

By Senator Montford

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1                                   A bill to be entitled  
2           An act relating to the Florida Sports Foundation;  
3           amending s. 20.60, F.S.; requiring the Department of  
4           Economic Opportunity to contract with a direct-support  
5           organization to promote the sports industry and the  
6           participation of residents in certain athletic  
7           competitions in this state and to promote the state as  
8           a host for certain athletic competitions; reviving,  
9           reenacting, and amending s. 288.1229, F.S., relating  
10          to the promotion and development of sports-related  
11          industries and amateur athletics; requiring the  
12          department to establish a direct-support organization  
13          known as the "Florida Sport Foundation," rather than  
14          authorizing the Office of Tourism, Trade, and Economic  
15          Development to authorize a direct-support  
16          organization, to assist the department in certain  
17          promotion and development activities; specifying the  
18          purpose of the foundation; specifying requirements for  
19          the foundation, including appointment of its board of  
20          directors; deleting a provision prohibiting board  
21          members from serving more than two consecutive terms;  
22          requiring that the foundation operate under written  
23          contract with the department; specifying provisions  
24          that must be included in the contract; authorizing the  
25          department to allow the foundation to use certain  
26          facilities, personnel, and services if it complies  
27          with certain provisions; requiring an annual financial  
28          audit of the foundation; providing that the foundation  
29          is not granted any taxing power; deleting certain

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30 provisions related to the Office of Tourism, Trade,  
31 and Economic Development and a specified direct-  
32 support organization; specifying the duties of the  
33 foundation; deleting residency requirements for  
34 participants of the Sunshine State Games; deleting  
35 certain competition requirements; authorizing the  
36 department, rather than the Executive Office of the  
37 Governor, to allow the use of certain property,  
38 facilities, and personal services under certain  
39 circumstances; conforming provisions to changes made  
40 by the act; amending s. 320.08058, F.S.; conforming  
41 provisions to changes made by the act; amending uses  
42 of the proceeds of certain license plates; providing  
43 an effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Paragraph (g) is added to subsection (4) of  
48 section 20.60, Florida Statutes, to read:

49 20.60 Department of Economic Opportunity; creation; powers  
50 and duties.—

51 (4) The purpose of the department is to assist the Governor  
52 in working with the Legislature, state agencies, business  
53 leaders, and economic development professionals to formulate and  
54 implement coherent and consistent policies and strategies  
55 designed to promote economic opportunities for all Floridians.  
56 To accomplish such purposes, the department shall:

57 (g) Notwithstanding part I of chapter 287, contract with  
58 the direct-support organization established under s. 288.1229 to

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59 guide, stimulate, and promote the sports industry in this state;  
60 to promote the participation of residents of this state in  
61 amateur athletic competitions; and to promote this state as a  
62 host for national and international amateur athletic  
63 competitions.

64 Section 2. Notwithstanding the repeal of section 288.1229,  
65 Florida Statutes, in section 485 of chapter 2011-142, Laws of  
66 Florida, section 288.1229, Florida Statutes, is revived,  
67 readopted, and amended to read:

68 288.1229 Promotion and development of sports-related  
69 industries and amateur athletics; direct-support organization  
70 established; powers and duties.-

71 (1) The Department of Economic Opportunity shall establish  
72 a direct-support organization known as the "Florida Sports  
73 Foundation." ~~The Office of Tourism, Trade,~~  
74 ~~and Economic Development may authorize a direct-support~~  
75 ~~organization to assist the department office in:~~

76 (a) The promotion and development of the sports industry  
77 and related industries for the purpose of improving the economic  
78 presence of these industries in Florida.

79 (b) The promotion of amateur athletic participation for the  
80 citizens of Florida and the promotion of Florida as a host for  
81 national and international amateur athletic competitions for the  
82 purpose of encouraging and increasing the direct and ancillary  
83 economic benefits of amateur athletic events and competitions.

84 (c) The retention of professional sports franchises,  
85 including the spring training operations of Major League  
86 Baseball.

87 (2) The Florida Sports Foundation ~~To be authorized as a~~

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88 ~~direct support organization, an organization~~ must:

89 (a) Be incorporated as a corporation not for profit  
90 pursuant to chapter 617.

91 (b)1. Be governed by a board of directors, which must  
92 consist of 20 ~~up to 15~~ members appointed by the Governor as  
93 follows:

94 a. Ten members representing Florida professional sports  
95 franchises of Major League Baseball, the National Basketball  
96 Association, the National Football League, the Arena Football  
97 League, the National Hockey League, and the Major League Soccer  
98 teams domiciled in this state.

99 b. Two member representing Florida sports commissions.

100 c. One member representing the boating and fishing  
101 industries in Florida.

102 d. One member representing the golf industry in Florida.

