



741856

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
06/07/2017	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 208 - 1113

and insert:

Section 3. Subsection (4) is added to section 288.1201, Florida Statutes, to read:

288.1201 State Economic Enhancement and Development Trust Fund.—

(4) (a) Beginning July 1, 2017, the department shall retain in the trust fund any state funds appropriated for any program



741856

11 created under this chapter which is funded in the General
12 Appropriations Act until the performance requirements
13 established under contract or by law for any economic
14 development incentives are submitted to and verified by the
15 department.

16 (b) The department shall return to the State Treasury all
17 funds held by any entity pursuant to a contract executed for the
18 Quick Action Closing Fund which are unexpended as of June 30,
19 2017. Such unexpended funds shall be deposited into the State
20 Economic Enhancement and Development Trust Fund. The department
21 shall take all steps necessary to comply with this paragraph by
22 September 1, 2017. The department shall notify the Governor, the
23 President of the Senate, and the Speaker of the House of
24 Representatives of its compliance with this paragraph by October
25 1, 2017.

26 (c) This subsection expires July 1, 2018.

27 Section 4. Section 288.1226, Florida Statutes, is amended
28 to read:

29 288.1226 Florida Tourism Industry Marketing Corporation;
30 use of property; board of directors; duties; audit.—

31 (1) DEFINITIONS.—For the purposes of this section, the term
32 “corporation” means the Florida Tourism Industry Marketing
33 Corporation.

34 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing
35 Corporation is a direct-support organization of Enterprise
36 Florida, Inc.

37 (a) The Florida Tourism Industry Marketing Corporation is a
38 corporation not for profit, as defined in s. 501(c)(6) of the
39 Internal Revenue Code of 1986, as amended, that is incorporated



741856

40 under the provisions of chapter 617 and approved by the
41 Department of State.

42 (b) The corporation is organized and operated exclusively
43 to request, receive, hold, invest, and administer property and
44 to manage and make expenditures for the operation of the
45 activities, services, functions, and programs of this state
46 which relate to the statewide, national, and international
47 promotion and marketing of tourism.

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

54 2. It is not a violation of s. 112.3143(2) or (4) for the
55 officers or members of the board of directors of the corporation
56 to:

57 a. Vote on the 4-year marketing plan required under s.
58 288.923 or vote on any individual component of or amendment to
59 the plan.

60 b. Participate in the establishment or calculation of
61 payments related to the private match requirements of subsection
62 (6). The officer or member must file an annual disclosure
63 describing the nature of his or her interests or the interests
64 of his or her principals, including corporate parents and
65 subsidiaries of his or her principal, in the private match
66 requirements. This annual disclosure requirement satisfies the
67 disclosure requirement of s. 112.3143(4). This disclosure must
68 be placed on the corporation's website or included in the



741856

69 minutes of each meeting of the corporation's board of directors
70 at which the private match requirements are discussed or voted
71 upon.

72 (d) The corporation is subject to the provisions of chapter
73 119, relating to public meetings, and those provisions of
74 chapter 286 relating to public meetings and records.

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

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

79 (b) Shall prescribe conditions with which the corporation
80 must comply in order to use property and facilities of
81 Enterprise Florida, Inc. Such conditions shall provide for
82 budget and audit review and for oversight by Enterprise Florida,
83 Inc.

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

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

95 (a) The board shall consist of 16 members, appointed in
96 such a manner as to equitably represent all geographic areas of
97 the state, with no fewer than two members from any of the



741856

98 following regions:

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

102 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
103 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
104 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
105 Taylor, and Union Counties.

106 3. Region 3, composed of Brevard, Indian River, Lake,
107 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
108 Volusia Counties.

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

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

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

115 (b) The 15 additional tourism-industry-related members
116 shall include 1 representative from the statewide rental car
117 industry; 7 representatives from tourist-related statewide
118 associations, including those that represent hotels,
119 campgrounds, county destination marketing organizations,
120 museums, restaurants, retail, and attractions; 3 representatives
121 from county destination marketing organizations; 1
122 representative from the cruise industry; 1 representative from
123 an automobile and travel services membership organization that
124 has at least 2.8 million members in Florida; 1 representative
125 from the airline industry; and 1 representative from the space
126 tourism industry, who will each serve for a term of 2 years.



