

1
2 An act relating to the Florida Statutes;
3 repealing various statutory provisions that
4 have become obsolete, have had their effect,
5 have served their purpose, or have been
6 impliedly repealed or superseded; repealing s.
7 255.043(4), F.S., relating to funds
8 appropriated prior to the effective date of
9 provisions requiring a portion of construction
10 funds to be set aside for acquisition and
11 display of art in newly constructed state
12 buildings; amending s. 267.171, F.S.; deleting
13 obsolete provisions relating to the use of
14 certain funds by the Department of State for
15 historic preservation purposes of the City of
16 St. Augustine; amending s. 267.172, F.S.;
17 deleting obsolete provisions relating to the
18 appropriation of certain funds by the
19 Department of State to not-for-profit
20 organizations established to advance historic
21 preservation in Tallahassee and the Florida
22 Keys, respectively; amending s. 288.012, F.S.;
23 deleting obsolete provisions relating to plans
24 for the disposition, development, and operation
25 of foreign offices; revising cross-references;
26 amending s. 288.1223, F.S.; deleting obsolete
27 provisions relating to appointments to the
28 Florida Commission on Tourism; amending s.
29 288.1224, F.S.; deleting obsolete provisions
30 relating to a review and report on the Florida
31 Commission on Tourism and its direct-support

1 organization and to duties of the commission
2 with respect to its marketing plan; repealing
3 s. 509.215(3) and (4), F.S., relating to
4 firesafety requirements for public lodging
5 establishments for which construction contracts
6 were let prior to October 1, 1983; providing an
7 effective date.

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

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11 Section 1. Subsection (4) of section 255.043, Florida
12 Statutes, is repealed.

13 Section 2. Effective October 1, 2001, section 267.171,
14 Florida Statutes, is amended to read:

15 267.171 St. Augustine; contract for preservation of
16 historic properties.--The Department of State shall contract
17 with the City of St. Augustine for the management of the
18 various state-owned properties presently managed by the
19 Historic St. Augustine Preservation Board of Trustees. The
20 contract shall provide that the City of St. Augustine may use
21 all proceeds derived from the management of state-owned
22 properties for the purpose of maintaining the state-owned
23 buildings and advancing historic preservation in the City of
24 St. Augustine. ~~Additionally, the department may appropriate~~
25 ~~all remaining funds in the Historic St. Augustine Preservation~~
26 ~~Board Operating Trust Fund to the City of St. Augustine for~~
27 ~~maintenance of the state-owned buildings and advancing~~
28 ~~historic preservation in the City of St. Augustine.~~The
29 Department of State may transfer ownership and responsibility
30 to any artifacts, documents, equipment, and other forms of
31 tangible personal property to the City of St. Augustine to

1 assist the city in the transition of the management of
2 state-owned properties. ~~The Department of State is authorized~~
3 ~~to use the unexpended balance of up to \$500,000 in general~~
4 ~~revenue funds, as provided in the 1997-1998 General~~
5 ~~Appropriations Act for the St. Augustine Preservation Board,~~
6 ~~to enter into contracts with the City of St. Augustine to~~
7 ~~continue the operations and maintenance of historic~~
8 ~~properties.~~

9 Section 3. Effective October 1, 2001, section 267.172,
10 Florida Statutes, is amended to read:

11 267.172 Tallahassee; Florida Keys; contracts for
12 historic preservation.--In order to continue the work
13 performed by the Historic Tallahassee Preservation Board of
14 Trustees and the Historic Florida Keys Preservation Board of
15 Trustees, the Department of State may contract with
16 not-for-profit corporations established for the purpose of
17 advancing historic preservation in these areas to manage the
18 various state-owned properties presently managed by the
19 Historic Tallahassee Preservation Board of Trustees and the
20 Historic Florida Keys Preservation Board of Trustees. The
21 contract, which shall at a minimum contain those requirements
22 provided in s. 267.17, for citizen support organizations,
23 including the use of public property and the performance of an
24 annual audit, shall provide that the not-for-profit
25 corporations may use all proceeds derived from the management
26 of state-owned buildings and for the purpose of advancing
27 historic preservation in their areas. ~~Additionally, the~~
28 ~~department may appropriate all remaining funds in the Historic~~
29 ~~Florida Keys Preservation Board Operating Trust Fund and the~~
30 ~~Historic Tallahassee Preservation Board Operating Trust Fund~~
31 ~~to the not-for-profit corporations for their use.~~

1 Section 4. Subsections (1), (2), and (5) of section
2 288.012, Florida Statutes, are amended to read:

3 288.012 State of Florida foreign offices.--The
4 Legislature finds that the expansion of international trade
5 and tourism is vital to the overall health and growth of the
6 economy of this state. This expansion is hampered by the lack
7 of technical and business assistance, financial assistance,
8 and information services for businesses in this state. The
9 Legislature finds that these businesses could be assisted by
10 providing these services at State of Florida foreign offices.
11 The Legislature further finds that the accessibility and
12 provision of services at these offices can be enhanced through
13 cooperative agreements or strategic alliances between state
14 entities, local entities, foreign entities, and private
15 businesses.

