

Amendment No.

CHAMBER ACTION

Senate

House

.

The Conference Committee on HB 5501 offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. (1) The Displaced Homemaker Trust Fund, FLAIR number 40-2-160, within the Department of Economic Opportunity is terminated.

(2) All current balances remaining in, and all revenues of, the trust fund shall be transferred to the General Revenue Fund.

(3) The Department of Economic Opportunity shall pay any outstanding debts and obligations of the terminated fund as soon as practicable, and the Chief Financial Officer shall close out

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

14 and remove the terminated fund from various state accounting
15 systems using generally accepted accounting principles
16 concerning warrants outstanding, assets, and liabilities.

17 Section 2. Section 446.50, Florida Statutes, is repealed.

18 Section 3. Section 446.51, Florida Statutes, is repealed.

19 Section 4. Section 446.52, Florida Statutes, is repealed.

20 Section 5. Section 1010.84, Florida Statutes, is repealed.

21 Section 6. Paragraph (b) of subsection (10) of section
22 20.60, Florida Statutes, is amended to read:

23 20.60 Department of Economic Opportunity; creation; powers
24 and duties.—

25 (10) The department, with assistance from Enterprise
26 Florida, Inc., shall, by November 1 of each year, submit an
27 annual report to the Governor, the President of the Senate, and
28 the Speaker of the House of Representatives on the condition of
29 the business climate and economic development in the state.

30 (b) The report must incorporate annual reports of other
31 programs, including:

32 ~~1. The displaced homemaker program established under s.~~
33 ~~446.50.~~

34 ~~1.2.~~ Information provided by the Department of Revenue
35 under s. 290.014.

36 ~~2.3.~~ Information provided by enterprise zone development
37 agencies under s. 290.0056 and an analysis of the activities and
38 accomplishments of each enterprise zone.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

39 ~~3.4.~~ The Economic Gardening Business Loan Pilot Program
40 established under s. 288.1081 and the Economic Gardening
41 Technical Assistance Pilot Program established under s.
42 288.1082.

43 ~~4.5.~~ A detailed report of the performance of the Black
44 Business Loan Program and a cumulative summary of quarterly
45 report data required under s. 288.714.

46 ~~5.6.~~ The Rural Economic Development Initiative established
47 under s. 288.0656.

48 ~~6.7.~~ The Florida Unique Abilities Partner Program.
49 Section 7. Subsection (1) of section 28.101, Florida
50 Statutes, is amended to read:

51 28.101 Petitions and records of dissolution of marriage;
52 additional charges.—

53 (1) When a party petitions for a dissolution of marriage,
54 in addition to the filing charges in s. 28.241, the clerk shall
55 collect and receive:

56 (a) A charge of \$5. On a monthly basis, the clerk shall
57 transfer the moneys collected pursuant to this paragraph to the
58 Department of Revenue for deposit in the Child Welfare Training
59 Trust Fund created in s. 402.40.

60 ~~(b) A charge of \$5. On a monthly basis, the clerk shall~~
61 ~~transfer the moneys collected pursuant to this paragraph to the~~
62 ~~Department of Revenue for deposit in the Displaced Homemaker~~
63 ~~Trust Fund created in s. 446.50. If a petitioner does not have~~

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

64 ~~sufficient funds with which to pay this fee and signs an~~
65 ~~affidavit so stating, all or a portion of the fee shall be~~
66 ~~waived subject to a subsequent order of the court relative to~~
67 ~~the payment of the fee.~~

68 (b) ~~(e)~~ A charge of \$55. On a monthly basis, the clerk
69 shall transfer the moneys collected pursuant to this paragraph
70 to the Department of Revenue for deposit in the Domestic
71 Violence Trust Fund. Such funds which are generated shall be
72 directed to the Department of Children and Families for the
73 specific purpose of funding domestic violence centers.

