

1 A bill to be entitled
2 An act relating to economic programs; terminating the
3 Displaced Homemaker Trust Fund within the Department
4 of Economic Opportunity; providing for the disposition
5 of balances in and revenues of such trust fund;
6 providing procedures for the termination of the trust
7 fund; repealing ss. 446.50, 446.51, 446.52, and
8 1010.84, F.S., relating to displaced homemaker
9 programs, prohibited discrimination and
10 confidentiality of information related to such
11 programs, and the Displaced Homemaker Trust Fund,
12 respectively; amending ss. 20.60, 28.101, 187.201,
13 445.003, 445.004, 741.01, and 741.011, F.S.;
14 conforming provisions to changes made by the act;
15 amending s. 11.45, F.S.; authorizing the Auditor
16 General to audit the Florida Tourism Industry
17 Marketing Corporation; amending s. 201.15, F.S.;
18 transferring certain funds to the General Revenue
19 Fund; creating s. 288.101, F.S.; creating the Florida
20 Job Growth Grant Fund within the Department of
21 Economic Opportunity; authorizing the department and
22 Enterprise Florida, Inc., to identify projects,
23 solicit proposals, and make certain recommendations;
24 authorizing the Governor to approve certain public
25 infrastructure projects and workforce training grants;

26 providing definitions; requiring the department to
27 administer certain contracts; amending s. 288.1168,
28 F.S.; requiring the Department of Revenue to conduct
29 an audit; requiring the department to provide a copy
30 of such audit to the Governor and the Legislature by a
31 specified date; requiring a professional golf hall of
32 fame facility applicant to provide a certified
33 financial report to the Governor and the Legislature;
34 requiring payments to cease under certain conditions;
35 providing a repeal date; amending s. 288.1226, F.S.;
36 requiring the Florida Tourism Industry Marketing
37 Corporation to comply with certain per diem and travel
38 expense provisions; providing corporation board
39 members and officers with certain voting authority;
40 requiring such officers and members to file a certain
41 annual disclosure; requiring that such disclosure be
42 placed on the corporation's website; authorizing
43 reimbursement for per diem and travel expenses for
44 corporation board members; requiring such expenses to
45 be paid out of corporation funds; subjecting certain
46 contracts to specified notice and review procedures;
47 prohibiting the execution of certain contracts;
48 limiting the amount of compensation paid to
49 corporation officers, agents, and employees;
50 prohibiting certain performance bonuses and severance

51 pay; removing a requirement that the corporation
52 provide certain support to the Division of Tourism
53 Promotion of Enterprise Florida, Inc.; prohibiting the
54 corporation from creating or establishing certain
55 entities and expending certain funds that benefit only
56 one entity; requiring a one-to-one match of private to
57 public contributions to the corporation; providing
58 private contribution categories to be used for the
59 calculation of such match; prohibiting certain
60 contributions from being considered private
61 contributions for purposes of such match; requiring
62 the reversion of unmatched public contributions to the
63 state treasury by a certain date annually; requiring
64 the corporation to provide certain data to the Office
65 of Economic and Demographic Research; prohibiting the
66 expenditure of corporation funds for certain purposes;
67 prohibiting the acceptance or receipt of certain items
68 or services from certain entities; limiting lodging
69 expenses of corporation employees; providing an
70 exception; requiring the Department of Economic
71 Opportunity to submit a proposed operating budget for
72 the corporation to the Governor and the Legislature;
73 requiring the inclusion of certain corporation
74 contracts on the corporation's website; requiring the
75 inclusion of specified information in certain

76 corporation contracts and on the corporation's
77 website; requiring certain entities that receive a
78 certain amount of specified funds to report certain
79 public and private financial data on their websites
80 and provide such report to the Governor and the
81 Legislature on a specified date; requiring the report
82 to include specified financial data; requiring
83 specified functionality of the corporation's website;
84 creating s. 288.12266, F.S.; creating the Targeted
85 Marketing Assistance Program to enhance the tourism
86 business marketing of small, minority, rural, and
87 agritourism businesses in the state; providing a
88 definition; requiring the department and the
89 corporation to provide an annual report to the
90 Governor and the Legislature; amending s. 288.124,
91 F.S.; authorizing the Florida Tourism Industry
92 Marketing Corporation, rather than Enterprise Florida,
93 Inc., to establish a convention grants program and
94 guidelines governing the award of program grants and
95 the administration of such program; amending s.
96 288.901, F.S.; authorizing reimbursement for per diem
97 and travel expenses for Enterprise Florida, Inc.,
98 board members; requiring such expenses to be paid out
99 of Enterprise Florida, Inc., funds; amending s.
100 288.903, F.S.; subjecting certain contracts to

101 specified notice and review procedures; prohibiting
102 the execution of certain contracts; prohibiting
103 Enterprise Florida, Inc., from creating or
104 establishing certain entities; requiring Enterprise
105 Florida, Inc., to comply with certain per diem and
106 travel expense provisions; amending s. 288.904, F.S.;
107 requiring the reversion of unmatched public
108 contributions to the state treasury by a certain date
109 annually; requiring the Department of Economic
110 Opportunity to submit a proposed operating budget for
111 Enterprise Florida, Inc., to the Governor and the
112 Legislature; requiring the inclusion of executed
113 Enterprise Florida, Inc., contracts on the Enterprise
114 Florida, Inc., website; requiring the inclusion of
115 specified information in certain Enterprise Florida,
116 Inc., contracts and on the Enterprise Florida, Inc.,
117 website; requiring certain entities that receive a
118 certain amount of specified funds to report certain
119 public and private financial data on their websites
120 and provide such report to the Governor and the
121 Legislature on a specified date; requiring the report
122 to include specified financial data; requiring
123 specified functionality of the Enterprise Florida,
124 Inc., website; amending s. 288.905, F.S.; limiting the
125 amount of public compensation paid to Enterprise

126 Florida, Inc., employees; prohibiting certain
127 performance bonuses and severance pay; limiting
128 lodging expenses of Enterprise Florida, Inc.,
129 employees; providing an exception; prohibiting certain
130 expenditures; prohibiting the acceptance or receipt of
131 certain items or services from certain entities;
132 amending s. 288.92, F.S.; conforming provisions to
133 changes made by the act; amending s. 288.923, F.S.;
134 conforming a cross-reference; providing
135 appropriations; providing an effective date.

136
137 Be It Enacted by the Legislature of the State of Florida:

138
139 Section 1. (1) The Displaced Homemaker Trust Fund, FLAIR
140 number 40-2-160, within the Department of Economic Opportunity
141 is terminated.

142 (2) All current balances remaining in, and all revenues
143 of, the trust fund shall be transferred to the General Revenue
144 Fund.

145 (3) The Department of Economic Opportunity shall pay any
146 outstanding debts and obligations of the terminated fund as soon
147 as practicable, and the Chief Financial Officer shall close out
148 and remove the terminated fund from various state accounting
149 systems using generally accepted accounting principles
150 concerning warrants outstanding, assets, and liabilities.

151 Section 2. Section 446.50, Florida Statutes, is repealed.
152 Section 3. Section 446.51, Florida Statutes, is repealed.
153 Section 4. Section 446.52, Florida Statutes, is repealed.
154 Section 5. Section 1010.84, Florida Statutes, is repealed.
155 Section 6. Paragraph (b) of subsection (10) of section
156 20.60, Florida Statutes, is amended to read:
157 20.60 Department of Economic Opportunity; creation; powers
158 and duties.—
159 (10) The department, with assistance from Enterprise
160 Florida, Inc., shall, by November 1 of each year, submit an
161 annual report to the Governor, the President of the Senate, and
162 the Speaker of the House of Representatives on the condition of
163 the business climate and economic development in the state.
164 (b) The report must incorporate annual reports of other
165 programs, including:
166 ~~1. The displaced homemaker program established under s.~~
167 ~~446.50.~~
168 ~~1.2.~~ Information provided by the Department of Revenue
169 under s. 290.014.
170 ~~2.3.~~ Information provided by enterprise zone development
171 agencies under s. 290.0056 and an analysis of the activities and
172 accomplishments of each enterprise zone.
173 ~~3.4.~~ The Economic Gardening Business Loan Pilot Program
174 established under s. 288.1081 and the Economic Gardening
175 Technical Assistance Pilot Program established under s.

176 | 288.1082.

177 | 4.5 A detailed report of the performance of the Black
 178 | Business Loan Program and a cumulative summary of quarterly
 179 | report data required under s. 288.714.

180 | 5.6 The Rural Economic Development Initiative established
 181 | under s. 288.0656.

