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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (x) is added to subsection (3) of
section 11.45, Florida Statutes, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
General may, pursuant to his or her own authority, or at the
direction of the Legislative Auditing Committee, conduct audits



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11 or other engagements as determined appropriate by the Auditor
12 General of:

13 (x) The Florida Tourism Industry Marketing Corporation.

14 Section 2. (1) The Florida Tourism Industry Marketing
15 Corporation may enter into an agreement with the Department of
16 Economic Opportunity to continue any existing program, activity,
17 duty, or function necessary for the operation of the
18 corporation.

19 (2) Any funds held in trust which were donated to or earned
20 by the Florida Tourism Industry Marketing Corporation may be
21 used by the corporation for the original purposes for which the
22 funds were received.

23 (3) It is the intent of the Legislature that the changes
24 made by this act be accomplished with minimal disruption of
25 services provided to the public and with minimal disruption to
26 employees of any organization.

27 Section 3. Section 272.11, Florida Statutes, is amended to
28 read:

29 272.11 Capitol information center.—The Department of
30 Economic Opportunity ~~Enterprise Florida, Inc.~~ shall establish,
31 maintain, and operate a Capitol information center somewhere
32 within the area of the Capitol Center and employ personnel or
33 enter into contracts to maintain same.

34 Section 4. Subsections (1) and (3) of section 288.017,
35 Florida Statutes, are amended to read:

36 288.017 Cooperative advertising matching grants program.—

37 (1) The department ~~Enterprise Florida, Inc.~~ is authorized
38 to establish a cooperative advertising matching grants program
39 and, pursuant thereto, to make expenditures and enter into



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40 contracts with local governments and nonprofit corporations for
41 the purpose of publicizing the tourism advantages of the state.
42 The department, ~~based on recommendations from Enterprise~~
43 ~~Florida, Inc.~~, shall have final approval of grants awarded
44 through this program. The department ~~Enterprise Florida, Inc.~~,
45 may contract with VISIT Florida ~~its direct-support organization~~
46 to administer the program.

47 (3) The department ~~Enterprise Florida, Inc.~~, shall conduct
48 an annual competitive selection process for the award of grants
49 under the program. In determining its recommendations for the
50 grant awards, the department ~~commission~~ shall consider the
51 demonstrated need of the applicant for advertising assistance,
52 the feasibility and projected benefit of the applicant's
53 proposal, the amount of nonstate funds that will be leveraged,
54 and such other criteria as the department ~~commission~~ deems
55 appropriate. ~~In evaluating grant applications, the department~~
56 ~~shall consider recommendations from Enterprise Florida, Inc.~~ The
57 department, ~~however~~, has final approval authority for any grant
58 under this section.

59 Section 5. Section 288.1226, Florida Statutes, is amended
60 to read:

61 288.1226 Florida Tourism Industry Marketing Corporation;
62 use of property; board of directors; duties; audit.—

63 (1) DEFINITIONS.—For the purposes of this section, the term
64 "corporation" means the Florida Tourism Industry Marketing
65 Corporation.

66 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing
67 Corporation is a direct-support organization of the Department
68 of Economic Opportunity ~~Enterprise Florida, Inc.~~



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69 (a) The Florida Tourism Industry Marketing Corporation is a
70 corporation not for profit, as defined in s. 501(c)(6) of the
71 Internal Revenue Code of 1986, as amended, that is incorporated
72 under the provisions of chapter 617 and approved by the
73 Department of State.

74 (b) The corporation is organized and operated exclusively
75 to request, receive, hold, invest, and administer property and
76 to manage and make expenditures for the operation of the
77 activities, services, functions, and programs of this state
78 which relate to the statewide, national, and international
79 promotion and marketing of tourism.

80 (c) 1. The corporation is not an agency for the purposes of
81 chapters 120 ~~and~~ 216, ~~and~~ 287; ~~ss. 255.21, 255.25, and 255.254,~~
82 ~~relating to leasing of buildings; ss. 283.33 and 283.35,~~
83 ~~relating to bids for printing; s. 215.31; and parts I, II, and~~
84 ~~IV-VIII of chapter 112. However, the corporation shall comply~~
85 ~~with the per diem and travel expense provisions of s. 112.061.~~

86 2.a. The corporation is an agency for purposes of chapter
87 287.

88 b. The officers and members of the board of directors of
89 the corporation are subject to ss. 112.313(1)-(8), (10), (12),
90 and (15); 112.3135; and 112.3143(2).

91 c. For purposes of ss. 112.313(1)-(8), (10), (12), and
92 (15); 112.3135; and 112.3143(2), the officers or members of the
93 board of directors of the corporation are public officers or
94 employees of an agency, respectively, and the corporation is an
95 agency.

96 3. It is not a violation of s. 112.3143(2) or (4) for the
97 officers or members of the board of directors of the corporation



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98 to:

99 a. Vote on the 4-year marketing plan required under s.
100 288.923 or vote on any individual component of or amendment to
101 the plan.