74 (c) ~~(d)~~ A charge of \$37.50 ~~32.50~~. On a monthly basis, the
75 clerk shall transfer the moneys collected pursuant to this
76 paragraph ~~as follows:~~

77 ~~1. An amount of \$7.50 to the Department of Revenue for~~
78 ~~deposit in the Displaced Homemaker Trust Fund.~~

79 ~~2. An amount of \$25 to the Department of Revenue for~~
80 ~~deposit in the General Revenue Fund.~~

81 Section 8. Paragraph (b) of subsection (2) of section
82 187.201, Florida Statutes, is amended to read:

83 187.201 State Comprehensive Plan adopted.—The Legislature
84 hereby adopts as the State Comprehensive Plan the following
85 specific goals and policies:

86 (2) FAMILIES.—

87 (b) Policies.—

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

88 1. Eliminate state policies which cause voluntary family
89 separations.

90 2. Promote concepts to stabilize the family unit to
91 strengthen bonds between parents and children.

92 3. Promote home care services for the sick and disabled.

93 4. Provide financial support for alternative child care
94 services.

95 5. Increase direct parental involvement in K-12 education
96 programs.

97 6. Promote family dispute resolution centers.

98 ~~7. Support displaced homemaker programs.~~

99 ~~7.8.~~ Provide increased assurance that child support
100 payments will be made.

101 ~~8.9.~~ Actively develop job opportunities, community work
102 experience programs, and job training programs for persons
103 receiving governmental financial assistance.

104 ~~9.10.~~ Direct local law enforcement authorities and
105 district mental health councils to increase efforts to prevent
106 family violence and to adequately punish the guilty party.

107 ~~10.11.~~ Provide financial, mental health, and other support
108 for victims of family violence.

109 Section 9. Paragraph (a) of subsection (3) of section
110 445.003, Florida Statutes, is amended to read:

111 445.003 Implementation of the federal Workforce Innovation
112 and Opportunity Act.—

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

113 (3) FUNDING.—

114 (a) Title I, Workforce Innovation and Opportunity Act
115 funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be
116 expended based on the 4-year plan of CareerSource Florida, Inc.
117 The plan must outline and direct the method used to administer
118 and coordinate various funds and programs that are operated by
119 various agencies. The following provisions apply to these funds:

120 1. At least 50 percent of the Title I funds for Adults and
121 Dislocated Workers which are passed through to local workforce
122 development boards shall be allocated to and expended on
123 Individual Training Accounts unless a local workforce
124 development board obtains a waiver from CareerSource Florida,
125 Inc. Tuition, books, and fees of training providers and other
126 training services prescribed and authorized by the Workforce
127 Innovation and Opportunity Act qualify as Individual Training
128 Account expenditures.

129 2. Fifteen percent of Title I funding shall be retained at
130 the state level and dedicated to state administration and shall
131 be used to design, develop, induce, and fund innovative
132 Individual Training Account pilots, demonstrations, and
133 programs. Of such funds retained at the state level, \$2 million
134 shall be reserved for the Incumbent Worker Training Program
135 created under subparagraph 3. Eligible state administration
136 costs include the costs of funding for the board and staff of
137 CareerSource Florida, Inc.; operating fiscal, compliance, and

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

138 management accountability systems through CareerSource Florida,
139 Inc.; conducting evaluation and research on workforce
140 development activities; and providing technical and capacity
141 building assistance to local workforce development areas at the
142 direction of CareerSource Florida, Inc. Notwithstanding s.
143 445.004, such administrative costs may not exceed 25 percent of
144 these funds. An amount not to exceed 75 percent of these funds
145 shall be allocated to Individual Training Accounts and other
146 workforce development strategies for other training designed and
147 tailored by CareerSource Florida, Inc., including, but not
148 limited to, programs for incumbent workers, ~~displaced~~
149 ~~homemakers~~, nontraditional employment, and enterprise zones.
150 CareerSource Florida, Inc., shall design, adopt, and fund
151 Individual Training Accounts for distressed urban and rural
152 communities.

