

By the Committee on Commerce and Tourism; and Senator Montford

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1                                   A bill to be entitled  
2       An act relating to economic programs; amending s.  
3       20.60, F.S.; requiring the Department of Economic  
4       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. 288.9937, F.S.; requiring the  
41 Office of Program Policy Analysis and Government  
42 Accountability to analyze and evaluate the first 3  
43 years of certain programs; requiring the Office of  
44 Program Policy Analysis and Government Accountability,  
45 rather than the Office of Economic and Demographic  
46 Research, to identify inefficiencies in certain  
47 programs and to recommend changes to such programs;  
48 revising the date by which the Office of Economic and  
49 Demographic Research must submit a report to the  
50 Legislature; requiring the Office of Program Policy  
51 Analysis and Government Accountability to submit a  
52 report to the Legislature by a specified date;  
53 amending s. 320.08058, F.S.; conforming provisions to  
54 changes made by the act; amending uses of the proceeds  
55 of certain license plates; providing an effective  
56 date.

57  
58 Be It Enacted by the Legislature of the State of Florida:

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

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

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

(g) Notwithstanding part I of chapter 287, contract with the direct-support organization established under s. 288.1229 to guide, stimulate, and promote the sports industry in this state; to promote the participation of residents of this state in amateur athletic competitions; and to promote this state as a host for national and international amateur athletic competitions.

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

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

(1) The Department of Economic Opportunity shall establish a direct-support organization known as the "Florida Sports Foundation." The foundation shall ~~The Office of Tourism, Trade, and Economic Development may authorize a direct-support~~

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88 ~~organization to~~ assist the department office in:

89 (a) The promotion and development of the sports industry  
90 and related industries for the purpose of improving the economic  
91 presence of these industries in Florida.

92 (b) The promotion of amateur athletic participation for the  
93 citizens of Florida and the promotion of Florida as a host for  
94 national and international amateur athletic competitions for the  
95 purpose of encouraging and increasing the direct and ancillary  
96 economic benefits of amateur athletic events and competitions.

97 (c) The retention of professional sports franchises,  
98 including the spring training operations of Major League  
99 Baseball.

100 (2) The Florida Sports Foundation ~~To be authorized as a~~  
101 ~~direct support organization, an organization~~ must:

102 (a) Be incorporated as a corporation not for profit  
103 pursuant to chapter 617.

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

107 a. Ten members representing Florida professional sports  
108 franchises of Major League Baseball, the National Basketball  
109 Association, the National Football League, the Arena Football  
110 League, the National Hockey League, and the Major League Soccer  
111 teams domiciled in this state.

112 b. Two member representing Florida sports commissions.

113 c. One member representing the boating and fishing  
114 industries in Florida.

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

116 e. One member representing Major League Baseball spring

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117 training.

118 f. One member representing the automobile racing industry  
119 in Florida.

120 g. Four members-at-large and up to 15 members appointed by  
121 ~~the existing board of directors.~~ In making at-large  
122 appointments, the Governor ~~board~~ must consider a potential  
123 member's background in community service and sports activism in,  
124 and financial support of, the sports industry, professional  
125 sports, or organized amateur athletics. Members must be  
126 residents of the state and highly knowledgeable about or active  
127 in professional or organized amateur sports. ~~The board must~~

128 2. In the membership of its board of directors, contain  
129 representatives of all geographical regions of the state and  
130 ~~must~~ represent ethnic and gender diversity. The terms of office  
131 of the members shall be 4 years. ~~No member may serve more than~~  
132 ~~two consecutive terms.~~ The Governor may remove any member for  
133 cause and shall fill all vacancies that occur.

134 (c) Have as its purpose, as stated in its articles of  
135 incorporation, to receive, hold, invest, and administer  
136 property; to raise funds and receive gifts; and to promote and  
137 develop the sports industry and related industries for the  
138 purpose of increasing the economic presence of these industries  
139 in Florida.