102 b. Participate in the establishment or calculation of
103 payments related to the private match requirements of subsection
104 (6). The officer or member must file an annual disclosure
105 describing the nature of his or her interests or the interests
106 of his or her principals, including corporate parents and
107 subsidiaries of his or her principal, in the private match
108 requirements. This annual disclosure requirement satisfies the
109 disclosure requirement of s. 112.3143(4). This disclosure must
110 be placed on the corporation's website or included in the
111 minutes of each meeting of the corporation's board of directors
112 at which the private match requirements are discussed or voted
113 upon.

114 (d) The corporation is subject to the provisions of chapter
115 119, relating to public meetings, and those provisions of
116 chapter 286 relating to public meetings and records.

117 (3) USE OF PROPERTY.—The Department of Economic Opportunity
118 Enterprise Florida, Inc.:

119 (a) Is authorized to permit the use of property and
120 facilities of the department ~~Enterprise Florida, Inc.~~, by the
121 corporation, subject to the provisions of this section.

122 (b) Shall prescribe conditions with which the corporation
123 must comply in order to use property and facilities of the
124 department ~~Enterprise Florida, Inc.~~. Such conditions shall
125 provide for budget and audit review and for oversight by the
126 department ~~Enterprise Florida, Inc.~~.



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127 (c) May not permit the use of property and facilities of
128 the department ~~Enterprise Florida, Inc.~~, if the corporation does
129 not provide equal employment opportunities to all persons,
130 regardless of race, color, national origin, sex, age, or
131 religion.

132 (4) BOARD OF DIRECTORS.—The board of directors of the
133 corporation shall be composed of 31 tourism-industry-related
134 members, appointed by the corporation ~~Enterprise Florida, Inc.~~,
135 in conjunction with the department. Board members shall serve
136 without compensation, but are entitled to receive reimbursement
137 for per diem and travel expenses pursuant to s. 112.061. Such
138 expenses must be paid out of funds of the corporation.

139 (a) The board shall consist of 16 members, appointed in
140 such a manner as to equitably represent all geographic areas of
141 the state, with no fewer than two members from any of the
142 following regions:

143 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,
144 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
145 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

146 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
147 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
148 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
149 Taylor, and Union Counties.

150 3. Region 3, composed of Brevard, Indian River, Lake,
151 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
152 Volusia Counties.

153 4. Region 4, composed of Citrus, Hernando, Hillsborough,
154 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

155 5. Region 5, composed of Charlotte, Collier, DeSoto,



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156 Glades, Hardee, Hendry, Highlands, and Lee Counties.

157 6. Region 6, composed of Broward, Martin, Miami-Dade,
158 Monroe, and Palm Beach Counties.

159 (b) The 15 additional tourism-industry-related members
160 shall include 1 representative from the statewide rental car
161 industry; 7 representatives from tourist-related statewide
162 associations, including those that represent hotels,
163 campgrounds, county destination marketing organizations,
164 museums, restaurants, retail, and attractions; 3 representatives
165 from county destination marketing organizations; 1
166 representative from the cruise industry; 1 representative from
167 an automobile and travel services membership organization that
168 has at least 2.8 million members in Florida; 1 representative
169 from the airline industry; and 1 representative from the space
170 tourism industry, who will each serve for a term of 2 years.

171 (5) POWERS AND DUTIES.—The corporation, in the performance
172 of its duties:

173 (a) May make and enter into contracts and assume such other
174 functions as are necessary to carry out the provisions of the 4-
175 year marketing plan required by s. 288.923, and the
176 corporation's contract with the department that Enterprise
177 Florida, Inc., which are not inconsistent with this or any other
178 provision of law. A proposed contract with a total cost of
179 \$750,000 or more is subject to the notice and review procedures
180 of s. 216.177. If the chair or vice chair of the Legislative
181 Budget Commission, the President of the Senate, or the Speaker
182 of the House of Representatives timely advises the corporation
183 in writing that such proposed contract is contrary to
184 legislative policy and intent, the corporation may not execute



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185 such proposed contract. The corporation may not enter into
186 multiple related contracts to avoid the requirements of this
187 paragraph.

188 (b) May develop a program to provide incentives and to
189 attract and recognize those entities which make significant
190 financial and promotional contributions towards the expanded
191 tourism promotion activities of the corporation.

192 (c) May establish a cooperative marketing program with
193 other public and private entities which allows the use of the
194 VISIT Florida logo in tourism promotion campaigns which meet the
195 standards of the department ~~Enterprise Florida, Inc.~~, for which
196 the corporation may charge a reasonable fee.

197 (d) May sue and be sued and appear and defend in all
198 actions and proceedings in its corporate name to the same extent
199 as a natural person.

