

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 by a designated time; requiring the

1 corporation to administer and operate welcome  
2 centers; providing for maintenance and  
3 improvements to welcome centers; repealing s.  
4 335.165, F.S., relating to welcome stations and  
5 the payment for improvements by the Department  
6 of Commerce; providing for the transfer of  
7 welcome center tangible personal property to  
8 the Florida Commission on Tourism; providing  
9 effective dates.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Subsection (1) of section 288.1221, Florida  
14 Statutes, is amended to read:

15 288.1221 Legislative intent.--

16 (1) It is the intent of the Legislature to establish a  
17 public-private partnership to provide policy direction to and  
18 technical expertise in the promotion and marketing of the  
19 state's tourism attributes. The Legislature further intends to  
20 authorize this partnership to recommend the tenets of an  
21 industry standard 4-year ~~5-year~~ marketing plan for an annual  
22 marketing plan for tourism promotion and recommend a  
23 comparable organizational structure to carry out such a plan.  
24 The Legislature intends to have such a plan funded by that  
25 portion of the rental car surcharge annually dedicated to the  
26 Tourism Promotional Trust Fund, pursuant to s. 212.0606, and  
27 by the tourism industry. ~~The Legislature intends that the~~  
28 ~~exercise of this authority by the public-private partnership~~  
29 ~~shall take into consideration the recommendations made to the~~  
30 ~~1992 Legislature in the report submitted by the Florida~~

1 ~~Tourism Commission created pursuant to chapter 91-31, Laws of~~  
2 ~~Florida.~~

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

5 288.1222 Definitions.--For the purposes of ss.  
6 288.017, 288.121-288.1226, and 288.124, the term:

7 (2) "Tourist" means any person who participates in  
8 trade or recreation activities outside the county ~~country~~ of  
9 his or her permanent residence or who rents or leases  
10 transient living quarters or accommodations as described in s.  
11 125.0104(3)(a).

12 Section 3. Paragraphs (e), (f), and (g) of subsection  
13 (2) of section 288.1223, Florida Statutes, are amended to  
14 read:

15 288.1223 Florida Commission on Tourism; creation;  
16 purpose; membership.--

17 (2)

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

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

25 (g) The Governor shall serve as chair of the  
26 commission. The commission shall annually ~~biennially~~ elect one  
27 of its tourism-industry-related members as vice chair, who  
28 shall preside in the absence of the chair.

29 Section 4. Paragraphs (a), (c), and (d) of subsection  
30 (4) and subsection (11) of section 288.1224, Florida Statutes,  
31 are amended to read:

1           288.1224 Powers and duties.--The commission:  
2           (4)(a) ~~Shall, no later than December 31, 1996,~~  
3 recommend the tenets of a 4-year marketing plan to sustain  
4 tourism growth, which plan shall be annual in construction and  
5 ongoing in nature. ~~The initial plan shall use as its model~~  
6 ~~the marketing plan recommended by the Florida Tourism~~  
7 ~~Commission, created pursuant to chapter 91-31, Laws of~~  
8 ~~Florida, and presented to the Legislature.~~ Any annual  
9 revisions of such a plan shall carry forward the concepts of  
10 the remaining 3-year portion of that plan and consider a  
11 continuum portion to preserve the 4-year timeframe of the  
12 plan. ~~Such plan shall be submitted to the President of the~~  
13 ~~Senate, the Speaker of the House of Representatives, the~~  
14 ~~Senate Minority Leader, and the House Minority Leader no later~~  
15 ~~than January 1, 1997.~~

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

1 alliance services contributed, the value of loaned employees,  
2 discounted service fees, items contributed for use in  
3 promotions, and radio or television air time or print space  
4 for promotions. The value of air time or print space shall be  
5 calculated by taking the actual time or space and multiplying  
6 by the nonnegotiated unit price for that specific time or  
7 space which is known as the media equivalency value. In order  
8 to avoid duplication in determining media equivalency value,  
9 only the value of the promotion itself shall be included; the  
10 value of the items contributed for the promotion shall not be  
11 included. Documentation for the components of the four  
12 categories of private match shall be kept on file for  
13 inspection as determined necessary.

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

25 (11) Shall receive staff support from the Florida  
26 Tourism Industry Marketing Corporation and shall not employ  
27 any additional staff. The president and chief executive  
28 officer of the Florida Tourism Industry Marketing Corporation  
29 shall serve without compensation as the executive director of  
30 the commission. As executive director, he or she shall have  
31 the authority to conduct any official business of the

1 commission, as authorized by the commission. ~~Shall create an~~  
2 ~~advisory committee of the commission which shall be charged~~  
3 ~~with developing a regionally based plan to protect and promote~~  
4 ~~all of the natural, coastal, historical, cultural, and~~  
5 ~~commercial tourism assets of this state.~~

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

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

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

23 Section 5. Paragraphs (h) through (n) of subsection  
24 (5) of section 288.1226, Florida Statutes, are renumbered as  
25 subsections (i) through (o), respectively, and a new paragraph  
26 (h) is added to said subsection to read:

27 288.1226 Florida Tourism Industry Marketing  
28 Corporation; use of property; board of directors; duties;  
29 audit.--

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

1           (h) Shall provide staff support to the Florida  
2 Commission on Tourism. The president and chief executive  
3 officer of the Florida Tourism Industry Marketing Corporation  
4 shall serve without compensation as the executive director of  
5 the commission.

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

9           288.12265 ~~335.166~~ Welcome Centers Office.--

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

1 until June 30, 2001, whichever occurs first ~~Department of~~  
2 ~~Transportation for administrative and fiscal accountability~~  
3 ~~purposes, but it shall otherwise function independently of the~~  
4 ~~control, supervision, and direction of the Department of~~  
5 ~~Transportation.~~

6 (2) The Florida Commission on Tourism, through its  
7 direct support organization, shall administer and operate the  
8 welcome centers. Pursuant to a contract with the Department  
9 of Transportation, the Commission shall be responsible for  
10 routine repair, replacement or improvement and the day to day  
11 management of interior areas occupied by the welcome  
12 centers. All other repairs, replacements or improvements to  
13 the welcome centers shall be the responsibility of the  
14 Department of Transportation ~~shall provide direction for the~~  
15 ~~administration of the Welcome Centers Office and direction for~~  
16 ~~the operation of the welcome centers. Funding for the office~~  
17 ~~shall be solely from the rental car surcharge provided to the~~  
18 ~~Tourism Promotional Trust Fund pursuant to s. 212.0606(2),~~  
19 ~~through a nonoperating transfer to the State Transportation~~  
20 ~~Trust Fund or contract with the commission or the commission's~~  
21 ~~direct support organization.~~

22 Section 7. Section 335.165, Florida Statutes, is  
23 repealed.

24 Section 8. The welcome center tangible personal  
25 property transferred to the Department of Transportation  
26 pursuant to section 4 of chapter 96-320, Laws of Florida, is  
27 hereby transferred to the Florida Commission on Tourism.

28 Section 9. Except as otherwise provided herein, this  
29 act shall take effect upon becoming a law.  
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