140 (d) Have a prior determination by the department ~~Office of~~  
141 ~~Tourism, Trade, and Economic Development~~ that the organization  
142 will benefit the department ~~office~~ and act in the best interests  
143 of the state as a direct-support organization to the department  
144 ~~office.~~

145 (3) The Florida Sports Foundation shall operate under

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146 written contract with the department. The department shall enter  
147 into a contract with the foundation by July 1, 2017. The  
148 contract must provide ~~Office of Tourism, Trade, and Economic~~  
149 ~~Development shall contract with the organization and shall~~  
150 ~~include in the contract that:~~

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

153 (b) The foundation organization shall submit an annual  
154 budget proposal to the department office, on a form provided by  
155 the department office, in accordance with department office  
156 procedures for filing budget proposals based upon the  
157 recommendation of the department office.

158 (c) Any funds that the foundation organization holds in  
159 trust will revert to the state upon the expiration or  
160 cancellation of the contract.

161 (d) The foundation organization is subject to an annual  
162 financial and performance review by the department office to  
163 determine whether the foundation organization is complying with  
164 the terms of the contract and whether it is acting in a manner  
165 consistent with the goals of the department office and in the  
166 best interests of the state.

167 (e) The fiscal year of the foundation begins organization  
168 ~~will begin~~ July 1 of each year and ends ~~end~~ June 30 of the next  
169 ~~ensuing~~ year.

170 (4) The department Office of Tourism, Trade, and Economic  
171 ~~Development~~ may allow the foundation organization to use the  
172 property, facilities, personnel, and services of the department  
173 ~~office~~ if the foundation organization provides equal employment  
174 opportunities to all persons regardless of race, color,

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175 religion, sex, age, or national origin, subject to the approval  
176 of the executive director of the department office.

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

179 (6) The foundation ~~organization~~ is not granted any taxing  
180 power.

181 ~~(7) In exercising the power provided in this section, the~~  
182 ~~Office of Tourism, Trade, and Economic Development may authorize~~  
183 ~~and contract with the direct support organization existing on~~  
184 ~~June 30, 1996, and authorized by the former Florida Department~~  
185 ~~of Commerce to promote sports related industries. An appointed~~  
186 ~~member of the board of directors of such direct support~~  
187 ~~organization as of June 30, 1996, may serve the remainder of his~~  
188 ~~or her unexpired term.~~

189 (7)(8) To promote amateur sports and physical fitness, the  
190 foundation ~~direct support organization~~ shall:

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

193 (b) Sponsor amateur sports workshops, clinics, conferences,  
194 and other similar activities.

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

197 (d) Encourage, support, and assist local governments and  
198 communities in the development of or hosting of local amateur  
199 athletic events and competitions.

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

202 (f) Develop a statewide programs ~~program~~ of amateur  
203 athletic competition to be known as the "Florida Senior Games"

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204 and the "Sunshine State Games."

205 (g) Continue the successful amateur sports programs  
206 previously conducted by the Florida Governor's Council on  
207 Physical Fitness and Amateur Sports created under former s.  
208 14.22.

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

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

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

216 ~~(8)-(9)~~ (a) The Florida Senior Games and the Sunshine State  
217 Games shall both be patterned after the Summer Olympics with  
218 variations as necessitated by availability of facilities,  
219 equipment, and expertise. The games shall be designed to  
220 encourage the participation of athletes representing a broad  
221 range of age groups, skill levels, and Florida communities.  
222 ~~Participants shall be residents of this state. Regional~~  
223 ~~competitions shall be held throughout the state, and the top~~  
224 ~~qualifiers in each sport shall proceed to the final competitions~~  
225 ~~to be held at a site in the state with the necessary facilities~~  
226 ~~and equipment for conducting the competitions.~~

227 (b) The department may authorize ~~Executive Office of the~~  
228 ~~Governor is authorized to permit~~ the use of property,  
229 facilities, and personal services of or at any State University  
230 System facility or institution by the direct-support  
231 organization operating the Florida Senior Games and the Sunshine  
232 State Games. For the purposes of this paragraph, personal



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233 services includes full-time or part-time personnel as well as  
234 payroll processing.

