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2012

1                   A bill to be entitled  
2           An act relating to economic development; creating s.  
3           288.11685, F.S.; authorizing Enterprise Florida, Inc.,  
4           to establish a statewide golf trail; requiring  
5           Enterprise Florida, Inc., to cooperate with various  
6           entities; requiring Enterprise Florida, Inc., to  
7           designate a proprietary name for the statewide golf  
8           trail; authorizing Enterprise Florida, Inc., to  
9           license the name and receive compensation for such  
10          licensing; requiring Enterprise Florida, Inc., to  
11          maintain and protect the name, brand, proprietary  
12          marks, and intellectual property of the statewide golf  
13          trail in a specified manner; encouraging Enterprise  
14          Florida, Inc., to enter into certain licensing  
15          arrangements or contracts; prohibiting Enterprise  
16          Florida, Inc., from accepting certain financial  
17          responsibility or liability for the statewide golf  
18          trail; directing various economic development and  
19          tourism promotion agencies to support the statewide  
20          golf trail; requiring Enterprise Florida, Inc., to  
21          submit an annual report to the Legislature on the  
22          statewide golf trail; amending s. 288.9913, F.S.;  
23          revising definitions of the terms "qualified active  
24          low-income community business" and "qualified  
25          investment" for purposes of the New Markets  
26          Development Program Act; creating s. 196.2003, F.S.;  
27          exempting from ad valorem taxation any portion of golf  
28          course property donated to the state, a local

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29 government, or a nonprofit organization for use by the  
30 public for specified purposes; defining "local  
31 government" and "nonprofit organization" for purposes  
32 of the act; encouraging the donation of public or  
33 private golf course property; authorizing the owners  
34 of golf course property to donate or retain any vested  
35 or permitted rights in the property; providing an  
36 effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 288.11685, Florida Statutes, is created  
41 to read:

42 288.11685 Promotion of golf tourism and economic  
43 development; statewide golf trail.-

44 (1) Enterprise Florida, Inc., may establish within the  
45 state, develop, and promote a comprehensive statewide golf trail  
46 to support the expansion of international and domestic golf  
47 tourism in the state, the creation of jobs, and the economic  
48 development of the golf industry and its related hospitality,  
49 travel, sales, retail, real estate, equipment manufacturing, and  
50 distribution services in the state.

51 (2) Enterprise Florida, Inc., to the maximum extent  
52 practicable, shall cooperate with existing professional and  
53 amateur golf associations, golf courses, golf industry  
54 businesses, statewide and regional golf marketing efforts, and  
55 the PGA Golf Professional Hall of Fame to effectively implement  
56 the statewide golf trail and promote the state's regional and

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57 local golf courses and golf industry businesses.

58 (3) Enterprise Florida, Inc., shall designate and may  
59 license a proprietary name used for promotion of the statewide  
60 golf trail and shall develop criteria for the most effective use  
61 of the brand. Enterprise Florida, Inc., shall maintain and  
62 protect the name, brand, proprietary marks, and other  
63 intellectual property of the statewide golf trail in a manner  
64 consistent with state and federal law which ensures that  
65 Enterprise Florida, Inc., and its licensees have exclusive use  
66 of such name, brand, proprietary marks, and other intellectual  
67 property.

68 (4) Enterprise Florida, Inc., is encouraged to enter into  
69 licensing arrangements or contracts with golf courses, tourism  
70 promotion agencies, and other golf industry businesses which  
71 facilitate the efficient, cost-effective, and successful  
72 financing, development, and promotion of the statewide golf  
73 trail. However, Enterprise Florida, Inc., may not accept any  
74 financial responsibility or liability for the creation of the  
75 statewide golf trail or its related activities but may receive  
76 compensation for licensing under subsection (3).

77 (5) The Department of Economic Opportunity, the Florida  
78 Tourism Industry Marketing Corporation, and other economic  
79 development and tourism promotion agencies at the state and  
80 local levels shall support the development, branding, and  
81 promotion of the statewide golf trail.