741856

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

129 (a) May make and enter into contracts and assume such other
130 functions as are necessary to carry out the provisions of the 4-
131 year marketing plan required by s. 288.923, and the
132 corporation's contract with Enterprise Florida, Inc., which are
133 not inconsistent with this or any other provision of law. A
134 proposed contract with a total value of \$750,000 or more is
135 subject to the notice and review procedures of s. 216.177. If
136 the chair and vice chair of the Legislative Budget Commission,
137 or the President of the Senate and the Speaker of the House of
138 Representatives, timely advise the corporation in writing that
139 such proposed contract is contrary to legislative policy and
140 intent, the corporation may not execute such proposed contract.
141 The corporation may not enter into multiple related contracts to
142 avoid the requirements of this paragraph.

143 (b) May develop a program to provide incentives and to
144 attract and recognize those entities which make significant
145 financial and promotional contributions towards the expanded
146 tourism promotion activities of the corporation.

147 (c) May establish a cooperative marketing program with
148 other public and private entities which allows the use of the
149 VISIT Florida logo in tourism promotion campaigns which meet the
150 standards of Enterprise Florida, Inc., for which the corporation
151 may charge a reasonable fee.

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

155 (e) May adopt, use, and alter a common corporate seal.



741856

156 However, such seal must always contain the words "corporation
157 not for profit."

158 (f) Shall elect or appoint such officers and agents as its
159 affairs shall require and allow them reasonable compensation.
160 However, reasonable compensation for employment paid from funds
161 received from the state for any officer or agent, including the
162 president and chief executive officer of the corporation, may
163 not exceed the salary and benefits authorized to be paid to the
164 Governor. Any payments of performance bonuses or severance pay
165 paid from funds received from the state to an officer or agent
166 of the corporation are prohibited unless specifically authorized
167 by law.

168 (g) Shall hire and establish salaries and personnel and
169 employee benefit programs for such permanent and temporary
170 employees as are necessary to carry out the provisions of the 4-
171 year marketing plan and the corporation's contract with
172 Enterprise Florida, Inc., which are not inconsistent with this
173 or any other provision of law. However, an employee may not
174 receive compensation for employment paid from funds received
175 from the state which exceeds the salary and benefits authorized
176 to be paid to the Governor. Any payments of performance bonuses
177 or severance pay paid from funds received from the state to
178 employees of the corporation are prohibited unless specifically
179 authorized by law.

180 ~~(h) Shall provide staff support to the Division of Tourism~~
181 ~~Promotion of Enterprise Florida, Inc. The president and chief~~
182 ~~executive officer of the Florida Tourism Industry Marketing~~
183 ~~Corporation shall serve without compensation as the director of~~
184 ~~the division.~~



741856

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

189 (i)~~(j)~~ May conduct its affairs, carry on its operations,
190 and have offices and exercise the powers granted by this act in
191 any state, territory, district, or possession of the United
192 States or any foreign country. Where feasible, appropriate, and
193 recommended by the 4-year marketing plan developed by the
194 Division of Tourism Promotion of Enterprise Florida, Inc., the
195 corporation may collocate the programs of foreign tourism
196 offices in cooperation with any foreign office operated by any
197 agency of this state.

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

201 (k)~~(l)~~ May request or accept any grant, payment, or gift,
202 of funds or property made by this state or by the United States
203 or any department or agency thereof or by any individual, firm,
204 corporation, municipality, county, or organization for any or
205 all of the purposes of the 4-year marketing plan and the
206 corporation's contract with Enterprise Florida, Inc., that are
207 not inconsistent with this or any other provision of law. Such
208 funds shall be deposited in a bank account established by the
209 corporation's board of directors. The corporation may expend
210 such funds in accordance with the terms and conditions of any
211 such grant, payment, or gift, in the pursuit of its
212 administration or in support of the programs it administers. The
213 corporation shall separately account for the public funds and



741856

214 the private funds deposited into the corporation's bank account.

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

218 (m)~~(n)~~ In the performance of its duties, may undertake, or
219 contract for, marketing projects and advertising research
220 projects.

221 (n)~~(o)~~ In addition to any indemnification available under
222 chapter 617, the corporation may indemnify, and purchase and
223 maintain insurance on behalf of, directors, officers, and
224 employees of the corporation against any personal liability or
225 accountability by reason of actions taken while acting within
226 the scope of their authority.

227 (o) May not create or establish any other entity,
228 corporation, or direct-support organization.

