

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Ways & Means Committee
 2 Representative Grant, M. offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraphs (y) and (z) are added to subsection
 7 (3) of section 11.45, Florida Statutes, to read:

8 11.45 Definitions; duties; authorities; reports; rules.—

9 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 10 Auditor General may, pursuant to his or her own authority, or at
 11 the direction of the Legislative Auditing Committee, conduct
 12 audits or other engagements as determined appropriate by the
 13 Auditor General of:

14 (y) The accounts and records pertaining to the use of
 15 funds from a tax imposed pursuant to s. 125.0104, s. 125.0108,
 16 or s. 212.0305 for tourism development or promotion by a local

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17 governmental entity, nonprofit organization, or for-profit
18 organization, including a tourism promotion agency as defined in
19 s. 288.12261 or a program or entity created by a tourism
20 promotion agency.

21 (z) The accounts and records pertaining to:

22 1. An economic development agency of a county or
23 municipality, including an economic development agency as
24 defined in s. 288.0751 or a program or entity created by an
25 economic development agency;

26 2. The county or municipal officers or employees assigned
27 to promote the general business interests, industrial interests,
28 or related responsibilities of the county or municipality; or

29 3. A private agency, person, partnership, corporation, or
30 business entity authorized by the state, a municipality, or a
31 county to promote the general business interests, industrial
32 interests, or related responsibilities of the state,
33 municipality, or county.

34 Section 2. Section 288.0751, Florida Statutes, is created
35 to read:

36 288.0751 Local economic development agencies.-

37 (1) DEFINITIONS.-For purposes of this section:

38 (a) "Economic development agency" means an entity,
39 including, but not limited to, an agency as defined in s.
40 119.011, that receives public funds and is engaged in economic

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41 development activities on behalf of one or more local
42 governmental entities.

43 1. An economic development agency may include any local
44 governmental entity or any entity under contract with one or
45 more local governmental entities to promote economic development
46 activities on behalf of such local governmental entity or
47 entities through the expenditure of public funds. An economic
48 development agency may also include any private agency, person,
49 partnership, corporation or business entity authorized by a
50 county or municipality to promote the general business or
51 industrial interests of that county or municipality.

52 2. Enterprise Florida, Inc., and the Department of Economic
53 Opportunity are not considered economic development agencies.

54 (b) "Local governmental entity" means the county or
55 municipality on whose behalf the economic development agency
56 engages in economic development activity.

57 (c) "Economic development activities" means:

58 1. Developing or improving local infrastructure, issuing
59 bonds to finance or refinance the cost of capital projects for
60 industrial or manufacturing plants, or leasing or conveying real
61 property, as part of an economic incentive agreement for one or
62 more businesses.

63 2. Making grants to private enterprises for the expansion
64 of businesses existing in the community or the attraction of new
65 businesses to the community.

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66 3. Participation in trade shows and prospecting missions.

67 4. Expenditures for the design of strategic plans for
68 economic development activities.

69 5. Expenditures for marketing and research services,
70 including marketing specific sites for business and industry
71 development or recruitment, and responding to inquiries from
72 business and industry concerning the development of specific
73 sites.

74 6. Economic development incentives, including:

75 a. Direct financial incentives of monetary assistance
76 provided to a business. Such incentives include, but are not
77 limited to, grants, loans, equity investments, loan insurance
78 and guarantees, and training subsidies.

79 b. Indirect incentives in the form of grants and loans
80 provided to businesses and community organizations that provide
81 support to businesses or promote business investment or
82 development.

83 c. Fee-based or tax-based incentives, including, but not
84 limited to, credits, refunds, exemptions, and property tax
85 abatement or assessment reductions.

86 d. Below-market rate leases or deeds for real property.

87
88 For the purposes of this section, activities such as the
89 development, maintenance, and improvement of infrastructure and
90 public safety, as well as other traditional functions of local

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91 government which benefit the public at large or otherwise
92 provide an indirect or incidental benefit to the development of
93 the local economy, are not considered "economic development
94 activities."

95 (2) OPERATION.—An economic development agency must operate
96 in accordance with the following:

97 (a) Each director, officer and member of the board of
98 directors of an economic development agency who is not otherwise
99 required to file a financial disclosure pursuant to ch. 112 must
100 file an annual disclosure pursuant to s. 112.3145, as a "local
101 officer." Directors, officers and members of the board of
102 directors are considered local officers and the local
103 governmental entity shall be considered their agency.

