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LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete lines 273 - 468

and insert:

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

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

(b) "Promote tourism development" means using public funds to promote or perform the activities described in s.



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11 125.0104(5).

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

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

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

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

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

30 (b) Board members shall serve without compensation.

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



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40 unless specifically authorized by law.

41 (3) TRANSPARENCY.—

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

44 1. The purpose of the contract.

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

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

48 4. The value of any services provided.

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

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

57 2. The financial data must include:

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

60 b. The operating budget.

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

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

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



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

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

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete lines 5 - 45

86 and insert:

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

88 defining terms; providing requirements for the

89 operation of economic development agencies; requiring

90 specified persons to file an annual disclosure of

91 certain interests; providing requirements for such

92 disclosure; requiring board members to serve without

93 compensation; authorizing per diem and travel expenses

94 for certain persons paid from specified funds;

95 prohibiting specified persons from receiving public

96 compensation in excess of a certain amount;

97 prohibiting certain performance bonuses and severance



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



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



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156 access to certain information; requiring a local
157 governmental entity to provide the department with a
158 certain website address; requiring the department to
159 publish and maintain a directory of certain
160 information; amending s. 125.0104, F.S.; requiring