

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Geller offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 510-1441 and insert:

5 Section 15. Subsection (5) of section 288.1168, Florida  
6 Statutes, is amended, and subsections (7) and (8) are added to  
7 that section, to read:

8 288.1168 Professional golf hall of fame facility.—

9 (5) The Department of Revenue must ~~may~~ audit as provided  
10 in s. 213.34 to verify that the distributions under this section  
11 have been expended as required by this section on or before  
12 October 1, 2017, and provide a copy of such audit to the

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13 Governor, the President of the Senate, and the Speaker of the  
14 House of Representatives on or before December 1, 2017.

15 (7) On or before January 1, 2018, the applicant must  
16 certify and provide the Governor, the President of the Senate,  
17 and the Speaker of the House of Representatives, with a  
18 certified financial report indicating that all payments received  
19 from the state pursuant to s. 212.20 are being used to pay or  
20 pledge for payment of debt service on, or to fund debt service  
21 reserve funds, arbitrage rebate obligations, or other amounts  
22 payable with respect to, bonds issued for the construction,  
23 reconstruction, or renovation of the facility or for the  
24 reimbursement of such costs or the refinancing of bonds issued  
25 for such purpose.

26 (a) Such report must identify to whom the bonds were  
27 issued, in what amounts, the date of final maturity, the level  
28 of funding achieved and whether bond payments are outstanding.

29 (b) If the applicant fails to certify and provide proof as  
30 required by this subsection, then all payments in accordance  
31 with ss. 288.1168 and 212.20 shall cease on January 1, 2018.

32 (c) If the applicant fails to meet the requirements of  
33 this subsection, no new or additional applications or  
34 certifications shall be approved, no new letters of  
35 certification may be issued, no new contracts or agreements may  
36 be executed, and no new awards may be made.

37 (8) This section is repealed June 30, 2023.

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38 Section 16. Section 288.1226, Florida Statutes, is amended  
39 to read:

40 288.1226 Florida Tourism Industry Marketing Corporation;  
41 use of property; board of directors; duties; audit.—

42 (1) DEFINITIONS.—For the purposes of this section, the  
43 term "corporation" means the Florida Tourism Industry Marketing  
44 Corporation.

45 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing  
46 Corporation is a direct-support organization of Enterprise  
47 Florida, Inc.

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

53 (b) The corporation is organized and operated exclusively  
54 to request, receive, hold, invest, and administer property and  
55 to manage and make expenditures for the operation of the  
56 activities, services, functions, and programs of this state  
57 which relate to the statewide, national, and international  
58 promotion and marketing of tourism.

59 (c)1. The corporation is not an agency for the purposes of  
60 chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254,  
61 relating to leasing of buildings; ss. 283.33 and 283.35,  
62 relating to bids for printing; s. 215.31; and parts I, II, and

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63 IV-VIII of chapter 112. However, the corporation shall comply  
64 with the per diem and travel expense provisions of s. 112.061.

65 2. It is not a violation of s. 112.3143(2) or (4) for the  
66 officers or members of the board of directors of the corporation  
67 to:

68 a. Vote on the 4-year marketing plan required under s.  
69 288.923 or vote on any individual component of or amendment to  
70 the plan.

71 b. Participate in the establishment or calculation of  
72 payments related to the private match requirements of subsection  
73 (6). The officer or member must file an annual disclosure  
74 describing the nature of his or her interests or the interests  
75 of his or her principals, including corporate parents and  
76 subsidiaries of his or her principal, in the private match  
77 requirements. This annual disclosure requirement satisfies the  
78 disclosure requirement of s. 112.3143(4). This disclosure must  
79 be placed on the corporation's website or included in the  
80 minutes of each meeting of the corporation's board of directors  
81 at which the private match requirements are discussed or voted  
82 upon.

83 (d) The corporation is subject to the provisions of  
84 chapter 119, relating to public meetings, and those provisions  
85 of chapter 286 relating to public meetings and records.

86 (3) USE OF PROPERTY.—Enterprise Florida, Inc.:

87 (a) Is authorized to permit the use of property and

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88 facilities of Enterprise Florida, Inc., by the corporation,  
89 subject to the provisions of this section.

90 (b) Shall prescribe conditions with which the corporation  
91 must comply in order to use property and facilities of  
92 Enterprise Florida, Inc. Such conditions shall provide for  
93 budget and audit review and for oversight by Enterprise Florida,  
94 Inc.

95 (c) May not permit the use of property and facilities of  
96 Enterprise Florida, Inc., if the corporation does not provide  
97 equal employment opportunities to all persons, regardless of  
98 race, color, national origin, sex, age, or religion.

99 (4) BOARD OF DIRECTORS.—The board of directors of the  
100 corporation shall be composed of 31 tourism-industry-related  
101 members, appointed by Enterprise Florida, Inc., in conjunction  
102 with the department. Board members shall serve without  
103 compensation, but are entitled to receive reimbursement for per  
104 diem and travel expenses pursuant to s. 112.061. Such expenses  
105 must be paid out of funds of the corporation.

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

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

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113           2. Region 2, composed of Alachua, Baker, Bradford, Clay,  
114 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,  
115 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,  
116 Taylor, and Union Counties.

117           3. Region 3, composed of Brevard, Indian River, Lake,  
118 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and  
119 Volusia Counties.

