

By the Committee on Commerce and Tourism; and Senators Thompson and Abruzzo

577-03471-14

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1 A bill to be entitled  
2 An act relating to the Black Cultural Tourism  
3 Enhancement Commission; creating the commission within  
4 the Department of State; directing the commission to  
5 independently exercise its powers and duties;  
6 requiring the department to provide administrative and  
7 staff support services to the commission; providing  
8 the powers and duties of the commission; providing for  
9 the appointment and terms of commission members;  
10 providing for the reimbursement of per diem and travel  
11 expenses for commission members; defining the term  
12 "direct-support organization"; authorizing the  
13 commission to create a direct-support organization;  
14 providing purposes and objectives; providing for  
15 members of the board of the direct-support  
16 organization; providing that the direct-support  
17 organization is subject to public records and meetings  
18 requirements; requiring expenses of the direct-support  
19 organization to be paid by private funds; requiring  
20 the direct-support organization to operate under a  
21 written contract with the commission; specifying  
22 contract requirements; providing guidelines for the  
23 use of the funds; requiring the direct-support  
24 organization to comply with audit requirements;  
25 providing an effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. Black Cultural Tourism Enhancement Commission.-

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30 (1) There is created the Black Cultural Tourism Enhancement  
31 Commission. The commission shall be administratively housed  
32 within the Department of State but shall independently exercise  
33 the powers and duties specified in this section. The department  
34 shall provide administrative and staff support services to the  
35 commission.

36 (2) The commission shall:

37 (a) Provide financial and technical assistance to  
38 facilities and events that have the potential to expand tourism,  
39 create jobs, and stimulate economic development in the state  
40 through the marketing of the state's black cultural sites.

41 (b) Provide training and technical assistance for staff  
42 members of the state's black cultural sites in order to develop  
43 tour guides and tour operators for the sites.

44 (c) Provide resources and technical assistance for  
45 educators of the state related to the teaching of black history,  
46 promote the state's black cultural sites as historical venues,  
47 and support tourism in the state through student tours of the  
48 sites.

49 (d) Serve as a resource for the Florida Tourism Industry  
50 Marketing Corporation in order to expand cultural tourism in the  
51 state.

52 (e) Establish the Florida State Museum and Institute on  
53 Black American History and Culture with the mission of providing  
54 learning opportunities, exhibitions, programs, and events based  
55 on collections and research exploring the diverse history and  
56 culture of black Americans and their African origins.

57 (3) (a) The commission is composed of 13 members who are  
58 appointed in the following manner:

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59       1. The Governor shall appoint three members, one of whom  
60 represents an institution of higher learning, one of whom  
61 represents the Florida African-American Heritage Preservation  
62 Network, and one of whom represents business and civic interests  
63 in the African-American community.

64       2. The President of the Senate shall appoint two members,  
65 one of whom is involved in instructional design in a school  
66 district or in an institution of higher learning and one of whom  
67 is an employee of a museum of African-American history in this  
68 state.

69       3. The Speaker of the House of Representatives shall  
70 appoint two members, one of whom has a substantial history of  
71 community service in the performing or visual arts in the  
72 African-American community and one of whom is an employee of a  
73 museum of African-American history in this state.

74       4. The Secretary of State shall appoint two members who are  
75 directors of museums of African-American history or black  
76 archives and research centers in this state.

77       5. The Commissioner of Education shall appoint two members  
78 who are members of the Commissioner of Education's African  
79 American History Task Force.

80       6. The Florida Conference of Black State Legislators shall  
81 appoint two members, one of whom is a representative of a  
82 philanthropic foundation and one of whom is a member of the  
83 clergy.

84       (b) A member of the commission shall be appointed for a  
85 term of 4 years, except that at the time of the initial  
86 appointment, two members appointed by the Governor, one member  
87 appointed by the President of the Senate, one member appointed

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88 by the Speaker of the House of Representatives, one member  
89 appointed by the Secretary of State, and one member appointed by  
90 the Commissioner of Education shall be appointed for a term of 2  
91 years. A member may be reappointed to a subsequent term.

92 (4) Members of the commission shall serve without  
93 compensation but are entitled to reimbursement for per diem and  
94 travel expenses as provided in s. 112.061, Florida Statutes.

95 (5) As used in this section, the term "direct-support  
96 organization" means a Florida not-for-profit corporation  
97 incorporated under chapter 617, Florida Statutes, and organized  
98 and operated to conduct programs and activities; initiate  
99 developmental projects; raise funds; request and receive grants,  
100 gifts, and bequests of moneys; acquire, receive, hold, invest,  
101 and administer, in its own name, securities, funds, objects of  
102 value, or other property, real or personal; and make  
103 expenditures to or for the direct or indirect benefit of the  
104 commission.

105 (6) (a) The commission is authorized to organize and  
106 incorporate a direct-support organization pursuant to the  
107 requirements of this section and chapter 617, Florida Statutes.

108 (b) The board of the direct-support organization shall  
109 consist of the members of the commission.

110 (c) The direct-support organization is subject to the  
111 provisions of ss. 119.07 and 286.011, Florida Statutes, and s.  
112 24, Article I of the State Constitution.

113 (d) Any administrative costs of running and promoting the  
114 purposes of the corporation must be paid by private funds.

115 (7) The direct-support organization shall operate under  
116 written contract with the commission. The contract must provide

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117 for:

118 (a) Approval by the commission of the articles of  
119 incorporation and bylaws of the direct-support organization.

120 (b) Submission of an annual budget for the approval of the  
121 commission. The budget must comply with rules adopted by the  
122 commission.

123 (c) Certification by the commission that the direct-support  
124 organization is complying with the terms of the contract and in  
125 a manner consistent with the goals and purposes of the  
126 commission and in the best interest of the state. Such  
127 certification must be made annually and reported in the official  
128 minutes of a meeting of the commission.

129 (d) Reversion to the commission, or to the state if the  
130 commission ceases to exist, of moneys and property held in trust  
131 by the direct-support organization if the direct-support  
132 organization is no longer approved to operate for the commission  
133 or the commission ceases to exist.

134 (e) A fiscal year for the direct-support organization  
135 beginning on July 1 of each year and ending on June 30 of the  
136 following year.

137 (f) The disclosure of material provisions of the contract  
138 and the distinction between the board of directors and the  
139 direct-support organization to donors of gifts, contributions,  
140 or bequests, as well as on all promotional and fundraising  
141 publications.

142 (8) The purposes and goals of the direct-support  
143 organization must be consistent with priority issues and  
144 objectives of the commission and must be in the best interests  
145 of the state.

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146       (9) Funds designated for the direct-support organization  
147 must be used for the enhancement of programs and projects of the  
148 commission. All moneys received by the organization must be  
149 deposited into an account of the organization and must be used  
150 by the organization in a manner consistent with the purposes and  
151 goals of the commission.

152       (10) The direct-support organization shall comply with the  
153 audit requirements of s. 215.981.

154       Section 2. This act shall take effect July 1, 2014.