153 3. The Incumbent Worker Training Program is created for
154 the purpose of providing grant funding for continuing education
155 and training of incumbent employees at existing Florida
156 businesses. The program will provide reimbursement grants to
157 businesses that pay for preapproved, direct, training-related
158 costs.

159 a. The Incumbent Worker Training Program will be
160 administered by CareerSource Florida, Inc., which may, at its
161 discretion, contract with a private business organization to
162 serve as grant administrator.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

163 b. The program shall be administered pursuant to s.
164 134(d)(4) of the Workforce Innovation and Opportunity Act.
165 Priority for funding shall be given to businesses with 25
166 employees or fewer, businesses in rural areas, businesses in
167 distressed inner-city areas, businesses in a qualified targeted
168 industry, businesses whose grant proposals represent a
169 significant upgrade in employee skills, or businesses whose
170 grant proposals represent a significant layoff avoidance
171 strategy.

172 c. All costs reimbursed by the program must be preapproved
173 by CareerSource Florida, Inc., or the grant administrator. The
174 program may not reimburse businesses for trainee wages, the
175 purchase of capital equipment, or the purchase of any item or
176 service that may possibly be used outside the training project.
177 A business approved for a grant may be reimbursed for
178 preapproved, direct, training-related costs including tuition,
179 fees, books and training materials, and overhead or indirect
180 costs not to exceed 5 percent of the grant amount.

181 d. A business that is selected to receive grant funding
182 must provide a matching contribution to the training project,
183 including, but not limited to, wages paid to trainees or the
184 purchase of capital equipment used in the training project; must
185 sign an agreement with CareerSource Florida, Inc., or the grant
186 administrator to complete the training project as proposed in
187 the application; must keep accurate records of the project's

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

188 implementation process; and must submit monthly or quarterly
189 reimbursement requests with required documentation.

190 e. All Incumbent Worker Training Program grant projects
191 shall be performance-based with specific measurable performance
192 outcomes, including completion of the training project and job
193 retention. CareerSource Florida, Inc., or the grant
194 administrator shall withhold the final payment to the grantee
195 until a final grant report is submitted and all performance
196 criteria specified in the grant contract have been achieved.

197 f. CareerSource Florida, Inc., may establish guidelines
198 necessary to implement the Incumbent Worker Training Program.

199 g. No more than 10 percent of the Incumbent Worker
200 Training Program's total appropriation may be used for overhead
201 or indirect purposes.

202 4. At least 50 percent of Rapid Response funding shall be
203 dedicated to Intensive Services Accounts and Individual Training
204 Accounts for dislocated workers and incumbent workers who are at
205 risk of dislocation. CareerSource Florida, Inc., shall also
206 maintain an Emergency Preparedness Fund from Rapid Response
207 funds, which will immediately issue Intensive Service Accounts,
208 Individual Training Accounts, and other federally authorized
209 assistance to eligible victims of natural or other disasters. At
210 the direction of the Governor, these Rapid Response funds shall
211 be released to local workforce development boards for immediate
212 use after events that qualify under federal law. Funding shall

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

213 also be dedicated to maintain a unit at the state level to
214 respond to Rapid Response emergencies and to work with state
215 emergency management officials and local workforce development
216 boards. All Rapid Response funds must be expended based on a
217 plan developed by CareerSource Florida, Inc., and approved by
218 the Governor.

219 Section 10. Paragraph (b) of subsection (5) of section
220 445.004, Florida Statutes, is amended to read:

221 445.004 CareerSource Florida, Inc.; creation; purpose;
222 membership; duties and powers.—

223 (5) CareerSource Florida, Inc., shall have all the powers
224 and authority not explicitly prohibited by statute which are
225 necessary or convenient to carry out and effectuate its purposes
226 as determined by statute, Pub. L. No. 113-128, and the Governor,
227 as well as its functions, duties, and responsibilities,
228 including, but not limited to, the following:

229 (b) Providing oversight and policy direction to ensure
230 that the following programs are administered by the department
231 in compliance with approved plans and under contract with
232 CareerSource Florida, Inc.:

233 1. Programs authorized under Title I of the Workforce
234 Innovation and Opportunity Act, Pub. L. No. 113-128, with the
235 exception of programs funded directly by the United States
236 Department of Labor under Title I, s. 167.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

237 2. Programs authorized under the Wagner-Peyser Act of
238 1933, as amended, 29 U.S.C. ss. 49 et seq.