104 (b) Directors, officers and board members of an agency
105 must disclose to the board any activity that may reasonably be
106 construed to be a conflict of interest. A rebuttable presumption
107 of a conflict of interest exists if any of the following occurs
108 without prior notice to the economic development agency's board:

109 1. A director, officer, board member or a relative of a
110 director, officer, or board member enters into a contract for
111 goods or services with the agency.

112 2. A director, officer, or board member, or a relative of a
113 director, officer, or board member, holds an interest in a
114 corporation, limited liability corporation, partnership, limited
115 liability partnership, or other business entity that conducts

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116 business with the agency or proposes to enter into a contract or
117 other transaction with the agency.

118 (c) If a director, officer, or board member, or a relative
119 of a director, officer, or board member, proposes to engage in
120 an activity that is a conflict of interest, as described in
121 subsection (b), the proposed activity must be listed on, and all
122 contracts and transactional documents related to the proposed
123 activity must be attached to, the meeting agenda for the
124 consideration of the contract. The disclosure must be placed on
125 the website of the economic development agency and included in
126 the minutes of each meeting of the board of directors of the
127 economic development agency during which such contracts or
128 expenditures are discussed or voted upon.

129 (d) A director, officer, or board member, or a relative of
130 a director or an officer, who is a party to, or has an interest
131 in, an activity that is a possible conflict of interest, as
132 described in subsection (b), may attend the meeting at which the
133 activity is considered by the board and is authorized to make a
134 presentation to the board regarding the activity. After the
135 presentation, the director, officer, or board member, or the
136 relative of the director, officer, or board member must leave
137 the meeting during the discussion of, and the vote on, the
138 activity. A director, officer or board member who is a party to,
139 or has an interest in, the activity must recuse themselves from
140 the vote.

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141 (e) As used in this section, the term "relative" means a
142 relative as that term is defined in s. 726.102.

143 (f) Board members shall serve without compensation, but
144 are entitled to receive reimbursement for per diem and travel
145 expenses pursuant to s. 112.061. Any ordinance adopted pursuant
146 to s. 112.061(14) may apply to economic development agencies and
147 their board members, officers and employees in that county but
148 only if such ordinance applies uniformly to all travel by county
149 employees. Such expenses must be paid out of the funds of the
150 economic development agency.

151 (g) Officers, employees, or agents, including the
152 president or chief executive officer, may not receive
153 compensation from public funds for the performance of economic
154 development-related duties, responsibilities, or services in an
155 amount that exceeds the annual compensation of the chief
156 administrative or executive officer or employee of the local
157 governmental entity on whose behalf such duties,
158 responsibilities, or services are performed. Any payments of
159 performance bonuses or severance pay to officers, employees, or
160 agents from public funds are prohibited unless specifically
161 authorized by law.

162 (h) An economic development agency must comply with the
163 per diem and travel expense provisions of s. 112.061. Any
164 ordinance adopted pursuant to s. 112.061(14) may apply to
165 economic development agencies and their board members, officers

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166 and employees but only if such ordinance applies uniformly to
167 all travel by county employees.

168 (i) Officers and employees are subject to s. 112.313.
169 However, any contract between an economic development agency and
170 a political subdivision, local governmental entity, or another
171 economic development agency to perform economic development
172 activities are not deemed to violate s. 112.313(3) or (7).

173 (j) An economic development agency not otherwise subject
174 to s. 287.057 must avoid, neutralize, or mitigate significant
175 potential organizational conflicts of interest before it enters
176 into a contract. If the economic development agency elects to
177 mitigate a significant potential organizational conflict of
178 interest, an adequate mitigation plan, including organizational,
179 physical, and electronic barriers, shall be developed and the
180 head of the economic development agency must certify that the
181 award is in the best interests of the local governmental entity
182 and submit such certification to the governing board of the
183 local governmental entity within 3 business days after entering
184 into the contract.

185 (k) Lodging expenses for an employee or board member may
186 not exceed \$150 per day, excluding taxes, unless the economic
187 development agency is participating in a negotiated group rate
188 discount or the economic development agency provides
189 documentation of at least three comparable alternatives
190 demonstrating that such lodging at the required rate is not

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191 available. However, an employee or board member may expend his
192 or her own funds for any lodging expenses in excess of \$150 per
193 day.

194 (1) Economic development agency funds may not be expended
195 for food, beverages, lodging, entertainment, or gifts for
196 employees or board members, unless authorized pursuant to s.
197 112.061 or this section. Employees or board members may not
198 accept or receive food, beverages, lodging, entertainment, or
199 gifts from persons, vendors, or other entities doing business
200 with the economic development agency unless such food, beverage,
201 lodging, entertainment, or gift is available to similarly
202 situated members of the general public.

