

By the Committee on Commerce and Economic Opportunities; and  
Senators Kirkpatrick and Silver

310-2110A-99

1                                   A bill to be entitled  
2           An act relating to the promotion and  
3           development of Florida's entertainment  
4           industry; providing a short title; providing  
5           legislative findings and intent; creating s.  
6           288.125, F.S.; defining the term "entertainment  
7           industry"; creating s. 288.1251, F.S.; creating  
8           the Office of the Film Commissioner; providing  
9           procedure for appointment of the Film  
10          Commissioner; providing powers and duties of  
11          the office; creating s. 288.1252, F.S.;  
12          creating the Florida Entertainment Industry  
13          Advisory Council within the Office of Tourism,  
14          Trade, and Economic Development of the  
15          Executive Office of the Governor; providing  
16          purpose, membership, terms, organization,  
17          powers, and duties of the council; creating s.  
18          288.1253, F.S.; providing definitions;  
19          requiring the Office of Tourism, Trade, and  
20          Economic Development to adopt rules by which it  
21          may make specified expenditures for expenses  
22          incurred in connection with the performance of  
23          the duties of the Office of the Film  
24          Commissioner; requiring approval of such rules  
25          by the Comptroller; requiring an annual report;  
26          authorizing the acceptance and use of specified  
27          goods and services by employees and  
28          representatives of the Office of the Film  
29          Commissioner; providing certain requirements  
30          with respect to claims for expenses; providing  
31          a penalty for false or fraudulent claims;

1 providing for civil liability; amending s.  
2 14.2015, F.S.; revising purposes of the Office  
3 of Tourism, Trade, and Economic Development of  
4 the Executive Office of the Governor relating  
5 to entertainment and sports promotion;  
6 repealing s. 288.051, F.S., which provides a  
7 short title; repealing s. 288.052, F.S.,  
8 relating to legislative findings and intent  
9 with respect to the "Florida Film and  
10 Television Investment Act"; repealing s.  
11 288.053, F.S., relating to the Florida Film and  
12 Television Investment Board; repealing s.  
13 288.054, F.S., relating to the administration  
14 and powers of the Florida Film and Television  
15 Investment Board; repealing s. 288.055, F.S.,  
16 relating to the Florida Film and Television  
17 Investment Trust Fund; repealing s. 288.056,  
18 F.S., relating to conditions for film and  
19 television investment by the board; repealing  
20 s. 288.057, F.S., requiring an annual report by  
21 the board; repealing s. 288.1228, F.S.,  
22 relating to the direct-support organization  
23 authorized by the Office of Tourism, Trade, and  
24 Economic Development to assist in the promotion  
25 and development of the entertainment industry;  
26 repealing s. 288.12285, F.S., relating to  
27 confidentiality of identities of donors to the  
28 direct-support organization; creating the 21st  
29 Century Digital Television and Education Task  
30 Force; providing membership; providing duties;  
31 providing for a report; amending s. 288.1229,

1 F.S.; revising the purposes of the  
2 direct-support organization authorized to  
3 assist the Office of Tourism, Trade, and  
4 Economic Development in the promotion and  
5 development of the sports industry and related  
6 industries; specifying the duties of the  
7 direct-support organization with respect to the  
8 promotion of sports industry, amateur sports,  
9 and physical fitness; providing requirements  
10 with respect to the Sunshine State Games;  
11 providing authority of the Executive Office of  
12 the Governor with respect to the use of  
13 specified property, facilities, and personal  
14 services; amending s. 320.08058, F.S.; revising  
15 provisions relating to the Florida United  
16 States Olympic Committee license plate to  
17 remove references to the Sunshine State Games  
18 Foundation; revising the distribution of annual  
19 use fees from the sale of the Florida United  
20 States Olympic Committee license plate;  
21 providing for the reversion of funds and  
22 property of the Sunshine State Games  
23 Foundation, Inc., and the Florida Governor's  
24 Council on Physical Fitness and Amateur Sports  
25 to the direct-support organization; specifying  
26 use of such funds and property; repealing s.  
27 14.22, F.S.; removing provisions relating to  
28 the Florida Governor's Council on Physical  
29 Fitness and Amateur Sports within the Office of  
30 the Governor, the Sunshine State Games,  
31 national and international amateur athletic

1 competitions and Olympic development centers,  
2 direct-support organizations, and the Olympics  
3 and Pan American Games Task Force; providing an  
4 effective date.

5  
6 Be It Enacted by the Legislature of the State of Florida:

7  
8 Section 1. Short title.--This act may be cited as the  
9 "Entertainment Florida Act of 1999."

10 Section 2. Legislative findings and intent.--The  
11 Legislature finds that the entertainment industry is comprised  
12 of multiple components, including, but not limited to, the  
13 operation of motion picture or television studios; the  
14 production of motion pictures, made-for-TV motion pictures,  
15 television series, commercial advertising, music videos, and  
16 sound recordings; the manufacture of products and the  
17 provision of services in the broadcast, communications, and  
18 other high-technology industries; the attendance at,  
19 participation in, and hosting of professional and amateur  
20 sporting events; and the attendance by in-state and  
21 out-of-state visitors at commercial and other attractions in  
22 the state. The Legislature further finds that these  
23 interrelated components form an entertainment industry cluster  
24 with the potential to contribute significantly to the efforts  
25 of the state to develop its economy and create employment  
26 opportunities for its residents. It is the intent of the  
27 Legislature to recognize the economic development significance  
28 of the entertainment industry and to adopt policies designed  
29 to facilitate its growth.

30 Section 3. Section 288.125, Florida Statutes, is  
31 created to read:

1           288.125 Definitions.--For the purposes of sections  
2 288.1251 through 288.1258, the term "entertainment industry"  
3 means those persons or entities engaged in the operation of  
4 motion picture or television studios or recording studios;  
5 those persons or entities engaged in the preproduction,  
6 production, or postproduction of motion pictures, made-for-TV  
7 motion pictures, television series, commercial advertising,  
8 music videos, or sound recordings; or those persons or  
9 entities providing products or services directly related to  
10 the preproduction, production, or postproduction of motion  
11 pictures, made-for-TV motion pictures, television series,  
12 commercial advertising, music videos, or sound recordings,  
13 including, but not limited to, the broadcast industry.

