

Bill No. HB 985, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Kirkpatrick moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. <u>Short title.--This act may be cited as the</u>		
18	<u>"Entertainment Florida Act of 1999."</u>		
19	Section 2. <u>Legislative findings and intent.--The</u>		
20	<u>Legislature finds that the entertainment industry is comprised</u>		
21	<u>of multiple components, including, but not limited to, the</u>		
22	<u>operation of motion picture or television studios; the</u>		
23	<u>production of motion pictures, made-for-TV motion pictures,</u>		
24	<u>television series, commercial advertising, music videos, and</u>		
25	<u>sound recordings; the manufacture of products and the</u>		
26	<u>provision of services in the broadcast, communications, and</u>		
27	<u>other high-technology industries; the attendance at,</u>		
28	<u>participation in, and hosting of professional and amateur</u>		
29	<u>sporting events; and the attendance by in-state and</u>		
30	<u>out-of-state visitors at commercial and other attractions in</u>		
31	<u>the state. The Legislature further finds that these</u>		

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1 interrelated components form an entertainment industry cluster
2 with the potential to contribute significantly to the efforts
3 of the state to develop its economy and create employment
4 opportunities for its residents. It is the intent of the
5 Legislature to recognize the economic development significance
6 of the entertainment industry and to adopt policies designed
7 to facilitate its growth.

8 Section 3. Section 288.125, Florida Statutes, is
9 created to read:

10 288.125 Definitions.--For the purposes of sections
11 288.1251 through 288.1258, the term "entertainment industry"
12 means those persons or entities engaged in the operation of
13 motion picture or television studios or recording studios;
14 those persons or entities engaged in the preproduction,
15 production, or postproduction of motion pictures, made-for-TV
16 motion pictures, television series, commercial advertising,
17 music videos, or sound recordings; and those persons or
18 entities providing products or services directly related to
19 the preproduction, production, or postproduction of motion
20 pictures, made-for-TV motion pictures, television series,
21 commercial advertising, music videos, or sound recordings,
22 including, but not limited to, the broadcast industry.

23 Section 4. Section 288.1251, Florida Statutes, is
24 created to read:

25 288.1251 Promotion and development of entertainment
26 industry; Office of the Film Commissioner; creation; purpose;
27 powers and duties.--

28 (1) CREATION.--

29 (a) There is created within the Office of Tourism,
30 Trade, and Economic Development the Office of the Film
31 Commissioner for the purpose of developing, marketing,

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1 promoting, and providing services to the state's entertainment
2 industry.

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

6 Notwithstanding any other provision of law, the Executive
7 Director of the Office of Tourism, Trade, and Economic

8 Development shall hire the Film Commissioner under a
9 performance-based contract that provides for a base payment

10 for services or products delivered under the contract and that
11 provides for incentive payments, in addition to the base

12 payment, for the achievement of performance outcomes specified
13 in the contract, including, but not limited to, the

14 recruitment of film, television, recording, or other
15 entertainment projects to Florida directly attributable to the

16 work of the Film Commissioner. Such incentives must be paid
17 from funds appropriated by the Legislature and from funds

18 raised from the private sector. Guidelines for selection of
19 the Film Commissioner include, but are not limited to, the

20 Film Commissioner having:

21 1. A working knowledge of the equipment, personnel,
22 financial, and day-to-day production operations of the
23 industries to be served by the office;

24 2. Marketing and promotion experience related to the
25 industries to be served by the office;

26 3. Experience working with a variety of individuals
27 representing large and small entertainment-related businesses,
28 industry associations, local community entertainment-industry
29 liaisons, and labor organizations;

30 4. Experience working with a variety of state and
31 local governmental agencies; and

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1 5. A willingness to market the state as a site for
2 entertainment projects under a performance-based contract.

3 (c) Prior to executing a contract with the Film
4 Commissioner under paragraph (b), the director of the Office
5 of Tourism, Trade, and Economic Development shall consult with
6 the Governor's Chief Inspector General and with the Office of
7 Program Policy Analysis and Government Accountability for
8 assistance in identifying and defining the specific outcomes
9 and appropriate incentive payments to govern such contract.

10 One of the factors to be considered in determining the
11 appropriate amount of incentive payments shall be the
12 financial benefit to the state of projects recruited by the
13 Film Commissioner. The Office of Tourism, Trade, and Economic
14 Development shall also consult with the Governor's Chief
15 Inspector General and with the Office of Program Policy
16 Analysis and Government Accountability on other appropriate
17 accountability measures to be incorporated into the contract.

18 (d) The Director of the Office of Tourism, Trade, and
19 Economic Development shall notify the Governor, the President
20 of the Senate, and the Speaker of the House of Representatives
21 on an annual basis of the amount of incentive payments awarded
22 and shall identify the entertainment projects recruited to the
23 state that provided a basis for the incentive payments.

24 (e) The duration of the contract with the Film
25 Commissioner shall not exceed one year, and the contract shall
26 not contain any severance terms or conditions that exceed the
27 terms and conditions of a career service employee. The
28 contract with the Film Commissioner shall include conditions
29 authorizing and governing the sharing of incentive payments
30 with employees of the Office of the Film Commissioner.

