

By the Committee on Rules & Calendar and Representative
Bradley

1 A bill to be entitled
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6 impliedly repealed or superseded; repealing s.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. 288.1168, F.S.; deleting obsolete
27 provisions relating to certification of the
28 professional golf hall of fame facility;
29 amending s. 288.1223, F.S.; deleting obsolete
30 provisions relating to appointments to the
31 Florida Commission on Tourism; amending s.

1 288.1224, F.S., and repealing subsection (8),
2 relating to recommendations of the Florida
3 Commission on Tourism to the Legislature for
4 additional funding sources for the long-range
5 objectives of the commission's marketing plan;
6 deleting obsolete provisions relating to a
7 review and report on the commission and its
8 direct-support organization and to initial
9 duties of the commission; repealing s.
10 509.215(3) and (4), F.S., relating to
11 firesafety requirements for public lodging
12 establishments for which construction contracts
13 were let prior to October 1, 1983; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (4) of section 255.043, Florida
19 Statutes, is repealed.

20 Section 2. Section 267.171, Florida Statutes, is
21 amended to read:

22 267.171 St. Augustine; contract for preservation of
23 historic properties.--The Department of State shall contract
24 with the City of St. Augustine for the management of the
25 various state-owned properties presently managed by the
26 Historic St. Augustine Preservation Board of Trustees. The
27 contract shall provide that the City of St. Augustine may use
28 all proceeds derived from the management of state-owned
29 properties for the purpose of maintaining the state-owned
30 buildings and advancing historic preservation in the City of
31 St. Augustine. ~~Additionally, the department may appropriate~~

1 ~~all remaining funds in the Historic St. Augustine Preservation~~
2 ~~Board Operating Trust Fund to the City of St. Augustine for~~
3 ~~maintenance of the state-owned buildings and advancing~~
4 ~~historic preservation in the City of St. Augustine.~~The
5 Department of State may transfer ownership and responsibility
6 to any artifacts, documents, equipment, and other forms of
7 tangible personal property to the City of St. Augustine to
8 assist the city in the transition of the management of
9 state-owned properties. ~~The Department of State is authorized~~
10 ~~to use the unexpended balance of up to \$500,000 in general~~
11 ~~revenue funds, as provided in the 1997-1998 General~~
12 ~~Appropriations Act for the St. Augustine Preservation Board,~~
13 ~~to enter into contracts with the City of St. Augustine to~~
14 ~~continue the operations and maintenance of historic~~
15 ~~properties.~~

16 Section 3. Section 267.172, Florida Statutes, is
17 amended to read:

18 267.172 Tallahassee; Florida Keys; contracts for
19 historic preservation.--In order to continue the work
20 performed by the Historic Tallahassee Preservation Board of
21 Trustees and the Historic Florida Keys Preservation Board of
22 Trustees, the Department of State may contract with
23 not-for-profit corporations established for the purpose of
24 advancing historic preservation in these areas to manage the
25 various state-owned properties presently managed by the
26 Historic Tallahassee Preservation Board of Trustees and the
27 Historic Florida Keys Preservation Board of Trustees. The
28 contract, which shall at a minimum contain those requirements
29 provided in s. 267.17, for citizen support organizations,
30 including the use of public property and the performance of an
31 annual audit, shall provide that the not-for-profit

1 corporations may use all proceeds derived from the management
2 of state-owned buildings and for the purpose of advancing
3 historic preservation in their areas. ~~Additionally, the~~
4 ~~department may appropriate all remaining funds in the Historic~~
5 ~~Florida Keys Preservation Board Operating Trust Fund and the~~
6 ~~Historic Tallahassee Preservation Board Operating Trust Fund~~
7 ~~to the not-for-profit corporations for their use.~~

8 Section 4. Subsections (1), (2), and (5) of section
9 288.012, Florida Statutes, are amended to read:

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

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

25 (a) Establish and operate offices in foreign countries
26 for the purpose of promoting the trade and economic
27 development of the state, and promoting the gathering of trade
28 data information and research on trade opportunities in
29 specific countries.

30 (b) Enter into agreements with governmental and
31 private sector entities to establish and operate offices in

1 foreign countries containing provisions which may be in
2 conflict with general laws of the state pertaining to the
3 purchase of office space, employment of personnel, and
4 contracts for services. When agreements pursuant to this
5 section are made which set compensation in foreign currency,
6 such agreements shall be subject to the requirements of s.
7 215.425, but the purchase of foreign currency by the Office of
8 Tourism, Trade, and Economic Development to meet such
9 obligations shall be subject only to s. 216.311.