182 | 6.7 The Florida Unique Abilities Partner Program.
 183 | Section 7. Subsection (1) of section 28.101, Florida
 184 | Statutes, is amended to read:

185 | 28.101 Petitions and records of dissolution of marriage;
 186 | additional charges.—

187 | (1) When a party petitions for a dissolution of marriage,
 188 | in addition to the filing charges in s. 28.241, the clerk shall
 189 | collect and receive:

190 | (a) A charge of \$5. On a monthly basis, the clerk shall
 191 | transfer the moneys collected pursuant to this paragraph to the
 192 | Department of Revenue for deposit in the Child Welfare Training
 193 | Trust Fund created in s. 402.40.

194 | ~~(b) A charge of \$5. On a monthly basis, the clerk shall~~
 195 | ~~transfer the moneys collected pursuant to this paragraph to the~~
 196 | ~~Department of Revenue for deposit in the Displaced Homemaker~~
 197 | ~~Trust Fund created in s. 446.50. If a petitioner does not have~~
 198 | ~~sufficient funds with which to pay this fee and signs an~~
 199 | ~~affidavit so stating, all or a portion of the fee shall be~~
 200 | ~~waived subject to a subsequent order of the court relative to~~

201 ~~the payment of the fee.~~

202 (b)~~(e)~~ A charge of \$55. On a monthly basis, the clerk
 203 shall transfer the moneys collected pursuant to this paragraph
 204 to the Department of Revenue for deposit in the Domestic
 205 Violence Trust Fund. Such funds which are generated shall be
 206 directed to the Department of Children and Families for the
 207 specific purpose of funding domestic violence centers.

208 (c)~~(d)~~ A charge of \$37.50 ~~32.50~~. On a monthly basis, the
 209 clerk shall transfer the moneys collected pursuant to this
 210 paragraph ~~as follows:~~

211 ~~1. An amount of \$7.50 to the Department of Revenue for~~
 212 ~~deposit in the Displaced Homemaker Trust Fund.~~

213 ~~2. An amount of \$25 to the Department of Revenue for~~
 214 ~~deposit in the General Revenue Fund.~~

215 Section 8. Paragraph (b) of subsection (2) of section
 216 187.201, Florida Statutes, is amended to read:

217 187.201 State Comprehensive Plan adopted.—The Legislature
 218 hereby adopts as the State Comprehensive Plan the following
 219 specific goals and policies:

220 (2) FAMILIES.—

221 (b) Policies.—

222 1. Eliminate state policies which cause voluntary family
 223 separations.

224 2. Promote concepts to stabilize the family unit to
 225 strengthen bonds between parents and children.

226 3. Promote home care services for the sick and disabled.

227 4. Provide financial support for alternative child care
228 services.

229 5. Increase direct parental involvement in K-12 education
230 programs.

231 6. Promote family dispute resolution centers.

232 ~~7. Support displaced homemaker programs.~~

233 7.8. Provide increased assurance that child support
234 payments will be made.

235 ~~8.9.~~ Actively develop job opportunities, community work
236 experience programs, and job training programs for persons
237 receiving governmental financial assistance.

238 ~~9.10.~~ Direct local law enforcement authorities and
239 district mental health councils to increase efforts to prevent
240 family violence and to adequately punish the guilty party.

241 ~~10.11.~~ Provide financial, mental health, and other support
242 for victims of family violence.

243 Section 9. Paragraph (a) of subsection (3) of section
244 445.003, Florida Statutes, is amended to read:

245 445.003 Implementation of the federal Workforce Innovation
246 and Opportunity Act.—

247 (3) FUNDING.—

248 (a) Title I, Workforce Innovation and Opportunity Act
249 funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be
250 expended based on the 4-year plan of CareerSource Florida, Inc.

251 The plan must outline and direct the method used to administer
252 and coordinate various funds and programs that are operated by
253 various agencies. The following provisions apply to these funds:

254 1. At least 50 percent of the Title I funds for Adults and
255 Dislocated Workers which are passed through to local workforce
256 development boards shall be allocated to and expended on
257 Individual Training Accounts unless a local workforce
258 development board obtains a waiver from CareerSource Florida,
259 Inc. Tuition, books, and fees of training providers and other
260 training services prescribed and authorized by the Workforce
261 Innovation and Opportunity Act qualify as Individual Training
262 Account expenditures.

263 2. Fifteen percent of Title I funding shall be retained at
264 the state level and dedicated to state administration and shall
265 be used to design, develop, induce, and fund innovative
266 Individual Training Account pilots, demonstrations, and
267 programs. Of such funds retained at the state level, \$2 million
268 shall be reserved for the Incumbent Worker Training Program
269 created under subparagraph 3. Eligible state administration
270 costs include the costs of funding for the board and staff of
271 CareerSource Florida, Inc.; operating fiscal, compliance, and
272 management accountability systems through CareerSource Florida,
273 Inc.; conducting evaluation and research on workforce
274 development activities; and providing technical and capacity
275 building assistance to local workforce development areas at the

276 direction of CareerSource Florida, Inc. Notwithstanding s.
277 445.004, such administrative costs may not exceed 25 percent of
278 these funds. An amount not to exceed 75 percent of these funds
279 shall be allocated to Individual Training Accounts and other
280 workforce development strategies for other training designed and
281 tailored by CareerSource Florida, Inc., including, but not
282 limited to, programs for incumbent workers, ~~displaced~~
283 ~~homemakers~~, nontraditional employment, and enterprise zones.
284 CareerSource Florida, Inc., shall design, adopt, and fund
285 Individual Training Accounts for distressed urban and rural
286 communities.

287 3. The Incumbent Worker Training Program is created for
288 the purpose of providing grant funding for continuing education
289 and training of incumbent employees at existing Florida
290 businesses. The program will provide reimbursement grants to
291 businesses that pay for preapproved, direct, training-related
292 costs.

293 a. The Incumbent Worker Training Program will be
294 administered by CareerSource Florida, Inc., which may, at its
295 discretion, contract with a private business organization to
296 serve as grant administrator.

297 b. The program shall be administered pursuant to s.
298 134(d)(4) of the Workforce Innovation and Opportunity Act.
299 Priority for funding shall be given to businesses with 25
300 employees or fewer, businesses in rural areas, businesses in

301 | distressed inner-city areas, businesses in a qualified targeted
302 | industry, businesses whose grant proposals represent a
303 | significant upgrade in employee skills, or businesses whose
304 | grant proposals represent a significant layoff avoidance
305 | strategy.

306 | c. All costs reimbursed by the program must be preapproved
307 | by CareerSource Florida, Inc., or the grant administrator. The
308 | program may not reimburse businesses for trainee wages, the
309 | purchase of capital equipment, or the purchase of any item or
310 | service that may possibly be used outside the training project.
311 | A business approved for a grant may be reimbursed for
312 | preapproved, direct, training-related costs including tuition,
313 | fees, books and training materials, and overhead or indirect
314 | costs not to exceed 5 percent of the grant amount.

315 | d. A business that is selected to receive grant funding
316 | must provide a matching contribution to the training project,
317 | including, but not limited to, wages paid to trainees or the
318 | purchase of capital equipment used in the training project; must
319 | sign an agreement with CareerSource Florida, Inc., or the grant
320 | administrator to complete the training project as proposed in
321 | the application; must keep accurate records of the project's
322 | implementation process; and must submit monthly or quarterly
323 | reimbursement requests with required documentation.

324 | e. All Incumbent Worker Training Program grant projects
325 | shall be performance-based with specific measurable performance

326 outcomes, including completion of the training project and job
327 retention. CareerSource Florida, Inc., or the grant
328 administrator shall withhold the final payment to the grantee
329 until a final grant report is submitted and all performance
330 criteria specified in the grant contract have been achieved.

331 f. CareerSource Florida, Inc., may establish guidelines
332 necessary to implement the Incumbent Worker Training Program.

333 g. No more than 10 percent of the Incumbent Worker
334 Training Program's total appropriation may be used for overhead
335 or indirect purposes.

336 4. At least 50 percent of Rapid Response funding shall be
337 dedicated to Intensive Services Accounts and Individual Training
338 Accounts for dislocated workers and incumbent workers who are at
339 risk of dislocation. CareerSource Florida, Inc., shall also
340 maintain an Emergency Preparedness Fund from Rapid Response
341 funds, which will immediately issue Intensive Service Accounts,
342 Individual Training Accounts, and other federally authorized
343 assistance to eligible victims of natural or other disasters. At
344 the direction of the Governor, these Rapid Response funds shall
345 be released to local workforce development boards for immediate
346 use after events that qualify under federal law. Funding shall
347 also be dedicated to maintain a unit at the state level to
348 respond to Rapid Response emergencies and to work with state
349 emergency management officials and local workforce development
350 boards. All Rapid Response funds must be expended based on a

351 plan developed by CareerSource Florida, Inc., and approved by
352 the Governor.