31 (f) The Film Commissioner shall not share, or

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1 otherwise use, the incentive payments under this subsection in
2 an effort to influence the decision of a person or
3 organization to select this state as a location for a film,
4 television, recording, or other entertainment project.

5 Violation of this provision shall constitute grounds for the
6 Office of Tourism, Trade, and Economic Development to
7 terminate the contract with the Film Commissioner.

8 (2) POWERS AND DUTIES.--

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

11 1. In consultation with the Florida Entertainment
12 Industry Advisory Council, develop and implement a 5-year
13 strategic plan to guide the activities of the Office of the
14 Film Commissioner in the areas of entertainment industry
15 development, marketing, promotion, liaison services, field
16 office administration, and information. The plan, to be
17 developed by no later than June 30, 2000, shall:

18 a. Be annual in construction and ongoing in nature.

19 b. Include recommendations relating to the
20 organizational structure of the office.

21 c. Include an annual budget projection for the office
22 for each year of the plan.

23 d. Include an operational model for the office to use
24 in implementing programs for rural and urban areas designed
25 to:

26 (I) Develop and promote the state's entertainment
27 industry.

28 (II) Have the office serve as a liaison between the
29 entertainment industry and other state and local governmental
30 agencies, local film commissions, and labor organizations.

31 (III) Gather statistical information related to the

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1 state's entertainment industry.

2 (IV) Provide information and service to businesses,
3 communities, organizations, and individuals engaged in
4 entertainment industry activities.

5 (V) Administer field offices outside the state and
6 coordinate with regional offices maintained by counties and
7 regions of the state, as described in sub-sub-subparagraph
8 (II) above, as necessary.

9 e. Include performance standards and measurable
10 outcomes for the programs to be implemented by the office.

11 f. Include an assessment of, and make recommendations
12 on, the feasibility of creating an alternative public-private
13 partnership for the purpose of contracting with such a
14 partnership for the administration of the state's
15 entertainment industry promotion, development, marketing, and
16 industry service programs.

17 2. Develop, market, and facilitate a smooth working
18 relationship between state agencies and local governments in
19 cooperation with local film commission offices for
20 out-of-state and indigenous entertainment industry production
21 entities.

22 3. Implement a structured methodology prescribed for
23 coordinating activities of local offices with each other and
24 with the commissioner's office.

25 4. Represent the state's indigenous entertainment
26 industry to key decisionmakers within the national and
27 international entertainment industry, and to state and local
28 officials.

29 5. Prepare an inventory and analysis of the state's
30 entertainment industry, including, but not limited to,
31 information on crew, related businesses, support services, job

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1 creation, talent, advancements in the use of digital
2 technology, and economic impact, and coordinate with local
3 offices to develop an information tool for common use.

4 6. Represent key decisionmakers within the national
5 and international entertainment industry to the indigenous
6 entertainment industry and to state and local officials.

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

9 8. Identify, solicit, and recruit entertainment
10 production opportunities for the state, with the Film
11 Commissioner operating under a performance-based contract as
12 specified in subsection (1).

13 9. Assist rural communities and other small
14 communities in the state in developing expertise and capacity
15 necessary for such communities to develop, market, promote,
16 and provide services to the state's entertainment industry.

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

19 1. Conduct or contract for specific promotion and
20 marketing functions, including, but not limited to, production
21 of a statewide directory, production and maintenance of an
22 Internet web site, establishment and maintenance of a
23 toll-free number, organization of trade show participation,
24 and appropriate cooperative marketing opportunities.

25 2. Conduct its affairs, carry on its operations,
26 establish offices, and exercise the powers granted by this act
27 in any state, territory, district, or possession of the United
28 States.

29 3. Carry out any program of information, special
30 events, or publicity designed to attract the entertainment
31 industry to Florida.

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1 4. Develop relationships and leverage resources with
 2 other public and private organizations or groups in their
 3 efforts to publicize to the entertainment industry in this
 4 state, other states, and other countries the depth of
 5 Florida's entertainment industry talent, crew, production
 6 companies, production equipment resources, related businesses,
 7 and support services, including the establishment of and
 8 expenditure for a program of cooperative advertising with
 9 these public and private organizations and groups in
 10 accordance with the provisions of chapter 120.

11 5. Provide and arrange for reasonable and necessary
 12 promotional items and services for such persons as the office
 13 deems proper in connection with the performance of the
 14 promotional and other duties of the office.

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

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

19 288.1252 Florida Entertainment Industry Advisory
 20 Council; creation; purpose; membership; powers and duties.--

21 (1) CREATION.--There is hereby created within the
 22 Office of Tourism, Trade, and Economic Development of the
 23 Executive Office of the Governor, for administrative purposes
 24 only, the Florida Entertainment Industry Advisory Council.

25 (2) PURPOSE.--The purpose of the council shall be to
 26 serve as an advisory body to the Office of Tourism, Trade, and
 27 Economic Development and to the Office of the Film
 28 Commissioner to provide these offices with industry insight
 29 and expertise related to developing, marketing, promoting, and
 30 providing service to the state's entertainment industry.