239 3. Activities authorized under Title II of the Trade Act
240 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
241 Adjustment Assistance Program.

242 4. Activities authorized under 38 U.S.C. chapter 41,
243 including job counseling, training, and placement for veterans.

244 5. Employment and training activities carried out under
245 funds awarded to this state by the United States Department of
246 Housing and Urban Development.

247 6. Welfare transition services funded by the Temporary
248 Assistance for Needy Families Program, created under the
249 Personal Responsibility and Work Opportunity Reconciliation Act
250 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
251 of the Social Security Act, as amended.

252 ~~7. Displaced homemaker programs, provided under s. 446.50.~~

253 ~~7.8.~~ The Florida Bonding Program, provided under Pub. L.
254 No. 97-300, s. 164(a)(1).

255 ~~8.9.~~ The Food Assistance Employment and Training Program,
256 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
257 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
258 and the Hunger Prevention Act, Pub. L. No. 100-435.

259 ~~9.10.~~ The Quick-Response Training Program, provided under
260 ss. 288.046-288.047. Matching funds and in-kind contributions
261 that are provided by clients of the Quick-Response Training

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

262 Program shall count toward the requirements of s. 288.904,
263 pertaining to the return on investment from activities of
264 Enterprise Florida, Inc.

265 ~~10.11.~~ The Work Opportunity Tax Credit, provided under the
266 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,
267 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

268 ~~11.12.~~ Offender placement services, provided under ss.
269 944.707-944.708.

270 Section 11. Subsections (3), (4), and (5) of section
271 741.01, Florida Statutes, are amended to read:

272 741.01 County court judge or clerk of the circuit court to
273 issue marriage license; fee.-

274 ~~(3) Further, the fee charged for each marriage license~~
275 ~~issued in the state shall be increased by an additional sum of~~
276 ~~\$7.50 to be collected upon receipt of the application for the~~
277 ~~issuance of a marriage license. The clerk shall transfer such~~
278 ~~funds monthly to the Department of Revenue for deposit in the~~
279 ~~Displaced Homemaker Trust Fund created in s. 446.50.~~

280 ~~(3)~~(4) An additional fee of \$25 shall be paid to the clerk
281 upon receipt of the application for issuance of a marriage
282 license. The moneys collected shall be remitted by the clerk to
283 the Department of Revenue, monthly, for deposit in the General
284 Revenue Fund.

285 ~~(4)~~(5) The fee charged for each marriage license issued in
286 the state shall be reduced by a sum of \$25 ~~32.50~~ for all couples

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

287 who present valid certificates of completion of a premarital
288 preparation course from a qualified course provider registered
289 under s. 741.0305(5) for a course taken no more than 1 year
290 prior to the date of application for a marriage license. For
291 each license issued that is subject to the fee reduction of this
292 subsection, the clerk is not required to transfer the sum of
293 ~~\$7.50 to the Department of Revenue for deposit in the Displaced~~
294 ~~Homemaker Trust Fund pursuant to subsection (3) or to transfer~~
295 ~~the sum of \$25 to the Department of Revenue for deposit in the~~
296 General Revenue Fund.