203
204 Nothing in this section is intended to limit the applicability
205 of ch. 112 to any person already subject to such provisions.

206 (3) TRANSPARENCY.—

207 (a) All contracts entered into by an economic development
208 agency shall include:

209 1. The purpose of the contract.

210 2. Specific performance standards and responsibilities for
211 each entity.

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

213 4. The value of any services provided.

214 5. The projected travel and entertainment expenses for
215 employees and board members, if applicable.

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216 (b) A proposed contract with an estimated total contract
217 value of \$250,000 or more must be submitted to the local
218 governmental entity and published on such entity's website at
219 least 14 days before the contract is executed. If the governing
220 body of the local governmental entity rejects such proposed
221 contract by a majority vote held during the 14-day period, the
222 economic development agency may not execute such proposed
223 contract or any substantially similar contract without obtaining
224 a majority vote of the governing body of the local governmental
225 entity in favor of such contract. An economic development agency
226 may not enter into multiple related contracts to avoid the
227 requirements of this paragraph. If the local governmental
228 entity's governing board does not take action on the proposed
229 contract within the 14 day time period, the contract is
230 authorized to be executed.

231 (c)1. An economic development agency shall submit to the
232 governing board of the local governmental entity, within 30 days
233 of the end of its fiscal year, a complete and detailed report
234 setting forth all public and private financial data of the
235 economic development agency, and shall publish such report on
236 its website.

237 2. The financial data shall include:

238 a. The total amount of revenue received from public and
239 private sources.

240 b. The operating budget.

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241 c. The total amount of salary, benefits, and other
242 compensation provided by the economic development agency to its
243 officers, employees, or agents, regardless of the funding
244 source.

245 d. An itemized account of all expenditures, including all
246 travel and entertainment expenditures.

247 (d) The following information must be posted on the
248 website of each economic development agency:

249 1. All contracts with a total contract value of \$5,000 or
250 more. Such contracts must be posted within 5 business days after
251 execution.

252 2. All contracts, information, and financial data
253 submitted to the governing board of the local governmental
254 entity. Such contracts, information, and data must be posted
255 within 5 business days after submission.

256 3. Video recordings of each board meeting. Such recordings
257 must be posted within 3 business days after the meeting.

258 4. A detailed report of expenditures following each
259 marketing event paid for with economic development agency funds.
260 Such report must be posted within 14 days after the event.

261 5. An annual itemized account of the total amount of funds
262 spent by a third party on behalf of the economic development
263 agency, its board members, or its employees.

264 6. An annual itemized account of the total amount of
265 travel and entertainment expenditures.

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266 (e) Notwithstanding any provision of law to the contrary,
267 a record required under this section, including, but not limited
268 to, a contract or agreement, is a public record and is not
269 confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of
270 the State Constitution, except as provided in s. 288.075(5), and
271 s. 288.075(6) (a)1. and 2.. Such record shall be produced in full
272 in accordance with this section or upon request.

273 (f) An economic development agency shall maintain and
274 provide online access to all of the information required under
275 this subsection. Each economic development agency shall provide
276 the Department of Economic Opportunity with the specific website
277 address where the required information is published and
278 maintained online, and the Department of Economic Opportunity
279 shall publish and maintain a single online directory which lists
280 each economic development agency and the specific website
281 address where such required information may be located.

282 (g) An economic development agency that fails to comply
283 with the transparency and accountability requirements of this
284 subsection may not receive or expend public funds until it
285 becomes fully compliant.

286 (4) AUDITS.—The Auditor General shall annually select at
287 least two economic development agencies that received public
288 funds in the previous year and conduct audits, as defined in s.
289 11.45, to verify that funds were expended as required by this
290 section and to verify that transparency and accountability

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291 requirements were met. If the Auditor General determines that
292 funds were not expended as required by this section, he or she
293 shall immediately report such findings to the Governor, the
294 President of the Senate, and the Speaker of the House of
295 Representatives.

296 (5) PENALTIES.—It is unlawful for a person to knowingly
297 and willfully make a materially false or misleading statement,
298 provide false or misleading information, fail to report required
299 information, or structure an organization or agreement to avoid
300 the requirements of this section. A person who violates this
301 section commits a misdemeanor of the first degree, punishable as
302 provided in s. 775.082 or s. 775.083.