103 e. One member representing Major League Baseball spring  
104 training.

105 f. One member representing the automobile racing industry  
106 in Florida.

107 g. Four members-at-large ~~and up to 15 members appointed by~~  
108 ~~the existing board of directors.~~ In making at-large  
109 appointments, the Governor ~~board~~ must consider a potential  
110 member's background in community service and sports activism in,  
111 and financial support of, the sports industry, professional  
112 sports, or organized amateur athletics. Members must be  
113 residents of the state and highly knowledgeable about or active  
114 in professional or organized amateur sports. ~~The board must~~

115 2. In the membership of its board of directors, contain  
116 representatives of all geographical regions of the state and

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117 ~~must~~ represent ethnic and gender diversity. The terms of office  
118 of the members shall be 4 years. ~~No member may serve more than~~  
119 ~~two consecutive terms.~~ The Governor may remove any member for  
120 cause and shall fill all vacancies that occur.

121 (c) Have as its purpose, as stated in its articles of  
122 incorporation, to receive, hold, invest, and administer  
123 property; to raise funds and receive gifts; and to promote and  
124 develop the sports industry and related industries for the  
125 purpose of increasing the economic presence of these industries  
126 in Florida.

127 (d) Have a prior determination by the department ~~Office of~~  
128 ~~Tourism, Trade, and Economic Development~~ that the organization  
129 will benefit the department ~~office~~ and act in the best interests  
130 of the state as a direct-support organization to the department  
131 ~~office~~.

132 (3) The Florida Sports Foundation shall operate under  
133 written contract with the department. The department shall enter  
134 into a contract with the foundation by July 1, 2017. The  
135 contract must provide ~~Office of Tourism, Trade, and Economic~~  
136 ~~Development shall contract with the organization and shall~~  
137 ~~include in the contract~~ that:

138 (a) The department ~~office~~ may review the foundation's  
139 ~~organization's~~ articles of incorporation.

140 (b) The foundation ~~organization~~ shall submit an annual  
141 budget proposal to the department ~~office~~, on a form provided by  
142 the department ~~office~~, in accordance with department ~~office~~  
143 procedures for filing budget proposals based upon the  
144 recommendation of the department ~~office~~.

145 (c) Any funds that the foundation ~~organization~~ holds in

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146 trust will revert to the state upon the expiration or  
147 cancellation of the contract.

148 (d) The foundation ~~organization~~ is subject to an annual  
149 financial and performance review by the department ~~office~~ to  
150 determine whether the foundation ~~organization~~ is complying with  
151 the terms of the contract and whether it is acting in a manner  
152 consistent with the goals of the department ~~office~~ and in the  
153 best interests of the state.

154 (e) The fiscal year of the foundation ~~organization~~  
155 ~~will begin~~ July 1 of each year and ends ~~end~~ June 30 of the next  
156 ~~ensuing~~ year.

157 (4) The department ~~Office of Tourism, Trade, and Economic~~  
158 ~~Development~~ may allow the foundation ~~organization~~ to use the  
159 property, facilities, personnel, and services of the department  
160 ~~office~~ if the foundation ~~organization~~ provides equal employment  
161 opportunities to all persons regardless of race, color,  
162 religion, sex, age, or national origin, subject to the approval  
163 of the executive director of the department ~~office~~.

164 (5) The foundation ~~organization~~ shall provide for an annual  
165 financial audit in accordance with s. 215.981.

166 (6) The foundation ~~organization~~ is not granted any taxing  
167 power.

168 ~~(7) In exercising the power provided in this section, the~~  
169 ~~Office of Tourism, Trade, and Economic Development may authorize~~  
170 ~~and contract with the direct-support organization existing on~~  
171 ~~June 30, 1996, and authorized by the former Florida Department~~  
172 ~~of Commerce to promote sports-related industries. An appointed~~  
173 ~~member of the board of directors of such direct-support~~  
174 ~~organization as of June 30, 1996, may serve the remainder of his~~

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175 ~~or her unexpired term.~~

176 ~~(7)(8)~~ To promote amateur sports and physical fitness, the  
177 foundation direct-support organization shall:

178 (a) Develop, foster, and coordinate services and programs  
179 for amateur sports for the people of Florida.

180 (b) Sponsor amateur sports workshops, clinics, conferences,  
181 and other similar activities.

182 (c) Give recognition to outstanding developments and  
183 achievements in, and contributions to, amateur sports.

184 (d) Encourage, support, and assist local governments and  
185 communities in the development of or hosting of local amateur  
186 athletic events and competitions.

187 (e) Promote Florida as a host for national and  
188 international amateur athletic competitions.

189 (f) Develop ~~a~~ statewide programs ~~program~~ of amateur  
190 athletic competition to be known as the "Florida Senior Games"  
191 and the "Sunshine State Games."