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

122           5. Region 5, composed of Charlotte, Collier, DeSoto,  
123 Glades, Hardee, Hendry, Highlands, and Lee Counties.

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

126           (b) The 15 additional tourism-industry-related members  
127 shall include 1 representative from the statewide rental car  
128 industry; 7 representatives from tourist-related statewide  
129 associations, including those that represent hotels,  
130 campgrounds, county destination marketing organizations,  
131 museums, restaurants, retail, and attractions; 3 representatives  
132 from county destination marketing organizations; 1  
133 representative from the cruise industry; 1 representative from  
134 an automobile and travel services membership organization that  
135 has at least 2.8 million members in Florida; 1 representative  
136 from the airline industry; and 1 representative from the space  
137 tourism industry, who will each serve for a term of 2 years.

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

140 (a) May make and enter into contracts and assume such  
141 other functions as are necessary to carry out the provisions of  
142 the 4-year marketing plan required by s. 288.923, and the  
143 corporation's contract with Enterprise Florida, Inc., which are  
144 not inconsistent with this or any other provision of law. A  
145 proposed contract with a total cost of \$750,000 or more is  
146 subject to the notice and review procedures of s. 216.177. If  
147 the chair and vice chair of the Legislative Budget Commission,  
148 or the President of the Senate and the Speaker of the House of  
149 Representatives, timely advise the corporation in writing that  
150 such proposed contract is contrary to legislative policy and  
151 intent, the corporation may not execute such proposed contract.  
152 The corporation may not enter into multiple related contracts to  
153 avoid the requirements of this paragraph.

154 (b) May develop a program to provide incentives and to  
155 attract and recognize those entities which make significant  
156 financial and promotional contributions towards the expanded  
157 tourism promotion activities of the corporation.

158 (c) May establish a cooperative marketing program with  
159 other public and private entities which allows the use of the  
160 VISIT Florida logo in tourism promotion campaigns which meet the  
161 standards of Enterprise Florida, Inc., for which the corporation  
162 may charge a reasonable fee.

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

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

169 (f) Shall elect or appoint such officers and agents as its  
170 affairs shall require and allow them reasonable compensation.  
171 However, each officer or agent, including the president and  
172 chief executive officer of the corporation, may not receive  
173 public compensation for employment that exceeds the salary and  
174 benefits authorized to be paid to the Governor. Any public  
175 payments of performance bonuses or severance pay to an officer  
176 or agent of the corporation are prohibited unless specifically  
177 authorized by law.

178 (g) Shall hire and establish salaries and personnel and  
179 employee benefit programs for such permanent and temporary  
180 employees as are necessary to carry out the provisions of the 4-  
181 year marketing plan and the corporation's contract with  
182 Enterprise Florida, Inc., which are not inconsistent with this  
183 or any other provision of law. However, an employee may not  
184 receive public compensation for employment that exceeds the  
185 salary and benefits authorized to be paid to the Governor. Any  
186 public payments of performance bonuses or severance pay to  
187 employees of the corporation are prohibited unless specifically

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188 authorized by law.

189 ~~(h) Shall provide staff support to the Division of Tourism~~  
190 ~~Promotion of Enterprise Florida, Inc. The president and chief~~  
191 ~~executive officer of the Florida Tourism Industry Marketing~~  
192 ~~Corporation shall serve without compensation as the director of~~  
193 ~~the division.~~

194 ~~(i)~~ May adopt, change, amend, and repeal bylaws, not  
195 inconsistent with law or its articles of incorporation, for the  
196 administration of the provisions of the 4-year marketing plan  
197 and the corporation's contract with Enterprise Florida, Inc.

198 (i)~~(j)~~ May conduct its affairs, carry on its operations,  
199 and have offices and exercise the powers granted by this act in  
200 any state, territory, district, or possession of the United  
201 States or any foreign country. Where feasible, appropriate, and  
202 recommended by the 4-year marketing plan developed by the  
203 Division of Tourism Promotion of Enterprise Florida, Inc., the  
204 corporation may collocate the programs of foreign tourism  
205 offices in cooperation with any foreign office operated by any  
206 agency of this state.

207 (j)~~(k)~~ May appear on its own behalf before boards,  
208 commissions, departments, or other agencies of municipal,  
209 county, state, or federal government.

210 (k)~~(l)~~ May request or accept any grant, payment, or gift,  
211 of funds or property made by this state or by the United States  
212 or any department or agency thereof or by any individual, firm,

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213 corporation, municipality, county, or organization for any or  
214 all of the purposes of the 4-year marketing plan and the  
215 corporation's contract with Enterprise Florida, Inc., that are  
216 not inconsistent with this or any other provision of law. Such  
217 funds shall be deposited in a bank account established by the  
218 corporation's board of directors. The corporation may expend  
219 such funds in accordance with the terms and conditions of any  
220 such grant, payment, or gift, in the pursuit of its  
221 administration or in support of the programs it administers. The  
222 corporation shall separately account for the public funds and  
223 the private funds deposited into the corporation's bank account.

224 (l) ~~(m)~~ Shall establish a plan for participation in the  
225 corporation which will provide additional funding for the  
226 administration and duties of the corporation.

227 (m) ~~(n)~~ In the performance of its duties, may undertake, or  
228 contract for, marketing projects and advertising research  
229 projects.

