

By Senator Bennett

21-00412-12

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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; providing an effective date.

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28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Section 288.11685, Florida Statutes, is created  
31 to read:

32 288.11685 Promotion of golf tourism and economic  
33 development; statewide golf trail.-

34 (1) Enterprise Florida, Inc., may establish within the  
35 state, develop, and promote a comprehensive statewide golf trail  
36 to support the expansion of international and domestic golf  
37 tourism in the state, the creation of jobs, and the economic  
38 development of the golf industry and its related hospitality,  
39 travel, sales, retail, real estate, equipment manufacturing, and  
40 distribution services in the state.

41 (2) Enterprise Florida, Inc., to the maximum extent  
42 practicable, shall cooperate with existing professional and  
43 amateur golf associations, golf courses, golf industry  
44 businesses, statewide and regional golf marketing efforts, and  
45 the PGA Golf Professional Hall of Fame to effectively implement  
46 the statewide golf trail and promote the state's regional and  
47 local golf courses and golf industry businesses.

48 (3) Enterprise Florida, Inc., shall designate and may  
49 license a proprietary name used for promotion of the statewide  
50 golf trail and shall develop criteria for the most effective use  
51 of the brand. Enterprise Florida, Inc., shall maintain and  
52 protect the name, brand, proprietary marks, and other  
53 intellectual property of the statewide golf trail in a manner  
54 consistent with state and federal law which ensures that  
55 Enterprise Florida, Inc., and its licensees have exclusive use  
56 of such name, brand, proprietary marks, and other intellectual  
57 property.

58 (4) Enterprise Florida, Inc., is encouraged to enter into

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59 licensing arrangements or contracts with golf courses, tourism  
60 promotion agencies, and other golf industry businesses which  
61 facilitate the efficient, cost-effective, and successful  
62 financing, development, and promotion of the statewide golf  
63 trail. However, Enterprise Florida, Inc., may not accept any  
64 financial responsibility or liability for the creation of the  
65 statewide golf trail or its related activities but may receive  
66 compensation for licensing under subsection (3).

67 (5) The Department of Economic Opportunity, the Florida  
68 Tourism Industry Marketing Corporation, and other economic  
69 development and tourism promotion agencies at the state and  
70 local levels shall support the development, branding, and  
71 promotion of the statewide golf trail.

72 (6) By February 1 of each year, beginning in 2012,  
73 Enterprise Florida, Inc., shall submit an annual report to the  
74 President of the Senate and the Speaker of the House of  
75 Representatives on the progress and success of the statewide  
76 golf trail.

77 Section 2. Paragraph (c) of subsection (5) and subsection  
78 (7) of section 288.9913, Florida Statutes, are amended to read:

79 288.9913 Definitions.—As used in ss. 288.991-288.9922, the  
80 term:

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

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

86 1. Derive or project to derive 15 percent or more of its  
87 annual revenue from the rental or sale of real estate, unless

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88 the corporation or partnership derives such revenue from the  
89 rental of real estate and the primary lessee and user of such  
90 real estate is another qualified active low-income community  
91 business that is owned or controlled by, or that is under common  
92 ownership or control with, such corporation or partnership;

93 2. Engage predominantly in the development or holding of  
94 intangibles for sale or license;

95 3. Operate a ~~private or commercial golf course~~, country  
96 club, massage parlor, hot tub facility, suntan facility,  
97 racetrack, gambling facility, or a store the principal business  
98 of which is the sale of alcoholic beverages for consumption off  
99 premises; or

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

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

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

107 (b) Is designated by the qualified community development  
108 entity as a qualified investment under this paragraph and is  
109 approved by the department as a qualified investment.

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111 Notwithstanding any provision of this section, an investment  
112 made by a qualified active low-income community business in a  
113 project that includes a recreational or sports facility is a  
114 qualified investment if the project, upon completion, is open  
115 and accessible to and affordable by the public, including the  
116 residents of the low-income community in which the project is

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117 located.

118 Section 3. This act shall take effect July 1, 2012.