235 Section 3. Section 288.9937, Florida Statutes, is amended  
236 to read:

237 288.9937 Evaluation of programs.—The Office of Economic and  
238 Demographic Research and the Office of Program Policy Analysis  
239 and Government Accountability shall analyze and, evaluate, ~~and~~  
240 ~~determine the economic benefits, as defined in s. 288.005, of~~  
241 the first 3 years of the Microfinance Loan Program and the  
242 Microfinance Guarantee Program. The analysis by the Office of  
243 Economic and Demographic Research must determine the economic  
244 benefits, as defined in s. 288.005, and ~~also~~ evaluate the number  
245 of jobs created, the increase or decrease in personal income,  
246 and the impact on state gross domestic product from the direct,  
247 indirect, and induced effects of the state's investment. The  
248 analysis by the Office of Program Policy Analysis and Government  
249 Accountability must ~~also~~ identify any inefficiencies in the  
250 programs and provide recommendations for changes to the  
251 programs. Each ~~The~~ office shall submit a report to the President  
252 of the Senate and the Speaker of the House of Representatives by  
253 January 15 ~~1~~, 2018. This section expires January 31, 2018.

254 Section 4. Paragraph (a) of subsection (6), paragraph (b)  
255 of subsection (9), paragraph (a) of subsection (35), subsection  
256 (60), and paragraph (b) of subsection (64) of section 320.08058,  
257 Florida Statutes, are amended to read:

258 320.08058 Specialty license plates.—

259 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
260 PLATES.—

261 (a) Because the United States Olympic Committee has

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262 selected this state to participate in a combined fundraising  
263 program that provides for one-half of all money raised through  
264 volunteer giving to stay in this state and be administered by  
265 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, to  
266 support amateur sports, ~~and~~ because the United States Olympic  
267 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~  
268 ~~Inc.~~ are nonprofit organizations dedicated to providing  
269 athletes with support and training and preparing athletes of all  
270 ages and skill levels for sports competition, ~~and~~ because the  
271 Florida Sports Foundation ~~Enterprise Florida, Inc.~~, assists in  
272 the bidding for sports competitions that provide significant  
273 impact to the economy of this state, and because the Legislature  
274 supports the efforts of the United States Olympic Committee and  
275 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, the  
276 Legislature establishes a Florida United States Olympic  
277 Committee license plate for the purpose of providing a  
278 continuous funding source to support this worthwhile effort.  
279 Florida United States Olympic Committee license plates must  
280 contain the official United States Olympic Committee logo and  
281 must bear a design and colors that are approved by the  
282 department. The word "Florida" must be centered at the top of  
283 the plate.

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

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

287 1. Fifty-five percent of the proceeds from the Florida  
288 Professional Sports Team plate must be deposited into the  
289 Professional Sports Development Trust Fund within the Department  
290 of Economic Opportunity. These funds must be used solely to

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291 attract and support major sports events in this state. As used  
292 in this subparagraph, the term "major sports events" means, but  
293 is not limited to, championship or all-star contests of Major  
294 League Baseball, the National Basketball Association, the  
295 National Football League, the National Hockey League, Major  
296 League Soccer, the men's and women's National Collegiate  
297 Athletic Association championships ~~Final Four basketball~~  
298 ~~championship~~, or a horseracing or dogracing Breeders' Cup. All  
299 funds must be used to support and promote major sporting events,  
300 and the uses must be approved by the Department of Economic  
301 Opportunity.

302 2. The remaining proceeds of the Florida Professional  
303 Sports Team license plate must be allocated to the Florida  
304 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be  
305 deposited into the Professional Sports Development Trust Fund  
306 within the Department of Economic Opportunity. These funds must  
307 be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
308 ~~Inc.~~, to promote the economic development of the sports  
309 industry; to distribute licensing and royalty fees to  
310 participating professional sports teams; ~~to promote education~~  
311 ~~programs in Florida schools that provide an awareness of the~~  
312 ~~benefits of physical activity and nutrition standards; to~~  
313 ~~partner with the Department of Education and the Department of~~  
314 ~~Health to develop a program that recognizes schools whose~~  
315 ~~students demonstrate excellent physical fitness or fitness~~  
316 ~~improvement; to institute a grant program for communities~~  
317 bidding on minor sporting events that create an economic impact  
318 for the state; to distribute funds to Florida-based charities  
319 designated by the Florida Sports Foundation ~~Enterprise Florida,~~

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320 ~~Inc.~~, and the participating professional sports teams; and to  
321 fulfill the sports promotion responsibilities of the Department  
322 of Economic Opportunity.