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

26 (2) ~~By June 30, 1998,~~Each foreign office shall have
27 in place an operational plan approved by the participating
28 boards or other governing authority, a copy of which shall be
29 provided to the Office of Tourism, Trade, and Economic
30 Development. These operating plans shall be reviewed and
31

1 updated each fiscal year and shall include, at a minimum, the
2 following:

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

5 (b) A comprehensive, commercial strategic plan
6 identifying marketing opportunities and industry sector
7 priorities for the foreign country or area in which a foreign
8 office is located.

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

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

30 (e) Provision of access for Florida businesses to the
31 services of the Florida Trade Data Center, international trade

1 assistance services provided by state and local entities,
2 seaport and airport information, and other services identified
3 by the Office of Tourism, Trade, and Economic Development in
4 ~~the plan pursuant to paragraph (1)(c).~~

5 (f) Qualitative and quantitative performance measures
6 for each office, including, but not limited to, the number of
7 businesses assisted, the number of trade leads and inquiries
8 generated, the number of foreign buyers and importers
9 contacted, and the amount and type of marketing conducted.

10 (5) Where feasible and appropriate, and subject to s.
11 288.1224(9)(10), foreign offices established and operated
12 under this section may provide one-stop access to the economic
13 development, trade, and tourism information, services, and
14 programs of the state. Where feasible and appropriate, and
15 subject to s. 288.1224(9)(10), such offices may also be
16 collocated with other foreign offices of the state.

17 Section 5. Section 288.1168, Florida Statutes, is
18 amended to read:

19 288.1168 Professional golf hall of fame facility;
20 duties.--

21 ~~(1) The Department of Commerce shall serve as the~~
22 ~~state agency for screening applicants for state funding~~
23 ~~pursuant to s. 212.20 and for certifying one applicant as the~~
24 ~~professional golf hall of fame facility in the state.~~

25 ~~(2) Prior to certifying the professional golf hall of~~
26 ~~fame facility, the Department of Commerce must determine that:~~

27 ~~(a) The professional golf hall of fame facility is the~~
28 ~~only professional golf hall of fame in the United States~~
29 ~~recognized by the PGA Tour, Inc.~~

30 ~~(b) The applicant is a unit of local government as~~
31 ~~defined in s. 218.369 or a private sector group that has~~

1 ~~contracted to construct or operate the professional golf hall~~
2 ~~of fame facility on land owned by a unit of local government.~~

3 ~~(c) The municipality in which the professional golf~~
4 ~~hall of fame facility is located, or the county if the~~
5 ~~facility is located in an unincorporated area, has certified~~
6 ~~by resolution after a public hearing that the application~~
7 ~~serves a public purpose.~~

8 ~~(d) There are existing projections that the~~
9 ~~professional golf hall of fame facility will attract a paid~~
10 ~~attendance of more than 300,000 annually.~~

11 ~~(e) There is an independent analysis or study, using~~
12 ~~methodology approved by the department, which demonstrates~~
13 ~~that the amount of the revenues generated by the taxes imposed~~
14 ~~under chapter 212 with respect to the use and operation of the~~
15 ~~professional golf hall of fame facility will equal or exceed~~
16 ~~\$2 million annually.~~

17 (1)(f) Prior to certification, the applicant for the
18 certified professional golf hall of fame facility ~~The~~
19 ~~applicant has~~ submitted an agreement to provide \$2 million
20 annually in national and international media promotion of the
21 professional golf hall of fame facility, Florida, and Florida
22 tourism, through the PGA Tour, Inc., or its affiliates, at the
23 then-current commercial rate, during the period of time that
24 the facility receives funds pursuant to s. 212.20. The Office
25 of Tourism, Trade, and Economic Development and the PGA Tour,
26 Inc., or its affiliates, must agree annually on a reasonable
27 percentage of advertising specifically allocated for generic
28 Florida advertising. The Office of Tourism, Trade, and
29 Economic Development shall have final approval of all generic
30 advertising. Failure on the part of the PGA Tour, Inc., or its
31 affiliates to annually provide the advertising as provided in

1 this paragraph or subsection ~~(4)~~(6) shall result in the
2 termination of funding as provided in s. 212.20.

3 ~~(g) Documentation exists that demonstrates that the~~
4 ~~applicant has provided, is capable of providing, or has~~
5 ~~financial or other commitments to provide more than one-half~~
6 ~~of the costs incurred or related to the improvement and~~
7 ~~development of the facility.~~

8 ~~(h) The application is signed by an official senior~~
9 ~~executive of the applicant and is notarized according to~~
10 ~~Florida law providing for penalties for falsification.~~

11 ~~(2)~~(3) The certified professional golf hall of fame
12 facility applicant may use funds provided pursuant to s.
13 212.20 for the public purpose of paying for the construction,
14 reconstruction, renovation, or operation of the ~~professional~~
15 ~~golf hall of fame~~ facility, or to pay or pledge for payment of
16 debt service on, or to fund debt service reserve funds,
17 arbitrage rebate obligations, or other amounts payable with
18 respect to, bonds issued for the construction, reconstruction,
19 or renovation of the facility or for the reimbursement of such
20 costs or the refinancing of bonds issued for such purpose.