303 (6) APPLICABILITY.—A private entity that meets the
304 definition of an economic development agency under subsection
305 (1) due solely to the existence of a contract between the
306 private entity and an economic development agency to engage in
307 economic development activities is required to comply with this
308 section only in connection with the performance of its
309 obligations and the expenditure of funds pursuant to such
310 contract. This section shall not be construed to require the
311 private entity to report or conform its other business practices
312 or activities to the provisions of this section, provided such
313 practices or activities are not directly related to or funded by
314 such contract. An entity that does not receive any public funds
315 for economic development activity is not subject to this

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316 section, as long as the entity does not concurrently employ or
317 use the services of a local governmental entity employee for
318 economic development activities.

319 (7) ENFORCEMENT.—The local governmental entity shall cease
320 and desist from transferring or providing public funds to any
321 economic development agency that fails to comply with this
322 section.

323 Section 3. Section 288.12261, Florida Statutes, is created
324 to read:

325 288.12261 Tourism promotion agencies.—

326 (1) DEFINITION.—For purposes of this section, the term
327 "tourism promotion agency" means an entity, including, but not
328 limited to, an agency as defined in s. 119.011, that receives
329 public funds to promote tourism development on behalf of one or
330 more local governmental entities. For the purpose of this
331 section, to "promote tourism development" includes the use of
332 public funds to promote or perform the activities described in
333 subsection 125.0104(5).

334 (a) A tourism promotion agency may include any local
335 governmental entity or any entity under contract with one or
336 more local governmental entities to promote tourism development
337 on behalf of such local governmental entity or entities through
338 the expenditure of public funds.

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339 (b) For purposes of this section, the Florida Tourism
340 Industry Marketing Corporation and the Department of Economic
341 Opportunity are not considered tourism promotion agencies.

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

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

347 (a) Each director, officer and member of the board of
348 directors of a tourism promotion agency who is not otherwise
349 required to file a financial disclosure pursuant to ch. 112 must
350 file an annual disclosure pursuant to s. 112.3145, as a "local
351 officer." Directors, officers and members of the board of
352 directors are considered local officers and the local
353 governmental entity shall be considered their agency.

354 (b) Directors, officers and board members of an agency
355 must disclose to the board any activity that may reasonably be
356 construed to be a conflict of interest. A rebuttable presumption
357 of a conflict of interest exists if any of the following occurs
358 without prior notice to the board:

359 1. A director, officer, board member or a relative of a
360 director, officer, or board member enters into a contract for
361 goods or services with the agency.

362 2. A director, officer, or board member, or a relative of a
363 director, officer, or board member, holds an interest in a

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364 corporation, limited liability corporation, partnership, limited
365 liability partnership, or other business entity that conducts
366 business with the agency or proposes to enter into a contract or
367 other transaction with the agency.

368 (c) If a director, officer, or board member, or a relative
369 of a director, officer, or board member, proposes to engage in
370 an activity that is a conflict of interest, the proposed
371 activity must be listed on, and all contracts and transactional
372 documents related to the proposed activity must be attached to,
373 the meeting agenda related to the consideration of the contract.
374 The disclosure must be placed on the website of the tourism
375 promotion agency and included in the minutes of each meeting of
376 the board of directors of the tourism promotion agency when such
377 expenditures or contracts are discussed or voted upon.

378 (d) A director, officer, or board member, or a relative of
379 a director or an officer, who is a party to, or has an interest
380 in, an activity that is a possible conflict of interest, may
381 attend the meeting at which the activity is considered by the
382 board and is authorized to make a presentation to the board
383 regarding the activity. After the presentation, the director,
384 officer, or board member, or the relative of the director,
385 officer, or board member must leave the meeting during the
386 discussion of, and the vote on, the activity. A director,
387 officer or board member who is a party to, or has an interest
388 in, the activity must recuse himself or herself from the vote.

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389 (e) As used in this section, the term "relative" means a
390 relative as that term is defined in s. 726.102.

391 (f) Board members shall serve without compensation, but
392 are entitled to receive reimbursement for per diem and travel
393 expenses pursuant to s. 112.061. Any ordinance adopted pursuant
394 to s. 112.061(14) may apply to tourist promotion agencies and
395 their board members, officers and employees but only if such
396 ordinance applies uniformly to all travel by county employees.
397 Such expenses must be paid out of funds of the tourism promotion
398 agency.