31 (3) MEMBERSHIP.--

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

6 (b) When making appointments to the council, the
7 Governor, the President of the Senate, and the Speaker of the
8 House of Representatives shall appoint persons who are
9 residents of the state and who are highly knowledgeable
10 concerning, active in, and recognized leaders in Florida's
11 motion picture, television, video, sound recording, or other
12 entertainment industries. These persons shall include, but not
13 be limited to, representatives of local film commissions,
14 representatives of entertainment associations, representatives
15 of the broadcast industry, representatives of studios and
16 networks, a representative of labor organizations in the
17 entertainment industry, and board chairs, presidents, chief
18 executive officers, chief operating officers, and persons of
19 comparable executive position or stature in leading or
20 otherwise important entertainment industry businesses and
21 offices. Council members shall be appointed in such a manner
22 as to equitably represent the broadest spectrum of the
23 entertainment industry and geographic areas of the state.

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

26 1. The Governor shall appoint one member for a 1-year
27 term, two members for 2-year terms, two members for 3-year
28 terms, and two members for 4-year terms.

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

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

5 (d) Subsequent appointments shall be made by the
6 official who appointed the council member whose expired term
7 is to be filled.

8 (e) The Film Commissioner, a representative of
9 Enterprise Florida, Inc., and a representative of the Florida
10 Tourism Industry Marketing Corporation shall serve as
11 ex-officio, non-voting members of the council, and shall be in
12 addition to the 17 appointed members of the council.

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

15 (g) A vacancy on the council shall be filled for the
16 remainder of the unexpired term by the official who appointed
17 the vacating member.

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

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

22 (4) MEETINGS; ORGANIZATION.--

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

26 (b) The council shall annually elect one member to
27 serve as chair of the council and one member to serve as vice
28 chair. The Office of the Film Commissioner shall provide
29 staff assistance to the council, which shall include, but not
30 be limited to, keeping records of the proceedings of the
31 council and serving as custodian of all books, documents, and

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1 papers filed with the council.

2 (c) A majority of the members of the council shall
3 constitute a quorum.

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

8 (5) POWERS AND DUTIES.--The Florida Entertainment
9 Industry Advisory Council shall have all the powers necessary
10 or convenient to carry out and effectuate the purposes and
11 provisions of this act, including, but not limited to, the
12 power to:

13 (a) Adopt bylaws for the governance of its affairs and
14 the conduct of its business.

15 (b) Advise and consult with the Office of the Film
16 Commissioner on the content, development, and implementation
17 of the 5-year strategic plan to guide the activities of the
18 office.

19 (c) Review the Film Commissioner's administration of
20 the programs related to the strategic plan, and advise the
21 Commissioner on the programs and any changes that might be
22 made to better fulfill the strategic plan.

23 (d) Consider and study the needs of the entertainment
24 industry for the purpose of advising the commissioner and the
25 Office of Tourism, Trade, and Economic Development.

26 (e) Identify and make recommendations on state agency
27 and local government actions that may have an impact on the
28 entertainment industry or that may appear to industry
29 representatives as an official state or local action affecting
30 production in the state.

31 (f) Consider all matters submitted to it by the

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1 commissioner and the Office of Tourism, Trade, and Economic
2 Development.

3 (g) Advise and consult with the commissioner and the
4 Office of Tourism, Trade, and Economic Development, at their
5 request or upon its own initiative, regarding the
6 promulgation, administration, and enforcement of all laws and
7 rules relating to the entertainment industry.

8 (h) Suggest policies and practices for the conduct of
9 business by the Office of the Film Commissioner or by the
10 Office of Tourism, Trade, and Economic Development that will
11 improve internal operations affecting the entertainment
12 industry and will enhance the economic development initiatives
13 of the state for the industry.

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

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

19 288.1253 Travel and entertainment expenses.--

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

21 (a) "Business client" means any person, other than a
22 state official or state employee, who receives the services of
23 representatives of the Office of the Film Commissioner in
24 connection with the performance of its statutory duties,
25 including persons or representatives of entertainment industry
26 companies considering location, relocation, or expansion of an
27 entertainment industry business within the state.

28 (b) "Entertainment expenses" means the actual,
29 necessary, and reasonable costs of providing hospitality for
30 business clients or guests, which costs are defined and
31 prescribed by rules adopted by the Office of Tourism, Trade,

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1 and Economic Development, subject to approval by the
2 Comptroller.

3 (c) "Guest" means a person, other than a state
4 official or state employee, authorized by the Office of
5 Tourism, Trade, and Economic Development to receive the
6 hospitality of the Office of the Film Commissioner in
7 connection with the performance of its statutory duties.

8 (d) "Travel expenses" means the actual, necessary, and
9 reasonable costs of transportation, meals, lodging, and
10 incidental expenses normally incurred by a traveler, which
11 costs are defined and prescribed by rules adopted by the
12 Office of Tourism, Trade, and Economic Development, subject to
13 approval by the Comptroller.

