) The Cultural Council and the Art in Public Places Committee shall seek to ensure that at least 15 percent of the artists selected for purchase or commission will be resident(s) in the Greater Jacksonville area, (the counties of Duval, St Johns, Nassau, Clay and Baker). The Cultural Council and the Art in Public Places Committee will also encourage the selection of regional artists e.g. Florida and the Southeastern United States.
- (c) All purchases made pursuant to this Section shall be made pursuant to an evaluated bid process created by the Purchasing Division and modified as necessary to accomplish the objectives of this Chapter. A proposal fee and/or travel reimbursement may be offered for the invited artists to cover the cost of the formal proposals at the discretion of the Art in Public Places Committee. The proposal fee and/or travel reimbursement shall be part of the amount funded pursuant to Section 126.904(a) and (b).

Any provisions of this Chapter conflicting with the expressed intent and procurement methodology of the Art In Public Places program are hereby waived.

(Ord. 2004-602-E, § 4; Ord. 2006-289-E, § 2)

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Sec. 126.908. - Ownership; maintenance.

- (a) The City will own all the rights to the art produced by the Art In Public Places program, subject to the provisions of the Visual Artists Act of 1990. All contracts with artists and all art purchases will require the Artist to waive the following restrictions:
 - (1) Photographic reproduction rights (to be shared by artist and owner);
 - (2) Right to remove/relocate art;
 - (3) Right to repair art in case of emergency;
- (b) Artist will retain the copyright and the right to be notified if the work is to be destroyed, or deaccessioned or radically repaired on a nonemergency basis.
- (c) City will retain ownership of proposal models or drawings of commissioned art.
- (d) Maintenance will be the responsibility of the City and will be funded by that portion of the trust fund which is allocated for maintenance and conservation, and will be administered in cooperation with the Cultural Council based on a conservation evaluation plan.

(Ord. 2004-602-E, § 4; Ord. 2006-289-E, § 2)

Sec. 126.909. - Cultural Council responsibility.

The Cultural Council shall administer the Art In Public Places program on behalf of the City. The Cultural Council will provide professional and support staff for the operation of the program and administration of the Art in Public Places Program and the art selection process.

(Ord. 2004-602-E, § 4; Ord. 2006-289-E, § 2)

Sec. 126.910. - School Board; independent authorities authorized to use program.

- (a) The Council hereby urges and requests the Duval County School Board and the independent authorities of the City to adopt Art In Public Places programs.
- (b) The Duval County School Board and the independent authorities of the City are hereby authorized to utilize any portion of this Part 9 in order to implement an Art in Public Places program.

(Ord. 2004-602-E, § 4; Ord. 2006-289-E, § 2)

Sec. 126.911. - Schedule.

The allocation percentage appropriation created in Section 126.904(a) shall apply as follows:

- (a) 0.75 percent to any project subject to the provisions of this Part and declared by the Council to have Priority One status after July 1, 1997.

(Ord. 2004-602-E, § 4; Ord. 2006-289-E, § 2; Ord. 2006-1084-E, § 1)