200 (e) May adopt, use, and alter a common corporate seal.
201 However, such seal must always contain the words "corporation
202 not for profit."

203 (f) Shall elect or appoint such officers and agents as its
204 affairs shall require and allow them reasonable compensation.
205 However, each officer or agent, including the president and
206 chief executive officer of the corporation, may not receive
207 compensation, public or private, that exceeds \$130,000 per year.

208 (g) Shall hire and establish salaries and personnel and
209 employee benefit programs for such permanent and temporary
210 employees as are necessary to carry out the provisions of the 4-
211 year marketing plan and the corporation's contract with the
212 department that ~~Enterprise Florida, Inc.~~, which are not
213 inconsistent with this or any other provision of law. However,



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214 an employee may not receive compensation, public or private,
215 that exceeds \$130,000 per year. Any retirement, life insurance,
216 or health insurance benefits provided to employees of the
217 corporation may not exceed the value of such benefits provided
218 to employees of the corporation as of January 1, 2017. Any
219 public or private payments of performance bonuses or severance
220 pay to employees of the corporation are prohibited unless
221 specifically authorized by law. The Governor shall review and
222 approve or deny requests for out-of-state or international
223 travel by employees and board members of the corporation and
224 individuals whose travel will be paid for by the corporation,
225 regardless of the source of the funds used for such travel.

226 (h) Shall appoint a president and chief executive officer
227 of the corporation who shall serve subject to confirmation by
228 the Senate ~~provide staff support to the Division of Tourism~~
229 ~~Promotion of Enterprise Florida, Inc. The president and chief~~
230 ~~executive officer of the Florida Tourism Industry Marketing~~
231 ~~Corporation shall serve without compensation as the director of~~
232 ~~the division.~~

233 (i) May adopt, change, amend, and repeal bylaws, not
234 inconsistent with law or its articles of incorporation, for the
235 administration of the provisions of the 4-year marketing plan
236 and the corporation's contract with the department ~~Enterprise~~
237 ~~Florida, Inc.~~

238 (j) May conduct its affairs, carry on its operations, and
239 have offices and exercise the powers granted by this act in any
240 state, territory, district, or possession of the United States
241 or any foreign country. When ~~Where~~ feasible, appropriate, and
242 recommended by the 4-year marketing plan ~~developed by the~~



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243 ~~Division of Tourism Promotion of Enterprise Florida, Inc.~~, the
244 corporation may collocate the programs of foreign tourism
245 offices in cooperation with any foreign office operated by any
246 agency of this state.

247 (k) May appear on its own behalf before boards,
248 commissions, departments, or other agencies of municipal,
249 county, state, or federal government.

250 (l) May request or accept any grant, payment, or gift, of
251 funds or property made by this state or by the United States or
252 any department or agency thereof or by any individual, firm,
253 corporation, municipality, county, or organization for any or
254 all of the purposes of the 4-year marketing plan and the
255 corporation's contract with the department ~~Enterprise Florida,~~
256 ~~Inc.~~ that are not inconsistent with this or any other provision
257 of law. Such funds shall be deposited in a bank account
258 established by the corporation's board of directors. The
259 corporation may expend such funds in accordance with the terms
260 and conditions of any such grant, payment, or gift, in the
261 pursuit of its administration or in support of the programs it
262 administers. The corporation shall separately account for the
263 public funds and the private funds deposited into the
264 corporation's bank account.

265 (m) Shall establish a plan for participation in the
266 corporation which will provide additional funding for the
267 administration and duties of the corporation.

268 (n) In the performance of its duties, may undertake, or
269 contract for, marketing projects and advertising research
270 projects.

271 (o) In addition to any indemnification available under



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272 chapter 617, ~~the corporation~~ may indemnify, and purchase and
273 maintain insurance on behalf of, directors, officers, and
274 employees of the corporation against any personal liability or
275 accountability by reason of actions taken while acting within
276 the scope of their authority.

277 (p) May not create or establish any other entity,
278 corporation, or direct-support organization.

279 (q) May not expend funds, public or private, that directly
280 or indirectly benefit only one company, corporation, or business
281 entity.

282 (6) MATCHING REQUIREMENTS.-

283 (a) A one-to-one match is required of private to public
284 contributions to the corporation. Public contributions include
285 all state appropriations to the corporation.

286 (b) For purposes of calculating the required one-to-one
287 match, the corporation shall receive matching private
288 contributions and assign such contributions to one of two
289 private match categories. The corporation shall maintain
290 documentation of such categorized contributions on file and make
291 such documentation available for inspection upon reasonable
292 notice during its regular business hours. Contribution details
293 shall be included in the quarterly reports required under
294 subsection (8). The private match categories are:

295 1. Direct cash contributions from private sources, which
296 include, but are not limited to, cash derived from strategic
297 alliances, contributions of stocks and bonds, and partnership
298 contributions.