297 Section 12. Section 741.011, Florida Statutes, is amended
298 to read:

299 741.011 Installment payments.—An applicant for a marriage
300 license who is unable to pay the fees required under s. 741.01
301 in a lump sum may make payment in not more than three
302 installments over a period of 90 days. The clerk shall accept
303 installment payments upon receipt of an affidavit that the
304 applicant is unable to pay the fees in a lump-sum payment. Upon
305 receipt of the third or final installment payment, the marriage
306 license application shall be deemed filed, and the clerk shall
307 issue the marriage license to the applicant and distribute the
308 fees as provided in s. 741.01. In the event that the marriage
309 license fee is paid in installments, the clerk shall retain \$1
310 from the additional fee imposed pursuant to s. 741.01(3)
311 ~~741.01(4)~~, as a processing fee.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

312 Section 13. Paragraph (x) is added to subsection (3) of
313 section 11.45, Florida Statutes, to read:

314 11.45 Definitions; duties; authorities; reports; rules.—

315 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
316 Auditor General may, pursuant to his or her own authority, or at
317 the direction of the Legislative Auditing Committee, conduct
318 audits or other engagements as determined appropriate by the
319 Auditor General of:

320 (x) The Florida Tourism Industry Marketing Corporation.

321 Section 14. Paragraph (a) of subsection (4) of section
322 201.15, Florida Statutes, is amended to read:

323 201.15 Distribution of taxes collected.—All taxes
324 collected under this chapter are hereby pledged and shall be
325 first made available to make payments when due on bonds issued
326 pursuant to s. 215.618 or s. 215.619, or any other bonds
327 authorized to be issued on a parity basis with such bonds. Such
328 pledge and availability for the payment of these bonds shall
329 have priority over any requirement for the payment of service
330 charges or costs of collection and enforcement under this
331 section. All taxes collected under this chapter, except taxes
332 distributed to the Land Acquisition Trust Fund pursuant to
333 subsections (1) and (2), are subject to the service charge
334 imposed in s. 215.20(1). Before distribution pursuant to this
335 section, the Department of Revenue shall deduct amounts
336 necessary to pay the costs of the collection and enforcement of

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

337 the tax levied by this chapter. The costs and service charge may
338 not be levied against any portion of taxes pledged to debt
339 service on bonds to the extent that the costs and service charge
340 are required to pay any amounts relating to the bonds. All of
341 the costs of the collection and enforcement of the tax levied by
342 this chapter and the service charge shall be available and
343 transferred to the extent necessary to pay debt service and any
344 other amounts payable with respect to bonds authorized before
345 January 1, 2017, secured by revenues distributed pursuant to
346 this section. All taxes remaining after deduction of costs shall
347 be distributed as follows:

348 (4) After the required distributions to the Land
349 Acquisition Trust Fund pursuant to subsections (1) and (2) and
350 deduction of the service charge imposed pursuant to s.
351 215.20(1), the remainder shall be distributed as follows:

352 (a) The lesser of 24.18442 percent of the remainder or
353 \$541.75 million in each fiscal year shall be paid into the State
354 Treasury to the credit of the State Transportation Trust Fund.
355 Of such funds, \$75 million for each fiscal year shall be
356 transferred to the General Revenue Fund ~~State Economic~~
357 ~~Enhancement and Development Trust Fund within the Department of~~
358 ~~Economic Opportunity~~. Notwithstanding any other law, the
359 remaining amount credited to the State Transportation Trust Fund
360 shall be used for:

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

361 1. Capital funding for the New Starts Transit Program,
362 authorized by Title 49, U.S.C. s. 5309 and specified in s.
363 341.051, in the amount of 10 percent of the funds;

364 2. The Small County Outreach Program specified in s.
365 339.2818, in the amount of 10 percent of the funds;

366 3. The Strategic Intermodal System specified in ss.
367 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent
368 of the funds after deduction of the payments required pursuant
369 to subparagraphs 1. and 2.; and

370 4. The Transportation Regional Incentive Program specified
371 in s. 339.2819, in the amount of 25 percent of the funds after
372 deduction of the payments required pursuant to subparagraphs 1.
373 and 2. The first \$60 million of the funds allocated pursuant to
374 this subparagraph shall be allocated annually to the Florida
375 Rail Enterprise for the purposes established in s. 341.303(5).