399 (g) Officers, employees, or agents, including the
400 president or chief executive officer, may not receive
401 compensation from public funds for the performance of tourism
402 promotion-related duties, responsibilities, or services in an
403 amount that exceeds the annual compensation of the chief
404 administrative or executive officer or employee of the local
405 governmental entity on whose behalf such duties,
406 responsibilities, or services are performed. Any payments of
407 performance bonuses or severance pay to officers, employees, or
408 agents from public funds are prohibited unless specifically
409 authorized by law.

410 (h) A tourism promotion agency must comply with the per
411 diem and travel expense provisions of s. 112.061. Any ordinance
412 adopted pursuant to s. 112.061(14) may apply to tourist
413 development agencies and their board members, officers and

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414 employees but only if such ordinance applies uniformly to all
415 travel by county employees.

416 (i) Officers and employees are subject to. 112.313.
417 However, any contract between the tourism promotion agency and
418 the political subdivision, local governmental entity, or another
419 tourism promotion agency, to perform tourism promotion
420 activities is not deemed to violate s. 112.313(3) or (7).

421 (j) A tourism promotion agency not otherwise subject to s.
422 287.057 must avoid, neutralize, or mitigate significant
423 potential organizational conflicts of interest before it enters
424 into a contract. If the tourism promotion agency elects to
425 mitigate a significant potential organizational conflict of
426 interest, an adequate mitigation plan, including organizational,
427 physical, and electronic barriers, shall be developed and the
428 head of the tourism promotion agency must certify that the award
429 is in the best interests of the county and submit such
430 certification to the governing board of the county within 3
431 business days after entering into the contract.

432 (k) Lodging expenses for an employee or board member may
433 not exceed \$150 per day, excluding taxes, unless the tourism
434 promotion agency is participating in a negotiated group rate
435 discount or the tourism promotion agency provides documentation
436 of at least three comparable alternatives demonstrating that
437 such lodging at the required rate is not available. However, an

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438 employee or board member may expend his or her own funds for any
439 lodging expenses in excess of \$150 per day.

440 (1) Tourism promotion agency funds may not be expended for
441 food, beverages, lodging, entertainment, or gifts for employees
442 or board members, unless authorized pursuant to s. 112.061 or
443 this section. Employees or board members may not accept or
444 receive food, beverages, lodging, entertainment, or gifts from
445 persons, vendors, or other entities doing business with the
446 tourism promotion agency unless such food, beverage, lodging,
447 entertainment, or gift is available to similarly situated
448 members of the general public.

449 (m) A tourism promotion agency shall not expend public or
450 private funds that directly benefit only one business entity.

451
452 Nothing in this section is intended to limit the applicability
453 of ch. 112 to any person already subject to such provisions.

454 (3) TRANSPARENCY.—

455 (a) All contracts entered into by a tourism promotion
456 agency shall include:

- 457 1. The purpose of the contract.
458 2. Specific performance standards and responsibilities for
459 each entity.
460 3. A detailed project or contract budget, if applicable.
461 4. The value of any services provided.

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462 5. The projected travel and entertainment expenses for
463 employees and board members, if applicable.

464 (b) A proposed contract with an estimated total contract
465 value of \$250,000 or more must be submitted to the local
466 governmental entity and published on such entity's website at
467 least 14 days before the contract is executed. If the governing
468 board rejects such proposed contract by a majority vote held
469 during the 14-day period, the tourism promotion agency may not
470 execute such proposed contract or any substantially similar
471 contract without obtaining a majority vote of the governing body
472 of the local governmental entity in favor of such contract. A
473 tourism promotion agency may not enter into multiple related
474 contracts to avoid the requirements of this paragraph. If the
475 local governmental entity's governing board does not take action
476 on the proposed contract within the 14 day time period, the
477 contract is authorized to be executed.

478 (c)1. A tourism promotion agency shall submit to the
479 governing board of the local governmental entity, within 30 days
480 after the end of its fiscal year, a complete and detailed report
481 setting forth all public and private financial data of the
482 tourism promotion agency, and shall publish such report on its
483 website.

484 2. The financial data shall include:

485 a. The total amount of revenue received from public and
486 private sources.

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487 b. The operating budget.

488 c. The total amount of salary, benefits, and other
489 compensation provided by the tourism promotion agency to its
490 officers, employees, or agents, regardless of the funding
491 source.

492 d. An itemized account of all expenditures, including all
493 travel and entertainment expenditures.

494 (d) The following information must be posted on the
495 website of each tourism promotion agency:

496 1. All contracts with a total contract value of \$5,000 or
497 more. Such contracts must be posted within 5 business days after
498 execution.