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

18 (a) The Governor, the Lieutenant Governor, security
19 staff of the Governor or Lieutenant Governor, the Film
20 Commissioner, or staff of the Office of the Film Commissioner
21 for travel expenses or entertainment expenses incurred by such
22 individuals solely and exclusively in connection with the
23 performance of the statutory duties of the Office of the Film
24 Commissioner.

25 (b) The Governor, the Lieutenant Governor, security
26 staff of the Governor or Lieutenant Governor, the Film
27 Commissioner, or staff of the Office of the Film Commissioner
28 for travel expenses or entertainment expenses incurred by such
29 individuals on behalf of guests, business clients, or
30 authorized persons as defined in s. 112.061(2)(e) solely and
31 exclusively in connection with the performance of the

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1 statutory duties of the Office of the Film Commissioner.

2 (c) Third-party vendors for the travel or
3 entertainment expenses of guests, business clients, or
4 authorized persons as defined in s. 112.061(2)(e) incurred
5 solely and exclusively while such persons are participating in
6 activities or events carried out by the Office of the Film
7 Commissioner in connection with that office's statutory
8 duties.

9
10 The rules shall be subject to approval by the Comptroller
11 prior to promulgation. The rules shall require the submission
12 of paid receipts, or other proof of expenditure prescribed by
13 the Comptroller, with any claim for reimbursement and shall
14 require, as a condition for any advancement of funds, an
15 agreement to submit paid receipts or other proof of
16 expenditure and to refund any unused portion of the
17 advancement within 15 days after the expense is incurred or,
18 if the advancement is made in connection with travel, within
19 10 working days after the traveler's return to headquarters.
20 However, with respect to an advancement of funds made solely
21 for travel expenses, the rules may allow paid receipts or
22 other proof of expenditure to be submitted, and any unused
23 portion of the advancement to be refunded, within 10 working
24 days after the traveler's return to headquarters. Operational
25 or promotional advancements, as defined in s. 288.35(4),
26 obtained pursuant to this section shall not be commingled with
27 any other state funds.

28 (3) The Office of Tourism, Trade, and Economic
29 Development shall prepare an annual report of the expenditures
30 of the Office of the Film Commissioner and provide such report
31 to the Legislature no later than December 30 of each year for

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1 the expenditures of the previous fiscal year. The report shall
2 consist of a summary of all travel, entertainment, and
3 incidental expenses incurred within the United States and all
4 travel, entertainment, and incidental expenses incurred
5 outside the United States, as well as a summary of all
6 successful projects that developed from such travel.

7 (4) The Office of the Film Commissioner and its
8 employees and representatives, when authorized, may accept and
9 use complimentary travel, accommodations, meeting space,
10 meals, equipment, transportation, and any other goods or
11 services necessary for or beneficial to the performance of the
12 office's duties and purposes, so long as such acceptance or
13 use is not in conflict with part III of chapter 112. The
14 Office of Tourism, Trade, and Economic Development shall, by
15 rule, develop internal controls to ensure that such goods or
16 services accepted or used pursuant to this subsection are
17 limited to those that will assist solely and exclusively in
18 the furtherance of the office's goals and are in compliance
19 with part III of chapter 112.

20 (5) Any claim submitted under this section shall not
21 be required to be sworn to before a notary public or other
22 officer authorized to administer oaths, but any claim
23 authorized or required to be made under any provision of this
24 section shall contain a statement that the expenses were
25 actually incurred as necessary travel or entertainment
26 expenses in the performance of official duties of the Office
27 of the Film Commissioner and shall be verified by written
28 declaration that it is true and correct as to every material
29 matter. Any person who willfully makes and subscribes to any
30 claim which he or she does not believe to be true and correct
31 as to every material matter or who willfully aids or assists

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1 in, procures, or counsels or advises with respect to, the
2 preparation or presentation of a claim pursuant to this
3 section which is fraudulent or false as to any material
4 matter, whether or not such falsity or fraud is with the
5 knowledge or consent of the person authorized or required to
6 present the claim, is guilty of a misdemeanor of the second
7 degree, punishable as provided in s. 775.082 or s. 775.083.
8 Whoever receives an advancement or reimbursement by means of a
9 false claim is civilly liable, in the amount of the
10 overpayment, for the reimbursement of the public fund from
11 which the claim was paid.

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

14 14.2015 Office of Tourism, Trade, and Economic
15 Development; creation; powers and duties.--

16 (2) The purpose of the Office of Tourism, Trade, and
17 Economic Development is to assist the Governor in working with
18 the Legislature, state agencies, business leaders, and
19 economic development professionals to formulate and implement
20 coherent and consistent policies and strategies designed to
21 provide economic opportunities for all Floridians. To
22 accomplish such purposes, the Office of Tourism, Trade, and
23 Economic Development shall:

24 ~~(a) Contract, notwithstanding the provisions of part I~~
25 ~~of chapter 287, with the direct-support organization created~~
26 ~~under s. 288.1228, or a designated Florida not-for-profit~~
27 ~~corporation whose board members have had prior experience in~~
28 ~~promoting, throughout the state, the economic development of~~
29 ~~the Florida motion picture, television, radio, video,~~
30 ~~recording, and entertainment industries, to guide, stimulate,~~
31 ~~and promote the entertainment industry in the state.~~

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1 ~~(a)(b)~~ Contract, notwithstanding the provisions of
2 part I of chapter 287, with the direct-support organization
3 created under s. 288.1229 to guide, stimulate, and promote the
4 sports industry in the state, to promote the participation of
5 Florida's citizens in amateur athletic competition, and to
6 promote Florida as a host for national and international
7 amateur athletic competitions.