376 Section 15. Subsection (5) of section 288.1168, Florida
377 Statutes, is amended, and subsections (7) and (8) are added to
378 that section, to read:

379 288.1168 Professional golf hall of fame facility.—

380 (5) The Department of Revenue must ~~may~~ audit as provided
381 in s. 213.34 to verify that the distributions under this section
382 have been expended as required by this section on or before
383 October 1, 2017, and provide a copy of such audit to the
384 Governor, the President of the Senate, and the Speaker of the
385 House of Representatives on or before December 1, 2017.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

386 (7) On or before January 1, 2018, the applicant must
387 certify and provide the Governor, the President of the Senate,
388 and the Speaker of the House of Representatives, with a
389 certified financial report indicating that all payments received
390 from the state pursuant to s. 212.20 are being used to pay or
391 pledge for payment of debt service on, or to fund debt service
392 reserve funds, arbitrage rebate obligations, or other amounts
393 payable with respect to, bonds issued for the construction,
394 reconstruction, or renovation of the facility or for the
395 reimbursement of such costs or the refinancing of bonds issued
396 for such purpose.

397 (a) Such report must identify to whom the bonds were
398 issued, in what amounts, the date of final maturity, the level
399 of funding achieved and whether bond payments are outstanding.

400 (b) If the applicant fails to certify and provide proof as
401 required by this subsection, then all payments in accordance
402 with ss. 288.1168 and 212.20 shall cease on January 1, 2018.

403 (c) If the applicant fails to meet the requirements of
404 this subsection, no new or additional applications or
405 certifications shall be approved, no new letters of
406 certification may be issued, no new contracts or agreements may
407 be executed, and no new awards may be made.

408 (8) This section is repealed June 30, 2023.

409 Section 16. Section 288.1226, Florida Statutes, is amended
410 to read:

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

411 288.1226 Florida Tourism Industry Marketing Corporation;
412 use of property; board of directors; duties; audit.—

413 (1) DEFINITIONS.—For the purposes of this section, the
414 term "corporation" means the Florida Tourism Industry Marketing
415 Corporation.

416 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing
417 Corporation is a direct-support organization of Enterprise
418 Florida, Inc.

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

424 (b) The corporation is organized and operated exclusively
425 to request, receive, hold, invest, and administer property and
426 to manage and make expenditures for the operation of the
427 activities, services, functions, and programs of this state
428 which relate to the statewide, national, and international
429 promotion and marketing of tourism.

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

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

436 2. It is not a violation of s. 112.3143(2) or (4) for the
437 officers or members of the board of directors of the corporation
438 to:

439 a. Vote on the 4-year marketing plan required under s.
440 288.923 or vote on any individual component of or amendment to
441 the plan.

442 b. Participate in the establishment or calculation of
443 payments related to the private match requirements of subsection
444 (6). The officer or member must file an annual disclosure
445 describing the nature of his or her interests or the interests
446 of his or her principals, including corporate parents and
447 subsidiaries of his or her principal, in the private match
448 requirements. This annual disclosure requirement satisfies the
449 disclosure requirement of s. 112.3143(4). This disclosure must
450 be placed on the corporation's website or included in the
451 minutes of each meeting of the corporation's board of directors
452 at which the private match requirements are discussed or voted
453 upon.

454 (d) The corporation is subject to the provisions of
455 chapter 119, relating to public meetings, and those provisions
456 of chapter 286 relating to public meetings and records.

457 (3) USE OF PROPERTY.—Enterprise Florida, Inc.:

458 (a) Is authorized to permit the use of property and
459 facilities of Enterprise Florida, Inc., by the corporation,
460 subject to the provisions of this section.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

461 (b) Shall prescribe conditions with which the corporation
462 must comply in order to use property and facilities of
463 Enterprise Florida, Inc. Such conditions shall provide for
464 budget and audit review and for oversight by Enterprise Florida,
465 Inc.