192 (g) Continue the successful amateur sports programs  
193 previously conducted by the Florida Governor's Council on  
194 Physical Fitness and Amateur Sports created under former s.  
195 14.22.

196 (h) Encourage and continue the use of volunteers in its  
197 amateur sports programs to the maximum extent possible.

198 (i) Develop, foster, and coordinate services and programs  
199 designed to encourage the participation of Florida's youth in  
200 Olympic sports activities and competitions.

201 (j) Foster and coordinate services and programs designed to  
202 contribute to the physical fitness of the citizens of Florida.

203 ~~(8)(9)~~ (a) The Florida Senior Games and the Sunshine State

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204 Games shall both be patterned after the Summer Olympics with  
 205 variations as necessitated by availability of facilities,  
 206 equipment, and expertise. The games shall be designed to  
 207 encourage the participation of athletes representing a broad  
 208 range of age groups, skill levels, and Florida communities.  
 209 ~~Participants shall be residents of this state. Regional~~  
 210 ~~competitions shall be held throughout the state, and the top~~  
 211 ~~qualifiers in each sport shall proceed to the final competitions~~  
 212 ~~to be held at a site in the state with the necessary facilities~~  
 213 ~~and equipment for conducting the competitions.~~

214 (b) The department may authorize ~~Executive Office of the~~  
 215 ~~Governor is authorized to permit~~ the use of property,  
 216 facilities, and personal services of or at any State University  
 217 System facility or institution by the direct-support  
 218 organization operating the Florida Senior Games and the Sunshine  
 219 State Games. For the purposes of this paragraph, personal  
 220 services includes full-time or part-time personnel as well as  
 221 payroll processing.

222 Section 3. Paragraph (a) of subsection (6), paragraph (b)  
 223 of subsection (9), paragraph (a) of subsection (35), subsection  
 224 (60), and paragraph (b) of subsection (64) of section 320.08058,  
 225 Florida Statutes, are amended to read:

226 320.08058 Specialty license plates.—

227 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
 228 PLATES.—

229 (a) Because the United States Olympic Committee has  
 230 selected this state to participate in a combined fundraising  
 231 program that provides for one-half of all money raised through  
 232 volunteer giving to stay in this state and be administered by



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233 the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ to  
234 support amateur sports, ~~and~~ because the United States Olympic  
235 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~  
236 ~~Inc.,~~ are nonprofit organizations dedicated to providing  
237 athletes with support and training and preparing athletes of all  
238 ages and skill levels for sports competition, ~~and~~ because the  
239 Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ assists in  
240 the bidding for sports competitions that provide significant  
241 impact to the economy of this state, and because the Legislature  
242 supports the efforts of the United States Olympic Committee and  
243 the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ the  
244 Legislature establishes a Florida United States Olympic  
245 Committee license plate for the purpose of providing a  
246 continuous funding source to support this worthwhile effort.  
247 Florida United States Olympic Committee license plates must  
248 contain the official United States Olympic Committee logo and  
249 must bear a design and colors that are approved by the  
250 department. The word "Florida" must be centered at the top of  
251 the plate.

252 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

253 (b) The license plate annual use fees are to be annually  
254 distributed as follows:

255 1. Fifty-five percent of the proceeds from the Florida  
256 Professional Sports Team plate must be deposited into the  
257 Professional Sports Development Trust Fund within the Department  
258 of Economic Opportunity. These funds must be used solely to  
259 attract and support major sports events in this state. As used  
260 in this subparagraph, the term "major sports events" means, but  
261 is not limited to, championship or all-star contests of Major

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262 League Baseball, the National Basketball Association, the  
263 National Football League, the National Hockey League, Major  
264 League Soccer, the men's and women's National Collegiate  
265 Athletic Association championships ~~Final Four basketball~~  
266 ~~championship~~, or a horseracing or dogracing Breeders' Cup. All  
267 funds must be used to support and promote major sporting events,  
268 and the uses must be approved by the Department of Economic  
269 Opportunity.

270 2. The remaining proceeds of the Florida Professional  
271 Sports Team license plate must be allocated to the Florida  
272 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be  
273 deposited into the Professional Sports Development Trust Fund  
274 within the Department of Economic Opportunity. These funds must  
275 be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
276 ~~Inc.~~, to promote the economic development of the sports  
277 industry; to distribute licensing and royalty fees to  
278 participating professional sports teams; ~~to promote education~~  
279 ~~programs in Florida schools that provide an awareness of the~~  
280 ~~benefits of physical activity and nutrition standards; to~~  
281 ~~partner with the Department of Education and the Department of~~  
282 ~~Health to develop a program that recognizes schools whose~~  
283 ~~students demonstrate excellent physical fitness or fitness~~  
284 ~~improvement;~~ to institute a grant program for communities  
285 bidding on minor sporting events that create an economic impact  
286 for the state; to distribute funds to Florida-based charities  
287 designated by the Florida Sports Foundation ~~Enterprise Florida,~~  
288 ~~Inc.~~, and the participating professional sports teams; and to  
289 fulfill the sports promotion responsibilities of the Department  
290 of Economic Opportunity.