16 (1) The Office of Tourism, Trade, and Economic
17 Development is authorized to:

18 (a) Establish and operate offices in foreign countries
19 for the purpose of promoting the trade and economic
20 development of the state, and promoting the gathering of trade
21 data information and research on trade opportunities in
22 specific countries.

23 (b) Enter into agreements with governmental and
24 private sector entities to establish and operate offices in
25 foreign countries containing provisions which may be in
26 conflict with general laws of the state pertaining to the
27 purchase of office space, employment of personnel, and
28 contracts for services. When agreements pursuant to this
29 section are made which set compensation in foreign currency,
30 such agreements shall be subject to the requirements of s.
31 215.425, but the purchase of foreign currency by the Office of

1 Tourism, Trade, and Economic Development to meet such
2 obligations shall be subject only to s. 216.311.

3 ~~(c) By September 1, 1997, the Office of Tourism,~~
4 ~~Trade, and Economic Development shall develop a plan for the~~
5 ~~disposition of the current foreign offices and the development~~
6 ~~and location of additional foreign offices. The plan shall~~
7 ~~include, but is not limited to, a determination of the level~~
8 ~~of funding needed to operate the current offices and any~~
9 ~~additional offices and whether any of the current offices need~~
10 ~~to be closed or relocated. Enterprise Florida, Inc., the~~
11 ~~Florida Tourism Commission, the Florida Ports Council, the~~
12 ~~Department of State, the Department of Citrus, and the~~
13 ~~Department of Agriculture shall assist the Office of Tourism,~~
14 ~~Trade, and Economic Development in the preparation of the~~
15 ~~plan. All parties shall cooperate on the disposition or~~
16 ~~establishment of the offices and ensure that needed space,~~
17 ~~technical assistance, and support services are provided to~~
18 ~~such entities at such foreign offices.~~

19 (2) ~~By June 30, 1998,~~Each foreign office shall have
20 in place an operational plan approved by the participating
21 boards or other governing authority, a copy of which shall be
22 provided to the Office of Tourism, Trade, and Economic
23 Development. These operating plans shall be reviewed and
24 updated each fiscal year and shall include, at a minimum, the
25 following:

26 (a) Specific policies and procedures encompassing the
27 entire scope of the operation and management of each office.

28 (b) A comprehensive, commercial strategic plan
29 identifying marketing opportunities and industry sector
30 priorities for the foreign country or area in which a foreign
31 office is located.

1 (c) Provisions for access to information for Florida
2 businesses through the Florida Trade Data Center. Each
3 foreign office shall obtain and forward trade leads and
4 inquiries to the center on a regular basis ~~as called for in~~
5 ~~the plan pursuant to paragraph (1)(c).~~

6 (d) Identification of new and emerging market
7 opportunities for Florida businesses. Each foreign office
8 shall provide the Florida Trade Data Center with a compilation
9 of foreign buyers and importers in industry sector priority
10 areas on an annual basis. In return, the Florida Trade Data
11 Center shall make available to each foreign office, and to
12 Enterprise Florida, Inc., the Florida Commission on Tourism,
13 the Florida Ports Council, the Department of State, the
14 Department of Citrus, and the Department of Agriculture ~~the~~
15 ~~entities identified in paragraph (1)(c),~~ trade industry,
16 commodity, and opportunity information ~~as specified in the~~
17 ~~plan required in that paragraph.~~ This information shall be
18 provided to such ~~the~~ offices and ~~the~~ entities ~~identified in~~
19 ~~paragraph (1)(c)~~ either free of charge or on a fee basis with
20 fees set only to recover the costs of providing the
21 information.

