

By the Committee on Commerce and Economic Opportunities; and
Senator Kirkpatrick

310-2112A-99

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; requiring the
16 creation of an advisory committee on
17 nature-based tourism and heritage tourism;
18 prescribing the membership and duties of the
19 committee; requiring the incorporation of
20 nature-based tourism and heritage tourism into
21 the tourism marketing plan; deleting provisions
22 relating to an advisory committee for the
23 commission; amending s. 288.1226, F.S.;
24 requiring the Florida Tourism Industry
25 Marketing Corporation to provide staff support
26 to the Florida Commission on Tourism;
27 specifying that the president and chief
28 executive officer shall serve without
29 compensation as executive director; renumbering
30 and amending s. 335.166, F.S.; removing the
31 Welcome Center Office from the Department of

1 Transportation; transferring administrative and
2 fiscal responsibility for welcome center staff
3 from the Department of Transportation to the
4 Florida Commission on Tourism for employment
5 through the Florida Tourism Industry Marketing
6 Corporation by a designated time; requiring the
7 corporation to administer and operate welcome
8 centers; providing for maintenance and
9 improvements to welcome centers; providing for
10 the transfer of welcome center tangible
11 personal property to the Florida Commission on
12 Tourism; amending s. 15.18, F.S.; requiring the
13 Secretary of State to coordinate with certain
14 state agencies and public-private partnerships;
15 authorizing the Secretary of State to develop
16 and implement a strategy to promote historical
17 and cultural tourism; repealing s. 335.165,
18 F.S., relating to welcome stations and the
19 payment for improvements by the Department of
20 Commerce; providing effective dates.

21

22 Be It Enacted by the Legislature of the State of Florida:

23

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

26 288.1221 Legislative intent.--

27 (1) It is the intent of the Legislature to establish a
28 public-private partnership to provide policy direction to and
29 technical expertise in the promotion and marketing of the
30 state's tourism attributes. The Legislature further intends to
31 authorize this partnership to recommend the tenets of an

1 industry standard 4-year ~~5-year~~ marketing plan for an annual
2 marketing plan for tourism promotion and recommend a
3 comparable organizational structure to carry out such a plan.
4 The Legislature intends to have such a plan funded by that
5 portion of the rental car surcharge annually dedicated to the
6 Tourism Promotional Trust Fund, pursuant to s. 212.0606, and
7 by the tourism industry. ~~The Legislature intends that the~~
8 ~~exercise of this authority by the public-private partnership~~
9 ~~shall take into consideration the recommendations made to the~~
10 ~~1992 Legislature in the report submitted by the Florida~~
11 ~~Tourism Commission created pursuant to chapter 91-31, Laws of~~
12 ~~Florida.~~

13 Section 2. Subsection (2) of section 288.1222, Florida
14 Statutes, is amended to read:

15 288.1222 Definitions.--For the purposes of ss.
16 288.017, 288.121-288.1226, and 288.124, the term:

17 (2) "Tourist" means any person who participates in
18 trade or recreation activities outside the county ~~country~~ of
19 his or her permanent residence or who rents or leases
20 transient living quarters or accommodations as described in s.
21 125.0104(3)(a).

22 Section 3. Paragraphs (e), (f), and (g) of subsection
23 (2) of section 288.1223, Florida Statutes, are amended to
24 read:

25 288.1223 Florida Commission on Tourism; creation;
26 purpose; membership.--

27 (2)

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

31

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

5 (g) The Governor shall serve as chair of the
6 commission. The commission shall annually ~~biennially~~ elect one
7 of its tourism-industry-related members as vice chair, who
8 shall preside in the absence of the chair.

9 Section 4. Paragraphs (a), (c), and (d) of subsection
10 (4) and subsection (11) of section 288.1224, Florida Statutes,
11 are amended, and subsections (12) and (13) are added to that
12 section, to read:

13 288.1224 Powers and duties.--The commission:

14 (4)(a) ~~Shall, no later than December 31, 1996,~~
15 recommend the tenets of a 4-year marketing plan to sustain
16 tourism growth, which plan shall be annual in construction and
17 ongoing in nature. ~~The initial plan shall use as its model~~
18 ~~the marketing plan recommended by the Florida Tourism~~
19 ~~Commission, created pursuant to chapter 91-31, Laws of~~
20 ~~Florida, and presented to the Legislature. Any annual~~
21 revisions of such a plan shall carry forward the concepts of
22 the remaining 3-year portion of that plan and consider a
23 continuum portion to preserve the 4-year timeframe of the
24 plan. ~~Such plan shall be submitted to the President of the~~
25 ~~Senate, the Speaker of the House of Representatives, the~~
26 ~~Senate Minority Leader, and the House Minority Leader no later~~
27 ~~than January 1, 1997.~~