21 ~~(4) Upon determining that an applicant is or is not~~
22 ~~certifiable, the Secretary of Commerce shall notify the~~
23 ~~applicant of his or her status by means of an official letter.~~
24 ~~If certifiable, the secretary shall notify the executive~~
25 ~~director of the Department of Revenue and the applicant of~~
26 ~~such certification by means of an official letter granting~~
27 ~~certification. From the date of such certification, the~~
28 ~~applicant shall have 5 years to open the professional golf~~
29 ~~hall of fame facility to the public and notify the Office of~~
30 ~~Tourism, Trade, and Economic Development of such opening. The~~
31 ~~Department of Revenue shall not begin distributing funds until~~

1 ~~30 days following notice by the Office of Tourism, Trade, and~~
2 ~~Economic Development that the professional golf hall of fame~~
3 ~~facility is open to the public.~~

4 (3)~~(5)~~ The Department of Revenue may audit as provided
5 in s. 213.34 to verify that the distributions under this
6 section have been expended as required by this section.

7 (4)~~(6)~~ The Office of Tourism, Trade, and Economic
8 Development must recertify every 10 years that the facility is
9 open, continues to be the only professional golf hall of fame
10 in the United States recognized by the PGA Tour, Inc., and is
11 meeting the minimum projections for attendance or sales tax
12 revenue as required at the time of original certification. If
13 the facility is not certified as meeting the minimum
14 projections, the PGA Tour, Inc., shall increase its required
15 advertising contribution of \$2 million annually to \$2.5
16 million annually in lieu of reduction of any funds as provided
17 by s. 212.20. The additional \$500,000 must be allocated in its
18 entirety for the use and promotion of generic Florida
19 advertising as determined by the Office of Tourism, Trade, and
20 Economic Development. If the facility is not open to the
21 public or is no longer in use as the only professional golf
22 hall of fame in the United States recognized by the PGA Tour,
23 Inc., the entire \$2.5 million for advertising must be used for
24 generic Florida advertising as determined by the Office of
25 Tourism, Trade, and Economic Development.

26 Section 6. Paragraph (a) of subsection (2) of section
27 288.1223, Florida Statutes, is amended to read:

28 288.1223 Florida Commission on Tourism; creation;
29 purpose; membership.--

30 (2)(a) The commission shall consist of 17 general
31 tourism-industry-related members appointed by the Governor,

1 subject to confirmation by the Senate, and 11 additional
2 tourism-industry-related members, appointed by the Governor ~~no~~
3 ~~later than July 31, 1996~~, including 3 representatives from the
4 statewide rental car industry, 3 representatives from
5 tourist-related statewide associations, including those that
6 represent hotels, campgrounds, and attractions, 3
7 representatives from county destination marketing
8 organizations, 1 representative from the cruise industry, and
9 1 representative from the airline industry, who will each
10 serve for a term of 2 years, the Governor, and 2 additional ex
11 officio members, who will serve for a term of 2 years,
12 ~~appointed no later than July 31, 1996~~, including a member of
13 the Senate appointed by the President of the Senate and a
14 member of the House of Representatives appointed by the
15 Speaker of the House of Representatives.

16 Section 7. Subsection (8) of section 288.1224, Florida
17 Statutes, is repealed, and subsections (1), (4), and (5) of
18 said section are amended to read:

19 288.1224 Powers and duties.--The commission:

20 (1) Notwithstanding the provisions of part I of
21 chapter 287, upon the approval of the Office of Tourism,
22 Trade, and Economic Development, shall contract, ~~no later than~~
23 ~~December 31, 1996~~, with a direct-support organization
24 incorporated as a private, not-for-profit corporation, as
25 defined in s. 501(c)(6) of the Internal Revenue Code of 1986,
26 as amended, to execute the tourism marketing and promotion
27 services, functions, and programs for this state including,
28 but not limited to, the activities prescribed by the 4-year
29 marketing plan. The Office of Tourism, Trade, and Economic
30 Development shall review such contract in an expedient manner
31 and shall timely make any recommendations so as to allow for

1 the date of the contract to be met. The commission shall serve
2 as contract administrator.