14           Section 4. Section 288.1251, Florida Statutes, is  
15 created to read:

16           288.1251 Promotion and development of entertainment  
17 industry; Office of the Film Commissioner; creation; purpose;  
18 powers and duties.--

19           (1) CREATION.--

20           (a) There is created within the Office of Tourism,  
21 Trade, and Economic Development the Office of the Film  
22 Commissioner for the purpose of developing, marketing,  
23 promoting, and providing services to the state's entertainment  
24 industry.

25           (b) The Office of Tourism, Trade, and Economic  
26 Development shall conduct a national search for a qualified  
27 person to fill the position of Film Commissioner.

28 Notwithstanding any other provision of law, the Executive  
29 Director of the Office of Tourism, Trade, and Economic  
30 Development shall hire the Film Commissioner under a  
31 performance-based contract that provides for a base payment

1 for services or products delivered under the contract and that  
2 provides for incentive payments, in addition to the base  
3 payment, for the achievement of performance outcomes specified  
4 in the contract, including, but not limited to, the  
5 recruitment of film, television, recording, or other  
6 entertainment projects to Florida directly attributable to the  
7 work of the Film Commissioner. Such incentives must be paid  
8 from funds appropriated by the Legislature and from funds  
9 raised from the private sector. Guidelines for selection of  
10 the Film Commissioner include, but are not limited to, the  
11 Film Commissioner having:  
12 1. A working knowledge of the equipment, personnel,  
13 financial, and day-to-day production operations of the  
14 industries to be served by the office;  
15 2. Marketing and promotion experience related to the  
16 industries to be served by the office;  
17 3. Experience working with a variety of individuals  
18 representing large and small entertainment-related businesses,  
19 industry associations, local community entertainment-industry  
20 liaisons, and labor organizations; and  
21 4. Experience working with a variety of state and  
22 local governmental agencies.  
23 5. A willingness to market the state as a site for  
24 entertainment projects under a performance-based contract.  
25 (c) Prior to executing a contract with the Film  
26 Commissioner under paragraph (b), the director of the Office  
27 of Tourism, Trade, and Economic Development shall consult with  
28 the Governor's Chief Inspector General and with the Office of  
29 Program Policy Analysis and Government Accountability for  
30 assistance in identifying and defining the specific outcomes  
31 and appropriate incentive payments to govern such contract.

1 One of the factors to be considered in determining the  
2 appropriate amount of incentive payments shall be the  
3 financial benefit to the state of projects recruited by the  
4 Film Commissioner.

5 (d) The Director of the Office of Tourism, Trade, and  
6 Economic Development shall notify the Governor, the President  
7 of the Senate, and the Speaker of the House of Representatives  
8 on an annual basis of the amount of incentive payments awarded  
9 and shall identify the entertainment projects recruited to the  
10 state that provided a basis for the incentive payments.

11 (e) The duration of the contract with the Film  
12 Commissioner shall not exceed one year, and the contract shall  
13 not contain any severance terms or conditions that exceed the  
14 terms and conditions of a career service employee. The  
15 contract with the Film Commissioner shall include conditions  
16 authorizing and governing the sharing of incentive payments  
17 with employees of the Office of the Film Commissioner.

18 (f) The Film Commissioner shall not share, or  
19 otherwise use, the incentive payments under this subsection in  
20 an effort to influence the decision of a person or  
21 organization to select this state as a location for a film,  
22 television, recording, or other entertainment project.  
23 Violation of this provision shall constitute grounds for the  
24 Office of Tourism, Trade, and Economic Development to  
25 terminate the contract with the Film Commissioner.

26 (2) POWERS AND DUTIES.--

27 (a) The Office of the Film Commissioner, in  
28 performance of its duties, shall:

29 1. In consultation with the Florida Entertainment  
30 Industry Advisory Council, develop and implement a 5-year  
31 strategic plan to guide the activities of the Office of the

1 Film Commissioner in the areas of entertainment industry  
2 development, marketing, promotion, liaison services, field  
3 office administration, and information. The plan, to be  
4 developed by no later than June 30, 2000, shall:  
5       a. Be annual in construction and ongoing in nature.  
6       b. Include recommendations relating to the  
7 organizational structure of the office.  
8       c. Include an annual budget projection for the office  
9 for each year of the plan.  
10       d. Include an operational model for the office to use  
11 in implementing programs for rural and urban areas designed  
12 to:  
13           (I) Develop and promote the state's entertainment  
14 industry.  
15           (II) Have the office serve as a liaison between the  
16 entertainment industry and other state and local governmental  
17 agencies, local film commissions, and labor organizations.  
18           (III) Gather statistical information related to the  
19 state's entertainment industry.  
20           (IV) Provide information and service to businesses,  
21 communities, organizations, and individuals engaged in  
22 entertainment industry activities.  
23           (V) Administer field offices outside the state and  
24 coordinate with regional offices maintained by counties and  
25 regions of the state, as described in sub-sub-subparagraph  
26 (II) above, as necessary.  
27       e. Include performance standards and measurable  
28 outcomes for the programs to be implemented by the office.  
29       f. Include an assessment of, and make recommendations  
30 on, the feasibility of creating an alternative public-private  
31 partnership for the purpose of contracting with such a



1 partnership for the administration of the state's  
2 entertainment industry promotion, development, marketing, and  
3 industry service programs.

4 2. Develop, market, and facilitate a smooth working  
5 relationship between state agencies and local governments in  
6 cooperation with local film commission offices for  
7 out-of-state and indigenous entertainment industry production  
8 entities.

9 3. Implement a structured methodology prescribed for  
10 coordinating activities of local offices with each other and  
11 with the commissioner's office.

12 4. Represent the state's indigenous entertainment  
13 industry to key decisionmakers within the national and  
14 international entertainment industry, and to state and local  
15 officials.