229 (p) May not expend funds, public or private, that directly
230 benefit only one company, corporation, or business entity.

231 (6) MATCHING REQUIREMENTS.-

232 (a) A one-to-one match is required of private to public
233 contributions to the corporation. Public contributions include
234 all state appropriations to the corporation and exclude taxes
235 derived pursuant to s. 125.0104.

236 (b) For purposes of calculating the required one-to-one
237 match, the private contributions the corporation receives must
238 be in one of four private match categories. The corporation
239 shall maintain documentation of such categorized contributions
240 on file and make such documentation available for inspection
241 upon reasonable notice during its regular business hours.
242 Contribution details shall be included in the quarterly reports



741856

243 required under subsection (8). The private match categories are:

244 1. Direct cash contributions from private sources, which
245 include, but are not limited to, cash derived from strategic
246 alliances, contributions of stocks and bonds, and partnership
247 contributions.

248 2. Fees for services, which include, but are not limited
249 to, event participation, research, and brochure placement and
250 transparencies.

251 3. Cooperative advertising, which is limited to partner
252 expenditures for paid media placement, partner expenditures for
253 collateral material distribution, and the actual market value of
254 contributed productions, air time, and print space.

255 4. In-kind contributions, which are limited to the actual
256 market value of promotional contributions of partner-supplied
257 benefits to target audiences and the actual market value of
258 nonpartner-supplied air time or print space contributed for the
259 broadcasting or printing of such promotions, which would
260 otherwise require tourist promotion expenditures by the
261 corporation for advertising, air travel, rental car fees, hotel
262 rooms, RV or campsite space rental, onsite guest services, and
263 admission tickets. The net value of air time or print space, if
264 any, shall be deemed to be the actual market value of the air
265 time or print space, based on an average of actual unit prices
266 paid contemporaneously for comparable times or spaces, less the
267 value of increased ratings or other benefits realized by the
268 media outlet as a result of the promotion.

269
270 Contributions from a governmental entity or from an entity that
271 received more than 50 percent of its revenue in the previous



741856

272 fiscal year from public sources, including revenue derived from
273 taxes, other than taxes collected pursuant to s. 125.0104, from
274 fees, or from other government revenues, are not considered
275 private contributions for purposes of calculating the required
276 one-to-one match.

277 (7)~~(6)~~ ANNUAL AUDIT.—The corporation shall provide for an
278 annual financial audit in accordance with s. 215.981. The annual
279 audit report shall be submitted to the Auditor General; the
280 Office of Program Policy Analysis and Government Accountability;
281 Enterprise Florida, Inc.; and the department for review. The
282 Office of Program Policy Analysis and Government Accountability;
283 Enterprise Florida, Inc.; the department; and the Auditor
284 General have the authority to require and receive from the
285 corporation or from its independent auditor any detail or
286 supplemental data relative to the operation of the corporation.
287 The department shall annually certify whether the corporation is
288 operating in a manner and achieving the objectives that are
289 consistent with the policies and goals of Enterprise Florida,
290 Inc., and its long-range marketing plan. The identity of a donor
291 or prospective donor to the corporation who desires to remain
292 anonymous and all information identifying such donor or
293 prospective donor are confidential and exempt from the
294 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
295 Constitution. Such anonymity shall be maintained in the
296 auditor's report.

297 (8)~~(7)~~ REPORT.—The corporation shall provide a quarterly
298 report to Enterprise Florida, Inc., which shall:

299 (a) Measure the current vitality of the visitor industry of
300 this state as compared to the vitality of such industry for the



741856

301 year to date and for comparable quarters of past years.
302 Indicators of vitality shall be determined by Enterprise
303 Florida, Inc., and shall include, but not be limited to,
304 estimated visitor count and party size, length of stay, average
305 expenditure per party, and visitor origin and destination.

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

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

310 (d) Review all pertinent research findings.

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

313

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

317 (9) ~~(8)~~ PUBLIC RECORDS EXEMPTION.—The identity of any person
318 who responds to a marketing project or advertising research
319 project conducted by the corporation in the performance of its
320 duties on behalf of Enterprise Florida, Inc., or trade secrets
321 as defined by s. 812.081 obtained pursuant to such activities,
322 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
323 Constitution. This subsection is subject to the Open Government
324 Sunset Review Act in accordance with s. 119.15 and shall stand
325 repealed on October 2, 2021, unless reviewed and saved from
326 repeal through reenactment by the Legislature.