230 (n) ~~(o)~~ In addition to any indemnification available under  
231 chapter 617, the corporation may indemnify, and purchase and  
232 maintain insurance on behalf of, directors, officers, and  
233 employees of the corporation against any personal liability or  
234 accountability by reason of actions taken while acting within  
235 the scope of their authority.

236 (o) Shall not create or establish any other entity,  
237 corporation, or direct-support organization.

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238 (p) Shall not expend funds, public or private, that  
239 directly benefit only one company, corporation, or business  
240 entity.

241 (6) MATCHING REQUIREMENTS.-

242 (a) A one-to-one match is required of private to public  
243 contributions to the corporation. Public contributions include  
244 all state appropriations to the corporation.

245 (b) For purposes of calculating the required one-to-one  
246 match, the corporation shall receive matching private  
247 contributions in one of four private match categories. The  
248 corporation shall maintain documentation of such categorized  
249 contributions on file and make such documentation available for  
250 inspection upon reasonable notice during its regular business  
251 hours. Contribution details shall be included in the quarterly  
252 reports required under subsection (8). The private match  
253 categories are:

254 1. Direct cash contributions from private sources, which  
255 include, but are not limited to, cash derived from strategic  
256 alliances, contributions of stocks and bonds, and partnership  
257 contributions.

258 2. Fees for services, which include, but are not limited  
259 to, event participation, research, and brochure placement and  
260 transparencies.

261 3. Cooperative advertising, which is limited to partner  
262 expenditures for paid media placement, partner expenditures for

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263 collateral material distribution, and the actual market value of  
264 contributed productions, air time, and print space.

265 4. In-kind contributions, which is limited to the actual  
266 market value of promotional contributions of partner-supplied  
267 benefits to target audiences and the actual market value of  
268 nonpartner-supplied air time or print space contributed for the  
269 broadcasting or printing of such promotions, which would  
270 otherwise require tourist promotion expenditures by the  
271 corporation for advertising, air travel, rental car fees, hotel  
272 rooms, RV or campsite space rental, on-site guest services, and  
273 admission tickets. The net value of air time or print space, if  
274 any, shall be deemed to be the actual market value of the air  
275 time or print space, based on an average of actual unit prices  
276 paid contemporaneously for comparable times or spaces, less the  
277 value of increased ratings or other benefits realized by the  
278 media outlet as a result of the promotion.

279  
280 Contributions from a government entity or from an entity that  
281 received more than 50 percent of its revenue in the previous  
282 fiscal year from public sources, including revenue derived from  
283 taxes, fees, or other government revenues, are not considered  
284 private contributions for purposes of calculating the required  
285 one-to-one match.

286 (c) If the corporation fails to meet the one-to-one match  
287 requirements of this subsection, the corporation shall revert

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288 | all unmatched public contributions to the state treasury by June  
289 | 30 of each fiscal year.

290 |       ~~(7)-(6)~~ ANNUAL AUDIT.—The corporation shall provide for an  
291 | annual financial audit in accordance with s. 215.981. The annual  
292 | audit report shall be submitted to the Auditor General; the  
293 | Office of Program Policy Analysis and Government Accountability;  
294 | Enterprise Florida, Inc.; and the department for review. The  
295 | Office of Program Policy Analysis and Government Accountability;  
296 | Enterprise Florida, Inc.; the department; and the Auditor  
297 | General have the authority to require and receive from the  
298 | corporation or from its independent auditor any detail or  
299 | supplemental data relative to the operation of the corporation.  
300 | The department shall annually certify whether the corporation is  
301 | operating in a manner and achieving the objectives that are  
302 | consistent with the policies and goals of Enterprise Florida,  
303 | Inc., and its long-range marketing plan. The identity of a donor  
304 | or prospective donor to the corporation who desires to remain  
305 | anonymous and all information identifying such donor or  
306 | prospective donor are confidential and exempt from the  
307 | provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
308 | Constitution. Such anonymity shall be maintained in the  
309 | auditor's report.

310 |       ~~(8)-(7)~~ REPORT.—The corporation shall provide a quarterly  
311 | report to Enterprise Florida, Inc., which shall:

312 |       (a) Measure the current vitality of the visitor industry

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313 of this state as compared to the vitality of such industry for  
314 the year to date and for comparable quarters of past years.  
315 Indicators of vitality shall be determined by Enterprise  
316 Florida, Inc., and shall include, but not be limited to,  
317 estimated visitor count and party size, length of stay, average  
318 expenditure per party, and visitor origin and destination.

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

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

323 (d) Review all pertinent research findings.

324 (e) Provide other measures of accountability as requested  
325 by Enterprise Florida, Inc.

326

327 The corporation must take all steps necessary to provide all  
328 data that is used to develop the report, including source data,  
329 to the Office of Economic and Demographic Research.

330 (9)-(8) PUBLIC RECORDS EXEMPTION.—The identity of any  
331 person who responds to a marketing project or advertising  
332 research project conducted by the corporation in the performance  
333 of its duties on behalf of Enterprise Florida, Inc., or trade  
334 secrets as defined by s. 812.081 obtained pursuant to such  
335 activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of  
336 the State Constitution. This subsection is subject to the Open  
337 Government Sunset Review Act in accordance with s. 119.15 and

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338 shall stand repealed on October 2, 2021, unless reviewed and  
339 saved from repeal through reenactment by the Legislature.