16 5. Prepare an inventory and analysis of the state's  
17 entertainment industry, including, but not limited to,  
18 information on crew, related businesses, support services, job  
19 creation, talent, advancements in the use of digital  
20 technology, and economic impact, and coordinate with local  
21 offices to develop an information tool for common use.

22 6. Represent key decisionmakers within the national  
23 and international entertainment industry to the indigenous  
24 entertainment industry and to state and local officials.

25 7. Serve as liaison between entertainment industry  
26 producers and labor organizations.

27 8. Identify, solicit, and recruit entertainment  
28 production opportunities for the state, with the Film  
29 Commissioner operating under a performance-based contract as  
30 specified in subsection (1).

31

1           9. Assist rural communities and other small  
2 communities in the state in developing expertise and capacity  
3 necessary for such communities to develop, market, promote,  
4 and provide services to the state's entertainment industry.

5           (b) The Office of the Film Commissioner, in the  
6 performance of its duties, may:

7           1. Conduct or contract for specific promotion and  
8 marketing functions, including, but not limited to, production  
9 of a statewide directory, production and maintenance of an  
10 Internet web site, establishment and maintenance of a  
11 toll-free number, organization of trade show participation,  
12 and appropriate cooperative marketing opportunities.

13           2. Conduct its affairs, carry on its operations,  
14 establish offices, and exercise the powers granted by this act  
15 in any state, territory, district, or possession of the United  
16 States.

17           3. Carry out any program of information, special  
18 events, or publicity designed to attract the entertainment  
19 industry to Florida.

20           4. Develop relationships and leverage resources with  
21 other public and private organizations or groups in their  
22 efforts to publicize to the entertainment industry in this  
23 state, other states, and other countries the depth of  
24 Florida's entertainment industry talent, crew, production  
25 companies, production equipment resources, related businesses,  
26 and support services, including the establishment of and  
27 expenditure for a program of cooperative advertising with  
28 these public and private organizations and groups in  
29 accordance with the provisions of chapter 120.

30           5. Provide and arrange for reasonable and necessary  
31 promotional items and services for such persons as the office

1 deems proper in connection with the performance of the  
2 promotional and other duties of the office.

3 6. Prepare an annual economic impact analysis on  
4 entertainment-industry-related activities in the state.

5 Section 5. Section 288.1252, Florida Statutes, is  
6 created to read:

7 288.1252 Florida Entertainment Industry Advisory  
8 Council; creation; purpose; membership; powers and duties.--

9 (1) CREATION.--There is hereby created within the  
10 Office of Tourism, Trade, and Economic Development of the  
11 Executive Office of the Governor, for administrative purposes  
12 only, the Florida Entertainment Industry Advisory Council.

13 (2) PURPOSE.--The purpose of the council shall be to  
14 serve as an advisory body to the Office of Tourism, Trade, and  
15 Economic Development and to the Office of the Film  
16 Commissioner to provide these offices with industry insight  
17 and expertise related to developing, marketing, promoting, and  
18 providing service to the state's entertainment industry.

19 (3) MEMBERSHIP.--

20 (a) The council shall consist of 17 members, seven to  
21 be appointed by the Governor, five to be appointed by the  
22 President of the Senate, and five to be appointed by the  
23 Speaker of the House of Representatives, with the initial  
24 appointments being made no later than August 1, 1999.

25 (b) When making appointments to the council, the  
26 Governor, the President of the Senate, and the Speaker of the  
27 House of Representatives shall appoint persons who are  
28 residents of the state and who are highly knowledgeable  
29 concerning, active in, and recognized leaders in Florida's  
30 motion picture, television, video, sound recording, or other  
31 entertainment industries. These persons shall include, but not

1 be limited to, representatives of local film commissions,  
2 representatives of entertainment associations, representatives  
3 of the broadcast industry, representatives of studios and  
4 networks, a representative of labor organizations in the  
5 entertainment industry, and board chairs, presidents, chief  
6 executive officers, chief operating officers, and persons of  
7 comparable executive position or stature in leading or  
8 otherwise important entertainment industry businesses and  
9 offices. Council members shall be appointed in such a manner  
10 as to equitably represent the broadest spectrum of the  
11 entertainment industry and geographic areas of the state.

12 (c) Council members shall serve for 4-year terms,  
13 except that the initial terms shall be staggered:

14 1. The Governor shall appoint one member for a 1-year  
15 term, two members for 2-year terms, two members for 3-year  
16 terms, and two members for 4-year terms.

17 2. The President of the Senate shall appoint one  
18 member for a 1-year term, one member for a 2-year term, two  
19 members for 3-year terms, and one member for a 4-year term.

20 3. The Speaker of the House of Representatives shall  
21 appoint one member for a 1-year term, one member for a 2-year  
22 term, two members for 3-year terms, and one member for a  
23 4-year term.

24 (d) Subsequent appointments shall be made by the  
25 official who appointed the council member whose expired term  
26 is to be filled.

27 (e) The Film Commissioner, a representative of  
28 Enterprise Florida, Inc., and a representative of the Florida  
29 Tourism Industry Marketing Corporation shall serve as  
30 ex-officio, non-voting members of the council, and shall be in  
31 addition to the 17 appointed members of the council.

1           (f) Absence from three consecutive meetings shall  
2 result in automatic removal from the council.

3           (g) A vacancy on the council shall be filled for the  
4 remainder of the unexpired term by the official who appointed  
5 the vacating member.

6           (h) No more than one member of the council may be an  
7 employee of any one company, organization, or association.

8           (i) Any member shall be eligible for reappointment but  
9 may not serve more than two consecutive terms.

10           (4) MEETINGS; ORGANIZATION.--

11           (a) The council shall meet no less frequently than  
12 once each quarter of the calendar year, but may meet more  
13 often as determined by the council.

14           (b) The council shall annually elect one member to  
15 serve as chair of the council and one member to serve as vice  
16 chair. The Office of the Film Commissioner shall provide  
17 staff assistance to the council, which shall include, but not  
18 be limited to, keeping records of the proceedings of the  
19 council and serving as custodian of all books, documents, and  
20 papers filed with the council.