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291           3. The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
292 shall provide an annual financial audit in accordance with s.  
293 215.981 of its financial accounts and records by an independent  
294 certified public accountant pursuant to the contract established  
295 by the Department of Economic Opportunity as provided in s.  
296 288.1229(5). The auditor shall submit the audit report to the  
297 Department of Economic Opportunity for review and approval. If  
298 the audit report is approved, the Department of Economic  
299 Opportunity shall certify the audit report to the Auditor  
300 General for review.

301           4. Notwithstanding the provisions of subparagraphs 1. and  
302 2., proceeds from the Professional Sports Development Trust Fund  
303 may also be used for operational expenses of the Florida Sports  
304 Foundation ~~Enterprise Florida, Inc.~~, and financial support of  
305 the Florida Senior Games and the Sunshine State Games.

306           (35) FLORIDA GOLF LICENSE PLATES.—

307           (a) The Department of Highway Safety and Motor Vehicles  
308 shall develop a Florida Golf license plate as provided in this  
309 section. The word "Florida" must appear at the bottom of the  
310 plate. The Dade Amateur Golf Association, following consultation  
311 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~  
312 ~~Florida, Inc.~~, the LPGA, and the PGA of America, may submit a  
313 revised sample plate for consideration by the department.

314           (60) FLORIDA NASCAR LICENSE PLATES.—

315           (a) The department shall develop a Florida NASCAR license  
316 plate as provided in this section. Florida NASCAR license plates  
317 must bear the colors and design approved by the department. The  
318 word "Florida" must appear at the top of the plate, and the term  
319 "NASCAR" must appear at the bottom of the plate. The National

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320 Association for Stock Car Auto Racing, following consultation  
321 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may  
322 submit a sample plate for consideration by the department.

323 (b) The license plate annual use fees shall be distributed  
324 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~. The  
325 license plate annual use fees shall be annually allocated as  
326 follows:

327 1. Up to 5 percent of the proceeds from the annual use fees  
328 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
329 ~~Inc.~~, for the administration of the NASCAR license plate  
330 program.

331 2. The National Association for Stock Car Auto Racing shall  
332 receive up to \$60,000 in proceeds from the annual use fees to be  
333 used to pay startup costs, including costs incurred in  
334 developing and issuing the plates. Thereafter, 10 percent of the  
335 proceeds from the annual use fees shall be provided to the  
336 association for the royalty rights for the use of its marks.

337 3. The remaining proceeds from the annual use fees shall be  
338 distributed to the Florida Sports Foundation ~~Enterprise Florida,~~  
339 ~~Inc.~~ The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
340 will retain 15 percent to support its regional grant program,  
341 attracting sporting events to Florida; 20 percent to support the  
342 marketing of motorsports-related tourism in the state; and 50  
343 percent to be paid to the NASCAR Foundation, a s. 501(c)(3)  
344 charitable organization, to support Florida-based charitable  
345 organizations.

346 (c) The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
347 shall provide an annual financial audit in accordance with s.  
348 215.981 of its financial accounts and records by an independent

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349 certified public accountant pursuant to the contract established  
350 by the Department of Economic Opportunity as specified in s.  
351 288.1229(5). The auditor shall submit the audit report to the  
352 Department of Economic Opportunity for review and approval. If  
353 the audit report is approved, the Department of Economic  
354 Opportunity shall certify the audit report to the Auditor  
355 General for review.

356 (64) FLORIDA TENNIS LICENSE PLATES.—

357 (b) The department shall distribute the annual use fees to  
358 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~. The  
359 license plate annual use fees shall be annually allocated as  
360 follows:

361 1. Up to 5 percent of the proceeds from the annual use fees  
362 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
363 ~~Inc.~~, to administer the license plate program.

364 2. The United States Tennis Association Florida Section  
365 Foundation shall receive the first \$60,000 in proceeds from the  
366 annual use fees to reimburse it for startup costs,  
367 administrative costs, and other costs it incurs in the  
368 development and approval process.

369 3. Up to 5 percent of the proceeds from the annual use fees  
370 may be used for promoting and marketing the license plates. The  
371 remaining proceeds shall be available for grants by the United  
372 States Tennis Association Florida Section Foundation to  
373 nonprofit organizations to operate youth tennis programs and  
374 adaptive tennis programs for special populations of all ages,  
375 and for building, renovating, and maintaining public tennis  
376 courts.

377 Section 4. This act shall take effect July 1, 2017.