

Amendment No.

CHAMBER ACTION

Senate

House

.



1 Representative Esposito offered the following:

2

3 **Amendment (with title amendment)**

4 Remove lines 2754-3065 and insert:

5 Section 58. Subsection (7) of section 288.11621, Florida
6 Statutes, is amended to read:

7 288.11621 Spring training baseball franchises.—

8 (7) STRATEGIC PLANNING.—The department shall request
9 assistance from ~~Enterprise Florida, Inc.,~~ and the Florida
10 Grapefruit League Association to develop a comprehensive
11 strategic plan to:

12 (a) Finance spring training facilities.

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13 (b) Monitor and oversee the use of state funds awarded to
14 applicants.

15 (c) Identify the financial impact that spring training has
16 on the state and ways in which to maintain or improve that
17 impact.

18 (d) Identify opportunities to develop public-private
19 partnerships to engage in marketing activities and advertise
20 spring training baseball.

21 (e) Identify efforts made by other states to maintain or
22 develop partnerships with baseball spring training teams.

23 (f) Develop recommendations for the Legislature to sustain
24 or improve this state's spring training tradition.

25 Section 59. Paragraph (c) of subsection (2) and paragraphs
26 (a), (c), and (d) of subsection (3) of section 288.11631,
27 Florida Statutes, are amended to read:

28 288.11631 Retention of Major League Baseball spring
29 training baseball franchises.—

30 (2) CERTIFICATION PROCESS.—

31 (c) Each applicant certified on or after July 1, 2013,
32 shall enter into an agreement with the department which:

33 1. Specifies the amount of the state incentive funding to
34 be distributed. The amount of state incentive funding per
35 certified applicant may not exceed \$20 million. However, if a
36 certified applicant's facility is used by more than one spring
37 training franchise, the maximum amount may not exceed \$50

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38 million, and the Department of Revenue shall make distributions
39 to the applicant pursuant to s. 212.20(6)(d)6.c. ~~s.~~
40 ~~212.20(6)(d)6.e.~~

41 2. States the criteria that the certified applicant must
42 meet in order to remain certified. These criteria must include a
43 provision stating that the spring training franchise must
44 reimburse the state for any funds received if the franchise does
45 not comply with the terms of the contract. If bonds were issued
46 to construct or renovate a facility for a spring training
47 franchise, the required reimbursement must be equal to the total
48 amount of state distributions expected to be paid from the date
49 the franchise violates the agreement with the applicant through
50 the final maturity of the bonds.

51 3. States that the certified applicant is subject to
52 decertification if the certified applicant fails to comply with
53 this section or the agreement.

54 4. States that the department may recover state incentive
55 funds if the certified applicant is decertified.

56 5. Specifies the information that the certified applicant
57 must report to the department.

58 6. Includes any provision deemed prudent by the
59 department.

60 (3) USE OF FUNDS.—

61 (a) A certified applicant may use funds provided under s.
62 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~ only to:

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63 1. Serve the public purpose of constructing or renovating
64 a facility for a spring training franchise.

65 2. Pay or pledge for the payment of debt service on, or to
66 fund debt service reserve funds, arbitrage rebate obligations,
67 or other amounts payable with respect thereto, bonds issued for
68 the construction or renovation of such facility, or for the
69 reimbursement of such costs or the refinancing of bonds issued
70 for such purposes.

71 (c) The Department of Revenue may not distribute funds
72 under s. 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~ until July 1,
73 2016. Further, the Department of Revenue may not distribute
74 funds to an applicant certified on or after July 1, 2013, until
75 it receives notice from the department that:

76 1. The certified applicant has encumbered funds under
77 either subparagraph (a)1. or subparagraph (a)2.; and

78 2. If applicable, any existing agreement with a spring
79 training franchise for the use of a facility has expired.

80 (d)1. All certified applicants shall place unexpended
81 state funds received pursuant to s. 212.20(6)(d)6.c. ~~s.~~
82 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
83 only as authorized in this section.

84 2. A certified applicant may request that the department
85 notify the Department of Revenue to suspend further
86 distributions of state funds made available under s.
87 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~ for 12 months after

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88 expiration of an existing agreement with a spring training
89 franchise to provide the certified applicant with an opportunity
90 to enter into a new agreement with a spring training franchise,
91 at which time the distributions shall resume.

92 3. The expenditure of state funds distributed to an
93 applicant certified after July 1, 2013, must begin within 48
94 months after the initial receipt of the state funds. In
95 addition, the construction or renovation of a spring training
96 facility must be completed within 24 months after the project's
97 commencement.