466 (c) May not permit the use of property and facilities of
467 Enterprise Florida, Inc., if the corporation does not provide
468 equal employment opportunities to all persons, regardless of
469 race, color, national origin, sex, age, or religion.

470 (4) BOARD OF DIRECTORS.—The board of directors of the
471 corporation shall be composed of 31 tourism-industry-related
472 members, appointed by Enterprise Florida, Inc., in conjunction
473 with the department. Board members shall serve without
474 compensation, but are entitled to receive reimbursement for per
475 diem and travel expenses pursuant to s. 112.061. Such expenses
476 must be paid out of funds of the corporation.

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

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

484 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
485 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

486 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
487 Taylor, and Union Counties.

488 3. Region 3, composed of Brevard, Indian River, Lake,
489 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
490 Volusia Counties.

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

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

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

497 (b) The 15 additional tourism-industry-related members
498 shall include 1 representative from the statewide rental car
499 industry; 7 representatives from tourist-related statewide
500 associations, including those that represent hotels,
501 campgrounds, county destination marketing organizations,
502 museums, restaurants, retail, and attractions; 3 representatives
503 from county destination marketing organizations; 1
504 representative from the cruise industry; 1 representative from
505 an automobile and travel services membership organization that
506 has at least 2.8 million members in Florida; 1 representative
507 from the airline industry; and 1 representative from the space
508 tourism industry, who will each serve for a term of 2 years.

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

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

511 (a) May make and enter into contracts and assume such
512 other functions as are necessary to carry out the provisions of
513 the 4-year marketing plan required by s. 288.923, and the
514 corporation's contract with Enterprise Florida, Inc., which are
515 not inconsistent with this or any other provision of law. A
516 proposed contract with a total cost of \$750,000 or more is
517 subject to the notice and review procedures of s. 216.177. If
518 the chair or vice chair of the Legislative Budget Commission,
519 the President of the Senate, or the Speaker of the House of
520 Representatives timely advises the corporation in writing that
521 such proposed contract is contrary to legislative policy and
522 intent, the corporation may not execute such proposed contract.
523 The corporation may not enter into multiple related contracts to
524 avoid the requirements of this paragraph.

525 (b) May develop a program to provide incentives and to
526 attract and recognize those entities which make significant
527 financial and promotional contributions towards the expanded
528 tourism promotion activities of the corporation.

529 (c) May establish a cooperative marketing program with
530 other public and private entities which allows the use of the
531 VISIT Florida logo in tourism promotion campaigns which meet the
532 standards of Enterprise Florida, Inc., for which the corporation
533 may charge a reasonable fee.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

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

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

540 (f) Shall elect or appoint such officers and agents as its
541 affairs shall require and allow them reasonable compensation.
542 However, each officer or agent, including the president and
543 chief executive officer of the corporation, may not receive
544 public compensation for employment that exceeds the salary and
545 benefits paid to the Governor. Any public payments of
546 performance bonuses or severance pay to an officer or agent of
547 the corporation are prohibited unless specifically authorized by
548 law.

549 (g) Shall hire and establish salaries and personnel and
550 employee benefit programs for such permanent and temporary
551 employees as are necessary to carry out the provisions of the 4-
552 year marketing plan and the corporation's contract with
553 Enterprise Florida, Inc., which are not inconsistent with this
554 or any other provision of law. However, an employee may not
555 receive public compensation for employment that exceeds the
556 salary and benefits paid to the Governor. Any public payments of
557 performance bonuses or severance pay to employees of the

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

558 | corporation are prohibited unless specifically authorized by
559 | law.

560 | (h) Shall appoint a president and chief executive officer
561 | of the corporation who shall serve subject to confirmation by
562 | the Senate.

563 | (i) Shall provide staff support to the Division of Tourism
564 | Promotion of Enterprise Florida, Inc. The president and chief
565 | executive officer of the Florida Tourism Industry Marketing
566 | Corporation shall serve without compensation as the director of
567 | the division.