340 (10) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—Funds of the  
341 corporation may not be expended for food, beverages, lodging,  
342 entertainment, or gifts for employees of the corporation, board  
343 members of the corporation, or employees of a tourist or  
344 economic development entity that receives revenue from a tax  
345 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305,  
346 unless authorized pursuant to s. 112.061 or this section. An  
347 employee or board member of the corporation may not accept or  
348 receive food, beverages, lodging, entertainment, or gifts from a  
349 tourist or economic development entity that receives revenue  
350 from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.  
351 212.0305, or from any person, vendor, or other entity, doing  
352 business with the corporation unless such food, beverage,  
353 lodging, entertainment, or gift is available to similarly  
354 situated members of the general public.

355 (11) LODGING EXPENSES.—Lodging expenses for an employee of  
356 the corporation may not exceed \$150 per day, excluding taxes,  
357 unless the corporation is participating in a negotiated group  
358 rate discount or the corporation provides documentation of at  
359 least three comparable alternatives demonstrating that such  
360 lodging at the required rate is not available. However, an  
361 employee of the corporation may expend his or her own funds for  
362 any lodging expenses in excess of \$150 per day.

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363 (12) PROPOSED OPERATING BUDGET SUBMISSION.—By August 15 of  
364 each fiscal year, the Department of Economic Opportunity shall  
365 submit a proposed operating budget for the corporation including  
366 amounts to be expended on advertising, marketing, promotions,  
367 events, other operating capital outlay, and salaries and  
368 benefits for each employee to the Governor, the President of the  
369 Senate, and the Speaker of the House of Representatives.

370 (13) TRANSPARENCY.—

371 (a) All executed corporation contracts are to be placed  
372 for viewing on the corporation's website. All contracts with the  
373 corporation valued at \$500,000 or more shall be placed on the  
374 corporation's website for review 14 days prior to execution.

375 (b) A contract entered into between the corporation and  
376 any other public or private entity shall include:

377 1. The purpose of the contract.

378 2. Specific performance standards and responsibilities for  
379 each entity.

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

381 4. The value of any services provided.

382 5. The projected travel and entertainment expenses for  
383 employees and board members, if applicable.

384 (c)1. Any entity that in the previous fiscal year received  
385 more than 50 percent of its revenue from the corporation or  
386 taxes imposed pursuant to s. 125.0104, s. 125.0108, or s.  
387 212.0305, and that partners with the corporation or participates

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388 in a program, cooperative advertisement, promotional  
389 opportunity, or other activity offered by or in conjunction with  
390 the corporation, shall annually on July 1 report all public and  
391 private financial data to the Governor, the President of the  
392 Senate, and the Speaker of the House of Representatives, and  
393 include such report on its website.

394 2. The financial data shall include:

395 a. The total amount of revenue received from public and  
396 private sources.

397 b. The operating budget of the partner entity.

398 c. Employee and board member salary and benefit details  
399 from public and private funds.

400 d. An itemized account of all expenditures by the partner  
401 entity on the behalf of, or coordinated for the benefit of the  
402 corporation, its board members, or employees.

403 e. Itemized travel and entertainment expenditures of the  
404 partner entity.

405 (d) The following information must be posted on the  
406 corporation's website:

407 1. A plain language version of any contract that is  
408 estimated to exceed \$35,000 with a private entity, municipality,  
409 city, town, or vendor of services, supplies, or programs,  
410 including marketing, or for the purchase or lease or use of  
411 lands, facilities, or properties.

412 2. Any agreement entered into between the corporation and

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413 any other entity, including a local government, private entity,  
414 or nonprofit entity, that receives public funds or funds from a  
415 tax imposed pursuant to s. 125.0104, s. 125.0108, or s.  
416 212.0305.

417 3. The contracts and the required information pursuant to  
418 paragraph (b) and the financial data submitted to the  
419 corporation pursuant to paragraph (c).

420 4. Video recordings of each board meeting.

421 5. A detailed report of expenditures following each  
422 marketing event paid for with the corporation's funds. Such  
423 report must be posted within 10 business days after the event.

424 6. An annual itemized accounting of the total amount of  
425 funds spent by any third party on behalf of the corporation or  
426 any board member or employee of the corporation.

427 7. An annual itemized accounting of the total amount of  
428 travel and entertainment expenditures by the corporation.

429 (e) The corporation's website must:

430 1. Allow users to navigate to related sites to view  
431 supporting details.

432 2. Enable a taxpayer to email questions to the corporation  
433 and make such questions and the corporation's responses publicly  
434 viewable.

435 (14)-(9) REPEAL.—This section is repealed October 1, 2019,  
436 unless reviewed and saved from repeal by the Legislature.

437 Section 17. Section 288.12266, Florida Statutes, is

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438 created to read:

439 288.12266 Targeted Marketing Assistance Program.—

440 (1) The Targeted Marketing Assistance Program is created  
441 to enhance the tourism business marketing of small, minority,  
442 rural, and agritourism businesses in the state. The department,  
443 in conjunction with the Florida Tourism Industry Marketing  
444 Corporation, shall administer the program. The program shall  
445 provide marketing plans, marketing assistance, promotional  
446 support, media development, technical expertise, marketing  
447 advice, technology training, social marketing support, and other  
448 assistance to an eligible entity.

449 (2) As used in this section, the term "eligible entity"  
450 means an independently owned and operated business with gross  
451 revenue not exceeding \$1,250,000 or a nonprofit corporation that  
452 meets the requirements of s. 501(c)(3) of the Internal Revenue  
453 Code.