21           (c) A majority of the members of the council shall  
22 constitute a quorum.

23           (d) Members of the council shall serve without  
24 compensation but shall be entitled to reimbursement for per  
25 diem and travel expenses in accordance with s. 112.061 while  
26 in performance of their duties.

27           (5) POWERS AND DUTIES.--The Florida Entertainment  
28 Industry Advisory Council shall have all the powers necessary  
29 or convenient to carry out and effectuate the purposes and  
30 provisions of this act, including, but not limited to, the  
31 power to:

1       (a) Adopt bylaws for the governance of its affairs and  
2 the conduct of its business.

3       (b) Advise and consult with the Office of the Film  
4 Commissioner on the content, development, and implementation  
5 of the 5-year strategic plan to guide the activities of the  
6 office.

7       (c) Review the Film Commissioner's administration of  
8 the programs related to the strategic plan, and advise the  
9 Commissioner on the programs and any changes that might be  
10 made to better fulfill the strategic plan.

11       (d) Consider and study the needs of the entertainment  
12 industry for the purpose of advising the commissioner and the  
13 Office of Tourism, Trade, and Economic Development.

14       (e) Identify and make recommendations on state agency  
15 and local government actions that may have an impact on the  
16 entertainment industry or that may appear to industry  
17 representatives as an official state or local action affecting  
18 production in the state.

19       (f) Consider all matters submitted to it by the  
20 commissioner and the Office of Tourism, Trade, and Economic  
21 Development.

22       (g) Advise and consult with the commissioner and the  
23 Office of Tourism, Trade, and Economic Development, at their  
24 request or upon its own initiative, regarding the  
25 promulgation, administration, and enforcement of all laws and  
26 rules relating to the entertainment industry.

27       (h) Suggest policies and practices for the conduct of  
28 business by the Office of the Film Commissioner or by the  
29 Office of Tourism, Trade, and Economic Development that will  
30 improve internal operations affecting the entertainment  
31

1 industry and will enhance the economic development initiatives  
2 of the state for the industry.

3 (i) Appear on its own behalf before boards,  
4 commissions, departments, or other agencies of municipal,  
5 county, or state government or the Federal Government.

6 Section 6. Section 288.1253, Florida Statutes, is  
7 created to read:

8 288.1253 Travel and entertainment expenses.--

9 (1) As used in this section, the term:

10 (a) "Business client" means any person, other than a  
11 state official or state employee, who receives the services of  
12 representatives of the Office of the Film Commissioner in  
13 connection with the performance of its statutory duties,  
14 including persons or representatives of entertainment industry  
15 companies considering location, relocation, or expansion of an  
16 entertainment industry business within the state.

17 (b) "Entertainment expenses" means the actual,  
18 necessary, and reasonable costs of providing hospitality for  
19 business clients or guests, which costs are defined and  
20 prescribed by rules adopted by the Office of Tourism, Trade,  
21 and Economic Development, subject to approval by the  
22 Comptroller.

23 (c) "Guest" means a person, other than a state  
24 official or state employee, authorized by the Office of  
25 Tourism, Trade, and Economic Development to receive the  
26 hospitality of the Office of the Film Commissioner in  
27 connection with the performance of its statutory duties.

28 (d) "Travel expenses" means the actual, necessary, and  
29 reasonable costs of transportation, meals, lodging, and  
30 incidental expenses normally incurred by a traveler, which  
31 costs are defined and prescribed by rules adopted by the

1 Office of Tourism, Trade, and Economic Development, subject to  
2 approval by the Comptroller.

3 (2) Notwithstanding the provisions of s. 112.061, the  
4 Office of Tourism, Trade, and Economic Development shall adopt  
5 rules by which it may make expenditures by advancement or  
6 reimbursement, or a combination thereof, to:

7 (a) The Governor, the Lieutenant Governor, security  
8 staff of the Governor or Lieutenant Governor, the Film  
9 Commissioner, or staff of the Office of the Film Commissioner  
10 for travel expenses or entertainment expenses incurred by such  
11 individuals solely and exclusively in connection with the  
12 performance of the statutory duties of the Office of the Film  
13 Commissioner.

14 (b) The Governor, the Lieutenant Governor, security  
15 staff of the Governor or Lieutenant Governor, the Film  
16 Commissioner, or staff of the Office of the Film Commissioner  
17 for travel expenses or entertainment expenses incurred by such  
18 individuals on behalf of guests, business clients, or  
19 authorized persons as defined in s. 112.061(2)(e) solely and  
20 exclusively in connection with the performance of the  
21 statutory duties of the Office of the Film Commissioner.

22 (c) Third-party vendors for the travel or  
23 entertainment expenses of guests, business clients, or  
24 authorized persons as defined in s. 112.061(2)(e) incurred  
25 solely and exclusively while such persons are participating in  
26 activities or events carried out by the Office of the Film  
27 Commissioner in connection with that office's statutory  
28 duties.

29  
30 The rules shall be subject to approval by the Comptroller  
31 prior to promulgation. The rules shall require the submission



1 of paid receipts, or other proof of expenditure prescribed by  
2 the Comptroller, with any claim for reimbursement and shall  
3 require, as a condition for any advancement of funds, an  
4 agreement to submit paid receipts or other proof of  
5 expenditure and to refund any unused portion of the  
6 advancement within 15 days after the expense is incurred or,  
7 if the advancement is made in connection with travel, within  
8 10 working days after the traveler's return to headquarters.  
9 However, with respect to an advancement of funds made solely  
10 for travel expenses, the rules may allow paid receipts or  
11 other proof of expenditure to be submitted, and any unused  
12 portion of the advancement to be refunded, within 10 working  
13 days after the traveler's return to headquarters. Operational  
14 or promotional advancements, as defined in s. 288.35(4),  
15 obtained pursuant to this section shall not be commingled with  
16 any other state funds.

17 (3) The Office of Tourism, Trade, and Economic  
18 Development shall prepare an annual report of the expenditures  
19 of the Office of the Film Commissioner and provide such report  
20 to the Legislature no later than December 30 of each year for  
21 the expenditures of the previous fiscal year. The report shall  
22 consist of a summary of all travel, entertainment, and  
23 incidental expenses incurred within the United States and all  
24 travel, entertainment, and incidental expenses incurred  
25 outside the United States, as well as a summary of all  
26 successful projects that developed from such travel.

