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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2018	.	
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The Committee on Commerce and Tourism (Perry) recommended the following:

1 **Senate Amendment to Amendment (655428) (with title**
2 **amendment)**

3
4 Delete lines 322 - 584
5 and insert:

6 (1) DEFINITIONS.—For purposes of this section, the term:

7 (a) "Local governmental entity" means the county or
8 municipality on whose behalf the tourism promotion agency
9 engages in tourism promotion activity.

10 (b) "Promote tourism development" means using public funds



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11 to promote or perform the activities described in s.
12 125.0104(5).

13 (c) "Tourism promotion agency" means an entity, including,
14 but not limited to, an agency as defined in s. 119.011, that
15 receives public funds to promote tourism development on behalf
16 of one or more local governmental entities.

17 1. The term also includes any local governmental entity or
18 any entity under contract with one or more local governmental
19 entities to promote tourism development on behalf of such local
20 governmental entity or entities through the expenditure of
21 public funds.

22 2. For purposes of this section, the Florida Tourism
23 Industry Marketing Corporation and the Department of Economic
24 Opportunity are not considered tourism promotion agencies.

25 (2) OPERATION.—A tourism promotion agency must operate in
26 accordance with the following:

27 (a) Directors, officers, and members of the board of
28 directors of a tourism promotion agency shall disclose to the
29 board any activity that may reasonably be construed to be a
30 conflict of interest.

31 (b) Board members shall serve without compensation.

32 (c) Officers, employees, or agents, including the president
33 or chief executive officer, may not receive compensation from
34 public funds for the performance of tourism promotion-related
35 duties, responsibilities, or services in an amount that exceeds
36 the annual compensation of the chief administrative or executive
37 officer or employee of the local governmental entity on whose
38 behalf such duties, responsibilities, or services are performed.
39 Any payments of performance bonuses or severance pay to



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40 officers, employees, or agents from public funds are prohibited
41 unless specifically authorized by law.

42 (3) TRANSPARENCY.—

43 (a) All contracts entered into by a tourism promotion
44 agency must include:

45 1. The purpose of the contract.

46 2. Specific performance standards and responsibilities for
47 each entity.

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

49 4. The value of any services provided.

50 5. The projected travel and entertainment expenses for
51 employees and board members, if applicable.

52 (b)1. A tourism promotion agency shall submit to the
53 governing body of the local governmental entity, within 45 days
54 after the end of its fiscal year, a complete and detailed report
55 setting forth all public and private financial data of the
56 tourism promotion agency, and shall publish such report on its
57 website.

58 2. The financial data must include:

59 a. The total amount of revenue received from public and
60 private sources.

61 b. The operating budget.

62 c. The total amount of salary, benefits, and other
63 compensation provided by the tourism promotion agency to its
64 officers, employees, or agents, regardless of the funding
65 source.

66 d. An itemized account of all expenditures, including all
67 travel and entertainment expenditures.

68 e. All contracts with a total contract value of \$5,000 or



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69 more.

70 (c) A tourism promotion agency that fails to comply with
71 the transparency and accountability requirements of this
72 subsection may not receive or expend public funds until it
73 becomes fully compliant.

74 (d) The local governmental entity shall maintain and
75 provide online access to all of the information required under
76 this subsection and s. 125.0104(4)(f). Each local governmental
77 entity shall provide the Department of Economic Opportunity with
78 the specific website address where the required information is
79 published and maintained online, and the Department of Economic
80 Opportunity shall publish and maintain a single online directory
81 that lists each local governmental entity and the specific
82 website address where such required information may be located.

83
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete lines 726 - 767

87 and insert:

88 accounts and records; creating s. 288.0751, F.S.;

89 defining terms; providing requirements for the

90 operation of economic development agencies; requiring

91 specified persons to file an annual disclosure of

92 certain interests; providing requirements for such

93 disclosure; requiring board members to serve without

94 compensation; authorizing per diem and travel expenses

95 for certain persons paid from specified funds;

96 prohibiting specified persons from receiving public

97 compensation in excess of a certain amount;



98 prohibiting certain performance bonuses and severance
99 pay except under certain circumstances; subjecting
100 certain persons to a specified code of ethics;
101 requiring an economic development agency to take
102 certain actions regarding a significant potential
103 conflict of interest; limiting lodging expenses for
104 certain persons; providing an exception; authorizing
105 certain persons to expend their own funds in excess of
106 the lodging expense limit; prohibiting the expenditure
107 of economic development agency funds on certain items
108 unless authorized by law; prohibiting specified
109 persons from accepting certain items from specified
110 entities under certain circumstances; requiring that
111 contracts include specified information; requiring
112 that certain contracts be submitted to the governing
113 body of the local governmental entity and published on
114 such entity's website within a certain timeframe;
115 prohibiting an economic development agency from
116 executing certain contracts without obtaining a
117 majority vote of the governing body of the local
118 governmental entity; requiring an economic development
119 agency to submit a report of financial data to the
120 governing body of a local governmental entity and
121 publish such report on its website within a certain
122 timeframe; requiring that the financial data include
123 certain items; requiring that an economic development
124 agency's website contain certain information;
125 specifying that certain records are public records;
126 requiring an economic development agency to provide



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127 online access to certain information; requiring an
128 economic development agency to provide the Department
129 of Economic Opportunity with a certain website
130 address; requiring the department to publish and
131 maintain a directory of certain information;
132 prohibiting an economic development agency from
133 receiving or expending public funds while in violation
134 of certain requirements; requiring the Auditor General
135 to conduct certain audits and report to certain
136 persons if certain violations are found; providing
137 that it is unlawful to knowingly and willfully make
138 materially false or misleading statements, provide
139 false or misleading information, fail to report
140 certain information, or purposefully avoid specified
141 requirements; providing civil and criminal penalties;
142 providing applicability; requiring a local
143 governmental entity to cease and desist from
144 transferring or providing public funds to an economic
145 development agency that fails to comply with this
146 section; creating s. 288.12261, F.S.; defining terms;
147 providing requirements for the operation of tourism
148 promotion agencies; requiring board members to serve
149 without compensation; prohibiting specified persons
150 from receiving public compensation in excess of a
151 certain amount; prohibiting certain performance
152 bonuses and severance pay except under certain
153 circumstances; requiring that contracts include
154 specified information; requiring a tourism promotion
155 agency to submit a report of financial data to the



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156 governing body of the local governmental entity and
157 publish such report on its website within a certain
158 timeframe; requiring that the financial data include
159 certain items; prohibiting a tourism promotion agency
160 from receiving or expending public funds while in
161 violation of certain requirements; requiring a local
162 governmental entity to maintain and provide online
163 access to certain information; requiring a local
164 governmental entity to provide the department with a
165 certain website address; requiring the department to
166 publish and maintain a directory of certain
167 information; amending s. 125.0104, F.S.; requiring