323 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
324 shall provide an annual financial audit in accordance with s.  
325 215.981 of its financial accounts and records by an independent  
326 certified public accountant pursuant to the contract established  
327 by the Department of Economic Opportunity as provided in s.  
328 288.1229(5). The auditor shall submit the audit report to the  
329 Department of Economic Opportunity for review and approval. If  
330 the audit report is approved, the Department of Economic  
331 Opportunity shall certify the audit report to the Auditor  
332 General for review.

333 4. Notwithstanding the provisions of subparagraphs 1. and  
334 2., proceeds from the Professional Sports Development Trust Fund  
335 may also be used for operational expenses of the Florida Sports  
336 Foundation ~~Enterprise Florida, Inc.~~, and financial support of  
337 the Florida Senior Games and the Sunshine State Games.

338 (35) FLORIDA GOLF LICENSE PLATES.—

339 (a) The Department of Highway Safety and Motor Vehicles  
340 shall develop a Florida Golf license plate as provided in this  
341 section. The word "Florida" must appear at the bottom of the  
342 plate. The Dade Amateur Golf Association, following consultation  
343 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~  
344 ~~Florida, Inc.~~, the LPGA, and the PGA of America, may submit a  
345 revised sample plate for consideration by the department.

346 (60) FLORIDA NASCAR LICENSE PLATES.—

347 (a) The department shall develop a Florida NASCAR license  
348 plate as provided in this section. Florida NASCAR license plates

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349 must bear the colors and design approved by the department. The  
350 word "Florida" must appear at the top of the plate, and the term  
351 "NASCAR" must appear at the bottom of the plate. The National  
352 Association for Stock Car Auto Racing, following consultation  
353 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may  
354 submit a sample plate for consideration by the department.

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

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

363 2. The National Association for Stock Car Auto Racing shall  
364 receive up to \$60,000 in proceeds from the annual use fees to be  
365 used to pay startup costs, including costs incurred in  
366 developing and issuing the plates. Thereafter, 10 percent of the  
367 proceeds from the annual use fees shall be provided to the  
368 association for the royalty rights for the use of its marks.

369 3. The remaining proceeds from the annual use fees shall be  
370 distributed to the Florida Sports Foundation ~~Enterprise Florida,~~  
371 ~~Inc.~~ The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
372 will retain 15 percent to support its regional grant program,  
373 attracting sporting events to Florida; 20 percent to support the  
374 marketing of motorsports-related tourism in the state; and 50  
375 percent to be paid to the NASCAR Foundation, a s. 501(c)(3)  
376 charitable organization, to support Florida-based charitable  
377 organizations.

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378 (c) The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
379 shall provide an annual financial audit in accordance with s.  
380 215.981 of its financial accounts and records by an independent  
381 certified public accountant pursuant to the contract established  
382 by the Department of Economic Opportunity as specified in s.  
383 288.1229(5). The auditor shall submit the audit report to the  
384 Department of Economic Opportunity for review and approval. If  
385 the audit report is approved, the Department of Economic  
386 Opportunity shall certify the audit report to the Auditor  
387 General for review.

388 (64) FLORIDA TENNIS LICENSE PLATES.—

389 (b) The department shall distribute the annual use fees to  
390 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The  
391 license plate annual use fees shall be annually allocated as  
392 follows:

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

396 2. The United States Tennis Association Florida Section  
397 Foundation shall receive the first \$60,000 in proceeds from the  
398 annual use fees to reimburse it for startup costs,  
399 administrative costs, and other costs it incurs in the  
400 development and approval process.

401 3. Up to 5 percent of the proceeds from the annual use fees  
402 may be used for promoting and marketing the license plates. The  
403 remaining proceeds shall be available for grants by the United  
404 States Tennis Association Florida Section Foundation to  
405 nonprofit organizations to operate youth tennis programs and  
406 adaptive tennis programs for special populations of all ages,

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407 and for building, renovating, and maintaining public tennis  
408 courts.

409 Section 5. This act shall take effect July 1, 2017.