27 (4) The Office of the Film Commissioner and its  
28 employees and representatives, when authorized, may accept and  
29 use complimentary travel, accommodations, meeting space,  
30 meals, equipment, transportation, and any other goods or  
31 services necessary for or beneficial to the performance of the

1 office's duties and purposes, so long as such acceptance or  
2 use is not in conflict with part III of chapter 112. The  
3 Office of Tourism, Trade, and Economic Development shall, by  
4 rule, develop internal controls to ensure that such goods or  
5 services accepted or used pursuant to this subsection are  
6 limited to those that will assist solely and exclusively in  
7 the furtherance of the office's goals and are in compliance  
8 with part III of chapter 112.

9       (5) Any claim submitted under this section shall not  
10 be required to be sworn to before a notary public or other  
11 officer authorized to administer oaths, but any claim  
12 authorized or required to be made under any provision of this  
13 section shall contain a statement that the expenses were  
14 actually incurred as necessary travel or entertainment  
15 expenses in the performance of official duties of the Office  
16 of the Film Commissioner and shall be verified by written  
17 declaration that it is true and correct as to every material  
18 matter. Any person who willfully makes and subscribes to any  
19 claim which he or she does not believe to be true and correct  
20 as to every material matter or who willfully aids or assists  
21 in, procures, or counsels or advises with respect to, the  
22 preparation or presentation of a claim pursuant to this  
23 section which is fraudulent or false as to any material  
24 matter, whether or not such falsity or fraud is with the  
25 knowledge or consent of the person authorized or required to  
26 present the claim, is guilty of a misdemeanor of the second  
27 degree, punishable as provided in s. 775.082 or s. 775.083.  
28 Whoever receives an advancement or reimbursement by means of a  
29 false claim is civilly liable, in the amount of the  
30 overpayment, for the reimbursement of the public fund from  
31 which the claim was paid.

1           Section 7. Subsections (2) and (7) of section 14.2015,  
2 Florida Statutes, 1998 Supplement, are amended to read:

3           14.2015 Office of Tourism, Trade, and Economic  
4 Development; creation; powers and duties.--

5           (2) The purpose of the Office of Tourism, Trade, and  
6 Economic Development is to assist the Governor in working with  
7 the Legislature, state agencies, business leaders, and  
8 economic development professionals to formulate and implement  
9 coherent and consistent policies and strategies designed to  
10 provide economic opportunities for all Floridians. To  
11 accomplish such purposes, the Office of Tourism, Trade, and  
12 Economic Development shall:

13           ~~(a) Contract, notwithstanding the provisions of part I~~  
14 ~~of chapter 287, with the direct-support organization created~~  
15 ~~under s. 288.1228, or a designated Florida not-for-profit~~  
16 ~~corporation whose board members have had prior experience in~~  
17 ~~promoting, throughout the state, the economic development of~~  
18 ~~the Florida motion picture, television, radio, video,~~  
19 ~~recording, and entertainment industries, to guide, stimulate,~~  
20 ~~and promote the entertainment industry in the state.~~

21           (a)(b) Contract, notwithstanding the provisions of  
22 part I of chapter 287, with the direct-support organization  
23 created under s. 288.1229 to guide, stimulate, and promote the  
24 sports industry in the state, to promote the participation of  
25 Florida's citizens in amateur athletic competition, and to  
26 promote Florida as a host for national and international  
27 amateur athletic competitions.

28           (b)(c) Monitor the activities of public-private  
29 partnerships and state agencies in order to avoid duplication  
30 and promote coordinated and consistent implementation of  
31 programs in areas including, but not limited to, tourism;

1 international trade and investment; business recruitment,  
2 creation, retention, and expansion; minority and small  
3 business development; and rural community development.

4 (c)~~(d)~~ Facilitate the direct involvement of the  
5 Governor and the Lieutenant Governor in economic development  
6 projects designed to create, expand, and retain Florida  
7 businesses and to recruit worldwide business.

8 (d)~~(e)~~ Assist the Governor, in cooperation with  
9 Enterprise Florida, Inc., and the Florida Commission on  
10 Tourism, in preparing an annual report to the Legislature on  
11 the state of the business climate in Florida and on the state  
12 of economic development in Florida which will include the  
13 identification of problems and the recommendation of  
14 solutions. This report shall be submitted to the President of  
15 the Senate, the Speaker of the House of Representatives, the  
16 Senate Minority Leader, and the House Minority Leader by  
17 January 1 of each year, and it shall be in addition to the  
18 Governor's message to the Legislature under the State  
19 Constitution and any other economic reports required by law.

20 (e)~~(f)~~ Plan and conduct at least three meetings per  
21 calendar year of leaders in business, government, and economic  
22 development called by the Governor to address the business  
23 climate in the state, develop a common vision for the economic  
24 future of the state, and identify economic development efforts  
25 to fulfill that vision.

26 (f)~~(g)~~1. Administer the Florida Enterprise Zone Act  
27 under ss. 290.001-290.016, the community contribution tax  
28 credit program under ss. 220.183 and 624.5105, the tax refund  
29 program for qualified target industry businesses under s.  
30 288.106, contracts for transportation projects under s.  
31 288.063, the sports franchise facility program under s.

1 288.1162, the professional golf hall of fame facility program  
2 under s. 288.1168, the Florida Jobs Siting Act under ss.  
3 403.950-403.972, the Rural Community Development Revolving  
4 Loan Fund under s. 288.065, the Regional Rural Development  
5 Grants Program under s. 288.018, the Certified Capital Company  
6 Act under s. 288.99, the Florida State Rural Development  
7 Council, and the Rural Economic Development Initiative.