327 (10) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—Funds of the
328 corporation may not be expended for food, beverages, lodging,
329 entertainment, or gifts for employees of the corporation, board



741856

330 members of the corporation, or employees of a tourist or
331 economic development entity that receives revenue from a tax
332 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305,
333 unless authorized pursuant to s. 112.061 or this section. An
334 employee or board member of the corporation may not accept or
335 receive food, beverages, lodging, entertainment, or gifts from
336 an economic development entity that receives revenue only from a
337 tax imposed pursuant to s. 125.0108 or s. 212.0305, or from any
338 person, vendor, or other entity doing business with the
339 corporation unless such food, beverage, lodging, entertainment,
340 or gift is available to similarly situated members of the
341 general public.

342 (11) LODGING EXPENSES.—Lodging expenses for an employee of
343 the corporation may not exceed \$150 per day, excluding taxes,
344 unless the corporation is participating in a negotiated group
345 rate discount or the corporation provides documentation of at
346 least three comparable alternatives demonstrating that such
347 lodging at the required rate is not available. However, an
348 employee of the corporation may expend his or her own funds for
349 any lodging expenses in excess of \$150 per day.

350 (12) PROPOSED OPERATING BUDGET SUBMISSION.—By August 15 of
351 each fiscal year, the department shall submit a proposed
352 operating budget for the corporation, including amounts to be
353 expended on advertising, marketing, promotions, events, other
354 operating capital outlay, and salaries and benefits for each
355 employee, to the Governor, the President of the Senate, and the
356 Speaker of the House of Representatives.

357 (13) TRANSPARENCY.—

358 (a) All contracts executed by the corporation shall be



741856

359 placed for viewing on the corporation's website. All contracts
360 with the corporation valued at \$500,000 or more shall be placed
361 on the corporation's website for review 14 days before
362 execution. A contract entered into between the corporation and
363 any other public or private entity shall include:

- 364 1. The purpose of the contract.
365 2. Specific performance standards and responsibilities for
366 each entity.
367 3. A detailed project or contract budget, if applicable.
368 4. The value of any services provided.
369 5. The projected travel and entertainment expenses for
370 employees and board members, if applicable.

371 (b)1. Any entity that in the previous fiscal year received
372 more than 50 percent of its revenue from the corporation or from
373 taxes imposed pursuant to s. 125.0108 or s. 212.0305, and that
374 partners with the corporation or participates in a program,
375 cooperative advertisement, promotional opportunity, or other
376 activity offered by or in conjunction with the corporation,
377 shall annually report by July 1 all public and private financial
378 data posted on its website to the Governor, the President of the
379 Senate, and the Speaker of the House of Representatives.

- 380 2. The financial data shall include:
381 a. The total amount of revenue received from public and
382 private sources.
383 b. The operating budget of the partner entity.
384 c. Employee and board member salary and benefit details
385 from public and private funds.
386 d. An itemized accounting of all expenditures by the
387 partner entity on behalf of, or coordinated for the benefit of,



741856

388 the corporation, its board members, or employees.

389 e. Itemized travel and entertainment expenditures of the
390 partner entity.

391 (c) The following information must be posted on the
392 corporation's website:

393 1. A plain language version of any contract estimated to
394 exceed \$35,000 with a private entity, municipality, county,
395 town, or vendor of services, supplies, or programs, including
396 marketing, or for the purchase or lease or use of lands,
397 facilities, or properties.

398 2. Any agreement entered into between the corporation and
399 any other entity, including a local government, private entity,
400 or nonprofit entity, which receives public funds or funds from a
401 tax imposed pursuant to s. 125.0104, s. 125.0108, or s.
402 212.0305.

403 3. The contracts and the required information pursuant to
404 paragraph (a) and the financial data submitted to the
405 corporation pursuant to paragraph (b).

406 4. Video recordings of each board meeting.

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

410 6. An annual itemized accounting of the total amount of
411 funds spent by any third party on behalf of the corporation or
412 any board member or employee of the corporation.

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

415 (d) The corporation's website must:

416 1. Allow users to navigate to related sites to view



741856

417 supporting details.

418 2. Enable a taxpayer to e-mail questions to the corporation
419 and make such questions and the corporation's responses publicly
420 viewable.