8 ~~(b)(c)~~ Monitor the activities of public-private
9 partnerships and state agencies in order to avoid duplication
10 and promote coordinated and consistent implementation of
11 programs in areas including, but not limited to, tourism;
12 international trade and investment; business recruitment,
13 creation, retention, and expansion; minority and small
14 business development; and rural community development.

15 ~~(c)(d)~~ Facilitate the direct involvement of the
16 Governor and the Lieutenant Governor in economic development
17 projects designed to create, expand, and retain Florida
18 businesses and to recruit worldwide business.

19 ~~(d)(e)~~ Assist the Governor, in cooperation with
20 Enterprise Florida, Inc., and the Florida Commission on
21 Tourism, in preparing an annual report to the Legislature on
22 the state of the business climate in Florida and on the state
23 of economic development in Florida which will include the
24 identification of problems and the recommendation of
25 solutions. This report shall be submitted to the President of
26 the Senate, the Speaker of the House of Representatives, the
27 Senate Minority Leader, and the House Minority Leader by
28 January 1 of each year, and it shall be in addition to the
29 Governor's message to the Legislature under the State
30 Constitution and any other economic reports required by law.

31 ~~(e)(f)~~ Plan and conduct at least three meetings per

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1 calendar year of leaders in business, government, and economic
2 development called by the Governor to address the business
3 climate in the state, develop a common vision for the economic
4 future of the state, and identify economic development efforts
5 to fulfill that vision.

6 ~~(f)~~^(g)1. Administer the Florida Enterprise Zone Act
7 under ss. 290.001-290.016, the community contribution tax
8 credit program under ss. 220.183 and 624.5105, the tax refund
9 program for qualified target industry businesses under s.
10 288.106, contracts for transportation projects under s.
11 288.063, the sports franchise facility program under s.
12 288.1162, the professional golf hall of fame facility program
13 under s. 288.1168, the Florida Jobs Siting Act under ss.
14 403.950-403.972, the Rural Community Development Revolving
15 Loan Fund under s. 288.065, the Regional Rural Development
16 Grants Program under s. 288.018, the Certified Capital Company
17 Act under s. 288.99, the Florida State Rural Development
18 Council, and the Rural Economic Development Initiative.

19 2. The office may enter into contracts in connection
20 with the fulfillment of its duties concerning the Florida
21 First Business Bond Pool under chapter 159, tax incentives
22 under chapters 212 and 220, tax incentives under the Certified
23 Capital Company Act in chapter 288, foreign offices under
24 chapter 288, the Enterprise Zone program under chapter 290,
25 the Seaport Employment Training program under chapter 311, the
26 Florida Professional Sports Team License Plates under chapter
27 320, Spaceport Florida under chapter 331, Job Siting and
28 Expedited Permitting under chapter 403, and in carrying out
29 other functions that are specifically assigned to the office
30 by law.

31 ~~(g)~~^(h) Serve as contract administrator for the state

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1 with respect to contracts with Enterprise Florida, Inc., the
2 Florida Commission on Tourism, and all direct-support
3 organizations under this act, excluding those relating to
4 tourism. To accomplish the provisions of this act and
5 applicable provisions of chapter 288, and notwithstanding the
6 provisions of part I of chapter 287, the office shall enter
7 into specific contracts with Enterprise Florida, Inc., the
8 Florida Commission on Tourism, and other appropriate
9 direct-support organizations. Such contracts may be multiyear
10 and shall include specific performance measures for each year.
11 The office shall provide the President of the Senate and the
12 Speaker of the House of Representatives with a report by
13 February 1 of each year on the status of these contracts,
14 including the extent to which specific contract performance
15 measures have been met by these contractors.

16 (h) Provide administrative oversight for the Office of
17 the Film Commissioner, created under s. 288.1251, to develop,
18 promote, and provide services to the state's entertainment
19 industry and to administratively house the Florida
20 Entertainment Industry Advisory Council created under s.
21 288.1252.

22 (i) Prepare and submit as a separate budget entity a
23 unified budget request for tourism, trade, and economic
24 development in accordance with chapter 216 for, and in
25 conjunction with, Enterprise Florida, Inc., and its boards,
26 the Florida Commission on Tourism and its direct-support
27 organization, the Florida Black Business Investment Board, the
28 Office of the Film Commissioner, and the direct-support
29 organization ~~organizations~~ created to promote the
30 ~~entertainment and sports~~ entertainment and sports industry industries.