353 Section 10. Paragraph (b) of subsection (5) of section
354 445.004, Florida Statutes, is amended to read:

355 445.004 CareerSource Florida, Inc.; creation; purpose;
356 membership; duties and powers.—

357 (5) CareerSource Florida, Inc., shall have all the powers
358 and authority not explicitly prohibited by statute which are
359 necessary or convenient to carry out and effectuate its purposes
360 as determined by statute, Pub. L. No. 113-128, and the Governor,
361 as well as its functions, duties, and responsibilities,
362 including, but not limited to, the following:

363 (b) Providing oversight and policy direction to ensure
364 that the following programs are administered by the department
365 in compliance with approved plans and under contract with
366 CareerSource Florida, Inc.:

367 1. Programs authorized under Title I of the Workforce
368 Innovation and Opportunity Act, Pub. L. No. 113-128, with the
369 exception of programs funded directly by the United States
370 Department of Labor under Title I, s. 167.

371 2. Programs authorized under the Wagner-Peyser Act of
372 1933, as amended, 29 U.S.C. ss. 49 et seq.

373 3. Activities authorized under Title II of the Trade Act
374 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
375 Adjustment Assistance Program.

376 4. Activities authorized under 38 U.S.C. chapter 41,
377 including job counseling, training, and placement for veterans.

378 5. Employment and training activities carried out under
379 funds awarded to this state by the United States Department of
380 Housing and Urban Development.

381 6. Welfare transition services funded by the Temporary
382 Assistance for Needy Families Program, created under the
383 Personal Responsibility and Work Opportunity Reconciliation Act
384 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
385 of the Social Security Act, as amended.

386 ~~7. Displaced homemaker programs, provided under s. 446.50.~~

387 7.8. The Florida Bonding Program, provided under Pub. L.
388 No. 97-300, s. 164(a)(1).

389 8.9. The Food Assistance Employment and Training Program,
390 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
391 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
392 and the Hunger Prevention Act, Pub. L. No. 100-435.

393 9.10. The Quick-Response Training Program, provided under
394 ss. 288.046-288.047. Matching funds and in-kind contributions
395 that are provided by clients of the Quick-Response Training
396 Program shall count toward the requirements of s. 288.904,
397 pertaining to the return on investment from activities of
398 Enterprise Florida, Inc.

399 10.11. The Work Opportunity Tax Credit, provided under the
400 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,

401 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

402 11.12. Offender placement services, provided under ss.
403 944.707-944.708.

404 Section 11. Subsections (3), (4), and (5) of section
405 741.01, Florida Statutes, are amended to read:

406 741.01 County court judge or clerk of the circuit court to
407 issue marriage license; fee.—

408 ~~(3) Further, the fee charged for each marriage license~~
409 ~~issued in the state shall be increased by an additional sum of~~
410 ~~\$7.50 to be collected upon receipt of the application for the~~
411 ~~issuance of a marriage license. The clerk shall transfer such~~
412 ~~funds monthly to the Department of Revenue for deposit in the~~
413 ~~Displaced Homemaker Trust Fund created in s. 446.50.~~

414 (3)-(4) An additional fee of \$25 shall be paid to the clerk
415 upon receipt of the application for issuance of a marriage
416 license. The moneys collected shall be remitted by the clerk to
417 the Department of Revenue, monthly, for deposit in the General
418 Revenue Fund.

419 (4)-(5) The fee charged for each marriage license issued in
420 the state shall be reduced by a sum of \$25 ~~32.50~~ for all couples
421 who present valid certificates of completion of a premarital
422 preparation course from a qualified course provider registered
423 under s. 741.0305(5) for a course taken no more than 1 year
424 prior to the date of application for a marriage license. For
425 each license issued that is subject to the fee reduction of this

426 subsection, the clerk is not required to transfer the sum of
427 ~~\$7.50 to the Department of Revenue for deposit in the Displaced~~
428 ~~Homemaker Trust Fund pursuant to subsection (3) or to transfer~~
429 ~~the sum of \$25 to the Department of Revenue for deposit in the~~
430 General Revenue Fund.

431 Section 12. Section 741.011, Florida Statutes, is amended
432 to read:

433 741.011 Installment payments.—An applicant for a marriage
434 license who is unable to pay the fees required under s. 741.01
435 in a lump sum may make payment in not more than three
436 installments over a period of 90 days. The clerk shall accept
437 installment payments upon receipt of an affidavit that the
438 applicant is unable to pay the fees in a lump-sum payment. Upon
439 receipt of the third or final installment payment, the marriage
440 license application shall be deemed filed, and the clerk shall
441 issue the marriage license to the applicant and distribute the
442 fees as provided in s. 741.01. In the event that the marriage
443 license fee is paid in installments, the clerk shall retain \$1
444 from the additional fee imposed pursuant to s. 741.01(3)
445 ~~741.01(4)~~, as a processing fee.

446 Section 13. Paragraph (x) is added to subsection (3) of
447 section 11.45, Florida Statutes, to read:

448 11.45 Definitions; duties; authorities; reports; rules.—

449 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
450 Auditor General may, pursuant to his or her own authority, or at

451 the direction of the Legislative Auditing Committee, conduct
452 audits or other engagements as determined appropriate by the
453 Auditor General of:

454 (x) The Florida Tourism Industry Marketing Corporation.

455 Section 14. Paragraph (a) of subsection (4) of section
456 201.15, Florida Statutes, is amended to read:

457 201.15 Distribution of taxes collected.—All taxes
458 collected under this chapter are hereby pledged and shall be
459 first made available to make payments when due on bonds issued
460 pursuant to s. 215.618 or s. 215.619, or any other bonds
461 authorized to be issued on a parity basis with such bonds. Such
462 pledge and availability for the payment of these bonds shall
463 have priority over any requirement for the payment of service
464 charges or costs of collection and enforcement under this
465 section. All taxes collected under this chapter, except taxes
466 distributed to the Land Acquisition Trust Fund pursuant to
467 subsections (1) and (2), are subject to the service charge
468 imposed in s. 215.20(1). Before distribution pursuant to this
469 section, the Department of Revenue shall deduct amounts
470 necessary to pay the costs of the collection and enforcement of
471 the tax levied by this chapter. The costs and service charge may
472 not be levied against any portion of taxes pledged to debt
473 service on bonds to the extent that the costs and service charge
474 are required to pay any amounts relating to the bonds. All of
475 the costs of the collection and enforcement of the tax levied by

476 | this chapter and the service charge shall be available and
477 | transferred to the extent necessary to pay debt service and any
478 | other amounts payable with respect to bonds authorized before
479 | January 1, 2017, secured by revenues distributed pursuant to
480 | this section. All taxes remaining after deduction of costs shall
481 | be distributed as follows:

482 | (4) After the required distributions to the Land
483 | Acquisition Trust Fund pursuant to subsections (1) and (2) and
484 | deduction of the service charge imposed pursuant to s.
485 | 215.20(1), the remainder shall be distributed as follows:

486 | (a) The lesser of 24.18442 percent of the remainder or
487 | \$541.75 million in each fiscal year shall be paid into the State
488 | Treasury to the credit of the State Transportation Trust Fund.
489 | Of such funds, \$75 million for each fiscal year shall be
490 | transferred to the General Revenue Fund ~~State Economic~~
491 | ~~Enhancement and Development Trust Fund within the Department of~~
492 | ~~Economic Opportunity~~. Notwithstanding any other law, the
493 | remaining amount credited to the State Transportation Trust Fund
494 | shall be used for:

495 | 1. Capital funding for the New Starts Transit Program,
496 | authorized by Title 49, U.S.C. s. 5309 and specified in s.
497 | 341.051, in the amount of 10 percent of the funds;

498 | 2. The Small County Outreach Program specified in s.
499 | 339.2818, in the amount of 10 percent of the funds;

500 | 3. The Strategic Intermodal System specified in ss.

501 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent
502 of the funds after deduction of the payments required pursuant
503 to subparagraphs 1. and 2.; and

504 4. The Transportation Regional Incentive Program specified
505 in s. 339.2819, in the amount of 25 percent of the funds after
506 deduction of the payments required pursuant to subparagraphs 1.
507 and 2. The first \$60 million of the funds allocated pursuant to
508 this subparagraph shall be allocated annually to the Florida
509 Rail Enterprise for the purposes established in s. 341.303(5).

510 Section 15. Section 288.101, Florida Statutes, is created
511 to read:

512 288.101 Florida Job Growth Grant Fund.—

513 (1) The Florida Job Growth Grant Fund is created within the
514 department to promote economic opportunity by improving public
515 infrastructure and enhancing workforce training. The Florida Job
516 Growth Grant Fund shall not be used for the exclusive benefit of
517 any single company, corporation, or business entity.