299 2. Fees for services, which include, but are not limited
300 to, event participation, research, and brochure placement and



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301 transparencies.

302

303 Contributions from a government entity or from an entity that
304 received more than 50 percent of its revenue in the previous
305 fiscal year from public sources, including revenue derived from
306 taxes, fees, or other government revenues, are not considered
307 private contributions for purposes of calculating the required
308 one-to-one match.

309 (c) If the corporation fails to meet the one-to-one match
310 requirements of this subsection, the corporation shall revert
311 all unmatched public contributions to the state treasury by June
312 30 of each fiscal year.

313 (7) ~~(6)~~ ANNUAL AUDIT.—The corporation shall provide for an
314 annual financial audit in accordance with s. 215.981. The annual
315 audit report shall be submitted to the Auditor General; the
316 Office of Program Policy Analysis and Government Accountability;
317 ~~Enterprise Florida, Inc.;~~ and the department for review. The
318 Office of Program Policy Analysis and Government Accountability;
319 ~~Enterprise Florida, Inc.;~~ the department; and the Auditor
320 General have the authority to require and receive from the
321 corporation or from its independent auditor any detail or
322 supplemental data relative to the operation of the corporation.
323 The department shall annually certify whether the corporation is
324 operating in a manner and achieving the objectives that are
325 consistent with the policies and goals of the department
326 ~~Enterprise Florida, Inc.,~~ and its long-range marketing plan. The
327 identity of a donor or prospective donor to the corporation who
328 desires to remain anonymous and all information identifying such
329 donor or prospective donor are confidential and exempt from the



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330 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
331 Constitution. Such anonymity shall be maintained in the
332 auditor's report.

333 (8)-(7) REPORT.—The corporation shall provide a quarterly
334 report to the department Enterprise Florida, Inc., which shall:

335 (a) Measure the current vitality of the visitor industry of
336 this state as compared to the vitality of such industry for the
337 year to date and for comparable quarters of past years.

338 Indicators of vitality shall be determined by the department
339 Enterprise Florida, Inc., and shall include, but not be limited
340 to, estimated visitor count and party size, length of stay,
341 average expenditure per party, and visitor origin and
342 destination.

343 (b) Provide detailed, unaudited financial statements of
344 sources and uses of public and private funds.

345 (c) Measure progress towards annual goals and objectives
346 set forth in the 4-year marketing plan.

347 (d) Review all pertinent research findings.

348 (e) Provide other measures of accountability as requested
349 by the department Enterprise Florida, Inc.

350
351 The corporation must take all steps necessary to provide all
352 data that is used to develop the report, including source data,
353 to the Office of Economic and Demographic Research.

354 (9)-(8) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—

355 Notwithstanding per diem and travel expenses authorized pursuant
356 s. 112.061, funds of the corporation may not be expended for
357 food, beverages, lodging, entertainment, or gifts for employees
358 of the corporation, board members of the corporation, or



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359 employees of a tourist or economic development entity that
360 receives revenue from a tax imposed pursuant to s. 125.0104, s.
361 125.0108, or s. 212.0305. An employee or board member of the
362 corporation may not accept or receive food, beverages, lodging,
363 entertainment, or gifts from a tourist or economic development
364 entity that receives revenue from a tax imposed pursuant to s.
365 125.0104, s. 125.0108, or s. 212.0305 PUBLIC RECORDS EXEMPTION.
366 ~~The identity of any person who responds to a marketing project~~
367 ~~or advertising research project conducted by the corporation in~~
368 ~~the performance of its duties on behalf of Enterprise Florida,~~
369 ~~Inc., or trade secrets as defined by s. 812.081 obtained~~
370 ~~pursuant to such activities, are exempt from s. 119.07(1) and s.~~
371 ~~24(a), Art. I of the State Constitution. This subsection is~~
372 ~~subject to the Open Government Sunset Review Act in accordance~~
373 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
374 ~~unless reviewed and saved from repeal through reenactment by the~~
375 ~~Legislature.~~

376 (10) LODGING EXPENSES.-Lodging expenses for an employee of
377 the corporation may not exceed \$150 per day, excluding taxes.
378 However, an employee of the corporation may expend his or her
379 own funds for any lodging expenses in excess of \$150 per day.

380 (11) RELEASE OF APPROPRIATIONS.-Notwithstanding s. 216.192,
381 and in accordance with s. 216.351, the annual plan for release
382 of appropriations for the Department of Economic Opportunity
383 shall be quarterly. On July 1 of each fiscal year, 25 percent of
384 the original operating budget of the corporation shall be
385 released. The balance of the appropriation shall be held in
386 reserve. By August 15 of each fiscal year, the Department of
387 Economic Opportunity shall submit a proposed operating budget



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388 for the corporation including amounts to be expended on
389 advertising, events, other operating capital outlay, and
390 salaries and benefits for each employee to the Legislative
391 Budget Commission. Upon approval of the plan by the Legislative
392 Budget Commission, the remainder of the operating budget for the
393 corporation shall be released pursuant to this subsection.