454 (3) The department and the Florida Tourism Industry  
455 Marketing Corporation shall provide an annual report to the  
456 Governor, the President of the Senate, and the Speaker of the  
457 House of Representatives documenting that at least 50 percent of  
458 the eligible entities receiving assistance through this program  
459 are independently owned and operated businesses with gross  
460 revenues not exceeding \$500,000.

461 Section 18. Section 288.124, Florida Statutes, is amended  
462 to read:

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463           288.124 Convention grants program.— The Florida Tourism  
464 Industry Marketing Corporation Enterprise Florida, Inc., is  
465 authorized to establish a convention grants program and,  
466 pursuant to that program, to recommend to the department  
467 expenditures and contracts with local governments and nonprofit  
468 corporations or organizations for the purpose of attracting  
469 national conferences and conventions to Florida. Preference  
470 shall be given to local governments and nonprofit corporations  
471 or organizations seeking to attract minority conventions to  
472 Florida. Minority conventions are events that primarily involve  
473 minority persons, as defined in s. 288.703, who are residents or  
474 nonresidents of the state. The Florida Tourism Industry  
475 Marketing Corporation Enterprise Florida, Inc., shall establish  
476 guidelines governing the award of grants and the administration  
477 of this program. The department has final approval authority for  
478 any grants under this section. The total annual allocation of  
479 funds for this program shall not exceed \$40,000.

480           Section 19. Subsection (5) of section 288.901, Florida  
481 Statutes, is amended to read:

482           288.901 Enterprise Florida, Inc.—

483           (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

484           (a) In addition to the Governor or his or her designee,  
485 the board of directors shall consist of the following appointed  
486 members:

487           1. The Commissioner of Education or his or her designee.

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- 488           2. The Chief Financial Officer or his or her designee.  
489           3. The Attorney General or his or her designee.  
490           4. The Commissioner of Agriculture or his or her designee.  
491           5. The chairperson of the board of directors of  
492 CareerSource Florida, Inc.  
493           6. The Secretary of State or his or her designee.  
494           7. Twelve members from the private sector, six of whom  
495 shall be appointed by the Governor, three of whom shall be  
496 appointed by the President of the Senate, and three of whom  
497 shall be appointed by the Speaker of the House of  
498 Representatives. Members appointed by the Governor are subject  
499 to Senate confirmation.

500           (b) In making their appointments, the Governor, the  
501 President of the Senate, and the Speaker of the House of  
502 Representatives shall ensure that the composition of the board  
503 of directors reflects the diversity of Florida's business  
504 community and is representative of the economic development  
505 goals in subsection (2). The board must include at least one  
506 director for each of the following areas of expertise:  
507 international business, tourism marketing, the space or  
508 aerospace industry, managing or financing a minority-owned  
509 business, manufacturing, finance and accounting, and sports  
510 marketing.

511           (c) The Governor, the President of the Senate, and the  
512 Speaker of the House of Representatives also shall consider

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513 appointees who reflect Florida's racial, ethnic, and gender  
514 diversity. Efforts shall be taken to ensure participation from  
515 all geographic areas of the state, including representation from  
516 urban and rural communities.

517 (d) Appointed members shall be appointed to 4-year terms,  
518 except that initially, to provide for staggered terms, the  
519 Governor, the President of the Senate, and the Speaker of the  
520 House of Representatives shall each appoint one member to serve  
521 a 2-year term and one member to serve a 3-year term, with the  
522 remaining initial appointees serving 4-year terms. All  
523 subsequent appointments shall be for 4-year terms.

524 (e) Initial appointments must be made by October 1, 2011,  
525 and be eligible for confirmation at the earliest available  
526 Senate session. Terms end on September 30.

527 (f) Any member is eligible for reappointment, except that  
528 a member may not serve more than two terms.

529 (g) A vacancy on the board of directors shall be filled  
530 for the remainder of the unexpired term. Vacancies on the board  
531 shall be filled by appointment by the Governor, the President of  
532 the Senate, or the Speaker of the House of Representatives,  
533 respectively, depending on who appointed the member whose  
534 vacancy is to be filled or whose term has expired.

535 (h) Appointed members may be removed by the Governor, the  
536 President of the Senate, or the Speaker of the House of  
537 Representatives, respectively, for cause. Absence from three

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538 consecutive meetings results in automatic removal.

539

540 All Board members shall serve without compensation, but are  
541 entitled to receive reimbursement for per diem and travel  
542 expenses pursuant to s. 112.061. Such expenses must be paid out  
543 of funds of Enterprise Florida, Inc.

544 Section 20. Subsections (7), (8), and (9) are added to  
545 section 288.903, Florida Statutes, to read:

546 288.903 Duties of Enterprise Florida, Inc.—Enterprise  
547 Florida, Inc., shall have the following duties:

548 (7) Submit all proposed contracts with a total cost of  
549 \$750,000 or more in accordance with the notice and review  
550 procedures of s. 216.177. If the chair and vice chair of the  
551 Legislative Budget Commission, or the President of the Senate  
552 and the Speaker of the House of Representatives, timely advise  
553 Enterprise Florida, Inc., in writing that such proposed contract  
554 is contrary to legislative policy and intent, Enterprise  
555 Florida, Inc., may not execute such proposed contract.  
556 Enterprise Florida, Inc., may not enter into multiple related  
557 contracts to avoid the requirements of this paragraph. This  
558 paragraph does not apply to contracts for the award of a  
559 statutorily authorized incentive program.