499 2. All contracts, information, and financial data
500 submitted to the governing board of the local governmental
501 entity. Such contracts, information, and data must be posted
502 within 5 business days after submission.

503 3. Video recordings of each board meeting. Such recordings
504 must be posted within 3 business days after the meeting.

505 4. A detailed report of expenditures following each
506 marketing event paid for with the funds of the tourism promotion
507 agency. Such report must be posted within 14 days after the
508 event.

509 5. An annual itemized account of the total amount of funds
510 spent by a third party on behalf of the tourism promotion
511 agency, its board members, or its employees.

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512 6. An annual itemized account of the total amount of
513 travel and entertainment expenditures.

514 (e) Notwithstanding any provision of law to the contrary,
515 a record required under this section, including, but not limited
516 to, a contract or agreement, is a public record and is not
517 confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of
518 the State Constitution, except as provided in s.
519 125.0104(9)(d)1., and (d)2.a.. Such record shall be produced in
520 full in accordance with this section or upon request.

521 (f) A tourism promotion agency shall maintain and provide
522 online access to all of the information required under this
523 subsection and s. 125.0104(4)(f). Each tourism promotion agency
524 shall provide the Department of Economic Opportunity with the
525 specific website address where the required information is
526 published and maintained online, and the Department of Economic
527 Opportunity shall publish and maintain a single online directory
528 which lists each tourism promotion agency and the specific
529 website address where such required information may be located.

530 (g) A tourism promotion agency that fails to comply with
531 the transparency and accountability requirements of this
532 subsection may not receive or expend public funds until it
533 becomes fully compliant.

534 (4) AUDITS.—

535 (a) For any county that annually receives \$30,000,000 or
536 more from taxes imposed pursuant to s. 125.0104, s. 125.0108, or

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537 s. 212.0305, the Auditor General shall, biennially, conduct an
538 audit, as defined in s. 11.45, of all tourism promotion agencies
539 in such county to verify that funds were expended as required by
540 this section and to verify that transparency and accountability
541 requirements were met. If the Auditor General determines that
542 funds were not expended as required by this section, he or she
543 shall immediately notify the Department of Revenue, which may
544 pursue recovery of the funds under the laws and rules governing
545 the assessment of taxes.

546 (b) The Auditor General shall annually select at least two
547 counties that in the previous year received less than
548 \$30,000,000 from taxes imposed pursuant to s. 125.0104, s.
549 125.0108, or s. 212.0305 and conduct audits, as defined in s.
550 11.45, of all tourism promotion agencies in the county to verify
551 that funds were expended as required by this section and to
552 verify that transparency and accountability requirements were
553 met. If the Auditor General determines that funds were not
554 expended as required by this section, he or she shall
555 immediately notify the Department of Revenue, which may pursue
556 recovery of the funds under the laws and rules governing the
557 assessment of taxes.

558 (5) ENFORCEMENT.—The Governor or Chief Financial Officer
559 may at any time order the Department of Revenue or the local
560 official to whom the tax is remitted to cease and desist
561 distributing any taxes levied under s. 125.0104, s. 125.0108, or

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562 s. 212.0305 based on a tourism promotion agency's failure to
563 comply with this section.

564 (6) PENALTIES.—It is unlawful for a person to knowingly
565 and willfully make a materially false or misleading statement,
566 provide false or misleading information, fail to report required
567 information, or structure an organization or agreement to avoid
568 the requirements of this section. A person who violates this
569 section commits a misdemeanor of the first degree, punishable as
570 provided in s. 775.082 or s. 775.083.

571 (7) APPLICABILITY.—A private entity that meets the
572 definition of a tourism promotion agency under subsection (1)
573 due solely to the existence of a contract between the private
574 entity and a tourism promotion agency to promote tourism
575 development is required to comply with this section only in
576 connection with the performance of its obligations and the
577 expenditure of funds pursuant to such contract. This section
578 shall not be construed to require the private entity to report
579 or conform its other business practices or activities to the
580 provisions of this section, provided such practices or
581 activities are not directly related to or funded by such
582 contract. An entity that does not receive any public funds for
583 tourism promotion development is not subject to this section, as
584 long as the entity does not concurrently employ or use the
585 services of a local governmental entity employee for tourism
586 promotion development.