394 (12) TRANSPARENCY.—

395 (a) The corporation is a governmental entity as defined in
396 s. 215.985 and, therefore, is subject to the Transparency
397 Florida Act.

398 (b) A contract entered into between the corporation and any
399 other entity that received more than 50 percent of its revenue
400 in the previous fiscal year from funds derived from a tax
401 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305
402 shall include:

403 1. The purpose of the contract.

404 2. Specific performance standards and responsibilities for
405 each entity.

406 3. A detailed project or contract budget, if applicable.

407 4. The value of any services provided.

408 5. The salaries of all employees and board members of the
409 entity and the projected travel and entertainment expenses for
410 such employees and board members.

411 (c)1. If a marketing partner received more than 50 percent
412 of its revenue in the previous fiscal year from funds derived
413 from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.
414 212.0305, the marketing partner shall annually report all public
415 and private financial data to the corporation.

416 2. The financial data shall include:



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- 417 a. The total amount of revenue received from public and
418 private sources.
- 419 b. The operating budget.
- 420 c. Employee and board member salary and benefit details.
- 421 d. An itemized account of all funds spent by a third party
422 on behalf of the corporation or a board member or an employee of
423 the corporation.
- 424 e. Itemized travel and entertainment expenditures.
- 425 (d) The following information must be posted on the
426 corporation's website:
- 427 1. A plain language version of each proposed and executed
428 contract exceeding \$35,000 with a private entity, municipality,
429 city, town, or vendor of services, supplies, or programs,
430 including marketing, or for the purchase or lease or use of
431 lands, facilities, or properties.
- 432 2. Any agreement entered into between the corporation and
433 any other entity, including a local government, private entity,
434 or nonprofit entity, that receives public funds or funds from a
435 tax imposed pursuant to s. 125.0104, s. 125.0108, or s.
436 212.0305.
- 437 3. Video recordings of each board meeting.
- 438 4. A detailed report of expenditures following each
439 marketing event paid for with the corporation's funds. Such
440 report must be posted within 10 business days after the event.
- 441 5. An annual itemized accounting of the total amount of
442 funds spent by any third party on behalf of the corporation or
443 any board member or employee of the corporation.
- 444 6. An annual itemized accounting of the total amount of
445 travel and entertainment expenditures by the corporation.



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446 (e) The corporation's website must:
447 1. Allow users to navigate to related sites to view
448 supporting details.
449 2. Enable a taxpayer to email questions to the corporation
450 and make such questions and the corporation's responses publicly
451 viewable.
452 (13)-(9) REPEAL.—This section is repealed October 1, 2019,
453 unless reviewed and saved from repeal by the Legislature.
454 Section 6. Section 288.12265, Florida Statutes, is amended
455 to read:
456 288.12265 Welcome centers.—
457 (1) Responsibility for the welcome centers is assigned to
458 the Department of Economic Opportunity ~~Enterprise Florida, Inc.~~,
459 which shall contract with the Florida Tourism Industry Marketing
460 Corporation to employ all welcome center staff.
461 (2) The Department of Economic Opportunity ~~Enterprise~~
462 ~~Florida, Inc.~~, shall administer and operate the welcome centers.
463 Pursuant to a contract with the Department of Transportation,
464 the Department of Economic Opportunity ~~Enterprise Florida, Inc.~~,
465 shall be responsible for routine repair, replacement, or
466 improvement and the day-to-day management of interior areas
467 occupied by the welcome centers. All other repairs,
468 replacements, or improvements to the welcome centers shall be
469 the responsibility of the Department of Transportation. The
470 Department of Economic Opportunity ~~Enterprise Florida, Inc.~~, may
471 contract with the Florida Tourism Industry Marketing Corporation
472 for the management and operation of the welcome centers.
473 Section 7. Section 288.124, Florida Statutes, is amended to
474 read:



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475 288.124 Convention grants program.—VISIT Florida Enterprise
476 ~~Florida, Inc.~~, is authorized to establish a convention grants
477 program and, pursuant to that program, to recommend to the
478 department expenditures and contracts with local governments and
479 nonprofit corporations or organizations for the purpose of
480 attracting national conferences and conventions to Florida.
481 Preference shall be given to local governments and nonprofit
482 corporations or organizations seeking to attract minority
483 conventions to Florida. Minority conventions are events that
484 primarily involve minority persons, as defined in s. 288.703,
485 who are residents or nonresidents of the state. VISIT Florida
486 ~~Enterprise Florida, Inc.~~, shall establish guidelines governing
487 the award of grants and the administration of this program. The
488 department has final approval authority for any grants under
489 this section. The total annual allocation of funds for this
490 program shall not exceed \$40,000.