421 (14)-(9) REPEAL.—This section is repealed October 1, 2019,
422 unless reviewed and saved from repeal by the Legislature.

423 Section 5. Section 288.12266, Florida Statutes, is created
424 to read:

425 288.12266 Targeted Marketing Assistance Program.—

426 (1) The Targeted Marketing Assistance Program is created to
427 enhance the tourism business marketing of small, minority,
428 rural, and agritourism businesses in the state. The department,
429 in conjunction with the Florida Tourism Industry Marketing
430 Corporation, shall administer the program. The program shall
431 provide marketing plans, marketing assistance, promotional
432 support, media development, technical expertise, marketing
433 advice, technology training, social marketing support, and other
434 assistance to an eligible entity.

435 (2) As used in this section, the term "eligible entity"
436 means an independently owned and operated business with gross
437 revenue not exceeding \$1.25 million or a nonprofit corporation
438 that meets the requirements of s. 501(c) (3) of the Internal
439 Revenue Code.

440 (3) The department and the Florida Tourism Industry
441 Marketing Corporation shall provide an annual report to the
442 Governor, the President of the Senate, and the Speaker of the
443 House of Representatives documenting that at least 50 percent of
444 the eligible entities receiving assistance through this program
445 are independently owned and operated businesses with gross



741856

446 revenues not exceeding \$500,000.

447 Section 6. Section 288.124, Florida Statutes, is amended to
448 read:

449 288.124 Convention grants program.—The Florida Tourism
450 Industry Marketing Corporation ~~Enterprise Florida, Inc.~~, is
451 authorized to establish a convention grants program and,
452 pursuant to that program, to recommend to the department
453 expenditures and contracts with local governments and nonprofit
454 corporations or organizations for the purpose of attracting
455 national conferences and conventions to Florida. Preference
456 shall be given to local governments and nonprofit corporations
457 or organizations seeking to attract minority conventions to
458 Florida. Minority conventions are events that primarily involve
459 minority persons, as defined in s. 288.703, who are residents or
460 nonresidents of the state. The Florida Tourism Industry
461 Marketing Corporation ~~Enterprise Florida, Inc.~~, shall establish
462 guidelines governing the award of grants and the administration
463 of this program. The department has final approval authority for
464 any grants under this section. The total annual allocation of
465 funds for this program shall not exceed \$40,000.

466 Section 7. Subsection (5) of section 288.901, Florida
467 Statutes, is amended to read:

468 288.901 Enterprise Florida, Inc.—

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

470 (a) In addition to the Governor or his or her designee, the
471 board of directors shall consist of the following appointed
472 members:

- 473 1. The Commissioner of Education or his or her designee.
- 474 2. The Chief Financial Officer or his or her designee.



741856

475 3. The Attorney General or his or her designee.
476 4. The Commissioner of Agriculture or his or her designee.
477 5. The chairperson of the board of directors of
478 CareerSource Florida, Inc.

479 6. The Secretary of State or his or her designee.

480 7. Twelve members from the private sector, six of whom
481 shall be appointed by the Governor, three of whom shall be
482 appointed by the President of the Senate, and three of whom
483 shall be appointed by the Speaker of the House of
484 Representatives. Members appointed by the Governor are subject
485 to Senate confirmation.

486 (b) In making their appointments, the Governor, the
487 President of the Senate, and the Speaker of the House of
488 Representatives shall ensure that the composition of the board
489 of directors reflects the diversity of Florida's business
490 community and is representative of the economic development
491 goals in subsection (2). The board must include at least one
492 director for each of the following areas of expertise:
493 international business, tourism marketing, the space or
494 aerospace industry, managing or financing a minority-owned
495 business, manufacturing, finance and accounting, and sports
496 marketing.

497 (c) The Governor, the President of the Senate, and the
498 Speaker of the House of Representatives also shall consider
499 appointees who reflect Florida's racial, ethnic, and gender
500 diversity. Efforts shall be taken to ensure participation from
501 all geographic areas of the state, including representation from
502 urban and rural communities.

503 (d) Appointed members shall be appointed to 4-year terms,



741856

504 except that initially, to provide for staggered terms, the
505 Governor, the President of the Senate, and the Speaker of the
506 House of Representatives shall each appoint one member to serve
507 a 2-year term and one member to serve a 3-year term, with the
508 remaining initial appointees serving 4-year terms. All
509 subsequent appointments shall be for 4-year terms.