518 (2) The department and Enterprise Florida, Inc., may
519 identify projects, solicit proposals, and make funding
520 recommendations to the Governor, who is authorized to approve:

521 (a) State or local public infrastructure projects to
522 promote economic recovery in specific regions of the state,
523 economic diversification, or economic enhancement in a targeted
524 industry.

525 (b) Workforce training grants to support programs at state

526 colleges and state technical centers that provide participants
527 with transferable, sustainable workforce skills applicable to
528 more than a single employer, and for equipment associated with
529 these programs. The department shall work with CareerSource
530 Florida to ensure programs are offered to the public based on
531 criteria established by the state college or state technical
532 center and do not exclude applicants who are unemployed or
533 underemployed.

534 (3) For purposes of this section:

535 (a) "Infrastructure" means any fixed capital expenditure or
536 fixed capital costs associated with the construction,
537 reconstruction, or improvement of facilities that have a life
538 expectancy of 5 or more years and any land acquisition, land
539 improvement, design, and engineering costs related thereto.
540 Facilities in this category include technical structures such as
541 roads, bridges, tunnels, water supply, sewers, electrical grids,
542 and telecommunications facilities.

543 (b) "Public infrastructure" means infrastructure that is
544 owned by the public, and is for public use or predominately
545 benefits the public. If public infrastructure is leased or sold,
546 it must be leased or sold at fair market rates or value.

547 (c) "Targeted industry" means any industry identified in
548 the most recent list provided to the Governor, the President of
549 the Senate, and the Speaker of the House of Representatives in
550 accordance with s. 288.106(q).

551 (4) Contracts for projects approved by the Governor and
552 funded pursuant to this section shall be administered by the
553 department.

554 Section 16. Subsection (5) of section 288.1168, Florida
555 Statutes, is amended, and subsections (7) and (8) are added to
556 that section, to read:

557 288.1168 Professional golf hall of fame facility.—

558 (5) The Department of Revenue must ~~may~~ audit as provided
559 in s. 213.34 to verify that the distributions under this section
560 have been expended as required by this section on or before
561 October 1, 2017, and provide a copy of such audit to the
562 Governor, the President of the Senate, and the Speaker of the
563 House of Representatives on or before December 1, 2017.

564 (7) On or before January 1, 2018, the applicant must
565 certify and provide the Governor, the President of the Senate,
566 and the Speaker of the House of Representatives, with a
567 certified financial report indicating that all payments received
568 from the state pursuant to s. 212.20 are being used to pay or
569 pledge for payment of debt service on, or to fund debt service
570 reserve funds, arbitrage rebate obligations, or other amounts
571 payable with respect to, bonds issued for the construction,
572 reconstruction, or renovation of the facility or for the
573 reimbursement of such costs or the refinancing of bonds issued
574 for such purpose.

575 (a) Such report must identify to whom the bonds were

576 issued, in what amounts, the date of final maturity, the level
577 of funding achieved and whether bond payments are outstanding.

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

581 (c) If the applicant fails to meet the requirements of
582 this subsection, no new or additional applications or
583 certifications shall be approved, no new letters of
584 certification may be issued, no new contracts or agreements may
585 be executed, and no new awards may be made.

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

587 Section 17. Section 288.1226, Florida Statutes, is amended
588 to read:

589 288.1226 Florida Tourism Industry Marketing Corporation;
590 use of property; board of directors; duties; audit.—

591 (1) DEFINITIONS.—For the purposes of this section, the
592 term "corporation" means the Florida Tourism Industry Marketing
593 Corporation.

594 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing
595 Corporation is a direct-support organization of Enterprise
596 Florida, Inc.

597 (a) The Florida Tourism Industry Marketing Corporation is
598 a corporation not for profit, as defined in s. 501(c)(6) of the
599 Internal Revenue Code of 1986, as amended, that is incorporated
600 under the provisions of chapter 617 and approved by the

601 Department of State.

602 (b) The corporation is organized and operated exclusively
603 to request, receive, hold, invest, and administer property and
604 to manage and make expenditures for the operation of the
605 activities, services, functions, and programs of this state
606 which relate to the statewide, national, and international
607 promotion and marketing of tourism.

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

614 2. It is not a violation of s. 112.3143(2) or (4) for the
615 officers or members of the board of directors of the corporation
616 to:

617 a. Vote on the 4-year marketing plan required under s.
618 288.923 or vote on any individual component of or amendment to
619 the plan.

620 b. Participate in the establishment or calculation of
621 payments related to the private match requirements of subsection
622 (6). The officer or member must file an annual disclosure
623 describing the nature of his or her interests or the interests
624 of his or her principals, including corporate parents and
625 subsidiaries of his or her principal, in the private match

626 requirements. This annual disclosure requirement satisfies the
627 disclosure requirement of s. 112.3143(4). This disclosure must
628 be placed on the corporation's website or included in the
629 minutes of each meeting of the corporation's board of directors
630 at which the private match requirements are discussed or voted
631 upon.

632 (d) The corporation is subject to the provisions of
633 chapter 119, relating to public meetings, and those provisions
634 of chapter 286 relating to public meetings and records.

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

636 (a) Is authorized to permit the use of property and
637 facilities of Enterprise Florida, Inc., by the corporation,
638 subject to the provisions of this section.

639 (b) Shall prescribe conditions with which the corporation
640 must comply in order to use property and facilities of
641 Enterprise Florida, Inc. Such conditions shall provide for
642 budget and audit review and for oversight by Enterprise Florida,
643 Inc.

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

648 (4) BOARD OF DIRECTORS.—The board of directors of the
649 corporation shall be composed of 31 tourism-industry-related
650 members, appointed by Enterprise Florida, Inc., in conjunction

651 with the department. Board members shall serve without
652 compensation, but are entitled to receive reimbursement for per
653 diem and travel expenses pursuant to s. 112.061. Such expenses
654 must be paid out of funds of the corporation.

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

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

662 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
663 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
664 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
665 Taylor, and Union Counties.

666 3. Region 3, composed of Brevard, Indian River, Lake,
667 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
668 Volusia Counties.

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

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

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

675 (b) The 15 additional tourism-industry-related members

676 shall include 1 representative from the statewide rental car
677 industry; 7 representatives from tourist-related statewide
678 associations, including those that represent hotels,
679 campgrounds, county destination marketing organizations,
680 museums, restaurants, retail, and attractions; 3 representatives
681 from county destination marketing organizations; 1
682 representative from the cruise industry; 1 representative from
683 an automobile and travel services membership organization that
684 has at least 2.8 million members in Florida; 1 representative
685 from the airline industry; and 1 representative from the space
686 tourism industry, who will each serve for a term of 2 years.

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

689 (a) May make and enter into contracts and assume such
690 other functions as are necessary to carry out the provisions of
691 the 4-year marketing plan required by s. 288.923, and the
692 corporation's contract with Enterprise Florida, Inc., which are
693 not inconsistent with this or any other provision of law. A
694 proposed contract with a total cost of \$750,000 or more is
695 subject to the notice and review procedures of s. 216.177. If
696 the chair and vice chair of the Legislative Budget Commission,
697 or the President of the Senate and the Speaker of the House of
698 Representatives, timely advise the corporation in writing that
699 such proposed contract is contrary to legislative policy and
700 intent, the corporation may not execute such proposed contract.

701 The corporation may not enter into multiple related contracts to
702 avoid the requirements of this paragraph.

703 (b) May develop a program to provide incentives and to
704 attract and recognize those entities which make significant
705 financial and promotional contributions towards the expanded
706 tourism promotion activities of the corporation.

707 (c) May establish a cooperative marketing program with
708 other public and private entities which allows the use of the
709 VISIT Florida logo in tourism promotion campaigns which meet the
710 standards of Enterprise Florida, Inc., for which the corporation
711 may charge a reasonable fee.

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

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

718 (f) Shall elect or appoint such officers and agents as its
719 affairs shall require and allow them reasonable compensation.
720 However, each officer or agent, including the president and
721 chief executive officer of the corporation, may not receive
722 public compensation for employment that exceeds the salary and
723 benefits authorized to be paid to the Governor. Any public
724 payments of performance bonuses or severance pay to an officer
725 or agent of the corporation are prohibited unless specifically

726 authorized by law.

727 (g) Shall hire and establish salaries and personnel and
728 employee benefit programs for such permanent and temporary
729 employees as are necessary to carry out the provisions of the 4-
730 year marketing plan and the corporation's contract with
731 Enterprise Florida, Inc., which are not inconsistent with this
732 or any other provision of law. However, an employee may not
733 receive public compensation for employment that exceeds the
734 salary and benefits authorized to be paid to the Governor. Any
735 public payments of performance bonuses or severance pay to
736 employees of the corporation are prohibited unless specifically
737 authorized by law.