82 (6) By February 1 of each year, beginning in 2012,  
83 Enterprise Florida, Inc., shall submit an annual report to the  
84 President of the Senate and the Speaker of the House of

85 Representatives on the progress and success of the statewide  
 86 golf trail.

87 Section 2. Paragraph (c) of subsection (5) and subsection  
 88 (7) of section 288.9913, Florida Statutes, are amended to read:  
 89 288.9913 Definitions.—As used in ss. 288.991–288.9922, the  
 90 term:

91 (5) "Qualified active low-income community business" means  
 92 a corporation, including a nonprofit corporation, or partnership  
 93 that complies with each of the following:

94 (c) Satisfies the requirements of paragraphs (a) and (b),  
 95 but does not:

96 1. Derive or project to derive 15 percent or more of its  
 97 annual revenue from the rental or sale of real estate, unless  
 98 the corporation or partnership derives such revenue from the  
 99 rental of real estate and the primary lessee and user of such  
 100 real estate is another qualified active low-income community  
 101 business that is owned or controlled by, or that is under common  
 102 ownership or control with, such corporation or partnership;

103 2. Engage predominantly in the development or holding of  
 104 intangibles for sale or license;

105 3. Operate a ~~private or commercial golf course~~, country  
 106 club, massage parlor, hot tub facility, suntan facility,  
 107 racetrack, gambling facility, or a store the principal business  
 108 of which is the sale of alcoholic beverages for consumption off  
 109 premises; or

110 4. Engage principally in farming and owns or leases assets  
 111 the sum of the aggregate unadjusted bases or the fair market  
 112 value of which exceeds \$500,000.

113 (7) "Qualified investment" means an equity investment in,  
 114 or a long-term debt security issued by, a qualified community  
 115 development entity that:

116 (a) Is issued solely in exchange for cash; and

117 (b) Is designated by the qualified community development  
 118 entity as a qualified investment under this paragraph and is  
 119 approved by the department as a qualified investment.

120

121 Notwithstanding any provision of this section, an investment  
 122 made by a qualified active low-income community business in a  
 123 project that includes a recreational or sports facility is a  
 124 qualified investment if the project, upon completion, is open  
 125 and accessible to and affordable by the public, including the  
 126 residents of the low-income community in which the project is  
 127 located.

128 Section 3. Section 196.2003, Florida Statutes, is created  
 129 to read:

130 196.2003 Donation of golf course property for public  
 131 purposes; exemption from ad valorem taxation.-

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

133 (a) "Local government" means a county, municipality,  
 134 school district, or other political subdivision of the state.

135 (b) "Nonprofit organization" means an organization that,  
 136 according to the criteria in s. 196.195, is a nonprofit venture.

137 (2) The owner of a public or private golf course is  
 138 encouraged to donate all or any portion of the golf course  
 139 property and any vested or permitted rights to the state, a  
 140 local government, or a nonprofit organization for use by the

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141 public for recreational, agricultural, environmental, or  
 142 educational and training purposes. Such purposes may include,  
 143 but are not limited to:

144 (a) Parks or greenway trails.

145 (b) Walking, hiking, canoeing, bicycling, or equestrian  
 146 activities.

147 (c) Wildlife viewing, youth recreation, or sports.

148 (d) Agriculture, urban gardening, fishing, hunting, or  
 149 other outdoor uses.

150 (3) The owner may donate or retain any vested or permitted  
 151 rights in golf course property that is donated under this  
 152 section.

153 (4) Any portion of golf course property that is donated to  
 154 the state, a local government, or a nonprofit organization for  
 155 use by the public for any purpose described in subsection (2) is  
 156 eligible for exemption from ad valorem taxation under ss.  
 157 196.192 and 196.199.

158 Section 4. This act shall take effect July 1, 2012.