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

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

515 (g) A vacancy on the board of directors shall be filled for
516 the remainder of the unexpired term. Vacancies on the board
517 shall be filled by appointment by the Governor, the President of
518 the Senate, or the Speaker of the House of Representatives,
519 respectively, depending on who appointed the member whose
520 vacancy is to be filled or whose term has expired.

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

525

526 All board members shall serve without compensation, but are
527 entitled to receive reimbursement for per diem and travel
528 expenses pursuant to s. 112.061. Such expenses must be paid out
529 of funds of Enterprise Florida, Inc.

530 Section 8. Subsections (7), (8), and (9) are added to
531 section 288.903, Florida Statutes, to read:

532 288.903 Duties of Enterprise Florida, Inc.—Enterprise



741856

533 Florida, Inc., shall have the following duties:

534 (7) Submit all proposed contracts with a total value of
535 \$750,000 or more in accordance with the notice and review
536 procedures of s. 216.177. If the chair and vice chair of the
537 Legislative Budget Commission, or the President of the Senate
538 and the Speaker of the House of Representatives, timely advise
539 Enterprise Florida, Inc., in writing that such proposed contract
540 is contrary to legislative policy and intent, Enterprise
541 Florida, Inc., may not execute such proposed contract.
542 Enterprise Florida, Inc., may not enter into multiple related
543 contracts to avoid the requirements of this subsection. This
544 subsection does not apply to contracts for the award of a
545 statutorily authorized incentive program.

546 (8) May not create or establish any other entity,
547 corporation, or direct-support organization, unless authorized
548 by law.

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

551 Section 9. Section 288.904, Florida Statutes, is amended to
552 read:

553 288.904 Funding for Enterprise Florida, Inc.; performance
554 and return on the public's investment.-

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

559 (b) The state's operating investment in Enterprise Florida,
560 Inc., and its divisions is the budget contracted by the
561 department to Enterprise Florida, Inc., less any funding that is



741856

562 directed by the Legislature to be subcontracted to a specific
563 recipient entity.

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

569 (2) (a) The Legislature finds that it is a priority to
570 maximize private sector support in operating Enterprise Florida,
571 Inc., and its divisions, as an endorsement of its value and as
572 an enhancement of its efforts. Thus, the state appropriations
573 must be matched with private sector support equal to at least
574 100 percent of the state operational funding.

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

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

580 2. Cash donations from organizations assisted by the
581 divisions;

582 3. Cash jointly raised by Enterprise Florida, Inc., and a
583 private local economic development organization, a group of such
584 organizations, or a statewide private business organization that
585 supports collaborative projects;

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

589 5. Copayments, stock, warrants, royalties, or other private
590 resources dedicated to Enterprise Florida, Inc., or its



741856

591 divisions.

592 ~~(3) (a) Specifically for the marketing and advertising~~
593 ~~activities of the Division of Tourism Marketing or as contracted~~
594 ~~through the Florida Tourism Industry Corporation, a one-to-one~~
595 ~~match is required of private to public contributions within 4~~
596 ~~calendar years after the implementation date of the marketing~~
597 ~~plan pursuant to s. 288.923.~~

598 ~~(b) For purposes of calculating the required one-to-one~~
599 ~~match, matching private funds shall be divided into four~~
600 ~~categories. Documentation for the components of the four private~~
601 ~~match categories shall be kept on file for inspection as~~
602 ~~determined necessary. The four private match categories are:~~

603 ~~1. Direct cash contributions, which include, but are not~~
604 ~~limited to, cash derived from strategic alliances, contributions~~
605 ~~of stocks and bonds, and partnership contributions.~~

606 ~~2. Fees for services, which include, but are not limited~~
607 ~~to, event participation, research, and brochure placement and~~
608 ~~transparencies.~~

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

611 ~~4. In-kind contributions, which include, but are not~~
612 ~~limited to, the value of strategic alliance services~~
613 ~~contributed, the value of loaned employees, discounted service~~
614 ~~fees, items contributed for use in promotions, and radio or~~
615 ~~television air time or print space for promotions. The value of~~
616 ~~air time or print space shall be calculated by taking the actual~~
617 ~~time or space and multiplying by the nonnegotiated unit price~~
618 ~~for that specific time or space which is known as the media~~
619 ~~equivalency value. In order to avoid duplication in determining~~



741856

620 ~~media equivalency value, only the value of the promotion itself~~
621 ~~shall be included; the value of the items contributed for the~~
622 ~~promotion may not be included.~~

623 ~~(4)~~ Enterprise Florida, Inc., shall fully comply with the
624 performance measures, standards, and sanctions in its contract
625 with the department, under s. 20.60. The department shall
626 ensure, to the maximum extent possible, that the contract
627 performance measures are consistent with performance measures
628 that it is required to develop and track under performance-based
629 program budgeting. The contract shall also include performance
630 measures for the divisions.