3 (4)(a) Shall recommend the tenets of a 4-year
4 marketing plan to sustain tourism growth, which plan shall be
5 annual in construction and ongoing in nature. Any annual
6 revisions of such a plan shall carry forward the concepts of
7 the remaining 3-year portion of that plan and consider a
8 continuum portion to preserve the 4-year timeframe of the
9 plan.

10 (b) The plan shall include an emergency response
11 component and research designs.

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

1 calculated by taking the actual time or space and multiplying
2 by the nonnegotiated unit price for that specific time or
3 space which is known as the media equivalency value. In order
4 to avoid duplication in determining media equivalency value,
5 only the value of the promotion itself shall be included; the
6 value of the items contributed for the promotion shall not be
7 included. Documentation for the components of the four
8 categories of private match shall be kept on file for
9 inspection as determined necessary.

10 (d) The plan shall include recommendations regarding
11 specific performance standards and measurable outcomes for the
12 commission and its direct-support organization. The
13 commission, in consultation with the Office of Program Policy
14 Analysis and Government Accountability, shall develop a plan
15 for monitoring its operations to ensure that performance data
16 are maintained and supported by records of the organization.

17 ~~(e) Prior to the 2000 Regular Session of the~~
18 ~~Legislature, the Office of Program Policy Analysis and~~
19 ~~Government Accountability shall conduct a review of, and~~
20 ~~prepare a report on, the Florida Commission on Tourism and its~~
21 ~~direct-support organization. The review shall be~~
22 ~~comprehensive in its scope, but, at a minimum, must be~~
23 ~~conducted in such a manner as to specifically determine:~~

24 1. ~~The progress toward achieving the established~~
25 ~~outcomes.~~

26 2. ~~The circumstances contributing to the~~
27 ~~organization's ability to achieve, not achieve, or exceed its~~
28 ~~established outcomes.~~

29 3. ~~Whether it would be sound public policy to continue~~
30 ~~or discontinue funding the organization, and the consequences~~
31 ~~of discontinuing the organization.~~

1
2 ~~The report shall be submitted by January 1, 2000, to the~~
3 ~~President of the Senate, the Speaker of the House of~~
4 ~~Representatives, the Senate Minority Leader, and the House~~
5 ~~Minority Leader.~~

6 (e)(f) Prior to the 2003 Regular Session of the
7 Legislature, the Office of Program Policy Analysis and
8 Government Accountability shall conduct a another review of,
9 and prepare a report on, the Florida Commission on Tourism and
10 its direct-support organization, using the criteria prescribed
11 in paragraph (e). The review shall be comprehensive in its
12 scope, but, at a minimum, must be conducted in such a manner
13 as to specifically determine:

14 1. The progress toward achieving the established
15 outcomes.

16 2. The circumstances contributing to the
17 organization's ability to achieve, not achieve, or exceed its
18 established outcomes.

19 3. Whether it would be sound public policy to continue
20 or discontinue funding the organization, and the consequences
21 of discontinuing the organization.

22
23 The report shall be submitted by January 1, 2003, to the
24 President of the Senate, the Speaker of the House of
25 Representatives, the Senate Minority Leader, and the House
26 Minority Leader.

27 (5) Shall develop an operational structure ~~for~~
28 ~~implementation no later than December 31, 1996,~~ to carry out
29 the marketing plan recommended by the commission pursuant to
30 this section.

31

1 Section 8. Subsections (3) and (4) of section 509.215,
2 Florida Statutes, are repealed.

3 Section 9. This act shall take effect upon becoming a
4 law.

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6 *****

7 HOUSE SUMMARY

8 Repeals various statutory provisions that have become
9 obsolete, have had their effect, have served their
10 purpose, or have been impliedly repealed or superseded.
11 Repeals or deletes provisions relating to funds
12 appropriated prior to the effective date of provisions
13 requiring a portion of construction funds to be set aside
14 for acquisition and display of art in newly constructed
15 state buildings; the use of certain funds by the
16 Department of State for historic preservation purposes of
17 the City of St. Augustine; the appropriation of certain
18 funds by the Department of State to not-for-profit
19 organizations established to advance historic
20 preservation in Tallahassee and the Florida Keys; plans
21 for the disposition, development, and operation of
22 foreign offices; certification of the professional golf
23 hall of fame facility; appointments to the Florida
24 Commission on Tourism; a review and report on the Florida
25 Commission on Tourism and its direct-support
26 organization; initial duties of the Florida Commission on
27 Tourism; recommendations of the Florida Commission on
28 Tourism to the Legislature for additional funding sources
29 for the long-range objectives of the commission's
30 marketing plan; and firesafety requirements for public
31 lodging establishments for which construction contracts
were let prior to October 1, 1983.