

By Senator Kirkpatrick

5-1570A-99

See HB 579

1 A bill to be entitled
2 An act relating to tourism; amending s.
3 288.1221, F.S.; revising legislative intent;
4 amending s. 288.1222, F.S.; clarifying a
5 definition; amending s. 288.1223, F.S.;
6 specifying application of a limitation on terms
7 of certain members of the Florida Commission on
8 Tourism; clarifying meeting and vice chair
9 election provisions; amending s. 288.1224,
10 F.S.; deleting obsolete provisions; specifying
11 categories of matching private funds for
12 certain purposes; specifying staff support for
13 the Florida Commission on Tourism; providing
14 for responsibilities of staff; prohibiting the
15 commission from employing staff; deleting
16 provisions relating to an advisory committee
17 for the commission; amending s. 288.1226, F.S.;
18 requiring the Florida Tourism Industry
19 Marketing Corporation to provide staff support
20 to the Florida Commission on Tourism;
21 specifying that the president and chief
22 executive officer shall serve without
23 compensation as executive director; renumbering
24 and amending s. 335.166, F.S.; removing the
25 Welcome Center Office from the Department of
26 Transportation; transferring administrative and
27 fiscal responsibility for welcome center staff
28 from the Department of Transportation to the
29 Florida Commission on Tourism for employment
30 through the Florida Tourism Industry Marketing
31 Corporation; requiring the corporation to

1 provide direction for administration and
2 operation of welcome centers; repealing s.
3 335.165, F.S., relating to welcome stations and
4 the payment for improvements by the Department
5 of Commerce; providing effective dates.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Subsection (1) of section 288.1221, Florida
10 Statutes, is amended to read:

11 288.1221 Legislative intent.--

12 (1) It is the intent of the Legislature to establish a
13 public-private partnership to provide policy direction to and
14 technical expertise in the promotion and marketing of the
15 state's tourism attributes. The Legislature further intends to
16 authorize this partnership to recommend the tenets of an
17 industry standard 4-year ~~5-year~~ marketing plan for an annual
18 marketing plan for tourism promotion and recommend a
19 comparable organizational structure to carry out such a plan.
20 The Legislature intends to have such a plan funded by that
21 portion of the rental car surcharge annually dedicated to the
22 Tourism Promotional Trust Fund, pursuant to s. 212.0606, and
23 by the tourism industry. ~~The Legislature intends that the~~
24 ~~exercise of this authority by the public-private partnership~~
25 ~~shall take into consideration the recommendations made to the~~
26 ~~1992 Legislature in the report submitted by the Florida~~
27 ~~Tourism Commission created pursuant to chapter 91-31, Laws of~~
28 ~~Florida.~~

29 Section 2. Subsection (2) of section 288.1222, Florida
30 Statutes, is amended to read:
31

1 288.1222 Definitions.--For the purposes of ss.
2 288.017, 288.121-288.1226, and 288.124, the term:

3 (2) "Tourist" means any person who participates in
4 trade or recreation activities outside the county ~~country~~ of
5 his or her permanent residence or who rents or leases
6 transient living quarters or accommodations as described in s.
7 125.0104(3)(a).

8 Section 3. Paragraphs (e), (f), and (g) of subsection
9 (2) of section 288.1223, Florida Statutes, are amended to
10 read:

11 288.1223 Florida Commission on Tourism; creation;
12 purpose; membership.--

13 (2)

14 (e) General tourism-industry-related members shall be
15 limited to two 4-year full consecutive terms. This limitation
16 applies to terms begun after June 30, 1996.

17 (f) The commission shall ~~hold its first meeting no~~
18 ~~later than September 1992 and must~~ meet at least quarterly. A
19 majority of the members shall constitute a quorum for the
20 purpose of conducting business.

21 (g) The Governor shall serve as chair of the
22 commission. The commission shall annually ~~biennially~~ elect one
23 of its tourism-industry-related members as vice chair, who
24 shall preside in the absence of the chair.

25 Section 4. Paragraphs (a), (c), and (d) of subsection
26 (4) and subsection (11) of section 288.1224, Florida Statutes,
27 are amended to read:

28 288.1224 Powers and duties.--The commission:

29 (4)(a) ~~Shall, no later than December 31, 1996,~~
30 recommend the tenets of a 4-year marketing plan to sustain
31 tourism growth, which plan shall be annual in construction and

1 ongoing in nature. ~~The initial plan shall use as its model~~
2 ~~the marketing plan recommended by the Florida Tourism~~
3 ~~Commission, created pursuant to chapter 91-31, Laws of~~
4 ~~Florida, and presented to the Legislature.~~ Any annual
5 revisions of such a plan shall carry forward the concepts of
6 the remaining 3-year portion of that plan and consider a
7 continuum portion to preserve the 4-year timeframe of the
8 plan. ~~Such plan shall be submitted to the President of the~~
9 ~~Senate, the Speaker of the House of Representatives, the~~
10 ~~Senate Minority Leader, and the House Minority Leader no later~~
11 ~~than January 1, 1997.~~

12 (c) The plan shall include provisions for the
13 direct-support organization to reach the targeted one-to-one
14 match of private to public contributions within a period of 4
15 calendar years after the implementation date of the plan. For
16 the purposes of calculating the required one-to-one match,
17 matching private funds shall be divided into four categories.
18 The first category is direct cash contributions, which
19 include, but are not limited to, cash derived from strategic
20 alliances, contributions of stocks and bonds, and partnership
21 contributions. The second category is fees for services, which
22 include, but are not limited to, event participation,
23 research, and brochure placement and transparencies. The
24 third category is co-operative advertising, which is the value
25 based on cost of contributed productions, air time, and print
26 space. The fourth category is in-kind contributions, which
27 include, but are not limited to, the value of strategic
28 alliance services contributed, the value of loaned employees,
29 discounted service fees, items contributed for use in
30 promotions, and radio or television air time or print space
31 for promotions. The value of air time or print space shall be

1 calculated by taking the actual time or space and multiplying
2 by the nonnegotiated unit price for that specific time or
3 space which is known as the media equivalency value. In order
4 to avoid duplication in determining media equivalency value,
5 only the value of the promotion itself shall be included; the
6 value of the items contributed for the promotion shall not be
7 included. Documentation for the components of the four
8 categories of private match shall be kept on file for
9 inspection as determined necessary.