560 (8) Shall not create or establish any other entity,  
561 corporation, or direct-support organization, unless authorized  
562 by law.

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563           (9) Enterprise Florida, Inc., shall comply with the per  
564 diem and travel expense provisions of s. 112.061.

565           Section 21. Section 288.904, Florida Statutes, is amended  
566 to read:

567           288.904 Funding for Enterprise Florida, Inc.; performance  
568 and return on the public's investment.—

569           (1) (a) The Legislature may annually appropriate to  
570 Enterprise Florida, Inc., a sum of money for its operations, and  
571 separate line-item appropriations for each of the divisions  
572 listed in s. 288.92.

573           (b) The state's operating investment in Enterprise  
574 Florida, Inc., and its divisions is the budget contracted by the  
575 department to Enterprise Florida, Inc., less any funding that is  
576 directed by the Legislature to be subcontracted to a specific  
577 recipient entity.

578           (c) The board of directors of Enterprise Florida, Inc.,  
579 shall adopt for each upcoming fiscal year an operating budget  
580 for the organization, including its divisions, which specifies  
581 the intended uses of the state's operating investment and a plan  
582 for securing private sector support.

583           (2) (a) The Legislature finds that it is a priority to  
584 maximize private sector support in operating Enterprise Florida,  
585 Inc., and its divisions, as an endorsement of its value and as  
586 an enhancement of its efforts. Thus, the state appropriations  
587 must be matched with private sector support equal to at least

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588 100 percent of the state operational funding.

589 (b) Private sector support in operating Enterprise  
590 Florida, Inc., and its divisions includes:

591 1. Cash given directly to Enterprise Florida, Inc., for  
592 its operations, including contributions from at-large members of  
593 the board of directors;

594 2. Cash donations from organizations assisted by the  
595 divisions;

596 3. Cash jointly raised by Enterprise Florida, Inc., and a  
597 private local economic development organization, a group of such  
598 organizations, or a statewide private business organization that  
599 supports collaborative projects;

600 4. Cash generated by fees charged for products or services  
601 of Enterprise Florida, Inc., and its divisions by sponsorship of  
602 events, missions, programs, and publications; and

603 5. Copayments, stock, warrants, royalties, or other  
604 private resources dedicated to Enterprise Florida, Inc., or its  
605 divisions.

606 (c) If Enterprise Florida, Inc., fails to meet the one-to-  
607 one match requirements of this subsection, the corporation shall  
608 revert all unmatched public contributions to the state treasury  
609 by June 30 of each fiscal year.

610 ~~(3)(a) Specifically for the marketing and advertising~~  
611 ~~activities of the Division of Tourism Marketing or as contracted~~  
612 ~~through the Florida Tourism Industry Corporation, a one-to-one~~

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613 ~~match is required of private to public contributions within 4~~  
614 ~~calendar years after the implementation date of the marketing~~  
615 ~~plan pursuant to s. 288.923.~~

616 ~~(b) For purposes of calculating the required one-to-one~~  
617 ~~match, matching private funds shall be divided into four~~  
618 ~~categories. Documentation for the components of the four private~~  
619 ~~match categories shall be kept on file for inspection as~~  
620 ~~determined necessary. The four private match categories are:~~

621 ~~1. Direct cash contributions, which include, but are not~~  
622 ~~limited to, cash derived from strategic alliances, contributions~~  
623 ~~of stocks and bonds, and partnership contributions.~~

624 ~~2. Fees for services, which include, but are not limited~~  
625 ~~to, event participation, research, and brochure placement and~~  
626 ~~transparencies.~~

627 ~~3. Cooperative advertising, which is the value based on~~  
628 ~~cost of contributed productions, air time, and print space.~~

629 ~~4. In-kind contributions, which include, but are not~~  
630 ~~limited to, the value of strategic alliance services~~  
631 ~~contributed, the value of loaned employees, discounted service~~  
632 ~~fees, items contributed for use in promotions, and radio or~~  
633 ~~television air time or print space for promotions. The value of~~  
634 ~~air time or print space shall be calculated by taking the actual~~  
635 ~~time or space and multiplying by the nonnegotiated unit price~~  
636 ~~for that specific time or space which is known as the media~~  
637 ~~equivalency value. In order to avoid duplication in determining~~

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638 ~~media equivalency value, only the value of the promotion itself~~  
639 ~~shall be included; the value of the items contributed for the~~  
640 ~~promotion may not be included.~~

641 ~~(4)~~ Enterprise Florida, Inc., shall fully comply with the  
642 performance measures, standards, and sanctions in its contract  
643 with the department, under s. 20.60. The department shall  
644 ensure, to the maximum extent possible, that the contract  
645 performance measures are consistent with performance measures  
646 that it is required to develop and track under performance-based  
647 program budgeting. The contract shall also include performance  
648 measures for the divisions.

649 ~~(4)~~~~(5)~~ The Legislature intends to review the performance  
650 of Enterprise Florida, Inc., in achieving the performance goals  
651 stated in its annual contract with the department to determine  
652 whether the public is receiving a positive return on its  
653 investment in Enterprise Florida, Inc., and its divisions. It  
654 also is the intent of the Legislature that Enterprise Florida,  
655 Inc., coordinate its operations with local economic development  
656 organizations to maximize the state and local return on  
657 investment to create jobs for Floridians.