31 (j) Promulgate rules to carry out its functions in

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1 connection with the administration of the Qualified Target
2 Industry program, the Qualified Defense Contractor program,
3 the Certified Capital Company Act, the Enterprise Zone
4 program, and the Florida First Business Bond pool.

5 (7) The Office of Tourism, Trade, and Economic
6 Development shall develop performance measures, standards, and
7 sanctions for each program it administers under this act and,
8 in conjunction with the applicable entity, for each program
9 for which it contracts with another entity under this act.

10 The performance measures, standards, and sanctions shall be
11 developed in consultation with the legislative appropriations
12 committees and the appropriate substantive committees, and are
13 subject to the review and approval process provided in s.
14 216.177. The approved performance measures, standards, and
15 sanctions shall be included and made a part of the strategic
16 plan for the Office of the Film Commissioner and of each
17 contract entered into for delivery of programs authorized by
18 this act.

19 Section 8. Sections 288.051, 288.052, 288.053,
20 288.054, 288.055, 288.056, 288.057, 288.1228, and 288.12285,
21 Florida Statutes, are repealed.

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

24 (1) The "21st Century Digital Television and Education
25 Task Force" is created to serve through February 1, 2000. The
26 task force is created within the Office of Tourism, Trade, and
27 Economic Development, which shall provide staff support for
28 the activities of the task force. The task force shall
29 consist of the following members:

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

31 (b) Two members of the Senate, or their designees, to

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1 be appointed by the President of the Senate.

2 (c) Two members of the House of Representatives, or
3 their designees, to be appointed by the Speaker of the House
4 of Representatives.

5 (d) The Commissioner of Education or the
6 commissioner's designee.

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

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

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

13 (h) A representative of Enterprise Florida, Inc., with
14 knowledge on workforce development and economic development
15 issues.

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

18 (2) Each appointed member of the task force shall
19 serve at the pleasure of the appointing official. A vacancy on
20 the task force shall be filled in the same manner as the
21 original appointment.

22 (3) The task force shall elect a chair from among its
23 members. A vacancy in the chair of the task force must be
24 filled for the remainder of the unexpired term by an election
25 of the task force members.

26 (4) The task force shall meet as necessary, at the
27 call of the chair or at the call of a quorum of the task
28 force, and at the time and place designated by the chair. A
29 quorum is necessary for the purpose of conducting official
30 business of the task force. Six members of the task force
31 shall constitute a quorum. The task force shall use accepted

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1 rules of procedure to conduct its meetings and shall keep a
2 complete record of each meeting.

3 (5) Members of the task force shall receive no
4 compensation for their services, but shall be entitled to
5 receive per diem and travel expenses as provided in section
6 112.061, Florida Statutes.

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

11 (a) Devise a plan to recruit the following industry
12 segments to locate in Florida:

13 1. Digital programmers and producers, including
14 companies involved in the production, marketing, and
15 development of digital content, as well as studios, networks,
16 and television stations.

17 2. Companies involved in the transmission of digital
18 media, including television broadcasters; cable and satellite
19 companies; television, theater, and film industry members;
20 Internet content providers; web site producers; and other
21 information service providers.

22 3. Digital television equipment manufacturers,
23 including makers of digital video cameras, audio equipment,
24 transmission equipment, television sets, set-top boxes and
25 related hardware, monitors, displays, tapes, and discs.

26 4. Companies involved in the research and development
27 of new and innovative digital television equipment, consumer
28 electronics, prototypes, and products.

29 (b) Investigate and recommend strong economic
30 incentives to encourage the digital industry segments
31 described in subparagraph 1. to locate and compete in Florida.

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1 (c) Devise a plan to create and maintain higher
2 education opportunities for students wishing to enter the
3 digital television field. At a minimum, the plan shall
4 consider and address the following:

5 1. The extent to which higher education opportunities
6 are currently available to students in the areas of digital
7 production, transmission, manufacturing, and research and
8 development.

9 2. The workforce needs of the digital television
10 industry segments described in subparagraph 1.

11 3. Recommendations and an operational plan for
12 creating and maintaining higher education opportunities in
13 digital television production, transmission, manufacturing,
14 and research and development.

15 4. Any other recommendations to encourage and promote
16 the development of a skilled workforce in digital broadcast
17 communications and high-definition television.

18 (d) Recommend methods to hasten the conversion of
19 existing commercial television studios and soundstages from
20 analog to digital technology.

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

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

27 Section 10. Subsections (1) and (2) of section
28 288.1229, Florida Statutes, are amended, and subsections (8)
29 and (9) are added to that section, to read:

30 288.1229 Promotion and development of sports-related
31 industries; direct-support organization; powers and duties.--

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

4 (a) The promotion and development of the sports
5 industry and related industries for the purpose of improving
6 the economic presence of these industries in Florida.

7 (b) The promotion of amateur athletic participation
8 for the citizens of Florida and the promotion of Florida as a
9 host for national and international amateur athletic
10 competitions for the purpose of encouraging and increasing the
11 direct and ancillary economic benefits of amateur athletic
12 events and competitions.

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

15 (a) Be incorporated as a corporation not for profit
16 pursuant to chapter 617.