491 Section 8. Subsection (3) of section 288.904, Florida
492 Statutes, is amended to read:

493 288.904 Funding for Enterprise Florida, Inc.; performance
494 and return on the public's investment.—

495 ~~(3)(a) Specifically for the marketing and advertising~~
496 ~~activities of the Division of Tourism Marketing or as contracted~~
497 ~~through the Florida Tourism Industry Corporation, a one-to-one~~
498 ~~match is required of private to public contributions within 4~~
499 ~~calendar years after the implementation date of the marketing~~
500 ~~plan pursuant to s. 288.923.~~

501 ~~(b) For purposes of calculating the required one-to-one~~
502 ~~match, matching private funds shall be divided into four~~
503 ~~categories. Documentation for the components of the four private~~



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504 ~~match categories shall be kept on file for inspection as~~
505 ~~determined necessary. The four private match categories are:~~
506 ~~1. Direct cash contributions, which include, but are not~~
507 ~~limited to, cash derived from strategic alliances, contributions~~
508 ~~of stocks and bonds, and partnership contributions.~~
509 ~~2. Fees for services, which include, but are not limited~~
510 ~~to, event participation, research, and brochure placement and~~
511 ~~transparencies.~~
512 ~~3. Cooperative advertising, which is the value based on~~
513 ~~cost of contributed productions, air time, and print space.~~
514 ~~4. In-kind contributions, which include, but are not~~
515 ~~limited to, the value of strategic alliance services~~
516 ~~contributed, the value of loaned employees, discounted service~~
517 ~~fees, items contributed for use in promotions, and radio or~~
518 ~~television air time or print space for promotions. The value of~~
519 ~~air time or print space shall be calculated by taking the actual~~
520 ~~time or space and multiplying by the nonnegotiated unit price~~
521 ~~for that specific time or space which is known as the media~~
522 ~~equivalency value. In order to avoid duplication in determining~~
523 ~~media equivalency value, only the value of the promotion itself~~
524 ~~shall be included; the value of the items contributed for the~~
525 ~~promotion may not be included.~~

526 Section 9. Subsection (1) and paragraph (b) of subsection
527 (2) of section 288.92, Florida Statutes, are amended to read:

528 288.92 Divisions of Enterprise Florida, Inc.—

529 (1) Enterprise Florida, Inc., may create and dissolve
530 divisions as necessary to carry out its mission. Each division
531 shall have distinct responsibilities and complementary missions.
532 At a minimum, Enterprise Florida, Inc., shall have divisions



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533 related to the following areas:

534 (a) International Trade and Business Development;

535 (b) Business Retention and Recruitment;

536 ~~(c) Tourism Marketing;~~

537 (c)~~(d)~~ Minority Business Development; and

538 (d)~~(e)~~ Sports Industry Development.

539 (2)

540 (b)1. The following officers and board members are subject
541 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
542 112.3143(2):

543 a. Officers and members of the board of directors of the
544 divisions of Enterprise Florida, Inc.

545 b. Officers and members of the board of directors of
546 subsidiaries of Enterprise Florida, Inc.

547 c. Officers and members of the board of directors of
548 corporations created to carry out the missions of Enterprise
549 Florida, Inc.

550 d. Officers and members of the board of directors of
551 corporations with which a division is required by law to
552 contract to carry out its missions.

553 2. For purposes of applying ss. 112.313(1)-(8), (10), (12),
554 and (15); 112.3135; and 112.3143(2) to activities of the
555 officers and members of the board of directors specified in
556 subparagraph 1., those persons shall be considered public
557 officers or employees and the corporation shall be considered
558 their agency.

559 ~~3. It is not a violation of s. 112.3143(2) or (4) for the~~
560 ~~officers or members of the board of directors of the Florida~~
561 ~~Tourism Industry Marketing Corporation to:~~



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562 ~~a. Vote on the 4-year marketing plan required under s.~~
563 ~~288.923 or vote on any individual component of or amendment to~~
564 ~~the plan.~~

565 ~~b. Participate in the establishment or calculation of~~
566 ~~payments related to the private match requirements of s.~~
567 ~~288.904(3). The officer or member must file an annual disclosure~~
568 ~~describing the nature of his or her interests or the interests~~
569 ~~of his or her principals, including corporate parents and~~
570 ~~subsidiaries of his or her principal, in the private match~~
571 ~~requirements. This annual disclosure requirement satisfies the~~
572 ~~disclosure requirement of s. 112.3143(4). This disclosure must~~
573 ~~be placed either on the Florida Tourism Industry Marketing~~
574 ~~Corporation's website or included in the minutes of each meeting~~
575 ~~of the Florida Tourism Industry Marketing Corporation's board of~~
576 ~~directors at which the private match requirements are discussed~~
577 ~~or voted upon.~~

578 Section 10. Section 288.923, Florida Statutes, is amended
579 to read:

580 288.923 ~~Division of~~ Tourism marketing; definitions;
581 responsibilities.—

582 ~~(1) There is created within Enterprise Florida, Inc., the~~
583 ~~Division of Tourism Marketing.~~

584 ~~(2)~~ As used in this section, the term:

585 (a) "Tourism marketing" means any effort exercised to
586 attract domestic and international visitors from outside the
587 state to destinations in this state and to stimulate Florida
588 resident tourism to areas within the state.