658 (5) By August 15 of each fiscal year, the Department of  
659 Economic Opportunity shall submit a proposed operating budget  
660 for Enterprise Florida, Inc., including amounts to be expended  
661 on incentives, business recruitment, advertising, events, other  
662 operating capital outlay, and salaries and benefits for each

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663 employee to the Governor, the President of the Senate, and the  
664 Speaker of the House of Representatives.

665 (6) (a) All executed Enterprise Florida, Inc., contracts  
666 are to be placed for viewing on the Enterprise Florida, Inc.,  
667 website.

668 (b) A contract entered into between Enterprise Florida,  
669 Inc., and any other public or private entity shall include:

670 1. The purpose of the contract.

671 2. Specific performance standards and responsibilities for  
672 each entity.

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

674 4. The value of any services provided.

675 5. The projected travel and entertainment expenses for  
676 employees and board members, if applicable.

677 (c)1. Any entity that in the previous fiscal year received  
678 more than 50 percent of its revenue from Enterprise Florida,  
679 Inc., or a tax imposed pursuant to s. 125.0104, s. 125.0108, or  
680 s. 212.0305, and that partners with Enterprise Florida, Inc., in  
681 a program or other activity offered by or in conjunction with  
682 Enterprise, Florida, Inc., shall annually on July 1 report all  
683 public and private financial data to the Governor, the President  
684 of the Senate, and the Speaker of the House of Representatives,  
685 and include such report on its website.

686 2. The financial data shall include:

687 a. The total amount of revenue received from public and

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- 688 private sources.
- 689 b. The operating budget of the partner entity.
- 690 c. Employee and board member salary and benefit details  
691 from public and private funds.
- 692 d. An itemized account of all expenditures by the partner  
693 entity on the behalf of, or coordinated for the benefit of,  
694 Enterprise Florida, Inc., its board members, or employees.
- 695 e. Itemized travel and entertainment expenditures of the  
696 partner entity.
- 697 (d) The following information must be posted on the  
698 website of Enterprise Florida, Inc.:
- 699 1. A plain language version of any contract that is  
700 estimated to exceed \$35,000 with a private entity, municipality,  
701 city, town, or vendor of services, supplies, or programs,  
702 including marketing, or for the purchase or lease or use of  
703 lands, facilities, or properties.
- 704 2. Any agreement entered into between Enterprise Florida,  
705 Inc., and any other entity, including a local government,  
706 private entity, or nonprofit entity, that receives public funds  
707 or funds from a tax imposed pursuant to s. 125.0104, s.  
708 125.0108, or s. 212.0305.
- 709 3. The contracts and the required information pursuant to  
710 paragraph (b) and the financial data submitted to Enterprise  
711 Florida, Inc., pursuant to paragraph (c).
- 712 4. Video recordings of each board meeting.

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713 5. A detailed report of expenditures following each  
714 marketing or business recruitment event paid for with Enterprise  
715 Florida, Inc., funds. Such report must be posted within 10  
716 business days after the event.

717 6. An annual itemized accounting of the total amount of  
718 funds spent by any third party on behalf of Enterprise Florida,  
719 Inc., or any board member or employee of Enterprise Florida,  
720 Inc.

721 7. An annual itemized accounting of the total amount of  
722 travel and entertainment expenses by Enterprise Florida, Inc.

723 (e) The Enterprise Florida, Inc., website must:

724 1. Allow users to navigate to related sites to view  
725 supporting details.

726 2. Enable a taxpayer to email questions to Enterprise  
727 Florida, Inc., and make such questions and Enterprise Florida,  
728 Inc., responses publicly viewable.

729 Section 22. Section 288.905, Florida Statutes, is amended  
730 to read:

731 288.905 President and employees of Enterprise Florida,  
732 Inc.—

733 (1) The board of directors of Enterprise Florida, Inc.,  
734 shall appoint a president, who shall serve at the pleasure of  
735 the Governor. The president shall also be known as the  
736 "secretary of commerce" and shall serve as the Governor's chief  
737 negotiator for business recruitment and business expansion.

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738 (2) The president is the chief administrative and  
739 operational officer of the board of directors and of Enterprise  
740 Florida, Inc., and shall direct and supervise the administrative  
741 affairs of the board of directors and any divisions, councils,  
742 or boards. The board of directors may delegate to the president  
743 those powers and responsibilities it deems appropriate,  
744 including hiring and management of all staff, except for the  
745 appointment of a president.

746 (3) The board of directors shall establish and adjust the  
747 president's compensation.

748 (4) No employee of Enterprise Florida, Inc., including an  
749 officer or agent, the president, or the chief executive officer,  
750 may receive public compensation for employment that exceeds the  
751 salary and benefits authorized to be paid to the Governor,  
752 ~~unless the board of directors and the employee have executed a~~  
753 ~~contract that prescribes specific, measurable performance~~  
754 ~~outcomes for the employee, the satisfaction of which provides~~  
755 ~~the basis for the award of incentive payments that increase the~~  
756 ~~employee's total compensation to a level above the salary paid~~  
757 ~~to the Governor. Any public payments of performance bonuses or~~  
758 ~~severance pay to employees are prohibited unless specifically~~  
759 ~~authorized by law.~~

760 (5) Lodging expenses for an employee of Enterprise  
761 Florida, Inc., may not exceed \$150 per day, excluding taxes,  
762 unless the corporation is participating in a negotiated group

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763 rate discount or the corporation provides documentation of at  
764 least three comparable alternatives demonstrating that such  
765 lodging at the required rate is not available. However, an  
766 employee of the corporation may expend his or her own funds for  
767 any lodging expenses in excess of \$150 per day.

