

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WITHDRAWN	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: Commerce Committee  
 2 Representative Esposito offered the following:

3

4 **Amendment (with title amendment)**

5 Between lines 2440 and 2441, insert:

6 Section 70. Section 288.122, Florida Statutes, is amended  
 7 to read:

8 288.122 Tourism Promotional Trust Fund.—There is created  
 9 within the department the Tourism Promotional Trust Fund. Moneys  
 10 deposited in the Tourism Promotional Trust Fund shall only be  
 11 used to support the authorized activities and operations and the  
 12 tourism promotion and marketing activities, services, functions,  
 13 and programs administered by the department ~~Enterprise Florida,~~  
 14 ~~Inc.,~~ through a contract with the direct-support organization  
 15 created under s. 288.1226.

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16 Section 71. Subsections (2), (3), and (4), paragraphs (a),  
17 (c), (g), (h), (i), and (k) of subsection (5), and subsections  
18 (7) and (8) of section 288.1226, Florida Statutes, are amended  
19 to read:

20 288.1226 Florida Tourism Industry Marketing Corporation;  
21 use of property; board of directors; duties; audit.—

22 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing  
23 Corporation is a direct-support organization of the department  
24 ~~Enterprise Florida, Inc.~~

25 (a) The Florida Tourism Industry Marketing Corporation is  
26 a corporation not for profit, as defined in s. 501(c)(6) of the  
27 Internal Revenue Code of 1986, as amended, that is incorporated  
28 under the provisions of chapter 617 and approved by the  
29 Department of State.

30 (b) The corporation is organized and operated exclusively  
31 to request, receive, hold, invest, and administer property and  
32 to manage and make expenditures for the operation of the  
33 activities, services, functions, and programs of this state  
34 which relate to the statewide, national, and international  
35 promotion and marketing of tourism.

36 (c)1. The corporation is not an agency for the purposes of  
37 chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254,  
38 relating to leasing of buildings; ss. 283.33 and 283.35,  
39 relating to bids for printing; s. 215.31; and parts I, II, and  
40 IV-VIII of chapter 112. However, the corporation shall comply

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41 with the per diem and travel expense provisions of s. 112.061.

42 2. It is not a violation of s. 112.3143(2) or (4) for the  
43 officers or members of the board of directors of the corporation  
44 to:

45 a. Vote on the 4-year marketing plan required under s.  
46 288.923 or vote on any individual component of or amendment to  
47 the plan.

48 b. Participate in the establishment or calculation of  
49 payments related to the private match requirements of subsection  
50 (6). The officer or member must file an annual disclosure  
51 describing the nature of his or her interests or the interests  
52 of his or her principals, including corporate parents and  
53 subsidiaries of his or her principal, in the private match  
54 requirements. This annual disclosure requirement satisfies the  
55 disclosure requirement of s. 112.3143(4). This disclosure must  
56 be placed on the corporation's website or included in the  
57 minutes of each meeting of the corporation's board of directors  
58 at which the private match requirements are discussed or voted  
59 upon.

60 (d) The corporation is subject to the provisions of  
61 chapter 119, relating to public meetings, and those provisions  
62 of chapter 286 relating to public meetings and records.

63 (3) USE OF PROPERTY.—~~The department Enterprise Florida,~~  
64 ~~Inc.:~~

65 (a) Is authorized to permit the use of property and

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66 facilities of the department ~~Enterprise Florida, Inc.~~, by the  
67 corporation, subject to the provisions of this section.

68 (b) Shall prescribe conditions with which the corporation  
69 must comply in order to use property and facilities of the  
70 department ~~Enterprise Florida, Inc.~~. Such conditions shall  
71 provide for budget and audit review and for oversight by the  
72 department ~~Enterprise Florida, Inc.~~.

73 (c) May not permit the use of property and facilities of  
74 the department ~~Enterprise Florida, Inc.~~, if the corporation does  
75 not provide equal employment opportunities to all persons,  
76 regardless of race, color, national origin, sex, age, or  
77 religion.

78 (4) BOARD OF DIRECTORS.—The board of directors of the  
79 corporation shall be composed of 31 tourism-industry-related  
80 members, appointed by ~~Enterprise Florida, Inc.~~, ~~in conjunction~~  
81 ~~with~~ the department. Board members shall serve without  
82 compensation, but are entitled to receive reimbursement for per  
83 diem and travel expenses pursuant to s. 112.061. Such expenses  
84 must be paid out of funds of the corporation.

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

89 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,  
90 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,

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91 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

92 2. Region 2, composed of Alachua, Baker, Bradford, Clay,  
93 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,  
94 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,  
95 Taylor, and Union Counties.

96 3. Region 3, composed of Brevard, Indian River, Lake,  
97 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and  
98 Volusia Counties.

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

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

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

105 (b) The 15 additional tourism-industry-related members  
106 shall include 1 representative from the statewide rental car  
107 industry; 7 representatives from tourist-related statewide  
108 associations, including those that represent hotels,  
109 campgrounds, county destination marketing organizations,  
110 museums, restaurants, retail, and attractions; 3 representatives  
111 from county destination marketing organizations; 1  
112 representative from the cruise industry; 1 representative from  
113 an automobile and travel services membership organization that  
114 has at least 2.8 million members in Florida; 1 representative  
115 from the airline industry; and 1 representative from the space

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116 | tourism industry, who will each serve for a term of 2 years.