22 (e) Provision of access for Florida businesses to the
23 services of the Florida Trade Data Center, international trade
24 assistance services provided by state and local entities,
25 seaport and airport information, and other services identified
26 by the Office of Tourism, Trade, and Economic Development ~~in~~
27 ~~the plan pursuant to paragraph (1)(c).~~

28 (f) Qualitative and quantitative performance measures
29 for each office, including, but not limited to, the number of
30 businesses assisted, the number of trade leads and inquiries
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1 generated, the number of foreign buyers and importers
2 contacted, and the amount and type of marketing conducted.

3 (5) Where feasible and appropriate, and subject to s.
4 288.1224(9)~~(10)~~, foreign offices established and operated
5 under this section may provide one-stop access to the economic
6 development, trade, and tourism information, services, and
7 programs of the state. Where feasible and appropriate, and
8 subject to s. 288.1224(9)~~(10)~~, such offices may also be
9 collocated with other foreign offices of the state.

10 Section 5. Paragraph (a) of subsection (2) of section
11 288.1223, Florida Statutes, is amended to read:

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

14 (2)(a) The commission shall consist of 17 general
15 tourism-industry-related members appointed by the Governor,
16 subject to confirmation by the Senate, and 11 additional
17 tourism-industry-related members, appointed by the Governor ~~no~~
18 ~~later than July 31, 1996~~, including 3 representatives from the
19 statewide rental car industry, 3 representatives from
20 tourist-related statewide associations, including those that
21 represent hotels, campgrounds, and attractions, 3
22 representatives from county destination marketing
23 organizations, 1 representative from the cruise industry, and
24 1 representative from the airline industry, who will each
25 serve for a term of 2 years, the Governor, and 2 additional ex
26 officio members, who will serve for a term of 2 years,
27 ~~appointed no later than July 31, 1996~~, including a member of
28 the Senate appointed by the President of the Senate and a
29 member of the House of Representatives appointed by the
30 Speaker of the House of Representatives.

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1 Section 6. Section 288.1224, Florida Statutes, is
2 amended to read:

3 288.1224 Powers and duties.--The commission:

4 (1) Notwithstanding the provisions of part I of
5 chapter 287, upon the approval of the Office of Tourism,
6 Trade, and Economic Development, shall contract, ~~no later than~~
7 ~~December 31, 1996~~, with a direct-support organization
8 incorporated as a private, not-for-profit corporation, as
9 defined in s. 501(c)(6) of the Internal Revenue Code of 1986,
10 as amended, to execute the tourism marketing and promotion
11 services, functions, and programs for this state including,
12 but not limited to, the activities prescribed by the 4-year
13 marketing plan. The Office of Tourism, Trade, and Economic
14 Development shall review such contract in an expedient manner
15 and shall timely make any recommendations so as to allow for
16 the date of the contract to be met. The commission shall serve
17 as contract administrator.

18 (2) Shall advise the Office of Tourism, Trade, and
19 Economic Development and the direct-support organization
20 regarding the domestic and international tourism promotion
21 programs for this state.

22 (3) Shall be responsible for the prudent use of all
23 public and private funds and shall ensure that the use of such
24 funds is in accordance with all applicable laws, bylaws, and
25 contractual requirements.

26 (4)(a) Shall recommend the tenets of a 4-year
27 marketing plan to sustain tourism growth, which plan shall be
28 annual in construction and ongoing in nature. Any annual
29 revisions of such a plan shall carry forward the concepts of
30 the remaining 3-year portion of that plan and consider a
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1 continuum portion to preserve the 4-year timeframe of the
2 plan.

3 (b) The plan shall include an emergency response
4 component and research designs.

5 (c) The plan shall include provisions for the
6 direct-support organization to reach the targeted one-to-one
7 match of private to public contributions within a period of 4
8 calendar years after the implementation date of the plan. For
9 the purposes of calculating the required one-to-one match,
10 matching private funds shall be divided into four categories.
11 The first category is direct cash contributions, which
12 include, but are not limited to, cash derived from strategic
13 alliances, contributions of stocks and bonds, and partnership
14 contributions. The second category is fees for services, which
15 include, but are not limited to, event participation,
16 research, and brochure placement and transparencies. The
17 third category is cooperative advertising, which is the value
18 based on cost of contributed productions, air time, and print
19 space. The fourth category is in-kind contributions, which
20 include, but are not limited to, the value of strategic
21 alliance services contributed, the value of loaned employees,
22 discounted service fees, items contributed for use in
23 promotions, and radio or television air time or print space
24 for promotions. The value of air time or print space shall be
25 calculated by taking the actual time or space and multiplying
26 by the nonnegotiated unit price for that specific time or
27 space which is known as the media equivalency value. In order
28 to avoid duplication in determining media equivalency value,
29 only the value of the promotion itself shall be included; the
30 value of the items contributed for the promotion shall not be
31 included. Documentation for the components of the four

1 categories of private match shall be kept on file for
2 inspection as determined necessary.