738 ~~(h) Shall provide staff support to the Division of Tourism~~
739 ~~Promotion of Enterprise Florida, Inc. The president and chief~~
740 ~~executive officer of the Florida Tourism Industry Marketing~~
741 ~~Corporation shall serve without compensation as the director of~~
742 ~~the division.~~

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

747 (i)~~(j)~~ May conduct its affairs, carry on its operations,
748 and have offices and exercise the powers granted by this act in
749 any state, territory, district, or possession of the United
750 States or any foreign country. Where feasible, appropriate, and

751 recommended by the 4-year marketing plan developed by the
752 Division of Tourism Promotion of Enterprise Florida, Inc., the
753 corporation may collocate the programs of foreign tourism
754 offices in cooperation with any foreign office operated by any
755 agency of this state.

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

759 (k)~~(l)~~ May request or accept any grant, payment, or gift,
760 of funds or property made by this state or by the United States
761 or any department or agency thereof or by any individual, firm,
762 corporation, municipality, county, or organization for any or
763 all of the purposes of the 4-year marketing plan and the
764 corporation's contract with Enterprise Florida, Inc., that are
765 not inconsistent with this or any other provision of law. Such
766 funds shall be deposited in a bank account established by the
767 corporation's board of directors. The corporation may expend
768 such funds in accordance with the terms and conditions of any
769 such grant, payment, or gift, in the pursuit of its
770 administration or in support of the programs it administers. The
771 corporation shall separately account for the public funds and
772 the private funds deposited into the corporation's bank account.

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

776 (m)~~(n)~~ In the performance of its duties, may undertake, or
 777 contract for, marketing projects and advertising research
 778 projects.

779 (n)~~(o)~~ In addition to any indemnification available under
 780 chapter 617, the corporation may indemnify, and purchase and
 781 maintain insurance on behalf of, directors, officers, and
 782 employees of the corporation against any personal liability or
 783 accountability by reason of actions taken while acting within
 784 the scope of their authority.

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

787 (p) Shall not expend funds, public or private, that
 788 directly benefit only one company, corporation, or business
 789 entity.

790 (6) MATCHING REQUIREMENTS.-

791 (a) A one-to-one match is required of private to public
 792 contributions to the corporation. Public contributions include
 793 all state appropriations to the corporation.

794 (b) For purposes of calculating the required one-to-one
 795 match, the corporation shall receive matching private
 796 contributions in one of four private match categories. The
 797 corporation shall maintain documentation of such categorized
 798 contributions on file and make such documentation available for
 799 inspection upon reasonable notice during its regular business
 800 hours. Contribution details shall be included in the quarterly

801 reports required under subsection (8). The private match
802 categories are:

803 1. Direct cash contributions from private sources, which
804 include, but are not limited to, cash derived from strategic
805 alliances, contributions of stocks and bonds, and partnership
806 contributions.

807 2. Fees for services, which include, but are not limited
808 to, event participation, research, and brochure placement and
809 transparencies.

810 3. Cooperative advertising, which is limited to partner
811 expenditures for paid media placement, partner expenditures for
812 collateral material distribution, and the actual market value of
813 contributed productions, air time, and print space.

814 4. In-kind contributions, which is limited to the actual
815 market value of promotional contributions of partner-supplied
816 benefits to target audiences and the actual market value of
817 nonpartner-supplied air time or print space contributed for the
818 broadcasting or printing of such promotions, which would
819 otherwise require tourist promotion expenditures by the
820 corporation for advertising, air travel, rental car fees, hotel
821 rooms, RV or campsite space rental, on-site guest services, and
822 admission tickets. The net value of air time or print space, if
823 any, shall be deemed to be the actual market value of the air
824 time or print space, based on an average of actual unit prices
825 paid contemporaneously for comparable times or spaces, less the

826 | value of increased ratings or other benefits realized by the
 827 | media outlet as a result of the promotion.

828 |
 829 | Contributions from a government entity or from an entity that
 830 | received more than 50 percent of its revenue in the previous
 831 | fiscal year from public sources, including revenue derived from
 832 | taxes, fees, or other government revenues, are not considered
 833 | private contributions for purposes of calculating the required
 834 | one-to-one match.

835 | (c) If the corporation fails to meet the one-to-one match
 836 | requirements of this subsection, the corporation shall revert
 837 | all unmatched public contributions to the state treasury by June
 838 | 30 of each fiscal year.

839 | (7)-(6) ANNUAL AUDIT.—The corporation shall provide for an
 840 | annual financial audit in accordance with s. 215.981. The annual
 841 | audit report shall be submitted to the Auditor General; the
 842 | Office of Program Policy Analysis and Government Accountability;
 843 | Enterprise Florida, Inc.; and the department for review. The
 844 | Office of Program Policy Analysis and Government Accountability;
 845 | Enterprise Florida, Inc.; the department; and the Auditor
 846 | General have the authority to require and receive from the
 847 | corporation or from its independent auditor any detail or
 848 | supplemental data relative to the operation of the corporation.
 849 | The department shall annually certify whether the corporation is
 850 | operating in a manner and achieving the objectives that are

851 consistent with the policies and goals of Enterprise Florida,
852 Inc., and its long-range marketing plan. The identity of a donor
853 or prospective donor to the corporation who desires to remain
854 anonymous and all information identifying such donor or
855 prospective donor are confidential and exempt from the
856 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
857 Constitution. Such anonymity shall be maintained in the
858 auditor's report.

859 (8)~~(7)~~ REPORT.—The corporation shall provide a quarterly
860 report to Enterprise Florida, Inc., which shall:

861 (a) Measure the current vitality of the visitor industry
862 of this state as compared to the vitality of such industry for
863 the year to date and for comparable quarters of past years.
864 Indicators of vitality shall be determined by Enterprise
865 Florida, Inc., and shall include, but not be limited to,
866 estimated visitor count and party size, length of stay, average
867 expenditure per party, and visitor origin and destination.

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

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

872 (d) Review all pertinent research findings.

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

875

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

879 (9)~~(8)~~ PUBLIC RECORDS EXEMPTION.—The identity of any
880 person who responds to a marketing project or advertising
881 research project conducted by the corporation in the performance
882 of its duties on behalf of Enterprise Florida, Inc., or trade
883 secrets as defined by s. 812.081 obtained pursuant to such
884 activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of
885 the State Constitution. This subsection is subject to the Open
886 Government Sunset Review Act in accordance with s. 119.15 and
887 shall stand repealed on October 2, 2021, unless reviewed and
888 saved from repeal through reenactment by the Legislature.

889 (10) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—Funds of the
890 corporation may not be expended for food, beverages, lodging,
891 entertainment, or gifts for employees of the corporation, board
892 members of the corporation, or employees of a tourist or
893 economic development entity that receives revenue from a tax
894 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305,
895 unless authorized pursuant to s. 112.061 or this section. An
896 employee or board member of the corporation may not accept or
897 receive food, beverages, lodging, entertainment, or gifts from a
898 tourist or economic development entity that receives revenue
899 from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.
900 212.0305, or from any person, vendor, or other entity, doing

901 business with the corporation unless such food, beverage,
902 lodging, entertainment, or gift is available to similarly
903 situated members of the general public.

904 (11) LODGING EXPENSES.—Lodging expenses for an employee of
905 the corporation may not exceed \$150 per day, excluding taxes,
906 unless the corporation is participating in a negotiated group
907 rate discount or the corporation provides documentation of at
908 least three comparable alternatives demonstrating that such
909 lodging at the required rate is not available. However, an
910 employee of the corporation may expend his or her own funds for
911 any lodging expenses in excess of \$150 per day.

912 (12) PROPOSED OPERATING BUDGET SUBMISSION.—By August 15 of
913 each fiscal year, the Department of Economic Opportunity shall
914 submit a proposed operating budget for the corporation including
915 amounts to be expended on advertising, marketing, promotions,
916 events, other operating capital outlay, and salaries and
917 benefits for each employee to the Governor, the President of the
918 Senate, and the Speaker of the House of Representatives.

919 (13) TRANSPARENCY.—

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

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

- 926 1. The purpose of the contract.
- 927 2. Specific performance standards and responsibilities for
 928 each entity.
- 929 3. A detailed project or contract budget, if applicable.
- 930 4. The value of any services provided.
- 931 5. The projected travel and entertainment expenses for
 932 employees and board members, if applicable.
- 933 (c)1. Any entity that in the previous fiscal year received
 934 more than 50 percent of its revenue from the corporation or
 935 taxes imposed pursuant to s. 125.0104, s. 125.0108, or s.
 936 212.0305, and that partners with the corporation or participates
 937 in a program, cooperative advertisement, promotional
 938 opportunity, or other activity offered by or in conjunction with
 939 the corporation, shall annually on July 1 report all public and
 940 private financial data to the Governor, the President of the
 941 Senate, and the Speaker of the House of Representatives, and
 942 include such report on its website.
- 943 2. The financial data shall include:
- 944 a. The total amount of revenue received from public and
 945 private sources.
- 946 b. The operating budget of the partner entity.
- 947 c. Employee and board member salary and benefit details
 948 from public and private funds.
- 949 d. An itemized account of all expenditures by the partner
 950 entity on the behalf of, or coordinated for the benefit of the

951 corporation, its board members, or employees.