8         2. The office may enter into contracts in connection  
9 with the fulfillment of its duties concerning the Florida  
10 First Business Bond Pool under chapter 159, tax incentives  
11 under chapters 212 and 220, tax incentives under the Certified  
12 Capital Company Act in chapter 288, foreign offices under  
13 chapter 288, the Enterprise Zone program under chapter 290,  
14 the Seaport Employment Training program under chapter 311, the  
15 Florida Professional Sports Team License Plates under chapter  
16 320, Spaceport Florida under chapter 331, Job Siting and  
17 Expedited Permitting under chapter 403, and in carrying out  
18 other functions that are specifically assigned to the office  
19 by law.

20         (g)~~(h)~~ Serve as contract administrator for the state  
21 with respect to contracts with Enterprise Florida, Inc., the  
22 Florida Commission on Tourism, and all direct-support  
23 organizations under this act, excluding those relating to  
24 tourism. To accomplish the provisions of this act and  
25 applicable provisions of chapter 288, and notwithstanding the  
26 provisions of part I of chapter 287, the office shall enter  
27 into specific contracts with Enterprise Florida, Inc., the  
28 Florida Commission on Tourism, and other appropriate  
29 direct-support organizations. Such contracts may be multiyear  
30 and shall include specific performance measures for each year.  
31 The office shall provide the President of the Senate and the

1 Speaker of the House of Representatives with a report by  
2 February 1 of each year on the status of these contracts,  
3 including the extent to which specific contract performance  
4 measures have been met by these contractors.

5 (h) Provide administrative oversight for the Office of  
6 the Film Commissioner, created under s. 288.1251, to develop,  
7 promote, and provide services to the state's entertainment  
8 industry and to administratively house the Florida  
9 Entertainment Industry Advisory Council created under s.  
10 288.1252.

11 (i) Prepare and submit as a separate budget entity a  
12 unified budget request for tourism, trade, and economic  
13 development in accordance with chapter 216 for, and in  
14 conjunction with, Enterprise Florida, Inc., and its boards,  
15 the Florida Commission on Tourism and its direct-support  
16 organization, the Florida Black Business Investment Board, the  
17 Office of the Film Commissioner, and the direct-support  
18 organization organizations created to promote the  
19 ~~entertainment and sports~~ industry industries.

20 (j) Promulgate rules to carry out its functions in  
21 connection with the administration of the Qualified Target  
22 Industry program, the Qualified Defense Contractor program,  
23 the Certified Capital Company Act, the Enterprise Zone  
24 program, and the Florida First Business Bond pool.

25 (7) The Office of Tourism, Trade, and Economic  
26 Development shall develop performance measures, standards, and  
27 sanctions for each program it administers under this act and,  
28 in conjunction with the applicable entity, for each program  
29 for which it contracts with another entity under this act.  
30 The performance measures, standards, and sanctions shall be  
31 developed in consultation with the legislative appropriations

1 committees and the appropriate substantive committees, and are  
2 subject to the review and approval process provided in s.  
3 216.177. The approved performance measures, standards, and  
4 sanctions shall be included and made a part of the strategic  
5 plan for the Office of the Film Commissioner and of each  
6 contract entered into for delivery of programs authorized by  
7 this act.

8 Section 8. Sections 288.051, 288.052, 288.053,  
9 288.054, 288.055, 288.056, 288.057, 288.1228, and 288.12285,  
10 Florida Statutes, are repealed.

11 Section 9. 21st Century Digital Television and  
12 Education Task Force; membership; duties.--

13 (1) The "21st Century Digital Television and Education  
14 Task Force" is created to serve through February 1, 2000. The  
15 task force is created within the Office of Tourism, Trade, and  
16 Economic Development, which shall provide staff support for  
17 the activities of the task force. The task force shall  
18 consist of the following members:

19 (a) Two members to be appointed by the Governor.

20 (b) Two members of the Senate, or their designees, to  
21 be appointed by the President of the Senate.

22 (c) Two members of the House of Representatives, or  
23 their designees, to be appointed by the Speaker of the House  
24 of Representatives.

25 (d) The Commissioner of Education or the  
26 commissioner's designee.

27 (e) The Chancellor of the State University System or  
28 the chancellor's designee.

29 (f) The Executive Director of the State Community  
30 College System or the executive director's designee.

31

1           (g) The President of the Independent Colleges and  
2 Universities of Florida or the president's designee.

3           (h) A representative of Enterprise Florida, Inc., with  
4 knowledge on workforce development and economic development  
5 issues.

6           (i) The Film Commissioner within the Office of  
7 Tourism, Trade, and Economic Development.

8           (2) Each appointed member of the task force shall  
9 serve at the pleasure of the appointing official. A vacancy on  
10 the task force shall be filled in the same manner as the  
11 original appointment.

12           (3) The task force shall elect a chair from among its  
13 members. A vacancy in the chair of the task force must be  
14 filled for the remainder of the unexpired term by an election  
15 of the task force members.

16           (4) The task force shall meet as necessary, at the  
17 call of the chair or at the call of a quorum of the task  
18 force, and at the time and place designated by the chair. A  
19 quorum is necessary for the purpose of conducting official  
20 business of the task force. Six members of the task force  
21 shall constitute a quorum. The task force shall use accepted  
22 rules of procedure to conduct its meetings and shall keep a  
23 complete record of each meeting.

24           (5) Members of the task force shall receive no  
25 compensation for their services, but shall be entitled to  
26 receive per diem and travel expenses as provided in section  
27 112.061, Florida Statutes.

28           (6) The Task Force shall act as an advisory body and  
29 shall make recommendations to the Governor and the Legislature  
30 on a coordinated plan to carry out the legislative intent of  
31 this act. The task force shall have the following duties:



1           (a) Devise a plan to recruit the following industry  
2 segments to locate in Florida:

3           1. Digital programmers and producers, including  
4 companies involved in the production, marketing, and  
5 development of digital content, as well as studios, networks,  
6 and television stations.

7           2. Companies involved in the transmission of digital  
8 media, including television broadcasters; cable and satellite  
9 companies; television, theater, and film industry members;  
10 Internet content providers; web site producers; and other  
11 information service providers.