631 (4)~~(5)~~ The Legislature intends to review the performance of
632 Enterprise Florida, Inc., in achieving the performance goals
633 stated in its annual contract with the department to determine
634 whether the public is receiving a positive return on its
635 investment in Enterprise Florida, Inc., and its divisions. It
636 also is the intent of the Legislature that Enterprise Florida,
637 Inc., coordinate its operations with local economic development
638 organizations to maximize the state and local return on
639 investment to create jobs for Floridians.

640 (5) By August 15 of each fiscal year, the department shall
641 submit a proposed operating budget for Enterprise Florida, Inc.,
642 including amounts to be expended on incentives, business
643 recruitment, advertising, events, other operating capital
644 outlay, and salaries and benefits for each employee to the
645 Governor, the President of the Senate, and the Speaker of the
646 House of Representatives.

647 (6) (a) All contracts executed by Enterprise Florida, Inc.,
648 shall be placed for viewing on the corporation's website.



741856

649 (b) A contract entered into between Enterprise Florida,
650 Inc., and any other public or private entity must include:
651 1. The purpose of the contract.
652 2. Specific performance standards and responsibilities for
653 each entity.
654 3. A detailed project or contract budget, if applicable.
655 4. The value of any services provided.
656 5. The projected travel and entertainment expenses for
657 employees and board members, if applicable.
658 (c)1. Any entity that in the previous fiscal year received
659 more than 50 percent of its revenue from Enterprise Florida,
660 Inc., or from a tax imposed pursuant to s. 125.0104, s.
661 125.0108, or s. 212.0305, and that partners with Enterprise
662 Florida, Inc., in a program or other activity offered by or in
663 conjunction with Enterprise Florida, Inc., shall annually report
664 by July 1 all public and private financial data posted on its
665 website to the Governor, the President of the Senate, and the
666 Speaker of the House of Representatives.
667 2. The financial data shall include:
668 a. The total amount of revenue received from public and
669 private sources.
670 b. The operating budget of the partner entity.
671 c. Employee and board member salary and benefit details
672 from public and private funds.
673 d. An itemized accounting of all expenditures by the
674 partner entity on behalf of, or coordinated for the benefit of,
675 Enterprise Florida, Inc., its board members, or employees.
676 e. Itemized travel and entertainment expenditures of the
677 partner entity.



741856

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

680 1. A plain language version of any contract that is
681 estimated to exceed \$35,000 with a private entity, municipality,
682 county, town, or vendor of services, supplies, or programs,
683 including marketing, or for the purchase or lease or use of
684 lands, facilities, or properties.

685 2. Any agreement entered into between Enterprise Florida,
686 Inc., and any other entity, including a local government,
687 private entity, or nonprofit entity, which receives public funds
688 or funds from a tax imposed pursuant to s. 125.0104, s.
689 125.0108, or s. 212.0305.

690 3. The contracts and the required information pursuant to
691 paragraph (b) and the financial data submitted to Enterprise
692 Florida, Inc., pursuant to paragraph (c).

693 4. Video recordings of each board meeting.

694 5. A detailed report of expenditures following each
695 marketing or business recruitment event paid for with Enterprise
696 Florida, Inc., funds. Such report must be posted within 10
697 business days after the event.

698 6. An annual itemized accounting of the total amount of
699 funds spent by any third party on behalf of Enterprise Florida,
700 Inc., or any board member or employee of Enterprise Florida,
701 Inc.

702 7. An annual itemized accounting of the total amount of
703 travel and entertainment expenditures by Enterprise Florida,
704 Inc.

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

706 1. Allow users to navigate to related sites to view



741856

707 supporting details.

708 2. Enable a taxpayer to e-mail questions to Enterprise
709 Florida, Inc., and make such questions and Enterprise Florida,
710 Inc., responses publicly viewable.