952 e. Itemized travel and entertainment expenditures of the
953 partner entity.

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

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

961 2. Any agreement entered into between the corporation and
962 any other entity, including a local government, private entity,
963 or nonprofit entity, that receives public funds or funds from a
964 tax imposed pursuant to s. 125.0104, s. 125.0108, or s.
965 212.0305.

966 3. The contracts and the required information pursuant to
967 paragraph (b) and the financial data submitted to the
968 corporation pursuant to paragraph (c).

969 4. Video recordings of each board meeting.

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

973 6. An annual itemized accounting of the total amount of
974 funds spent by any third party on behalf of the corporation or
975 any board member or employee of the corporation.

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

978 (e) The corporation's website must:

979 1. Allow users to navigate to related sites to view
 980 supporting details.

981 2. Enable a taxpayer to email questions to the corporation
 982 and make such questions and the corporation's responses publicly
 983 viewable.

984 (14)(9) REPEAL.—This section is repealed October 1, 2019,
 985 unless reviewed and saved from repeal by the Legislature.

986 Section 18. Section 288.12266, Florida Statutes, is
 987 created to read:

988 288.12266 Targeted Marketing Assistance Program.—

989 (1) The Targeted Marketing Assistance Program is created
 990 to enhance the tourism business marketing of small, minority,
 991 rural, and agritourism businesses in the state. The department,
 992 in conjunction with the Florida Tourism Industry Marketing
 993 Corporation, shall administer the program. The program shall
 994 provide marketing plans, marketing assistance, promotional
 995 support, media development, technical expertise, marketing
 996 advice, technology training, social marketing support, and other
 997 assistance to an eligible entity.

998 (2) As used in this section, the term "eligible entity"
 999 means an independently owned and operated business with gross
 1000 revenue not exceeding \$1,250,000 or a nonprofit corporation that

1001 meets the requirements of s. 501(c)(3) of the Internal Revenue
 1002 Code.

1003 (3) The department and the Florida Tourism Industry
 1004 Marketing Corporation shall provide an annual report to the
 1005 Governor, the President of the Senate, and the Speaker of the
 1006 House of Representatives documenting that at least 50 percent of
 1007 the eligible entities receiving assistance through this program
 1008 are independently owned and operated businesses with gross
 1009 revenues not exceeding \$500,000.

1010 Section 19. Section 288.124, Florida Statutes, is amended
 1011 to read:

1012 288.124 Convention grants program.—The Florida Tourism
 1013 Industry Marketing Corporation ~~Enterprise Florida, Inc.~~, is
 1014 authorized to establish a convention grants program and,
 1015 pursuant to that program, to recommend to the department
 1016 expenditures and contracts with local governments and nonprofit
 1017 corporations or organizations for the purpose of attracting
 1018 national conferences and conventions to Florida. Preference
 1019 shall be given to local governments and nonprofit corporations
 1020 or organizations seeking to attract minority conventions to
 1021 Florida. Minority conventions are events that primarily involve
 1022 minority persons, as defined in s. 288.703, who are residents or
 1023 nonresidents of the state. The Florida Tourism Industry
 1024 Marketing Corporation ~~Enterprise Florida, Inc.~~ shall establish
 1025 guidelines governing the award of grants and the administration

1026 of this program. The department has final approval authority for
 1027 any grants under this section. The total annual allocation of
 1028 funds for this program shall not exceed \$40,000.

1029 Section 20. Subsection (5) of section 288.901, Florida
 1030 Statutes, is amended to read:

1031 288.901 Enterprise Florida, Inc.—

1032 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

1033 (a) In addition to the Governor or his or her designee,
 1034 the board of directors shall consist of the following appointed
 1035 members:

- 1036 1. The Commissioner of Education or his or her designee.
- 1037 2. The Chief Financial Officer or his or her designee.
- 1038 3. The Attorney General or his or her designee.
- 1039 4. The Commissioner of Agriculture or his or her designee.
- 1040 5. The chairperson of the board of directors of
 1041 CareerSource Florida, Inc.
- 1042 6. The Secretary of State or his or her designee.
- 1043 7. Twelve members from the private sector, six of whom
 1044 shall be appointed by the Governor, three of whom shall be
 1045 appointed by the President of the Senate, and three of whom
 1046 shall be appointed by the Speaker of the House of
 1047 Representatives. Members appointed by the Governor are subject
 1048 to Senate confirmation.

1049 (b) In making their appointments, the Governor, the
 1050 President of the Senate, and the Speaker of the House of

1051 Representatives shall ensure that the composition of the board
1052 of directors reflects the diversity of Florida's business
1053 community and is representative of the economic development
1054 goals in subsection (2). The board must include at least one
1055 director for each of the following areas of expertise:
1056 international business, tourism marketing, the space or
1057 aerospace industry, managing or financing a minority-owned
1058 business, manufacturing, finance and accounting, and sports
1059 marketing.

1060 (c) The Governor, the President of the Senate, and the
1061 Speaker of the House of Representatives also shall consider
1062 appointees who reflect Florida's racial, ethnic, and gender
1063 diversity. Efforts shall be taken to ensure participation from
1064 all geographic areas of the state, including representation from
1065 urban and rural communities.

1066 (d) Appointed members shall be appointed to 4-year terms,
1067 except that initially, to provide for staggered terms, the
1068 Governor, the President of the Senate, and the Speaker of the
1069 House of Representatives shall each appoint one member to serve
1070 a 2-year term and one member to serve a 3-year term, with the
1071 remaining initial appointees serving 4-year terms. All
1072 subsequent appointments shall be for 4-year terms.

1073 (e) Initial appointments must be made by October 1, 2011,
1074 and be eligible for confirmation at the earliest available
1075 Senate session. Terms end on September 30.

1076 (f) Any member is eligible for reappointment, except that
 1077 a member may not serve more than two terms.

1078 (g) A vacancy on the board of directors shall be filled
 1079 for the remainder of the unexpired term. Vacancies on the board
 1080 shall be filled by appointment by the Governor, the President of
 1081 the Senate, or the Speaker of the House of Representatives,
 1082 respectively, depending on who appointed the member whose
 1083 vacancy is to be filled or whose term has expired.

1084 (h) Appointed members may be removed by the Governor, the
 1085 President of the Senate, or the Speaker of the House of
 1086 Representatives, respectively, for cause. Absence from three
 1087 consecutive meetings results in automatic removal.

1088
 1089 All Board members shall serve without compensation, but are
 1090 entitled to receive reimbursement for per diem and travel
 1091 expenses pursuant to s. 112.061. Such expenses must be paid out
 1092 of funds of Enterprise Florida, Inc.

1093 Section 21. Subsections (7), (8), and (9) are added to
 1094 section 288.903, Florida Statutes, to read:

1095 288.903 Duties of Enterprise Florida, Inc.—Enterprise
 1096 Florida, Inc., shall have the following duties:

1097 (7) Submit all proposed contracts with a total cost of
 1098 \$750,000 or more in accordance with the notice and review
 1099 procedures of s. 216.177. If the chair and vice chair of the
 1100 Legislative Budget Commission, or the President of the Senate

1101 and the Speaker of the House of Representatives, timely advise
 1102 Enterprise Florida, Inc., in writing that such proposed contract
 1103 is contrary to legislative policy and intent, Enterprise
 1104 Florida, Inc., may not execute such proposed contract.
 1105 Enterprise Florida, Inc., may not enter into multiple related
 1106 contracts to avoid the requirements of this paragraph. This
 1107 paragraph does not apply to contracts for the award of a
 1108 statutorily authorized incentive program.

1109 (8) Shall not create or establish any other entity,
 1110 corporation, or direct-support organization, unless authorized
 1111 by law.

1112 (9) Enterprise Florida, Inc., shall comply with the per
 1113 diem and travel expense provisions of s. 112.061.

1114 Section 22. Section 288.904, Florida Statutes, is amended
 1115 to read:

1116 288.904 Funding for Enterprise Florida, Inc.; performance
 1117 and return on the public's investment.—

1118 (1) (a) The Legislature may annually appropriate to
 1119 Enterprise Florida, Inc., a sum of money for its operations, and
 1120 separate line-item appropriations for each of the divisions
 1121 listed in s. 288.92.