98 Section 60. Section 288.1168, Florida Statutes, is
99 repealed.

100 Section 61. Section 288.1169, Florida Statutes, is
101 repealed.

102 Section 62. Section 288.1171, Florida Statutes, is
103 repealed.

104 Section 63. Section 288.122, Florida Statutes, is amended
105 to read:

106 288.122 Tourism Promotional Trust Fund.—There is created
107 within the department the Tourism Promotional Trust Fund. Moneys
108 deposited in the Tourism Promotional Trust Fund shall only be
109 used to support the authorized activities and operations and the
110 tourism promotion and marketing activities, services, functions,
111 and programs administered by the department ~~Enterprise Florida,~~

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112 ~~Inc.~~ through a contract with the direct-support organization
113 created under s. 288.1226.

114 Section 64. Subsection (13) of section 288.1226, Florida
115 Statutes, is renumbered as subsection (15), paragraph (c) of
116 subsection (2) and subsections (3), (4), (5), (7), and (8) are
117 amended, and new subsections (13) and (14) are added to that
118 section, to read:

119 288.1226 Florida Tourism Industry Marketing Corporation;
120 use of property; board of directors; duties; audit.—

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

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

130 2. It is not a violation of s. 112.3143(2) or (4) for the
131 officers or members of the board of directors of the corporation
132 to:

133 a. Vote on the 4-year marketing plan required under
134 subsection (13) s. 288.923 or vote on any individual component
135 of or amendment to the plan.

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136 b. Participate in the establishment or calculation of
137 payments related to the private match requirements of subsection
138 (6). The officer or member must file an annual disclosure
139 describing the nature of his or her interests or the interests
140 of his or her principals, including corporate parents and
141 subsidiaries of his or her principal, in the private match
142 requirements. This annual disclosure requirement satisfies the
143 disclosure requirement of s. 112.3143(4). This disclosure must
144 be placed on the corporation's website or included in the
145 minutes of each meeting of the corporation's board of directors
146 at which the private match requirements are discussed or voted
147 upon.

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

150 (a) Is authorized to permit the use of property and
151 facilities of the department Enterprise Florida, Inc., by the
152 corporation, subject to the provisions of this section.

153 (b) Shall prescribe conditions with which the corporation
154 must comply in order to use property and facilities of the
155 department Enterprise Florida, Inc. Such conditions shall
156 provide for budget and audit review and for oversight by the
157 department Enterprise Florida, Inc.

158 (c) May not permit the use of property and facilities of
159 the department Enterprise Florida, Inc., if the corporation does
160 not provide equal employment opportunities to all persons,

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161 regardless of race, color, national origin, sex, age, or
162 religion.

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

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

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

177 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
178 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
179 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
180 Taylor, and Union Counties.

181 3. Region 3, composed of Brevard, Indian River, Lake,
182 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
183 Volusia Counties.

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

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

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

190 (b) The 15 additional tourism-industry-related members
191 shall include 1 representative from the statewide rental car
192 industry; 7 representatives from tourist-related statewide
193 associations, including those that represent hotels,
194 campgrounds, county destination marketing organizations,
195 museums, restaurants, retail, and attractions; 3 representatives
196 from county destination marketing organizations; 1
197 representative from the cruise industry; 1 representative from
198 an automobile and travel services membership organization that
199 has at least 2.8 million members in Florida; 1 representative
200 from the airline industry; and 1 representative from the space
201 tourism industry, who will each serve for a term of 2 years.

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

204 (a) May make and enter into contracts and assume such
205 other functions as are necessary to carry out the provisions of
206 the 4-year marketing plan required by subsection (13) s.
207 ~~288.923,~~ and the corporation's contract with the department
208 ~~Enterprise Florida, Inc.,~~ which are not inconsistent with this
209 or any other provision of law. A proposed contract with a total
210 cost of \$750,000 or more is subject to the notice and review

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211 procedures of s. 216.177. If the chair and vice chair of the
212 Legislative Budget Commission, or the President of the Senate
213 and the Speaker of the House of Representatives, timely advise
214 the corporation in writing that such proposed contract is
215 contrary to legislative policy and intent, the corporation may
216 not execute such proposed contract. The corporation may not
217 enter into multiple related contracts to avoid the requirements
218 of this paragraph.

219 (b) May develop a program to provide incentives and to
220 attract and recognize those entities which make significant
221 financial and promotional contributions towards the expanded
222 tourism promotion activities of the corporation.

223 (c) May establish a cooperative marketing program with
224 other public and private entities which allows the use of the
225 VISIT Florida logo in tourism promotion campaigns which meet the
226 standards of the department ~~Enterprise Florida, Inc.~~, for which
227 the corporation may charge a reasonable fee.

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

231 (e) May adopt, use, and alter a common corporate seal.
232 However, such seal must always contain the words "corporation
233 not for profit."

234 (f) Shall elect or appoint such officers and agents as its
235 affairs shall require and allow them reasonable compensation.