117 |       (5) POWERS AND DUTIES.—The corporation, in the performance  
118 | of its duties:

119 |       (a) May make and enter into contracts and assume such  
120 | other functions as are necessary to carry out the provisions of  
121 | the 4-year marketing plan required by s. 288.923~~7~~, and the  
122 | corporation's contract with the department ~~Enterprise Florida,~~  
123 | ~~Inc.~~~~7~~, which are not inconsistent with this or any other  
124 | provision of law. A proposed contract with a total cost of  
125 | \$750,000 or more is subject to the notice and review procedures  
126 | of s. 216.177. If the chair and vice chair of the Legislative  
127 | Budget Commission, or the President of the Senate and the  
128 | Speaker of the House of Representatives, timely advise the  
129 | corporation in writing that such proposed contract is contrary  
130 | to legislative policy and intent, the corporation may not  
131 | execute such proposed contract. The corporation may not enter  
132 | into multiple related contracts to avoid the requirements of  
133 | this paragraph.

134 |       (c) May establish a cooperative marketing program with  
135 | other public and private entities which allows the use of the  
136 | VISIT Florida logo in tourism promotion campaigns which meet the  
137 | standards of the department ~~Enterprise Florida, Inc.~~, for which  
138 | the corporation may charge a reasonable fee.

139 |       (g) Shall hire and establish salaries and personnel and  
140 | employee benefit programs for such permanent and temporary

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141 employees as are necessary to carry out the provisions of the 4-  
142 year marketing plan and the corporation's contract with the  
143 department ~~Enterprise Florida, Inc.~~, which are not inconsistent  
144 with this or any other provision of law. However, an employee  
145 may not receive public compensation for employment that exceeds  
146 the salary and benefits authorized to be paid to the Governor.  
147 Any public payments of performance bonuses or severance pay to  
148 employees of the corporation are prohibited unless specifically  
149 authorized by law.

150 (h) May adopt, change, amend, and repeal bylaws, not  
151 inconsistent with law or its articles of incorporation, for the  
152 administration of the provisions of the 4-year marketing plan  
153 and the corporation's contract with the department ~~Enterprise~~  
154 ~~Florida, Inc.~~

155 (i) May conduct its affairs, carry on its operations, and  
156 have offices and exercise the powers granted by this act in any  
157 state, territory, district, or possession of the United States  
158 or any foreign country. Where feasible, appropriate, and  
159 recommended by the 4-year marketing plan developed by the  
160 Division of Tourism Marketing ~~Promotion~~ of the department  
161 ~~Enterprise Florida, Inc.~~, the corporation may collocate the  
162 programs of foreign tourism offices in cooperation with any  
163 foreign office operated by any agency of this state.

164 (k) May request or accept any grant, payment, or gift, of  
165 funds or property made by this state or by the United States or

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166 any department or agency thereof or by any individual, firm,  
167 corporation, municipality, county, or organization for any or  
168 all of the purposes of the 4-year marketing plan and the  
169 corporation's contract with the department ~~Enterprise Florida,~~  
170 ~~Inc.~~, that are not inconsistent with this or any other provision  
171 of law. Such funds shall be deposited in a bank account  
172 established by the corporation's board of directors. The  
173 corporation may expend such funds in accordance with the terms  
174 and conditions of any such grant, payment, or gift, in the  
175 pursuit of its administration or in support of the programs it  
176 administers. The corporation shall separately account for the  
177 public funds and the private funds deposited into the  
178 corporation's bank account.

179 (7) ANNUAL AUDIT.—The corporation shall provide for an  
180 annual financial audit in accordance with s. 215.981. The annual  
181 audit report shall be submitted to the Auditor General; the  
182 Office of Program Policy Analysis and Government Accountability;  
183 ~~Enterprise Florida, Inc.~~; and the department for review. The  
184 Office of Program Policy Analysis and Government Accountability;  
185 ~~Enterprise Florida, Inc.~~; the department; and the Auditor  
186 General have the authority to require and receive from the  
187 corporation or from its independent auditor any detail or  
188 supplemental data relative to the operation of the corporation.  
189 The department shall annually certify whether the corporation is  
190 operating in a manner and achieving the objectives that are



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191 consistent with the policies and goals of the department  
192 ~~Enterprise Florida, Inc.~~, and its long-range marketing plan. The  
193 identity of a donor or prospective donor to the corporation who  
194 desires to remain anonymous and all information identifying such  
195 donor or prospective donor are confidential and exempt from the  
196 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
197 Constitution. Such anonymity shall be maintained in the  
198 auditor's report.

199 (8) REPORT.—The corporation shall provide to the  
200 department a quarterly report that ~~to Enterprise Florida, Inc.~~,  
201 ~~which shall:~~

202 (a) Measures ~~Measure~~ the current vitality of the visitor  
203 industry of this state as compared to the vitality of such  
204 industry for the year to date and for comparable quarters of  
205 past years. Indicators of vitality shall be determined by the  
206 department ~~Enterprise Florida, Inc.~~, and shall include, but not  
207 be limited to, estimated visitor count and party size, length of  
208 stay, average expenditure per party, and visitor origin and  
209 destination.

210 (b) Provides ~~Provide~~ detailed, unaudited financial  
211 statements of sources and uses of public and private funds.

212 (c) Measures ~~Measure~~ progress towards annual goals and  
213 objectives set forth in the 4-year marketing plan.

214 (d) Reviews ~~Review~~ all pertinent research findings.

215 (e) Provides ~~Provide~~ other measures of accountability as

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216 requested by the department ~~Enterprise Florida, Inc.~~

217

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

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223

**T I T L E   A M E N D M E N T**

224

Remove line 66 and insert:

225

respectively; amending ss. 288.122 and 288.1226, F.S.;

226

conforming provisions to changes made by the act;

227

amending s. 288.12265, F.S.;