1122 (b) The state's operating investment in Enterprise
 1123 Florida, Inc., and its divisions is the budget contracted by the
 1124 department to Enterprise Florida, Inc., less any funding that is
 1125 directed by the Legislature to be subcontracted to a specific

1126 recipient entity.

1127 (c) The board of directors of Enterprise Florida, Inc.,
 1128 shall adopt for each upcoming fiscal year an operating budget
 1129 for the organization, including its divisions, which specifies
 1130 the intended uses of the state's operating investment and a plan
 1131 for securing private sector support.

1132 (2) (a) The Legislature finds that it is a priority to
 1133 maximize private sector support in operating Enterprise Florida,
 1134 Inc., and its divisions, as an endorsement of its value and as
 1135 an enhancement of its efforts. Thus, the state appropriations
 1136 must be matched with private sector support equal to at least
 1137 100 percent of the state operational funding.

1138 (b) Private sector support in operating Enterprise
 1139 Florida, Inc., and its divisions includes:

1140 1. Cash given directly to Enterprise Florida, Inc., for
 1141 its operations, including contributions from at-large members of
 1142 the board of directors;

1143 2. Cash donations from organizations assisted by the
 1144 divisions;

1145 3. Cash jointly raised by Enterprise Florida, Inc., and a
 1146 private local economic development organization, a group of such
 1147 organizations, or a statewide private business organization that
 1148 supports collaborative projects;

1149 4. Cash generated by fees charged for products or services
 1150 of Enterprise Florida, Inc., and its divisions by sponsorship of

1151 events, missions, programs, and publications; and

1152 5. Copayments, stock, warrants, royalties, or other
1153 private resources dedicated to Enterprise Florida, Inc., or its
1154 divisions.

1155 (c) If Enterprise Florida, Inc., fails to meet the one-to-
1156 one match requirements of this subsection, the corporation shall
1157 revert all unmatched public contributions to the state treasury
1158 by June 30 of each fiscal year.

1159 ~~(3)(a) Specifically for the marketing and advertising~~
1160 ~~activities of the Division of Tourism Marketing or as contracted~~
1161 ~~through the Florida Tourism Industry Corporation, a one-to-one~~
1162 ~~match is required of private to public contributions within 4~~
1163 ~~calendar years after the implementation date of the marketing~~
1164 ~~plan pursuant to s. 288.923.~~

1165 ~~(b) For purposes of calculating the required one-to-one~~
1166 ~~match, matching private funds shall be divided into four~~
1167 ~~categories. Documentation for the components of the four private~~
1168 ~~match categories shall be kept on file for inspection as~~
1169 ~~determined necessary. The four private match categories are:~~

1170 ~~1. Direct cash contributions, which include, but are not~~
1171 ~~limited to, cash derived from strategic alliances, contributions~~
1172 ~~of stocks and bonds, and partnership contributions.~~

1173 ~~2. Fees for services, which include, but are not limited~~
1174 ~~to, event participation, research, and brochure placement and~~
1175 ~~transparencies.~~

1176 ~~3. Cooperative advertising, which is the value based on~~
1177 ~~cost of contributed productions, air time, and print space.~~

1178 ~~4. In-kind contributions, which include, but are not~~
1179 ~~limited to, the value of strategic alliance services~~
1180 ~~contributed, the value of loaned employees, discounted service~~
1181 ~~fees, items contributed for use in promotions, and radio or~~
1182 ~~television air time or print space for promotions. The value of~~
1183 ~~air time or print space shall be calculated by taking the actual~~
1184 ~~time or space and multiplying by the nonnegotiated unit price~~
1185 ~~for that specific time or space which is known as the media~~
1186 ~~equivalency value. In order to avoid duplication in determining~~
1187 ~~media equivalency value, only the value of the promotion itself~~
1188 ~~shall be included; the value of the items contributed for the~~
1189 ~~promotion may not be included.~~

1190 ~~(4)~~ Enterprise Florida, Inc., shall fully comply with the
1191 performance measures, standards, and sanctions in its contract
1192 with the department, under s. 20.60. The department shall
1193 ensure, to the maximum extent possible, that the contract
1194 performance measures are consistent with performance measures
1195 that it is required to develop and track under performance-based
1196 program budgeting. The contract shall also include performance
1197 measures for the divisions.

1198 (4)~~(5)~~ The Legislature intends to review the performance
1199 of Enterprise Florida, Inc., in achieving the performance goals
1200 stated in its annual contract with the department to determine

1201 whether the public is receiving a positive return on its
1202 investment in Enterprise Florida, Inc., and its divisions. It
1203 also is the intent of the Legislature that Enterprise Florida,
1204 Inc., coordinate its operations with local economic development
1205 organizations to maximize the state and local return on
1206 investment to create jobs for Floridians.

1207 (5) By August 15 of each fiscal year, the Department of
1208 Economic Opportunity shall submit a proposed operating budget
1209 for Enterprise Florida, Inc., including amounts to be expended
1210 on incentives, business recruitment, advertising, events, other
1211 operating capital outlay, and salaries and benefits for each
1212 employee to the Governor, the President of the Senate, and the
1213 Speaker of the House of Representatives.

1214 (6) (a) All executed Enterprise Florida, Inc., contracts
1215 are to be placed for viewing on the Enterprise Florida, Inc.,
1216 website.

1217 (b) A contract entered into between Enterprise Florida,
1218 Inc., and any other public or private entity shall include:

- 1219 1. The purpose of the contract.
1220 2. Specific performance standards and responsibilities for
1221 each entity.
1222 3. A detailed project or contract budget, if applicable.
1223 4. The value of any services provided.
1224 5. The projected travel and entertainment expenses for
1225 employees and board members, if applicable.

1226 (c)1. Any entity that in the previous fiscal year received
 1227 more than 50 percent of its revenue from Enterprise Florida,
 1228 Inc., or a tax imposed pursuant to s. 125.0104, s. 125.0108, or
 1229 s. 212.0305, and that partners with Enterprise Florida, Inc., in
 1230 a program or other activity offered by or in conjunction with
 1231 Enterprise, Florida, Inc., shall annually on July 1 report all
 1232 public and private financial data to the Governor, the President
 1233 of the Senate, and the Speaker of the House of Representatives,
 1234 and include such report on its website.

1235 2. The financial data shall include:

1236 a. The total amount of revenue received from public and
 1237 private sources.

1238 b. The operating budget of the partner entity.

1239 c. Employee and board member salary and benefit details
 1240 from public and private funds.

1241 d. An itemized account of all expenditures by the partner
 1242 entity on the behalf of, or coordinated for the benefit of,
 1243 Enterprise Florida, Inc., its board members, or employees.

1244 e. Itemized travel and entertainment expenditures of the
 1245 partner entity.

1246 (d) The following information must be posted on the
 1247 website of Enterprise Florida, Inc.:

1248 1. A plain language version of any contract that is
 1249 estimated to exceed \$35,000 with a private entity, municipality,
 1250 city, town, or vendor of services, supplies, or programs,

1251 including marketing, or for the purchase or lease or use of
1252 lands, facilities, or properties.

1253 2. Any agreement entered into between Enterprise Florida,
1254 Inc., and any other entity, including a local government,
1255 private entity, or nonprofit entity, that receives public funds
1256 or funds from a tax imposed pursuant to s. 125.0104, s.
1257 125.0108, or s. 212.0305.

1258 3. The contracts and the required information pursuant to
1259 paragraph (b) and the financial data submitted to Enterprise
1260 Florida, Inc., pursuant to paragraph (c).

1261 4. Video recordings of each board meeting.

1262 5. A detailed report of expenditures following each
1263 marketing or business recruitment event paid for with Enterprise
1264 Florida, Inc., funds. Such report must be posted within 10
1265 business days after the event.

1266 6. An annual itemized accounting of the total amount of
1267 funds spent by any third party on behalf of Enterprise Florida,
1268 Inc., or any board member or employee of Enterprise Florida,
1269 Inc.

1270 7. An annual itemized accounting of the total amount of
1271 travel and entertainment expenses by Enterprise Florida, Inc.

1272 (e) The Enterprise Florida, Inc., website must:

1273 1. Allow users to navigate to related sites to view
1274 supporting details.

1275 2. Enable a taxpayer to email questions to Enterprise

1276 Florida, Inc., and make such questions and Enterprise Florida,
 1277 Inc., responses publicly viewable.

1278 Section 23. Section 288.905, Florida Statutes, is amended
 1279 to read:

1280 288.905 President and employees of Enterprise Florida,
 1281 Inc.—

1282 (1) The board of directors of Enterprise Florida, Inc.,
 1283 shall appoint a president, who shall serve at the pleasure of
 1284 the Governor. The president shall also be known as the
 1285 "secretary of commerce" and shall serve as the Governor's chief
 1286 negotiator for business recruitment and business expansion.