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236 However, each officer or agent, including the president and
237 chief executive officer of the corporation, may not receive
238 public compensation for employment that exceeds the salary and
239 benefits authorized to be paid to the Governor. Any public
240 payments of performance bonuses or severance pay to an officer
241 or agent of the corporation are prohibited unless specifically
242 authorized by law.

243 (g) Shall hire and establish salaries and personnel and
244 employee benefit programs for such permanent and temporary
245 employees as are necessary to carry out the provisions of the 4-
246 year marketing plan and the corporation's contract with the
247 department Enterprise Florida, Inc., which are not inconsistent
248 with this or any other provision of law. However, an employee
249 may not receive public compensation for employment that exceeds
250 the salary and benefits authorized to be paid to the Governor.
251 Any public payments of performance bonuses or severance pay to
252 employees of the corporation are prohibited unless specifically
253 authorized by law.

254 (h) May adopt, change, amend, and repeal bylaws, not
255 inconsistent with law or its articles of incorporation, for the
256 administration of the provisions of the 4-year marketing plan
257 and the corporation's contract with the department Enterprise
258 Florida, Inc.

259 (i) May conduct its affairs, carry on its operations, and
260 have offices and exercise the powers granted by this act in any

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261 state, territory, district, or possession of the United States
262 or any foreign country. Where feasible, appropriate, and
263 recommended by the 4-year marketing plan developed by the
264 corporation in consultation with the department ~~Division of~~
265 ~~Tourism Promotion of Enterprise Florida, Inc.~~, the corporation
266 may collocate the programs of foreign tourism offices in
267 cooperation with any foreign office operated by any agency of
268 this state.

269 (j) May appear on its own behalf before boards,
270 commissions, departments, or other agencies of municipal,
271 county, state, or federal government.

272 (k) May request or accept any grant, payment, or gift, of
273 funds or property made by this state or by the United States or
274 any department or agency thereof or by any individual, firm,
275 corporation, municipality, county, or organization for any or
276 all of the purposes of the 4-year marketing plan and the
277 corporation's contract with the department ~~Enterprise Florida,~~
278 ~~Inc.~~, that are not inconsistent with this or any other provision
279 of law. Such funds shall be deposited in a bank account
280 established by the corporation's board of directors. The
281 corporation may expend such funds in accordance with the terms
282 and conditions of any such grant, payment, or gift, in the
283 pursuit of its administration or in support of the programs it
284 administers. The corporation shall separately account for the

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285 public funds and the private funds deposited into the
286 corporation's bank account.

287 (l) Shall establish a plan for participation in the
288 corporation which will provide additional funding for the
289 administration and duties of the corporation.

290 (m) ~~In the performance of its duties,~~ May undertake, or
291 contract for, marketing projects and advertising research
292 projects.

293 (n) In addition to any indemnification available under
294 chapter 617, the corporation may indemnify, and purchase and
295 maintain insurance on behalf of, directors, officers, and
296 employees of the corporation against any personal liability or
297 accountability by reason of actions taken while acting within
298 the scope of their authority.

299 (o) Shall not create or establish any other entity,
300 corporation, or direct-support organization.

301 (p) Shall not expend funds, public or private, that
302 directly benefit only one company, corporation, or business
303 entity.

304 (7) ANNUAL AUDIT.—The corporation shall provide for an
305 annual financial audit in accordance with s. 215.981. The annual
306 audit report shall be submitted to the Auditor General; the
307 Office of Program Policy Analysis and Government Accountability;
308 ~~Enterprise Florida, Inc.;~~ and the department for review. The
309 Office of Program Policy Analysis and Government Accountability;

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310 ~~Enterprise Florida, Inc.;~~ the department; and the Auditor
311 General have the authority to require and receive from the
312 corporation or from its independent auditor any detail or
313 supplemental data relative to the operation of the corporation.
314 The department shall annually certify whether the corporation is
315 operating in a manner and achieving the objectives that are
316 consistent with the policies and goals of the department
317 ~~Enterprise Florida, Inc.,~~ and its long-range marketing plan. The
318 identity of a donor or prospective donor to the corporation who
319 desires to remain anonymous and all information identifying such
320 donor or prospective donor are confidential and exempt from the
321 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
322 Constitution. Such anonymity shall be maintained in the
323 auditor's report.

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

327 (a) Measures Measure the current vitality of the visitor
328 industry of this state as compared to the vitality of such
329 industry for the year to date and for comparable quarters of
330 past years. Indicators of vitality shall be determined by the
331 department ~~Enterprise Florida, Inc.,~~ and shall include, but not
332 be limited to, estimated visitor count and party size, length of
333 stay, average expenditure per party, and visitor origin and
334 destination.

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

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

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

340 (e) Provides ~~Provide~~ other measures of accountability as
341 requested by the department ~~Enterprise Florida, Inc.~~

342
343 The corporation must take all steps necessary to provide all
344 data that is used to develop the report, including source data,
345 to the Office of Economic and Demographic Research.