28 (c) The plan shall include provisions for the
29 direct-support organization to reach the targeted one-to-one
30 match of private to public contributions within a period of 4
31 calendar years after the implementation date of the plan. For

1 the purposes of calculating the required one-to-one match,
2 matching private funds shall be divided into four categories.
3 The first category is direct cash contributions, which
4 include, but are not limited to, cash derived from strategic
5 alliances, contributions of stocks and bonds, and partnership
6 contributions. The second category is fees for services, which
7 include, but are not limited to, event participation,
8 research, and brochure placement and transparencies. The
9 third category is co-operative advertising, which is the value
10 based on cost of contributed productions, air time, and print
11 space. The fourth category is in-kind contributions, which
12 include, but are not limited to, the value of strategic
13 alliance services contributed, the value of loaned employees,
14 discounted service fees, items contributed for use in
15 promotions, and radio or television air time or print space
16 for promotions. The value of air time or print space shall be
17 calculated by taking the actual time or space and multiplying
18 by the nonnegotiated unit price for that specific time or
19 space which is known as the media equivalency value. In order
20 to avoid duplication in determining media equivalency value,
21 only the value of the promotion itself shall be included; the
22 value of the items contributed for the promotion shall not be
23 included. Documentation for the components of the four
24 categories of private match shall be kept on file for
25 inspection as necessary.

26 (d) The plan shall include recommendations regarding
27 specific performance standards and measurable outcomes. ~~By~~
28 ~~July 1, 1997, the Florida Commission on Tourism, in~~
29 ~~consultation with the Office of Program Policy Analysis and~~
30 ~~Government Accountability, shall establish performance-measure~~
31 ~~outcomes~~ for the commission and its direct-support

1 organization. The commission, in consultation with the Office
2 of Program Policy Analysis and Government Accountability,
3 shall develop a plan for monitoring its operations to ensure
4 that performance data are maintained and supported by records
5 of the organization.

6 (11) Shall establish a statewide advisory committee of
7 the commission to assist the commission with implementation of
8 a plan to protect and promote all of the natural, coastal,
9 historical, and cultural tourism assets of this state. The
10 duties of the committee shall include, but are not limited to,
11 helping to develop and review nature-based tourism and
12 heritage tourism policies, coordinate governmental and
13 private-sector interests in nature-based tourism and heritage
14 tourism, and integrate federal, state, regional, and local
15 nature-based tourism and heritage tourism marketing
16 strategies. The chairman of the commission shall appoint
17 members of the advisory committee based upon recommendations
18 from the commission. Members shall include:

19 (a) A representative of each of the following state
20 governmental organizations: the Department of Agriculture, the
21 Department of Environmental Protection, the Department of
22 Community Affairs, the Department of Transportation, the
23 Department of State, the Florida Greenways Coordinating
24 Council, and the Florida Fish and Wildlife Conservation
25 Commission.

26 (b) A representative of Enterprise Florida, Inc.

27 (c) Representatives of regional nature-based tourism
28 or heritage tourism committees or associations that are
29 established by local tourism organizations throughout the
30 state.

31

1 (d) Representatives of the private sector with
2 experience in environmental, historical, cultural,
3 recreational, or other tourism-related activities.

4 (e) Representatives of two not-for-profit
5 environmental organizations with expertise in environmental
6 resource protection and land management.

7 (f) A representative from a local economic development
8 organization serving a rural community.

9 (g) A representative from a local economic development
10 organization serving a nonrural community.

11 (h) Representatives from any other organizations that
12 the chairman of the commission, based upon recommendations
13 from the commission, deems appropriate.~~Shall create an~~
14 ~~advisory committee of the commission which shall be charged~~
15 ~~with developing a regionally based plan to protect and promote~~
16 ~~all of the natural, coastal, historical, cultural, and~~
17 ~~commercial tourism assets of this state.~~

18 ~~(a) Members of the advisory committee shall be~~
19 ~~appointed by the chair of the commission and shall include~~
20 ~~representatives of the commission, the Departments of~~
21 ~~Agriculture, Environmental Protection, Community Affairs,~~
22 ~~Transportation, and State, the Florida Greenways Coordinating~~
23 ~~Council, the Florida Game and Freshwater Fish Commission, and,~~
24 ~~as deemed appropriate by the chair of the commission,~~
25 ~~representatives from other federal, state, regional, local,~~
26 ~~and private sector associations representing environmental,~~
27 ~~historical, cultural, recreational, and tourism-related~~
28 ~~activities.~~

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

31

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

5 (12) Shall incorporate nature-based tourism and
6 heritage tourism components into its comprehensive tourism
7 marketing plan for the state, including, but not limited to:

8 (a) Promoting travel experiences that combine visits
9 to commercial destinations in the state with visits to
10 nature-based or heritage-based sites in the state;

11 (b) Promoting travel experiences that combine visits
12 to multiple nature-based or heritage-based sites within a
13 region or within two or more regions in the state;

14 (c) Assisting local and regional tourism organizations
15 in incorporating nature-based tourism and heritage tourism
16 components into local marketing plans and in establishing
17 cooperative local or regional advisory committees on
18 nature-based tourism and heritage tourism;

19 (d) Working with local and regional tourism
20 organizations to identify nature-based tourism and heritage
21 tourism sites, including identifying private-sector businesses
22 engaged in activities supporting or related to nature-based
23 tourism and heritage tourism; and

24 (e) Providing guidance to local and regional economic
25 development organizations on the identification, enhancement,
26 and promotion of nature-based tourism and heritage tourism
27 assets as a component of the overall job-creating efforts of
28 such organizations.

29
30 The marketing plan shall include specific provisions for
31 directing tourism promotion resources toward promotion and

1 development of nature-based tourism and heritage tourism. The
2 marketing plan shall also include provisions specifically
3 addressing promotion and development of nature-based tourism
4 and heritage tourism in rural communities in the state.

5 (13) Shall receive staff support from the Florida
6 Tourism Industry Marketing Corporation and shall not employ
7 any additional staff. The president and chief executive
8 officer of the Florida Tourism Industry Marketing Corporation
9 shall serve without compensation as the executive director of
10 the commission. As executive director, he or she shall have
11 the authority to conduct any official business of the
12 commission, as authorized by the commission.

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

17 288.1226 Florida Tourism Industry Marketing
18 Corporation; use of property; board of directors; duties;
19 audit.--

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

22 (h) Shall provide staff support to the Florida
23 Commission on Tourism. 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.

27 Section 6. Effective July 1, 1999, section 335.166,
28 Florida Statutes, is renumbered as section 288.12265, Florida
29 Statutes, and amended to read:

30 288.12265 ~~335.166~~ Welcome Centers ~~Office~~.--

31

1 (1) Responsibility for the welcome centers office is
2 assigned to the Florida Commission on Tourism which shall
3 contract with the commission's direct-support organization to
4 employ all welcome center staff. On or before June 30, 1999,
5 all welcome center staff shall be offered employment through
6 the direct-support organization at the same salary such staff
7 received through the Department of Transportation, prior to
8 July 1, 1999, but with the same benefits provided by the
9 direct-support organization to the organization's employees.
10 Welcome center employees shall have until January 1, 2000, to
11 choose to be employed by the direct-support organization or to
12 remain employed by the state. Those employees who choose to
13 remain employed by the state may continue to be assigned by
14 the Department of Transportation to the welcome centers until
15 June 30, 2001. Upon vacating a career service position by a
16 career service employee, the position shall be abolished. The
17 agreement between the Department of Transportation and the
18 Florida Commission on Tourism concerning the funding of
19 positions in the welcome centers shall continue until all
20 welcome center employees are employed by the direct-support
21 organization, or until those employees choosing to remain
22 employed by the state have found other state employment, or
23 until June 30, 2001, whichever occurs first ~~Department of~~
24 ~~Transportation for administrative and fiscal accountability~~
25 ~~purposes, but it shall otherwise function independently of the~~
26 ~~control, supervision, and direction of the Department of~~
27 ~~Transportation.~~

28 (2) The Florida Commission on Tourism, through its
29 direct-support organization, shall administer and operate the
30 welcome centers. Pursuant to a contract with the Department of
31 Transportation, the commission shall be responsible for

1 routine repair, replacement, or improvement and the day-to-day
2 management of interior areas occupied by the welcome centers.
3 All other repairs, replacements, or improvements to the
4 welcome centers shall be the responsibility of the Department
5 of Transportation ~~shall provide direction for the~~
6 ~~administration of the Welcome Centers Office and direction for~~
7 ~~the operation of the welcome centers. Funding for the office~~
8 ~~shall be solely from the rental car surcharge provided to the~~
9 ~~Tourism Promotional Trust Fund pursuant to s. 212.0606(2),~~
10 ~~through a nonoperating transfer to the State Transportation~~
11 ~~Trust Fund or contract with the commission or the commission's~~
12 ~~direct support organization.~~

13 Section 7. The welcome center tangible personal
14 property transferred to the Department of Transportation
15 pursuant to section 4 of chapter 96-320, Laws of Florida, is
16 transferred to the Florida Commission on Tourism.