589 (b) "Tourist" means any person who participates in trade or
590 recreation activities outside the county of his or her permanent



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591 residence or who rents or leases transient living quarters or
592 accommodations as described in s. 125.0104(3)(a).

593 (c) "County destination marketing organization" means a
594 public or private agency that is funded by local option tourist
595 development tax revenues under s. 125.0104, or local option
596 convention development tax revenues under s. 212.0305, and is
597 officially designated by a county commission to market and
598 promote the area for tourism or convention business or, in any
599 county that has not levied such taxes, a public or private
600 agency that is officially designated by the county commission to
601 market and promote the area for tourism or convention business.

602 (d) "Direct-support organization" means the Florida Tourism
603 Industry Marketing Corporation.

604 ~~(2)(3) The Department of Economic Opportunity Enterprise~~
605 ~~Florida, Inc.,~~ shall contract with the Florida Tourism Industry
606 Marketing Corporation, a direct-support organization established
607 in s. 288.1226, to execute tourism promotion and marketing
608 services, functions, and programs for the state, including, but
609 not limited to, the activities prescribed by the 4-year
610 marketing plan. ~~The division shall assist to maintain and~~
611 ~~implement the contract.~~

612 ~~(3)(4) The department's division's~~ responsibilities and
613 duties include, but are not limited to:

614 (a) Maintaining and implementing the contract with the
615 Florida Tourism Industry Marketing Corporation.

616 (b) ~~Ensuring that the corporation develops~~ ~~Advising the~~
617 ~~department and Enterprise Florida, Inc., on development of~~
618 domestic and international tourism marketing campaigns featuring
619 Florida.



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620 (c) Developing, in collaboration with the corporation, a 4-
621 year marketing plan.

622 1. At a minimum, the marketing plan shall discuss the
623 following:

624 a. Continuation of overall tourism growth in this state.

625 b. Expansion to new or under-represented tourist markets.

626 c. Maintenance of traditional and loyal tourist markets.

627 d. Coordination of efforts with county destination
628 marketing organizations, other local government marketing
629 groups, privately owned attractions and destinations, and other
630 private sector partners to create a seamless, four-season
631 advertising campaign for the state and its regions.

632 e. Development of innovative techniques or promotions to
633 build repeat visitation by targeted segments of the tourist
634 population.

635 f. Consideration of innovative sources of state funding for
636 tourism marketing.

637 g. Promotion of nature-based tourism and heritage tourism.

638 h. Development of a component to address emergency response
639 to natural and manmade disasters from a marketing standpoint.

640 2. The plan shall be annual in construction and ongoing in
641 nature. Any annual revisions of the plan shall carry forward the
642 concepts of the remaining 3-year portion of the plan and
643 consider a continuum portion to preserve the 4-year timeframe of
644 the plan. The plan also shall include recommendations for
645 specific performance standards and measurable outcomes for the
646 ~~division and direct-support organization. The department, in~~
647 ~~consultation with the board of directors of Enterprise Florida,~~
648 ~~Inc.,~~ shall base the actual performance metrics on these



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649 recommendations.

650 3. The 4-year marketing plan shall be developed in
651 collaboration with the Florida Tourism Industry Marketing
652 Corporation. The plan shall be annually reviewed and approved by
653 the department ~~board of directors of Enterprise Florida, Inc.~~

654 (d) Drafting and submitting an annual report ~~required by s.~~
655 ~~288.92.~~ The annual report shall set forth for the department
656 ~~division~~ and the direct-support organization:

657 1. Operations and accomplishments during the fiscal year,
658 including the economic benefit of the state's investment and
659 effectiveness of the marketing plan.

660 2. The 4-year marketing plan, including recommendations on
661 methods for implementing and funding the plan.

662 3. The assets and liabilities of the direct-support
663 organization at the end of its most recent fiscal year.

664 4. A copy of the annual financial and compliance audit
665 conducted under s. 288.1226(7) ~~288.1226(6)~~.

666 ~~(5) Notwithstanding s. 288.92, the division shall be~~
667 ~~staffed by the Florida Tourism Industry Marketing Corporation.~~
668 ~~Such staff shall not be considered to be employees of the~~
669 ~~division and shall remain employees of the Florida Tourism~~
670 ~~Industry Marketing Corporation. Section 288.905 does not apply~~
671 ~~to the Florida Tourism Industry Marketing Corporation.~~

672 ~~(4)(6)~~ This section is repealed October 1, 2019, unless
673 reviewed and saved from repeal by the Legislature.