346 (13) FOUR-YEAR MARKETING PLAN.-

347 (a) The corporation shall, in collaboration with the
348 department, develop a 4-year marketing plan. At a minimum, the
349 marketing plan shall discuss the following:

- 350 1. Continuation of overall tourism growth in this state.
- 351 2. Expansion to new or under-represented tourist markets.
- 352 3. Maintenance of traditional and loyal tourist markets.
- 353 4. Coordination of efforts with county destination
354 marketing organizations, other local government marketing
355 groups, privately owned attractions and destinations, and other
356 private sector partners to create a seamless, four-season
357 advertising campaign for the state and its regions.

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358 5. Development of innovative techniques or promotions to
359 build repeat visitation by targeted segments of the tourist
360 population.

361 6. Consideration of innovative sources of state funding
362 for tourism marketing.

363 7. Promotion of nature-based tourism and heritage tourism.

364 8. Development of a component to address emergency
365 response to natural and manmade disasters from a marketing
366 standpoint.

367 (b) The plan shall be annual in construction and ongoing
368 in nature. Any annual revisions of the plan shall carry forward
369 the concepts of the remaining 3-year portion of the plan and
370 consider a continuum portion to preserve the 4-year timeframe of
371 the plan. The plan also shall include recommendations for
372 specific performance standards and measurable outcomes for the
373 corporation. The department shall base the actual performance
374 metrics on these recommendations.

375 (c) The 4-year marketing plan shall be annually reviewed
376 and approved by the board of directors of the corporation.

377 (14) ANNUAL REPORT.-The corporation shall draft and submit
378 to the department an annual report. The annual report shall set
379 forth for the corporation:

380 (a) Operations and accomplishments during the fiscal year,
381 including the economic benefit of the state's investment and
382 effectiveness of the marketing plan.

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383 (b) The 4-year marketing plan, including recommendations
384 on methods for implementing and funding the plan.

385 (c) The assets and liabilities of the corporation at the
386 end of its most recent fiscal year.

387 (d) A copy of the annual financial and compliance audit
388 conducted under s. 288.1226(7).

389 Section 65. Section 288.12265, Florida Statutes, is
390 amended to read:

391 288.12265 Welcome centers.—

392 (1) Responsibility for the welcome centers is assigned to
393 ~~Enterprise Florida, Inc., which shall contract with the Florida~~
394 ~~Tourism Industry Marketing Corporation to employ all welcome~~
395 ~~center staff.~~

396 (2) The Florida Tourism Industry Marketing Corporation
397 ~~Enterprise Florida, Inc.,~~ shall administer and operate the
398 welcome centers and, pursuant to a contract with the Department
399 of Transportation, ~~Enterprise Florida, Inc.,~~ shall be
400 responsible for routine repair, replacement, or improvement and
401 the day-to-day management of interior areas occupied by the
402 welcome centers. All other repairs, replacements, or
403 improvements to the welcome centers shall be the responsibility
404 of the Department of Transportation. ~~Enterprise Florida, Inc.,~~
405 ~~may contract with the Florida Tourism Industry Marketing~~
406 ~~Corporation for the management and operation of the welcome~~
407 ~~centers.~~

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408 Section 66. Section 288.125, Florida Statutes, is amended
409 to read:

410 288.125 Definition of "entertainment industry."—For the
411 purposes of s. 288.1258 ~~ss. 288.1251-288.1258~~, the term
412 "entertainment industry" means those persons or entities engaged
413 in the operation of motion picture or television studios or
414 recording studios; those persons or entities engaged in the
415 preproduction, production, or postproduction of motion pictures,
416 made-for-television movies, television programming, digital
417 media projects, commercial advertising, music videos, or sound
418 recordings; and those persons or entities providing products or
419 services directly related to the preproduction, production, or
420 postproduction of motion pictures, made-for-television movies,
421 television programming, digital media projects, commercial
422 advertising, music videos, or sound recordings, including, but
423 not limited to, the broadcast industry.

424
425 -----

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

426 Remove lines 92-101 and insert:
427 act; amending s. 288.11621, F.S.; conforming a provision to
428 changes made by the act; amending s. 288.11631, F.S.;
429 conforming a cross-reference; repealing ss. 288.1168,
430 288.1169, and 288.1171, F.S., relating to the professional
431 golf hall of fame facility, the International Game Fish
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433 Association World Center facility, and motorsports
434 entertainment complexes, respectively; amending ss. 288.122
435 and 288.1226, F.S.; conforming provisions to changes made
436 by the act; amending s. 288.12265, F.S.; transferring
437 responsibility for administering and operating welcome
438 centers from Enterprise Florida, Inc., to the Florida
439 Tourism Industry Marketing Corporation; amending s.
440 288.125, F.S.; conforming a cross-reference; repealing ss.

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