17 (b) Be governed by a board of directors, which must
18 consist of up to 15 members appointed by the Governor and up
19 to 15 members appointed by the existing board of directors.
20 In making appointments, the board must consider a potential
21 member's background in community service and sports activism
22 in, and financial support of, the sports industry,
23 professional sports, or organized amateur athletics. Members
24 must be residents of the state and highly knowledgeable about
25 or active in professional or organized amateur sports. The
26 board must contain representatives of all geographical regions
27 of the state and must represent ethnic and gender diversity.
28 The terms of office of the members shall be 4 years. No
29 member may serve more than two consecutive terms. The
30 Governor may remove any member for cause and shall fill all
31 vacancies that occur.

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1 (c) Have as its purpose, as stated in its articles of
2 incorporation, to receive, hold, invest, and administer
3 property; to raise funds and receive gifts; and to promote and
4 develop the sports industry and related industries for the
5 purpose of increasing the economic presence of these
6 industries in Florida.

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

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

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

15 (b) Sponsor amateur sports workshops, clinics,
16 conferences, and other similar activities.

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

19 (d) Encourage, support, and assist local governments
20 and communities in the development of or hosting of local
21 amateur athletic events and competitions.

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

25 1. Assist and support Florida cities or communities
26 bidding or seeking to host the Summer Olympics or Pan American
27 Games.

28 2. Annually report to the Governor, the President of
29 the Senate, and the Speaker of the House of Representatives on
30 the status of the efforts of cities or communities bidding to
31 host the Summer Olympics or Pan American Games, including, but

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1 not limited to, current financial and infrastructure status,
2 projected financial and infrastructure needs, and
3 recommendations for satisfying the unmet needs and fulfilling
4 the requirements for a successful bid in any year that the
5 Summer Olympics or Pan American Games are held in this state.

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

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

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

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

16 (j) Foster and coordinate services and programs
17 designed to contribute to the physical fitness of the citizens
18 of Florida.

19 (9)(a) The Sunshine State Games shall be patterned
20 after the Summer Olympics with variations as necessitated by
21 availability of facilities, equipment, and expertise. The
22 games shall be designed to encourage the participation of
23 athletes representing a broad range of age groups, skill
24 levels, and Florida communities. Participants shall be
25 residents of this state. Regional competitions shall be held
26 throughout the state, and the top qualifiers in each sport
27 shall proceed to the final competitions to be held at a site
28 in the state with the necessary facilities and equipment for
29 conducting the competitions.

30 (b) The Executive Office of the Governor is authorized
31 to permit the use of property, facilities, and personal

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1 services of or at any State University System facility or
2 institution by the direct-support organization operating the
3 Sunshine State Games. For the purposes of this paragraph,
4 personal services includes full-time or part-time personnel as
5 well as payroll processing.

6 Section 11. Paragraph (a) of subsection (6) of section
7 320.08058, Florida Statutes, 1998 Supplement, is amended to
8 read:

9 320.08058 Specialty license plates.--

10 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
11 PLATES.--

12 (a) Because the United States Olympic Committee has
13 selected this state to participate in a combined fundraising
14 program that provides for one-half of all money raised through
15 volunteer giving to stay in this state and be administered by
16 the direct-support organization established under s. 288.1229
17 ~~Sunshine State Games Foundation~~ to support amateur sports, and
18 because the United States Olympic Committee and the
19 direct-support organization ~~Sunshine State Games Foundation~~
20 are nonprofit organizations dedicated to providing athletes
21 with support and training and preparing athletes of all ages
22 and skill levels for sports competition, and because the
23 direct-support organization ~~Sunshine State Games Foundation~~
24 assists in the bidding for sports competitions that provide
25 significant impact to the economy of this state, and the
26 Legislature supports the efforts of the United States Olympic
27 Committee and the direct-support organization ~~Florida Sunshine~~
28 ~~State Games Foundation~~, the Legislature establishes a Florida
29 United States Olympic Committee license plate for the purpose
30 of providing a continuous funding source to support this
31 worthwhile effort. Florida United States Olympic Committee

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1 license plates must contain the official United States Olympic
 2 Committee logo and must bear a design and colors that are
 3 approved by the department. The word "Florida" must be
 4 centered at the top of the plate.

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

7 1. The first \$5 million collected annually must be
 8 paid to the direct-support organization ~~Florida Governor's~~
 9 ~~Council on Physical Fitness and Amateur Sports~~ to be
 10 distributed as follows:

11 a. Fifty percent must be distributed to the
 12 direct-support organization to be used ~~Sunshine State Games~~
 13 ~~Foundation for Florida's Sunshine State Games Olympic Sports~~
 14 ~~Festival for Amateur Athletes.~~

15 b. Fifty percent must be distributed to the United
 16 States Olympic Committee.

17 2. Any additional fees must be deposited into the
 18 General Revenue Fund.