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587 Section 4. Paragraph (e) of subsection (4) of section
588 125.0104, Florida Statutes, is amended, and paragraph (f) is
589 added to that subsection, to read:

590 125.0104 Tourist development tax; procedure for levying;
591 authorized uses; referendum; enforcement.—

592 (4) ORDINANCE LEVY TAX; PROCEDURE.—

593 (e) The governing board of each county which levies and
594 imposes a tourist development tax under this section shall
595 appoint an advisory council to be known as the "... (name of
596 county)... Tourist Development Council." The council shall be
597 established by ordinance and composed of nine members who shall
598 be appointed by the governing board. The chair of the governing
599 board of the county or any other member of the governing board
600 as designated by the chair shall serve on the council. Two
601 members of the council shall be elected municipal officials, at
602 least one of whom shall be from the most populous municipality
603 in the county or subcounty special taxing district in which the
604 tax is levied. Six members of the council shall be persons who
605 are involved in the tourist industry and who have demonstrated
606 an interest in tourist development, of which members, not less
607 than three nor more than four shall be owners or operators of
608 motels, hotels, recreational vehicle parks, or other tourist
609 accommodations in the county and subject to the tax. All members
610 of the council shall be electors of the county. The governing
611 board of the county shall have the option of designating the

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612 chair of the council or allowing the council to elect a chair.
613 The chair shall be appointed or elected annually and may be
614 reelected or reappointed. The members of the council shall serve
615 for staggered terms of 4 years. The terms of office of the
616 original members shall be prescribed in the resolution required
617 under paragraph (b). The council shall meet at least once each
618 quarter and, from time to time, shall make recommendations to
619 the county governing board for the effective operation of the
620 special projects or for uses of the tourist development tax
621 revenue and perform such other duties as may be prescribed by
622 county ordinance or resolution. The council shall continuously
623 review expenditures of revenues from the tourist development
624 trust fund and shall receive, at least quarterly, expenditure
625 reports from the county governing board or its designee.
626 Expenditures which the council believes to be unauthorized shall
627 be reported to the county governing board and the Department of
628 Revenue. The governing board and the department shall review the
629 findings of the council and take appropriate administrative or
630 judicial action to ensure compliance with this section. The
631 county governing board shall review all proposed contracts with
632 an estimated total contract value of \$250,000 or more submitted
633 by any tourism promotion agency. The county governing board may
634 reject such proposed contract by a majority vote before the
635 execution of such contract. The county governing board must
636 review all certifications by the head of a tourism promotion

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637 agency related to potential conflicts of interest and mitigation
638 plans ~~The changes in the composition of the membership of the~~
639 ~~tourist development council mandated by chapter 86-4, Laws of~~
640 ~~Florida, and this act shall not cause the interruption of the~~
641 ~~current term of any person who is a member of a council on~~
642 ~~October 1, 1996.~~

643 (f) The governing board of a county that levies and
644 imposes a tourist development tax under this section shall
645 publish and make the following information available online:

646 1. The approved tourist development plan, including the
647 approximate cost or expense allocation for each specific project
648 or special use.

649 2. Any substantial amendments to the tourist development
650 plan.

651 3. The tax district in which the tourist development tax
652 is levied.

653 4. A prioritized list of the proposed uses of the tax
654 revenue by specific project or special use.

655 5. The quarterly expenditure reports from the county
656 governing board or its designee.

657
658 Section 5. Paragraph (c) of subsection (13) of section
659 288.1226, Florida Statutes, is amended to read:

660 288.1226 Florida Tourism Industry Marketing Corporation;
661 use of property; board of directors; duties; audit.—

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662 (13) TRANSPARENCY.—

663 (c)1. Any entity that in the previous fiscal year received
664 more than 50 percent of its revenue from the corporation ~~or~~
665 ~~taxes imposed pursuant to s. 125.0104, s. 125.0108, or s.~~
666 ~~212.0305, and that partners with the corporation or participates~~
667 ~~in a program, cooperative advertisement, promotional~~
668 ~~opportunity, or other activity offered by or in conjunction with~~
669 ~~the corporation,~~ shall annually, within 30 days of the end of
670 its fiscal year ~~on July 1~~ report all public and private
671 financial data to the Governor, the President of the Senate, and
672 the Speaker of the House of Representatives, and include such
673 report on its website.

674 2. The financial data shall include:

675 a. The total amount of revenue received from public and
676 private sources.