3 (d) The plan shall include recommendations regarding
4 specific performance standards and measurable outcomes for the
5 commission and its direct-support organization. The
6 commission, in consultation with the Office of Program Policy
7 Analysis and Government Accountability, shall develop a plan
8 for monitoring its operations to ensure that performance data
9 are maintained and supported by records of the organization.

10 ~~(e) Prior to the 2000 Regular Session of the~~
11 ~~Legislature, the Office of Program Policy Analysis and~~
12 ~~Government Accountability shall conduct a review of, and~~
13 ~~prepare a report on, the Florida Commission on Tourism and its~~
14 ~~direct-support organization. The review shall be~~

15 ~~comprehensive in its scope, but, at a minimum, must be~~
16 ~~conducted in such a manner as to specifically determine:~~

17 ~~1. The progress toward achieving the established~~
18 ~~outcomes.~~

19 ~~2. The circumstances contributing to the~~
20 ~~organization's ability to achieve, not achieve, or exceed its~~
21 ~~established outcomes.~~

22 ~~3. Whether it would be sound public policy to continue~~
23 ~~or discontinue funding the organization, and the consequences~~
24 ~~of discontinuing the organization.~~

25
26 ~~The report shall be submitted by January 1, 2000, to the~~
27 ~~President of the Senate, the Speaker of the House of~~
28 ~~Representatives, the Senate Minority Leader, and the House~~
29 ~~Minority Leader.~~

30 (e)(f) Prior to the 2003 Regular Session of the
31 Legislature, the Office of Program Policy Analysis and

1 Government Accountability shall conduct a ~~another~~ review of,
2 and prepare a report on, the Florida Commission on Tourism and
3 its direct-support organization, ~~using the criteria prescribed~~
4 in paragraph (e). The review shall be comprehensive in its
5 scope, but, at a minimum, must be conducted in such a manner
6 as to specifically determine:

7 1. The progress toward achieving the established
8 outcomes.

9 2. The circumstances contributing to the
10 organization's ability to achieve, not achieve, or exceed its
11 established outcomes.

12 3. Whether it would be sound public policy to continue
13 or discontinue funding the organization, and the consequences
14 of discontinuing the organization.

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16 The report shall be submitted by January 1, 2003, to the
17 President of the Senate, the Speaker of the House of
18 Representatives, the Senate Minority Leader, and the House
19 Minority Leader.

20 (5) Shall develop an operational structure ~~for~~
21 ~~implementation no later than December 31, 1996,~~ to carry out
22 the marketing plan recommended by the commission pursuant to
23 this section.

24 (6) May appear on its own behalf before boards,
25 commissions, departments, or other agencies of municipal,
26 county, state, or federal government.

27 (7) In the performance of its duties, may undertake or
28 commission marketing research and advertising research
29 studies.

30 (a) The identity of any person who responds to a
31 marketing or advertising research project conducted pursuant

1 to this subsection, and trade secrets, as defined by s.
2 812.081, obtained pursuant to such research, are confidential
3 and exempt from the provisions of s. 119.07(1) and s. 24(a),
4 Art. I of the State Constitution.

5 (b) Any person who violates the provisions of this
6 subsection commits a misdemeanor of the first degree,
7 punishable as provided in s. 775.082 or s. 775.083.

8 ~~(8) Shall consult with tourism industry leaders,~~
9 ~~appropriate members of the legislative and executive branches,~~
10 ~~and others the commission deems necessary to identify and~~
11 ~~recommend to the Legislature by December 31, 1996, additional~~
12 ~~funding sources as may be required to fulfill the long-range~~
13 ~~objectives of the commission's marketing plan.~~

14 (8)~~(9)~~ Shall develop a budget, in conjunction with the
15 Office of Tourism, Trade, and Economic Development, and in
16 keeping with the commission's 4-year marketing plan, for the
17 operation and activities of the commission and for the
18 provision of tourism promotion programs, services, and
19 functions through a contract with a direct-support
20 organization created for such purposes. The budget shall be
21 submitted to the Governor.

22 (9)~~(10)~~ Is authorized to establish and operate tourism
23 offices in foreign countries in the execution of its
24 responsibilities for promoting the development of tourism. To
25 facilitate the performance of these responsibilities, the
26 commission is authorized to contract with the commission's
27 direct-support organization to establish and administer such
28 offices. Where feasible, appropriate, and recommended by the
29 4-year marketing plan, the commission may collocate the
30 programs of foreign tourism offices in cooperation with any
31 foreign office operated by any agency of this state.