12           3. Digital television equipment manufacturers,  
13 including makers of digital video cameras, audio equipment,  
14 transmission equipment, television sets, set-top boxes and  
15 related hardware, monitors, displays, tapes, and discs.

16           4. Companies involved in the research and development  
17 of new and innovative digital television equipment, consumer  
18 electronics, prototypes, and products.

19           (b) Investigate and recommend strong economic  
20 incentives to encourage the digital industry segments  
21 described in subparagraph 1. to locate and compete in Florida.

22           (c) Devise a plan to create and maintain higher  
23 education opportunities for students wishing to enter the  
24 digital television field. At a minimum, the plan shall  
25 consider and address the following:

26           1. The extent to which higher education opportunities  
27 are currently available to students in the areas of digital  
28 production, transmission, manufacturing, and research and  
29 development.

30           2. The workforce needs of the digital television  
31 industry segments described in subparagraph 1.

1           3. Recommendations and an operational plan for  
2 creating and maintaining higher education opportunities in  
3 digital television production, transmission, manufacturing,  
4 and research and development.

5           4. Any other recommendations to encourage and promote  
6 the development of a skilled workforce in digital broadcast  
7 communications and high-definition television.

8           (d) Recommend methods to hasten the conversion of  
9 existing commercial television studios and soundstages from  
10 analog to digital technology.

11           (e) Recommend a means to fund the cost of converting  
12 public broadcast stations from analog to digital technology,  
13 including a grant program for Florida Public Television.

14           (f) Issue a report to the Legislature no later than  
15 February 1, 2000, summarizing its findings, stating its  
16 conclusions, and proposing its recommendations.

17           Section 10. Subsections (1) and (2) of section  
18 288.1229, Florida Statutes, are amended, and subsections (8)  
19 and (9) are added to that section, to read:

20           288.1229 Promotion and development of sports-related  
21 industries; direct-support organization; powers and duties.--

22           (1) The Office of Tourism, Trade, and Economic  
23 Development may authorize a direct-support organization to  
24 assist the office in:

25           (a) The promotion and development of the sports  
26 industry and related industries for the purpose of improving  
27 the economic presence of these industries in Florida.

28           (b) The promotion of amateur athletic participation  
29 for the citizens of Florida and the promotion of Florida as a  
30 host for national and international amateur athletic  
31 competitions for the purpose of encouraging and increasing the

1 direct and ancillary economic benefits of amateur athletic  
2 events and competitions.

3 (2) To be authorized as a direct-support organization,  
4 an organization must:

5 (a) Be incorporated as a corporation not for profit  
6 pursuant to chapter 617.

7 (b) Be governed by a board of directors, which must  
8 consist of up to 15 members appointed by the Governor and up  
9 to 15 members appointed by the existing board of directors.

10 In making appointments, the board must consider a potential  
11 member's background in community service and sports activism  
12 in, and financial support of, the sports industry,  
13 professional sports, or organized amateur athletics. Members  
14 must be residents of the state and highly knowledgeable about  
15 or active in professional or organized amateur sports. The  
16 board must contain representatives of all geographical regions  
17 of the state and must represent ethnic and gender diversity.  
18 The terms of office of the members shall be 4 years. No  
19 member may serve more than two consecutive terms. The  
20 Governor may remove any member for cause and shall fill all  
21 vacancies that occur.

22 (c) Have as its purpose, as stated in its articles of  
23 incorporation, to receive, hold, invest, and administer  
24 property; to raise funds and receive gifts; and to promote and  
25 develop the sports industry and related industries for the  
26 purpose of increasing the economic presence of these  
27 industries in Florida.

28 (d) Have a prior determination by the Office of  
29 Tourism, Trade, and Economic Development that the organization  
30 will benefit the office and act in the best interests of the  
31 state as a direct-support organization to the office.

1           (8) To promote amateur sports and physical fitness,  
2 the direct-support organization shall:

3           (a) Develop, foster, and coordinate services and  
4 programs for amateur sports for the people of Florida.

5           (b) Sponsor amateur sports workshops, clinics,  
6 conferences, and other similar activities.

7           (c) Give recognition to outstanding developments and  
8 achievements in, and contributions to, amateur sports.

9           (d) Encourage, support, and assist local governments  
10 and communities in the development of or hosting of local  
11 amateur athletic events and competitions.

12           (e) Promote Florida as a host for national and  
13 international amateur athletic competitions. As part of this  
14 effort, the direct-support organization shall:

15           1. Assist and support Florida cities or communities  
16 bidding or seeking to host the Summer Olympics or Pan American  
17 Games.

18           2. Annually report to the Governor, the President of  
19 the Senate, and the Speaker of the House of Representatives on  
20 the status of the efforts of cities or communities bidding to  
21 host the Summer Olympics or Pan American Games, including, but  
22 not limited to, current financial and infrastructure status,  
23 projected financial and infrastructure needs, and  
24 recommendations for satisfying the unmet needs and fulfilling  
25 the requirements for a successful bid in any year that the  
26 Summer Olympics or Pan American Games are held in this state.

27           (f) Develop a statewide program of amateur athletic  
28 competition to be known as the "Sunshine State Games."

29           (g) Continue the successful amateur sports programs  
30 previously conducted by the Florida Governor's Council on  
31 Physical Fitness and Amateur Sports created under s. 14.22.

1           (h) Encourage and continue the use of volunteers in  
2 its amateur sports programs to the maximum extent possible.

3           (i) Develop, foster, and coordinate services and  
4 programs designed to encourage the participation of Florida's  
5 youth in Olympic sports activities and competitions.

6           (j) Foster and coordinate services and programs  
7 designed to contribute to the physical fitness of the citizens  
8 of Florida.

9           (9)(a) The Sunshine State Games shall be patterned  
10 after the Summer Olympics with variations as necessitated by  
11 availability of facilities, equipment, and expertise. The  
12 games shall be designed to encourage the participation of  
13 athletes representing a broad range of age groups, skill  
14 levels, and Florida communities. Participants shall be  
15 residents of this state. Regional competitions shall be held  
16 throughout the state, and the top qualifiers in each sport  
17 shall proceed to the final competitions to be held at a site  
18 in the state with the necessary facilities and equipment for  
19 conducting the competitions.