1287 (2) The president is the chief administrative and
 1288 operational officer of the board of directors and of Enterprise
 1289 Florida, Inc., and shall direct and supervise the administrative
 1290 affairs of the board of directors and any divisions, councils,
 1291 or boards. The board of directors may delegate to the president
 1292 those powers and responsibilities it deems appropriate,
 1293 including hiring and management of all staff, except for the
 1294 appointment of a president.

1295 (3) The board of directors shall establish and adjust the
 1296 president's compensation.

1297 (4) No employee of Enterprise Florida, Inc., including an
 1298 officer or agent, the president, or the chief executive officer,
 1299 may receive public compensation for employment that exceeds the
 1300 salary and benefits authorized to be paid to the Governor~~7~~

1301 ~~unless the board of directors and the employee have executed a~~
1302 ~~contract that prescribes specific, measurable performance~~
1303 ~~outcomes for the employee, the satisfaction of which provides~~
1304 ~~the basis for the award of incentive payments that increase the~~
1305 ~~employee's total compensation to a level above the salary paid~~
1306 ~~to the Governor. Any public payments of performance bonuses or~~
1307 ~~severance pay to employees are prohibited unless specifically~~
1308 ~~authorized by law.~~

1309 (5) Lodging expenses for an employee of Enterprise
1310 Florida, Inc., may not exceed \$150 per day, excluding taxes,
1311 unless the corporation is participating in a negotiated group
1312 rate discount or the corporation provides documentation of at
1313 least three comparable alternatives demonstrating that such
1314 lodging at the required rate is not available. However, an
1315 employee of the corporation may expend his or her own funds for
1316 any lodging expenses in excess of \$150 per day.

1317 (6) Funds of Enterprise Florida, Inc., may not be expended
1318 for food, beverages, lodging, entertainment, or gifts for
1319 employees of the corporation, board members of the corporation,
1320 or employees of a tourist or economic development entity that
1321 receives revenue from a tax imposed pursuant to s. 125.0104, s.
1322 125.0108, or s. 212.0305, unless authorized pursuant to s.
1323 112.061 or this section. An employee or board member of
1324 Enterprise Florida, Inc., may not accept or receive food,
1325 beverages, lodging, entertainment, or gifts from a tourist or

1326 economic development entity that receives revenue from a tax
 1327 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, or
 1328 from any person, vendor, or other entity, doing business with
 1329 the corporation unless such food, beverage, lodging,
 1330 entertainment, or gift is available to similarly situated
 1331 members of the general public.

1332 Section 24. Paragraph (b) of subsection (2) of section
 1333 288.92, Florida Statutes, is amended to read:

1334 288.92 Divisions of Enterprise Florida, Inc.—

1335 (2)

1336 (b)1. The following officers and board members are subject
 1337 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 1338 112.3143(2):

1339 a. Officers and members of the board of directors of the
 1340 divisions of Enterprise Florida, Inc.

1341 b. Officers and members of the board of directors of
 1342 subsidiaries of Enterprise Florida, Inc.

1343 c. Officers and members of the board of directors of
 1344 corporations created to carry out the missions of Enterprise
 1345 Florida, Inc.

1346 d. Officers and members of the board of directors of
 1347 corporations with which a division is required by law to
 1348 contract to carry out its missions.

1349 2. For purposes of applying ss. 112.313(1)-(8), (10),
 1350 (12), and (15); 112.3135; and 112.3143(2) to activities of the

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1351 officers and members of the board of directors specified in
1352 subparagraph 1., those persons shall be considered public
1353 officers or employees and the corporation shall be considered
1354 their agency.

1355 ~~3. It is not a violation of s. 112.3143(2) or (4) for the~~
1356 ~~officers or members of the board of directors of the Florida~~
1357 ~~Tourism Industry Marketing Corporation to:~~

1358 ~~a. Vote on the 4-year marketing plan required under s.~~
1359 ~~288.923 or vote on any individual component of or amendment to~~
1360 ~~the plan.~~

1361 ~~b. Participate in the establishment or calculation of~~
1362 ~~payments related to the private match requirements of s.~~
1363 ~~288.904(3). The officer or member must file an annual disclosure~~
1364 ~~describing the nature of his or her interests or the interests~~
1365 ~~of his or her principals, including corporate parents and~~
1366 ~~subsidiaries of his or her principal, in the private match~~
1367 ~~requirements. This annual disclosure requirement satisfies the~~
1368 ~~disclosure requirement of s. 112.3143(4). This disclosure must~~
1369 ~~be placed either on the Florida Tourism Industry Marketing~~
1370 ~~Corporation's website or included in the minutes of each meeting~~
1371 ~~of the Florida Tourism Industry Marketing Corporation's board of~~
1372 ~~directors at which the private match requirements are discussed~~
1373 ~~or voted upon.~~

1374 Section 25. Paragraph (d) of subsection (4) of section
1375 288.923, Florida Statutes, is amended to read:

1376 288.923 Division of Tourism Marketing; definitions;
 1377 responsibilities.—

1378 (4) The division's responsibilities and duties include,
 1379 but are not limited to:

1380 (d) Drafting and submitting an annual report required by
 1381 s. 288.92. The annual report shall set forth for the division
 1382 and the direct-support organization:

1383 1. Operations and accomplishments during the fiscal year,
 1384 including the economic benefit of the state's investment and
 1385 effectiveness of the marketing plan.

1386 2. The 4-year marketing plan, including recommendations on
 1387 methods for implementing and funding the plan.

1388 3. The assets and liabilities of the direct-support
 1389 organization at the end of its most recent fiscal year.

1390 4. A copy of the annual financial and compliance audit
 1391 conducted under s. 288.1226(7) ~~288.1226(6)~~.

1392 Section 26. For the 2017-2018 fiscal year, the recurring
 1393 sum of \$26,000,000 and the nonrecurring sum of \$26,000,000 from
 1394 the State Economic Enhancement and Development Trust Fund and
 1395 the recurring sum of \$24,000,000 from the Tourism Promotional
 1396 Trust Fund are appropriated to the Department of Economic
 1397 Opportunity to enter into a contract with the Florida Tourism
 1398 Industry Marketing Corporation.

1399 Section 27. For the 2017-2018 fiscal year, the recurring
 1400 sum of \$9,400,000 from the State Economic Enhancement and

1401 Development Trust Fund and the recurring sum of \$6,600,000 from
1402 the Florida International Trade and Promotion Trust Fund are
1403 appropriated to the Department of Economic Opportunity to enter
1404 into a contract with Enterprise Florida, Inc., for operational
1405 purposes and to maintain its offices but excluding expenditures
1406 on any incentive tools or programs unless explicitly authorized
1407 by this act. From the funds appropriated from the Florida
1408 International Trade and Promotion Trust Fund, Enterprise
1409 Florida, Inc., shall allocate \$3,550,000 for international
1410 programs, \$2,050,000 to maintain Florida's international
1411 offices, and \$1,000,000 to continue the Florida Export
1412 Diversification and Expansion Programs.

1413 Section 28. For the 2017-2018 fiscal year, the
1414 nonrecurring sum of \$60,000,000 from the State Economic
1415 Enhancement and Development Trust Fund is appropriated to the
1416 Department of Economic Opportunity to administer contracts
1417 approved by the Governor for the Florida Job Growth Grant Fund
1418 pursuant to section 15 of this act. For the 2017-2018 fiscal
1419 year, the nonrecurring sum of \$25,000,000 from the State
1420 Transportation Trust Fund is appropriated to the Department of
1421 Transportation to enter into an agreement with the Department of
1422 Economic Opportunity to provide for infrastructure for contracts
1423 approved by the Governor for the Florida Job Growth Grant Fund
1424 pursuant to section 15 of this act. Additionally, the Executive
1425 Office of the Governor is authorized to process one or more

1426 budget amendments pursuant to s. 216.181(12), Florida Statutes,
1427 in a total amount not to exceed \$40,000,000 to provide for the
1428 non-operating transfer of funds from the State Transportation
1429 Trust Fund to the State Economic Enhancement and Development
1430 Trust Fund to support expenditures for the Florida Job Growth
1431 Grant Fund pursuant to section 15 of this act. No state
1432 appropriated funds other than those appropriated in this section
1433 may be expended on the Florida Job Growth Grant Fund.
1434 Additionally, notwithstanding s. 216.292, Florida Statutes, the
1435 funds appropriated herein are nontransferable. Notwithstanding
1436 s. 216.301, Florida Statutes, and pursuant to s. 216.351,
1437 Florida Statutes, the balance of any appropriation for the
1438 Florida Job Growth Grant Fund which is not disbursed by June 30
1439 of the fiscal year in which the funds are appropriated may be
1440 carried forward for up to 5 years after the effective date of
1441 the original appropriation.

1442 Section 29. This act shall take effect July 1, 2017.