677 b. The operating budget ~~of the partner entity.~~

678 c. The total amount of salary, benefits, and other
679 compensation provided by the entity to its officers, employees,
680 board members, or agents, regardless of the funding source
681 ~~Employee and board member salary and benefit details from public~~
682 ~~and private funds.~~

683 d. An itemized account of all expenditures, including all
684 travel and entertainment expenditures, by the ~~partner~~ entity on
685 the behalf of, or coordinated for the benefit of, the
686 corporation, its board members, or its employees.

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687 ~~e. Itemized travel and entertainment expenditures of the~~
688 ~~partner entity.~~

689 Section 6. Paragraph (c) of subsection (6) of section
690 288.904, Florida Statutes, is amended to read:

691 288.904 Funding for Enterprise Florida, Inc.; performance
692 and return on the public's investment.-

693 (6)

694 (c)1. Any entity that in the previous fiscal year received
695 more than 50 percent of its revenue from Enterprise Florida,
696 Inc., ~~or a tax imposed pursuant to s. 125.0104, s. 125.0108, or~~
697 ~~s. 212.0305, and that partners with Enterprise Florida, Inc., in~~
698 ~~a program or other activity offered by or in conjunction with~~
699 ~~Enterprise, Florida, Inc., shall annually, within 30 days of the~~
700 ~~end of its fiscal year, on July 1~~ report all public and private
701 financial data to the Governor, the President of the Senate, and
702 the Speaker of the House of Representatives, and include such
703 report on its website.

704 2. The financial data shall include:

705 a. The total amount of revenue received from public and
706 private sources.

707 b. The operating budget ~~of the partner entity.~~

708 c. The total amount of salary, benefits, and other
709 compensation provided by the entity to its officers, employees,
710 board members, or agents, regardless of the funding source

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711 ~~Employee and board member salary and benefit details from public~~
712 ~~and private funds.~~

713 d. An itemized account of all expenditures, including all
714 travel and entertainment expenditures, by the ~~partner~~ entity on
715 the behalf of, or coordinated for the benefit of, Enterprise
716 Florida, Inc., its board members, or its employees.

717 ~~e. Itemized travel and entertainment expenditures of the~~
718 ~~partner entity.~~

719 Section 7. This act shall take effect October 1, 2018.

720

721

722

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

723 Remove everything before the enacting clause and insert:
724 An act relating to economic development and tourism promotion
725 accountability; amending s. 11.45, F.S.; authorizing the Auditor
726 General to audit certain accounts and records; creating ss.
727 288.0751 and 288.12261, F.S.; providing definitions; providing
728 requirements for the operation of economic development agencies
729 and tourism promotion agencies, respectively; requiring
730 specified persons to file an annual disclosure of certain
731 interests; providing requirements for such disclosure; requiring
732 board members to serve without compensation; authorizing per
733 diem and travel expenses for certain persons paid from specified
734 funds; prohibiting specified persons from receiving public
735

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736 compensation in excess of a certain amount; prohibiting certain
737 performance bonuses and severance pay; subjecting certain
738 persons to a specified code of ethics; requiring such agencies
739 to take certain actions regarding a significant potential
740 conflict of interest; limiting lodging expenses for certain
741 persons; providing an exception; prohibiting the expenditure of
742 agency funds on certain items; prohibiting specified persons
743 from accepting certain items from specified entities;
744 prohibiting a tourism promotion agency from expending funds that
745 directly benefit only one business entity; requiring certain
746 contracts to include specified information; requiring a
747 governing body of a local governmental entity to publish certain
748 proposed contracts on such entity's website and approve certain
749 contracts; requiring such agencies to submit a report of
750 financial data to a governing body of a local governmental
751 entity; specifying that certain records are public records;
752 requiring such agencies to provide online access to certain
753 information; prohibiting such agencies from receiving or
754 expending public funds; requiring the Auditor General to conduct
755 certain audits; authorizing the Governor or Chief Financial
756 Officer to cease distributing certain tax revenues to certain
757 noncompliant tourism promotion agencies; providing that it is
758 unlawful to knowingly and willfully make false or misleading
759 statements, provide false or misleading information, fail to
760 report certain information, or purposefully avoid specified

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761 requirements; providing penalties; providing applicability;
762 amending s. 125.0104, F.S.; requiring the governing board of a
763 county to review certain proposed contracts and certifications
764 relating to potential conflicts of interest and mitigation
765 plans; requiring the governing board of a county that imposes a
766 tourist development tax to provide online access to certain
767 information; amending ss. 288.1226 and 288.904, F.S.; revising
768 financial data required to be included in an annual report;
769 conforming provisions to changes made by the act; providing an
770 effective date.