10 (d) The plan shall include recommendations regarding
11 specific performance standards and measurable outcomes. ~~By~~
12 ~~July 1, 1997, the Florida Commission on Tourism, in~~
13 ~~consultation with the Office of Program Policy Analysis and~~
14 ~~Government Accountability, shall establish performance measure~~
15 ~~outcomes~~ for the commission and its direct-support
16 organization. The commission, in consultation with the Office
17 of Program Policy Analysis and Government Accountability,
18 shall develop a plan for monitoring its operations to ensure
19 that performance data are maintained and supported by records
20 of the organization.

21 (11) Shall receive staff support from the Florida
22 Tourism Industry Marketing Corporation and shall not employ
23 any additional staff. The president and chief executive
24 officer of the Florida Tourism Industry Marketing Corporation
25 shall serve without compensation as the executive director of
26 the commission. As executive director, he or she shall have
27 the authority to conduct any official business of the
28 commission, as authorized by the commission. ~~Shall create an~~
29 ~~advisory committee of the commission which shall be charged~~
30 ~~with developing a regionally based plan to protect and promote~~
31

1 ~~all of the natural, coastal, historical, cultural, and~~
2 ~~commercial tourism assets of this state.~~

3 ~~(a) Members of the advisory committee shall be~~
4 ~~appointed by the chair of the commission and shall include~~
5 ~~representatives of the commission, the Departments of~~
6 ~~Agriculture, Environmental Protection, Community Affairs,~~
7 ~~Transportation, and State, the Florida Greenways Coordinating~~
8 ~~Council, the Florida Game and Freshwater Fish Commission, and,~~
9 ~~as deemed appropriate by the chair of the commission,~~
10 ~~representatives from other federal, state, regional, local,~~
11 ~~and private sector associations representing environmental,~~
12 ~~historical, cultural, recreational, and tourism-related~~
13 ~~activities.~~

14 ~~(b) The advisory committee shall submit its plan to~~
15 ~~the commission by December 1, 1997.~~

16 ~~(c) The commission shall review and make~~
17 ~~recommendations on the plan, including recommending any~~
18 ~~legislation considered necessary for implementing the plan, to~~
19 ~~the Legislature by January 1, 1998.~~

20 Section 5. Present paragraphs (h) through (n) of
21 subsection (5) of section 288.1226, Florida Statutes, are
22 redesignated as paragraphs (i) through (o), respectively, and
23 a new paragraph (h) is added to that subsection to read:

24 288.1226 Florida Tourism Industry Marketing
25 Corporation; use of property; board of directors; duties;
26 audit.--

27 (5) POWERS AND DUTIES.--The corporation, in the
28 performance of its duties:

29 (h) Shall provide staff support to the Florida
30 Commission on Tourism. The president and chief executive
31 officer of the Florida Tourism Industry Marketing Corporation

1 shall serve without compensation as the executive director of
2 the commission.

3 Section 6. Effective July 1, 1999, section 335.166,
4 Florida Statutes, is renumbered as section 288.12265, Florida
5 Statutes, and amended to read:

6 288.12265 ~~335.166~~ Welcome Centers Office.--

7 (1) Responsibility for the welcome centers office is
8 assigned to the Florida Commission on Tourism which shall
9 contract with the commission's direct-support organization to
10 employ all welcome center staff. All welcome center staff
11 shall be offered employment through the direct-support
12 organization at the same salary such staff received through
13 the Department of Transportation, prior to July 1, 1999, but
14 with the same benefits provided by the direct-support
15 organization to the organization's employees ~~Department of~~
16 ~~Transportation for administrative and fiscal accountability~~
17 ~~purposes, but it shall otherwise function independently of the~~
18 ~~control, supervision, and direction of the Department of~~
19 ~~Transportation.~~

20 (2) The Florida Commission on Tourism, through its
21 direct-support organization, shall provide direction for the
22 administration and operation of the welcome centers ~~Office and~~
23 ~~direction for the operation of the welcome centers.~~ Funding
24 for the office shall be solely from the rental car surcharge
25 provided to the Tourism Promotional Trust Fund pursuant to s.
26 ~~212.0606(2), through a nonoperating transfer to the State~~
27 ~~Transportation Trust Fund or contract with the commission or~~
28 ~~the commission's direct-support organization.~~

29 Section 7. Section 335.165, Florida Statutes, is
30 repealed.

31

1 Section 8. Except as otherwise provided in this act,
2 this act shall take effect upon becoming a law.

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5 LEGISLATIVE SUMMARY

6 Clarifies provisions relating to marketing tourism,
7 defining tourists, and the Florida Commission on Tourism.
8 Specifies categories of matching private funds for use in
9 determining the private portion of the targeted
10 one-to-one match of private to public contributions.
11 Requires the Florida Tourism Industry Marketing
12 Corporation to provide staff support to the Florida
13 Commission on Tourism. Removes the Welcome Center Office
14 from the Department of Transportation and transfers
15 administrative and fiscal responsibility for welcome
16 center staff to the Florida Commission on Tourism, to be
17 administered and operated by the Florida Tourism Industry
18 Marketing Corporation. (See bill for details.)
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