674 Section 11. This act shall take effect July 1, 2017.

675

676 ===== T I T L E A M E N D M E N T =====

677 And the title is amended as follows:



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678 Delete everything before the enacting clause
679 and insert:

680 A bill to be entitled
681 An act relating to economic programs; amending s.
682 11.45, F.S.; authorizing the Auditor General to audit
683 the corporation; authorizing the corporation to enter
684 into an agreement with the Department of Economic
685 Opportunity for certain purposes and to use certain
686 funds; providing legislative intent; amending s.
687 272.11, F.S.; transferring responsibility for the
688 Capitol information center from Enterprise Florida,
689 Inc., to the department; amending s. 288.017, F.S.;
690 authorizing the department, rather than Enterprise
691 Florida, Inc., to establish and operate a cooperative
692 advertising matching grants program; authorizing the
693 department to contract with VISIT Florida to
694 administer such program; authorizing the department to
695 conduct an annual competitive selection process for
696 the award of program grants; removing a requirement
697 that the department consider certain recommendations
698 from Enterprise Florida, Inc., in evaluating program
699 grant applications; amending s. 288.1226, F.S.;
700 providing that the corporation is a direct-support
701 organization of the department, rather than Enterprise
702 Florida, Inc.; revising the purposes for which the
703 corporation is an agency; providing that the officers
704 and members of the board of directors of the
705 corporation are subject to certain provisions and are
706 public officers or employees of an agency for a



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707 certain purpose; requiring the corporation to comply
708 with certain per diem and travel expense provisions;
709 providing corporation board members and officers with
710 certain voting authority; requiring such officers and
711 members to file a certain annual disclosure; requiring
712 that such disclosure be placed on the corporation's
713 website; authorizing reimbursement for per diem and
714 travel expenses for corporation board members;
715 requiring such expenses to be paid out of corporation
716 funds; subjecting certain contracts to specified
717 notice and review procedures; prohibiting the
718 execution of certain contracts; limiting the amount of
719 compensation paid to corporation officers, agents, and
720 employees; limiting the value of certain benefits
721 provided to corporation employees; prohibiting certain
722 performance bonuses and severance pay; requiring the
723 Governor to approve certain out-of-state or
724 international travel; requiring the corporation to
725 appoint its president and chief executive officer,
726 subject to Senate confirmation; prohibiting the
727 corporation from creating or establishing certain
728 entities and expending certain funds that benefit only
729 one entity; requiring a one-to-one match of private to
730 public contributions to the corporation; providing
731 private contribution categories to use when
732 calculating such match; prohibiting certain
733 contributions from being considered private
734 contributions for purposes of such match; requiring
735 the reversion of unmatched public contributions to the



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736 state treasury by a certain date annually; requiring a
737 quarterly report to the department; requiring the
738 corporation to provide certain data to the Office of
739 Economic and Demographic Research; prohibiting the
740 expenditure of corporation funds for certain purposes;
741 prohibiting the acceptance or receipt of certain items
742 or services from certain entities; removing a public
743 records exemption; limiting certain expenses of
744 corporation employees; providing an exception;
745 specifying a procedure for the release of appropriated
746 funds; providing that the corporation is a
747 governmental entity and subject to the Transparency
748 Florida Act; requiring the inclusion of specified
749 information in certain corporation contracts and on
750 the corporation's website; requiring specified
751 functionality of the corporation's website; requiring
752 marketing partners to provide annual reports
753 containing specified financial data to the
754 corporation; conforming provisions to changes made by
755 the act; amending s. 288.12265, F.S.; transferring
756 responsibility for administering and operating welcome
757 centers from Enterprise Florida, Inc., to the
758 department; amending s. 288.124, F.S.; authorizing
759 VISIT Florida, rather than Enterprise Florida, Inc.,
760 to establish a convention grants program and
761 guidelines governing the award of program grants and
762 the administration of such program; repealing s.
763 288.826, F.S., relating to the Florida International
764 Trade and Promotion Trust Fund; terminating such trust



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765 fund; transferring the balances and revenues of such
766 terminated trust fund to the General Revenue Fund;
767 requiring the department to pay outstanding debts and
768 obligations of such terminated trust fund; requiring
769 the Chief Financial Officer to close out and remove
770 such terminated trust fund from state accounting
771 systems; amending s. 288.904, F.S.; conforming
772 provisions to changes made by the act; amending s.
773 288.92, F.S.; removing a requirement that Enterprise
774 Florida, Inc., include a division related to tourism
775 marketing; conforming provisions to changes made by
776 the act; amending s. 288.923, F.S.; terminating the
777 Division of Tourism Marketing created within
778 Enterprise Florida, Inc.; transferring duties and
779 authority to contract with the corporation from
780 Enterprise Florida, Inc., to the department;
781 conforming a provision to changes made by the act;
782 providing an effective date.