19 Section 12. Any funds or property held in trust by the
 20 Sunshine State Games Foundation, Inc., and the Florida
 21 Governor's Council on Physical Fitness and Amateur Sports
 22 shall revert to the direct-support organization, created under
 23 section 288.1229, Florida Statutes, upon expiration or
 24 cancellation of the contract with the Sunshine State Games
 25 Foundation, Inc., and the Florida Governor's Council on
 26 Physical Fitness and Amateur Sports, to be used for the
 27 promotion of amateur sports in Florida.

28 Section 13. Section 14.22, Florida Statutes, is
 29 repealed.

30 Section 14. Paragraph (e) of subsection (6) of section
 31 288.108, Florida Statutes, is amended to read:

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1 288.108 High-impact business.--

2 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT
3 SECTORS.--

4 (e) The study and its findings and recommendations and
5 the recommendations gathered from the sector-business network
6 must be discussed and considered during at least one of the
7 ~~quarterly~~ meetings required in s. 14.2015(2)(e)~~s.~~
8 ~~14.2015(2)(h)~~.

9 Section 15. This act shall take effect July 1, 1999.

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11

12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 Delete everything before the enacting clause

15

16 and insert:

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 A bill to be entitled

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 An act relating to the promotion and

19

development of Florida's entertainment

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industry; providing a short title; providing

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legislative findings and intent; creating s.

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288.125, F.S.; defining the term "entertainment

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industry"; creating s. 288.1251, F.S.; creating

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the Office of the Film Commissioner; providing

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for the Film Commissioner to be hired under a

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performance-based contract; providing procedure

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for appointment of the Film Commissioner;

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providing powers and duties of the office;

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creating s. 288.1252, F.S.; creating the

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Florida Entertainment Industry Advisory Council

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within the Office of Tourism, Trade, and

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1 Economic Development of the Executive Office of
2 the Governor; providing purpose, membership,
3 terms, organization, powers, and duties of the
4 council; creating s. 288.1253, F.S.; providing
5 definitions; requiring the Office of Tourism,
6 Trade, and Economic Development to adopt rules
7 by which it may make specified expenditures for
8 expenses incurred in connection with the
9 performance of the duties of the Office of the
10 Film Commissioner; requiring approval of such
11 rules by the Comptroller; requiring an annual
12 report; authorizing the acceptance and use of
13 specified goods and services by employees and
14 representatives of the Office of the Film
15 Commissioner; providing certain requirements
16 with respect to claims for expenses; providing
17 a penalty for false or fraudulent claims;
18 providing for civil liability; amending s.
19 14.2015, F.S.; revising purposes of the Office
20 of Tourism, Trade, and Economic Development of
21 the Executive Office of the Governor relating
22 to entertainment and sports promotion;
23 repealing s. 288.051, F.S., which provides a
24 short title; repealing s. 288.052, F.S.,
25 relating to legislative findings and intent
26 with respect to the "Florida Film and
27 Television Investment Act"; repealing s.
28 288.053, F.S., relating to the Florida Film and
29 Television Investment Board; repealing s.
30 288.054, F.S., relating to the administration
31 and powers of the Florida Film and Television

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1 Investment Board; repealing s. 288.055, F.S.,
2 relating to the Florida Film and Television
3 Investment Trust Fund; repealing s. 288.056,
4 F.S., relating to conditions for film and
5 television investment by the board; repealing
6 s. 288.057, F.S., requiring an annual report by
7 the board; repealing s. 288.1228, F.S.,
8 relating to the direct-support organization
9 authorized by the Office of Tourism, Trade, and
10 Economic Development to assist in the promotion
11 and development of the entertainment industry;
12 repealing s. 288.12285, F.S., relating to
13 confidentiality of identities of donors to the
14 direct-support organization; creating the 21st
15 Century Digital Television and Education Task
16 Force; providing membership; providing duties;
17 providing for a report; amending s. 288.1229,
18 F.S.; revising the purposes of the
19 direct-support organization authorized to
20 assist the Office of Tourism, Trade, and
21 Economic Development in the promotion and
22 development of the sports industry and related
23 industries; specifying the duties of the
24 direct-support organization with respect to the
25 promotion of sports industry, amateur sports,
26 and physical fitness; providing requirements
27 with respect to the Sunshine State Games;
28 providing authority of the Executive Office of
29 the Governor with respect to the use of
30 specified property, facilities, and personal
31 services; amending s. 320.08058, F.S.; revising

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1 provisions relating to the Florida United
2 States Olympic Committee license plate to
3 remove references to the Sunshine State Games
4 Foundation; revising the distribution of annual
5 use fees from the sale of the Florida United
6 States Olympic Committee license plate;
7 providing for the reversion of funds and
8 property of the Sunshine State Games
9 Foundation, Inc., and the Florida Governor's
10 Council on Physical Fitness and Amateur Sports
11 to the direct-support organization; specifying
12 use of such funds and property; repealing s.
13 14.22, F.S., relating to the Florida Governor's
14 Council on Physical Fitness and Amateur Sports
15 within the Office of the Governor, the Sunshine
16 State Games, national and international amateur
17 athletic competitions and Olympic development
18 centers, direct-support organizations, and the
19 Olympics and Pan American Games Task Force;
20 amending s. 288.108, F.S.; correcting a cross
21 reference; providing an effective date.

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