

By the Committee on Governmental Oversight and Productivity;
and Senator Kirkpatrick

302-2197-00

1 A bill to be entitled
2 An act relating to the Office of Tourism,
3 Trade, and Economic Development; amending s.
4 14.2015, F.S.; revising provisions relating to
5 the duty of the office to serve as contract
6 administrator for the state in contracts with
7 Enterprise Florida, Inc., the Florida
8 Commission on Tourism, and the direct-support
9 organization created to promote the sports
10 industry; providing for assets held in trust by
11 the contracted party upon dissolution of the
12 contracted party or termination of the contract
13 to be reverted to the state for use by the
14 office; amending s. 288.1224, F.S.; revising
15 provisions relating to the Florida Commission
16 on Tourism's contract with the Florida Tourism
17 Industry Marketing Corporation; providing for
18 assets held in trust by the corporation upon
19 dissolution of the corporation or termination
20 of the contract to be reverted to the state for
21 use by the office; providing an effective date.

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

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25 Section 1. Paragraph (g) of subsection (2) of section
26 14.2015, Florida Statutes, is amended to read:

27 14.2015 Office of Tourism, Trade, and Economic
28 Development; creation; powers and duties.--

29 (2) The purpose of the Office of Tourism, Trade, and
30 Economic Development is to assist the Governor in working with
31 the Legislature, state agencies, business leaders, and

1 economic development professionals to formulate and implement
2 coherent and consistent policies and strategies designed to
3 provide economic opportunities for all Floridians. To
4 accomplish such purposes, the Office of Tourism, Trade, and
5 Economic Development shall:

6 (g) Serve as contract administrator for the state with
7 respect to contracts with Enterprise Florida, Inc., the
8 Florida Commission on Tourism, and the direct-support
9 organization authorized under s. 288.1229 ~~all direct-support~~
10 ~~organizations under this act, excluding those relating to~~
11 ~~tourism.~~ To accomplish the provisions of this act and
12 applicable provisions of chapter 288, and notwithstanding the
13 provisions of part I of chapter 287, the office shall enter
14 into specific contracts with Enterprise Florida, Inc., the
15 Florida Commission on Tourism, and the direct-support
16 organization created under s. 288.1229 ~~other appropriate~~
17 ~~direct-support organizations.~~ Such contracts may be multiyear,
18 ~~and shall include specific performance measures for each year,~~
19 ~~and shall provide for recovery of state assets in a manner~~
20 ~~consistent with the provisions of this paragraph in the event~~
21 ~~that the entity that has contracted with the office is no~~
22 ~~longer approved to operate for or on behalf of the state, the~~
23 ~~contract is terminated, or the entity is dissolved. In the~~
24 ~~event that the entity is no longer approved to operate on~~
25 ~~behalf of the state, the contract with the entity is~~
26 ~~terminated, or the entity is dissolved, the entity shall cease~~
27 ~~incurring debt, and all assets of the entity held in trust for~~
28 ~~the state shall revert to the state for use by the office for~~
29 ~~satisfaction of outstanding debt. After such satisfaction, all~~
30 ~~remaining assets shall be used by the office for carrying out~~
31 ~~its duties under this section and chapter 288. Assets of the~~

1 contracted party held in trust include money, whether from
2 public, private, or third-party sources; real property; and
3 tangible and intangible property. The provisions of this
4 paragraph are deemed to be part of each contract that the
5 office enters into with Enterprise Florida, Inc., the Florida
6 Commission on Tourism, and the direct-support organization
7 created under s. 288.1229.

8 Section 2. Subsection (1) of section 288.1224, Florida
9 Statutes, is amended to read:

10 288.1224 Powers and duties.--The commission:

11 (1) Notwithstanding the provisions of part I of
12 chapter 287, upon the approval of the Office of Tourism,
13 Trade, and Economic Development, shall contract, ~~no later than~~
14 ~~December 31, 1996,~~with the Florida Tourism Industry Marketing
15 Corporation, a direct-support organization of the commission
16 required by s. 288.1226 ~~a direct-support organization~~
17 ~~incorporated as a private, not-for-profit corporation, as~~
18 ~~defined in s. 501(c)(6) of the Internal Revenue Code of 1986,~~
19 ~~as amended,~~to execute the tourism marketing and promotion
20 services, functions, and programs for this state including,
21 but not limited to, the activities prescribed by the 4-year
22 marketing plan. The contract shall provide for recovery of
23 state assets in a manner consistent with the provisions of
24 this subsection in the event of termination.The Office of
25 Tourism, Trade, and Economic Development shall review such
26 contract in an expedient manner and shall timely make any
27 recommendations so as to allow for the date of the contract to
28 be met. The commission shall serve as contract administrator.
29 In the event that the corporation is no longer approved to
30 operate for or on behalf of the state, the contract with the
31 corporation is terminated, or the corporation is dissolved,

1 all assets of the corporation held in trust for the state
2 shall revert to the state for use by the Office of Tourism,
3 Trade, and Economic Development for satisfaction of
4 outstanding debt. After such satisfaction, all assets
5 remaining shall be used to carry out the duties of the office
6 under s. 14.2015 and this chapter. Assets of the corporation
7 held in trust for the state include money, whether from
8 public, private, or third-party sources; real property; and
9 tangible and intangible personal property. The provisions of
10 this subsection are deemed to be part of the contract that the
11 office enters into with the Florida Tourism Industry Marketing
12 Corporation.

13 Section 3. This act shall take effect July 1, 2000.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 SB 2076

18 Makes technical and grammatical changes.

19 Provides that provisions requiring return of state property
20 held in trust by corporation apply not only in event of
21 dissolution of corporation, but in the event corporation is no
longer approved to operate on behalf of state or contract is
terminated.