711 Section 10. Section 288.905, Florida Statutes, is amended
712 to read:

713 288.905 President and employees of Enterprise Florida,
714 Inc.—

715 (1) The board of directors of Enterprise Florida, Inc.,
716 shall appoint a president, who shall serve at the pleasure of
717 the Governor. The president shall also be known as the
718 “secretary of commerce” and shall serve as the Governor’s chief
719 negotiator for business recruitment and business expansion.

720 (2) The president is the chief administrative and
721 operational officer of the board of directors and of Enterprise
722 Florida, Inc., and shall direct and supervise the administrative
723 affairs of the board of directors and any divisions, councils,
724 or boards. The board of directors may delegate to the president
725 those powers and responsibilities it deems appropriate,
726 including hiring and management of all staff, except for the
727 appointment of a president.

728 (3) The board of directors shall establish and adjust the
729 president’s compensation.

730 (4) An ~~Ne~~ employee of Enterprise Florida, Inc., including
731 an officer or agent, the president, or the chief executive
732 officer, may not receive compensation for employment paid from
733 funds received from the state which ~~that~~ exceeds the salary and
734 benefits authorized to be paid to the Governor, unless the board
735 of directors and the employee have executed a contract that



741856

736 ~~prescribes specific, measurable performance outcomes for the~~
737 ~~employee, the satisfaction of which provides the basis for the~~
738 ~~award of incentive payments that increase the employee's total~~
739 ~~compensation to a level above the salary paid to the Governor.~~
740 Any payments of performance bonuses or severance pay paid from
741 funds received from the state to employees are prohibited unless
742 specifically authorized by law.

743 (5) Lodging expenses for an employee of Enterprise Florida,
744 Inc., may not exceed \$150 per day, excluding taxes, unless
745 Enterprise Florida, Inc., is participating in a negotiated group
746 rate discount or Enterprise Florida, Inc., provides
747 documentation of at least three comparable alternatives
748 demonstrating that such lodging at the required rate is not
749 available. However, an employee of Enterprise Florida, Inc., may
750 expend his or her own funds for any lodging expenses in excess
751 of \$150 per day.

752 (6) Funds of Enterprise Florida, Inc., may not be expended
753 for food, beverages, lodging, entertainment, or gifts for
754 employees of Enterprise Florida, Inc., board members of
755 Enterprise Florida, Inc., or employees of a tourist or economic
756 development entity that receives revenue from a tax imposed
757 pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, unless
758 authorized pursuant to s. 112.061 or this section. An employee
759 or board member of Enterprise Florida, Inc., may not accept or
760 receive food, beverages, lodging, entertainment, or gifts from a
761 tourist or economic development entity that receives revenue
762 from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.
763 212.0305, or from any person, vendor, or other entity doing
764 business with the corporation unless such food, beverage,



741856

765 lodging, entertainment, or gift is available to similarly
766 situated members of the general public.

767 Section 11. For the 2017-2018 fiscal year, the recurring
768 sum of \$26 million and the nonrecurring sum of \$26 million from
769 the State Economic Enhancement and Development Trust Fund and
770 the recurring sum of \$24 million from the Tourism Promotional
771 Trust Fund are appropriated to the Department of Economic
772 Opportunity to contract with the Florida Tourism Industry
773 Marketing Corporation.

774 Section 12. For the 2017-2018 fiscal year, the recurring
775 sum of \$9.4 million from the State Economic Enhancement and
776 Development Trust Fund and the recurring sum of \$6.6 million
777 from the Florida International Trade and Promotion Trust Fund
778 are appropriated to the Department of Economic Opportunity to
779 contract with Enterprise Florida, Inc., for operational purposes
780 and to maintain its offices but excluding expenditures on any
781 incentive tools or programs unless explicitly authorized by this
782 act. From the funds appropriated from the Florida International
783 Trade and Promotion Trust Fund, Enterprise Florida, Inc., shall
784 allocate \$3.55 million for international programs, \$2.05 million
785 to maintain Florida's international offices, and \$1 million to
786 continue the Florida Export Diversification and Expansion
787 Programs.

788
789 ===== T I T L E A M E N D M E N T =====

790 And the title is amended as follows:

791 Delete lines 6 - 25

792 and insert:

793 to the General Revenue Fund; amending