20           (b) The Executive Office of the Governor is authorized  
21 to permit the use of property, facilities, and personal  
22 services of or at any State University System facility or  
23 institution by the direct-support organization operating the  
24 Sunshine State Games. For the purposes of this paragraph,  
25 personal services includes full-time or part-time personnel as  
26 well as payroll processing.

27           Section 11. Paragraph (a) of subsection (6) of section  
28 320.08058, Florida Statutes, 1998 Supplement, is amended to  
29 read:

30           320.08058 Specialty license plates.--

31

1           (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
2 PLATES.--

3           (a) Because the United States Olympic Committee has  
4 selected this state to participate in a combined fundraising  
5 program that provides for one-half of all money raised through  
6 volunteer giving to stay in this state and be administered by  
7 the direct-support organization established under s. 288.1229  
8 ~~Sunshine State Games Foundation~~ to support amateur sports, and  
9 because the United States Olympic Committee and the  
10 direct-support organization ~~Sunshine State Games Foundation~~  
11 are nonprofit organizations dedicated to providing athletes  
12 with support and training and preparing athletes of all ages  
13 and skill levels for sports competition, and because the  
14 direct-support organization ~~Sunshine State Games Foundation~~  
15 assists in the bidding for sports competitions that provide  
16 significant impact to the economy of this state, and the  
17 Legislature supports the efforts of the United States Olympic  
18 Committee and the direct-support organization ~~Florida Sunshine~~  
19 ~~State Games Foundation~~, the Legislature establishes a Florida  
20 United States Olympic Committee license plate for the purpose  
21 of providing a continuous funding source to support this  
22 worthwhile effort. Florida United States Olympic Committee  
23 license plates must contain the official United States Olympic  
24 Committee logo and must bear a design and colors that are  
25 approved by the department. The word "Florida" must be  
26 centered at the top of the plate.

27           (b) The license plate annual use fees are to be  
28 annually distributed as follows:

29           1. The first \$5 million collected annually must be  
30 paid to the direct-support organization ~~Florida Governor's~~  
31

1 ~~Council on Physical Fitness and Amateur Sports~~ to be  
2 distributed as follows:

3 a. Fifty percent must be distributed to the  
4 direct-support organization to be used ~~Sunshine State Games~~  
5 ~~Foundation~~ for Florida's Sunshine State Games ~~Olympic Sports~~  
6 ~~Festival for Amateur Athletes.~~

7 b. Fifty percent must be distributed to the United  
8 States Olympic Committee.

9 2. Any additional fees must be deposited into the  
10 General Revenue Fund.

11 Section 12. Any funds or property held in trust by the  
12 Sunshine State Games Foundation, Inc., and the Florida  
13 Governor's Council on Physical Fitness and Amateur Sports  
14 shall revert to the direct-support organization, created under  
15 section 288.1229, Florida Statutes, upon expiration or  
16 cancellation of the contract with the Sunshine State Games  
17 Foundation, Inc., and the Florida Governor's Council on  
18 Physical Fitness and Amateur Sports, to be used for the  
19 promotion of amateur sports in Florida.

20 Section 13. Section 14.22, Florida Statutes, is  
21 repealed.

22 Section 14. This act shall take effect July 1, 1999.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                    COMMITTEE SUBSTITUTE FOR  
3                                    Senate Bills 2152 and 1930

4 This committee substitute differs substantially from SB's 2152  
5 and 1930 in that CS/SB's 2152 and 1930:

6                   Changes the name of the Florida Film Advisory Council to  
7                   the Florida Entertainment Industry Advisory Council.  
8                   Requires that the Film Commissioner, and representatives  
9                   of Enterprise Florida, Inc., and the Florida Tourism  
10                  Industry Marketing Corporation serve as ex-officio,  
11                  non-voting members of the Florida Entertainment Industry  
12                  Advisory Council. Provides that the Florida  
13                  Entertainment Industry Advisory Council have  
14                  representatives from the broadcast industry, studios and  
15                  networks.

16                 Expands the definition of the term "entertainment  
17                 industry," as it applies to the Office of the Film  
18                 Commissioner and the Florida Entertainment Industry  
19                 Advisory Council, to include persons or entities  
20                 providing products or services directly related to  
21                 certain preproduction, production, or postproduction  
22                 activities, including, but not limited to, the broadcast  
23                 industry.

24                 Requires that OTTED hire the Film Commissioner under a  
25                 performance-based contract.

26                 Provides that the Office of the Film Commissioner assist  
27                 rural and small communities develop the expertise and  
28                 capacity necessary for such communities to develop,  
29                 market, promote, and provide services to the state's  
30                 entertainment industry.

31                 Provides that members of the executive branch limit  
32                 certain travel and entertainment expenses to those  
33                 expenses incurred solely and exclusively in connection  
34                 with the performance of the Office of the Film  
35                 Commissioner's statutory duties.

36                 Provides for the formation of a 12-member task force to  
37                 be called the "21st Century Digital Television and  
38                 Education Task Force" to be administered under OTTED.  
39                 The task force is directed to, among other things,  
40                 devise a plan to recruit certain digital industries to  
41                 locate in Florida; devise a plan to create and maintain  
42                 higher education opportunities for students interested  
43                 in the digital television field; and recommend methods  
44                 to hasten the conversion of existing production  
45                 facilities to digital technology.

46                 Authorizes the Florida Sports Foundation to absorb many  
47                 of the duties currently assigned to the Governor's  
48                 Council on Physical Fitness and Amateur Sports,  
49                 including promotion of physical fitness, amateur sports,  
50                 and Florida as a venue for national and international  
51                 amateur sports competitions. The committee substitute  
52                 transfers from the council to the foundation the



1 administration of the funds collected from the sale of  
2 Olympic license plates under s. 320.08058, F.S., 1998  
3 Supplement, the administration of the Sunshine State  
4 Games, and provides for the transfer of all funds and  
5 property held by the council and the Sunshine State  
6 Games Foundation, Inc., to the Florida Sports  
7 Foundation.  
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