17 Section 8. Section 15.18, Florida Statutes, is amended
18 to read:

19 15.18 International and cultural relations; historical
20 and cultural tourism.--The Divisions of Cultural Affairs,
21 Historical Resources, and Library and Information Services of
22 the Department of State promote programs having substantial
23 cultural, artistic, and indirect economic significance that
24 emphasize American creativity. The Secretary of State, as the
25 head administrator of these divisions, shall hereafter be
26 known as "Florida's Chief Cultural Officer." As this officer,
27 the Secretary of State is encouraged to initiate and develop
28 relationships between the state and foreign cultural officers,
29 their representatives, and other foreign governmental
30 officials in order to promote Florida as the center of
31 American creativity. The Secretary of State shall coordinate

1 international activities pursuant to this section with
2 appropriate state agencies and public-private partnerships ~~the~~
3 ~~Florida International Affairs Commission~~. For the
4 accomplishment of this purpose, the Secretary of State shall
5 have the power and authority to:

6 (1) Disseminate any information pertaining to the
7 State of Florida which promotes the state's cultural assets.

8 (2) Plan and carry out activities designed to cause
9 improved cultural and governmental programs and exchanges with
10 foreign countries.

11 (3) Plan and implement cultural and social activities
12 for visiting foreign heads of state, diplomats, dignitaries,
13 and exchange groups.

14 (4) Encourage and cooperate with other public and
15 private organizations or groups in their efforts to promote
16 the cultural advantages of Florida.

17 (5) Serve as the liaison with all foreign consular and
18 ambassadorial corps, as well as international organizations,
19 that are consistent with the purposes of this section.

20 (6) Provide, arrange, and make expenditures for the
21 achievement of any or all of the purposes specified in this
22 section.

23 (7) Notwithstanding the provisions of part I of
24 chapter 287, promulgate rules for entering into contracts
25 which are primarily for promotional services and events, which
26 may include commodities involving a service. Such rules shall
27 include the authority to negotiate costs with the offerors of
28 such services and commodities who have been determined to be
29 qualified on the basis of technical merit, creative ability,
30 and professional competency. The rules shall only apply to the
31 expenditure of funds donated for promotional services and

1 events. Expenditures of appropriated funds shall be made only
2 in accordance with part I of chapter 287.

3 (8) In cooperation with the Florida Commission on
4 Tourism and its direct-support organization, take a leadership
5 role in developing and implementing a strategy to promote
6 Florida as a destination for historical and cultural tourism
7 in domestic and international markets. Any such strategy
8 should specifically include the development of a unique
9 identity or brand for the historical and cultural resources of
10 the state which is easy for domestic and international
11 visitors to recognize, as well as development of informational
12 materials that will promote public awareness of the historical
13 and cultural resources of the state and provide an effective
14 basis for the marketing efforts of the numerous historical and
15 cultural places and events throughout the state. The Secretary
16 and the Florida Commission on Tourism and its direct-support
17 organization should give specific consideration to a tiered
18 system of information with a top tier that utilizes state
19 owned or controlled properties to brand the state as a
20 historically and culturally important destination and provides
21 a framework for promoting regional and local promotion
22 initiatives. The Secretary and the Florida Commission on
23 Tourism and its direct-support organization shall coordinate
24 with Visit USA Committees in other countries and initiate
25 efforts to position historical and cultural resources for
26 effective marketing through the work of the committees in key
27 international markets. In cooperation with the Department of
28 Transportation, the Secretary and the Florida Commission on
29 Tourism and its direct-support organization shall review
30 existing road signage systems and develop and implement
31 strategies for facilitating direction and access to historical

1 and cultural resources along state and federal right-of-way
2 systems.

3 Section 9. Section 335.165, Florida Statutes, is
4 repealed.

5 Section 10. Except as otherwise provided in this act,
6 this act shall take effect upon becoming a law.

7
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 1578

11 This committee substitute differs substantially from SB 1578
12 in that CS/SB 1578:

13 Provides for a statewide advisory committee empowered to
14 assist the Florida Commission on Tourism with the
15 implementation of a plan to protect and promote all of
16 the natural, coastal, historical, and cultural tourism
17 assets of the state. This advisory committee will
18 include various governmental organizations, the private
19 sector, not-for-profit organizations, rural and
20 non-rural economic development agencies, Enterprise
21 Florida, Inc., and nature-based or heritage tourism
22 organizations.

23 Requires that nature-based tourism and heritage tourism
24 components be included in the Florida Commission on
25 Tourism's four-year marketing plan.

26 Authorizes the Secretary of State to coordinate efforts
27 with the Florida Commission on Tourism and Visit Florida
28 to develop and implement a strategy to promote
29 historical and cultural tourism in Florida.

30 Specifies that state employees of the Florida Welcome
31 Centers will have until January 1, 2000, to choose to be
employed by Visit Florida.