1 (a) The commission, or its direct-support
2 organization, may enter into agreements necessary to establish
3 and operate an office in a foreign country containing
4 provisions which may be in conflict with general laws of the
5 state pertaining to the purchase of office space, employment
6 of personnel, and contracts for services. When agreements
7 pursuant to this section are made which set compensation in
8 foreign currency, such agreements shall be subject to the
9 requirements of s. 215.425, but the purchase of foreign
10 currency by the commission, or its direct-support
11 organization, to meet such obligations shall be subject only
12 to s. 216.311.

13 (b) The Florida Commission on Tourism, or its
14 direct-support organization, in connection with the
15 establishment, operation, and management of any of its tourism
16 offices located in a foreign country, is exempt from the
17 provisions of ss. 255.21, 255.25, and 255.254 relating to
18 leasing of buildings; ss. 283.33 and 283.35 relating to bids
19 for printing; ss. 287.001-287.20 relating to purchasing and
20 motor vehicles; and ss. 282.003-282.111 relating to
21 communications, and from all statutory provisions relating to
22 state employment, if the laws, administrative code, or
23 business practices or customs of the foreign country, or
24 political or administrative subdivision thereof, in which such
25 office is located are in conflict with these provisions.

26 (10)~~(11)~~ Shall receive staff support from the Florida
27 Tourism Industry Marketing Corporation and shall not employ
28 any additional staff. The president and chief executive
29 officer of the Florida Tourism Industry Marketing Corporation
30 shall serve without compensation as the executive director of
31 the commission. As executive director, he or she shall have

1 the authority to conduct any official business of the
2 commission, as authorized by the commission.

3 (11)~~(12)~~ Shall establish a statewide advisory
4 committee of the commission to assist the commission with
5 implementation of a plan to protect and promote all of the
6 natural, coastal, historical, and cultural tourism assets of
7 this state. The duties of the committee shall include, but are
8 not limited to, helping to develop and review nature-based
9 tourism and heritage tourism policies, coordinate governmental
10 and private-sector interests in nature-based tourism and
11 heritage tourism, and integrate federal, state, regional, and
12 local nature-based tourism and heritage tourism marketing
13 strategies. The chairman of the commission shall appoint
14 members of the advisory committee based upon recommendations
15 from the commission. Members shall include:

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

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

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

28 (d) Representatives of the private sector with
29 experience in environmental, historical, cultural,
30 recreational, or other tourism-related activities.

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1 (e) Representatives of two not-for-profit
2 environmental organizations with expertise in environmental
3 resource protection and land management.

4 (f) A representative from a local economic development
5 organization serving a rural community.

6 (g) A representative from a local economic development
7 organization serving a nonrural community.

8 (h) Representatives from any other organizations that
9 the chairman of the commission, based upon recommendations
10 from the commission, deems appropriate.

11 (12)~~(13)~~ Shall incorporate nature-based tourism and
12 heritage tourism components into its comprehensive tourism
13 marketing plan for the state, including, but not limited to:

14 (a) Promoting travel experiences that combine visits
15 to commercial destinations in the state with visits to
16 nature-based or heritage-based sites in the state;

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

20 (c) Assisting local and regional tourism organizations
21 in incorporating nature-based tourism and heritage tourism
22 components into local marketing plans and in establishing
23 cooperative local or regional advisory committees on
24 nature-based tourism and heritage tourism;

25 (d) Working with local and regional tourism
26 organizations to identify nature-based tourism and heritage
27 tourism sites, including identifying private-sector businesses
28 engaged in activities supporting or related to nature-based
29 tourism and heritage tourism; and

30 (e) Providing guidance to local and regional economic
31 development organizations on the identification, enhancement,

1 and promotion of nature-based tourism and heritage tourism
2 assets as a component of the overall job-creating efforts of
3 such organizations.

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5 The marketing plan shall include specific provisions for
6 directing tourism promotion resources toward promotion and
7 development of nature-based tourism and heritage tourism. The
8 marketing plan shall also include provisions specifically
9 addressing promotion and development of nature-based tourism
10 and heritage tourism in rural communities in the state.

11 Section 7. Subsections (3) and (4) of section 509.215,
12 Florida Statutes, are repealed.

13 Section 8. This act shall take effect upon becoming a
14 law.

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