768 (6) Funds of Enterprise Florida, Inc., may not be expended  
769 for food, beverages, lodging, entertainment, or gifts for  
770 employees of the corporation, board members of the corporation,  
771 or employees of a tourist or economic development entity that  
772 receives revenue from a tax imposed pursuant to s. 125.0104, s.  
773 125.0108, or s. 212.0305, unless authorized pursuant to s.  
774 112.061 or this section. An employee or board member of  
775 Enterprise Florida, Inc., may not accept or receive food,  
776 beverages, lodging, entertainment, or gifts from a tourist or  
777 economic development entity that receives revenue from a tax  
778 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, or  
779 from any person, vendor, or other entity, doing business with  
780 the corporation unless such food, beverage, lodging,  
781 entertainment, or gift is available to similarly situated  
782 members of the general public.

783 Section 23. Paragraph (b) of subsection (2) of section  
784 288.92, Florida Statutes, is amended to read:

785 288.92 Divisions of Enterprise Florida, Inc.—

786 (2)

787 (b)1. The following officers and board members are subject

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788 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
789 112.3143(2):

790 a. Officers and members of the board of directors of the  
791 divisions of Enterprise Florida, Inc.

792 b. Officers and members of the board of directors of  
793 subsidiaries of Enterprise Florida, Inc.

794 c. Officers and members of the board of directors of  
795 corporations created to carry out the missions of Enterprise  
796 Florida, Inc.

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

800 2. For purposes of applying ss. 112.313(1)-(8), (10),  
801 (12), and (15); 112.3135; and 112.3143(2) to activities of the  
802 officers and members of the board of directors specified in  
803 subparagraph 1., those persons shall be considered public  
804 officers or employees and the corporation shall be considered  
805 their agency.

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

809 ~~a. Vote on the 4-year marketing plan required under s.~~  
810 ~~288.923 or vote on any individual component of or amendment to~~  
811 ~~the plan.~~

812 ~~b. Participate in the establishment or calculation of~~

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813 ~~payments related to the private match requirements of s.~~  
814 ~~288.904(3). The officer or member must file an annual disclosure~~  
815 ~~describing the nature of his or her interests or the interests~~  
816 ~~of his or her principals, including corporate parents and~~  
817 ~~subsidiaries of his or her principal, in the private match~~  
818 ~~requirements. This annual disclosure requirement satisfies the~~  
819 ~~disclosure requirement of s. 112.3143(4). This disclosure must~~  
820 ~~be placed either on the Florida Tourism Industry Marketing~~  
821 ~~Corporation's website or included in the minutes of each meeting~~  
822 ~~of the Florida Tourism Industry Marketing Corporation's board of~~  
823 ~~directors at which the private match requirements are discussed~~  
824 ~~or voted upon.~~

825 Section 24. Paragraph (d) of subsection (4) of section  
826 288.923, Florida Statutes, is amended to read:

827 288.923 Division of Tourism Marketing; definitions;  
828 responsibilities.-

829 (4) The division's responsibilities and duties include,  
830 but are not limited to:

831 (d) Drafting and submitting an annual report required by  
832 s. 288.92. The annual report shall set forth for the division  
833 and the direct-support organization:

834 1. Operations and accomplishments during the fiscal year,  
835 including the economic benefit of the state's investment and  
836 effectiveness of the marketing plan.

837 2. The 4-year marketing plan, including recommendations on

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838 methods for implementing and funding the plan.

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

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

843 Section 25. For the 2017-2018 fiscal year, the recurring  
844 sum of \$26,000,000 and the nonrecurring sum of \$26,000,000 from  
845 the State Economic Enhancement and Development Trust Fund and  
846 the recurring sum of \$24,000,000 from the Tourism Promotional  
847 Trust Fund are appropriated to the Department of Economic  
848 Opportunity to enter into a contract with the Florida Tourism  
849 Industry Marketing Corporation.

850 Section 26. For the 2017-2018 fiscal year, the recurring  
851 sum of \$9,400,000 from the State Economic Enhancement and  
852 Development Trust Fund and the recurring sum of \$6,600,000 from  
853 the Florida International Trade and Promotion Trust Fund are  
854 appropriated to the Department of Economic Opportunity to enter  
855 into a contract with Enterprise Florida, Inc., for operational  
856 purposes and to maintain its offices but excluding expenditures  
857 on any incentive tools or programs unless explicitly authorized  
858 by this act. From the funds appropriated from the Florida  
859 International Trade and Promotion Trust Fund, Enterprise  
860 Florida, Inc., shall allocate \$3,550,000 for international  
861 programs, \$2,050,000 to maintain Florida's international

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862 offices, and \$1,000,000 to continue the Florida Export  
863 Diversification and Expansion Programs.

864

865 -----

866 **T I T L E A M E N D M E N T**

867 Remove lines 19-27 and insert:

868 Fund; amending s. 288.1168,

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