568 | (j)~~(i)~~ May adopt, change, amend, and repeal bylaws, not
569 | inconsistent with law or its articles of incorporation, for the
570 | administration of the provisions of the 4-year marketing plan
571 | and the corporation's contract with Enterprise Florida, Inc.

572 | (k)~~(j)~~ May conduct its affairs, carry on its operations,
573 | and have offices and exercise the powers granted by this act in
574 | any state, territory, district, or possession of the United
575 | States or any foreign country. Where feasible, appropriate, and
576 | recommended by the 4-year marketing plan developed by the
577 | Division of Tourism Promotion of Enterprise Florida, Inc., the
578 | corporation may collocate the programs of foreign tourism
579 | offices in cooperation with any foreign office operated by any
580 | agency of this state.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

581 (l)~~(k)~~ May appear on its own behalf before boards,
582 commissions, departments, or other agencies of municipal,
583 county, state, or federal government.

584 (m)~~(l)~~ May request or accept any grant, payment, or gift,
585 of funds or property made by this state or by the United States
586 or any department or agency thereof or by any individual, firm,
587 corporation, municipality, county, or organization for any or
588 all of the purposes of the 4-year marketing plan and the
589 corporation's contract with Enterprise Florida, Inc., that are
590 not inconsistent with this or any other provision of law. Such
591 funds shall be deposited in a bank account established by the
592 corporation's board of directors. The corporation may expend
593 such funds in accordance with the terms and conditions of any
594 such grant, payment, or gift, in the pursuit of its
595 administration or in support of the programs it administers. The
596 corporation shall separately account for the public funds and
597 the private funds deposited into the corporation's bank account.

598 (n)~~(m)~~ Shall establish a plan for participation in the
599 corporation which will provide additional funding for the
600 administration and duties of the corporation.

601 (o)~~(n)~~ In the performance of its duties, may undertake, or
602 contract for, marketing projects and advertising research
603 projects.

604 (p)~~(o)~~ In addition to any indemnification available under
605 chapter 617, the corporation may indemnify, and purchase and

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

606 maintain insurance on behalf of, directors, officers, and
607 employees of the corporation against any personal liability or
608 accountability by reason of actions taken while acting within
609 the scope of their authority.

610 (q) Shall not create or establish any other entity,
611 corporation, or direct-support organization.

612 (r) Shall not expend funds, public or private, that
613 directly or indirectly benefit only one company, corporation, or
614 business entity.

615 (6) MATCHING REQUIREMENTS.-

616 (a) A one-to-one match is required of private to public
617 contributions to the corporation. Public contributions include
618 all state appropriations to the corporation.

619 (b) For purposes of calculating the required one-to-one
620 match, the corporation shall receive matching private
621 contributions in one of four private match categories. The
622 corporation shall maintain documentation of such categorized
623 contributions on file and make such documentation available for
624 inspection upon reasonable notice during its regular business
625 hours. Contribution details shall be included in the quarterly
626 reports required under subsection (8). The private match
627 categories are:

628 1. Direct cash contributions from private sources, which
629 include, but are not limited to, cash derived from strategic

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

630 alliances, contributions of stocks and bonds, and partnership
631 contributions.

632 2. Fees for services, which include, but are not limited
633 to, event participation, research, and brochure placement and
634 transparencies.

635 3. Cooperative advertising, which is limited to partner
636 expenditures for paid media placement, partner expenditures for
637 collateral material distribution, and the actual market value of
638 contributed productions, air time, and print space.

639 4. In-kind contributions, which is limited to the actual
640 market value of promotional contributions of partner-supplied
641 benefits to target audiences and the actual market value of
642 nonpartner-supplied air time or print space contributed for the
643 broadcasting or printing of such promotions, which would
644 otherwise require tourist promotion expenditures by the
645 corporation for advertising, air travel, rental car fees, hotel
646 rooms, RV or campsite space rental, on-site guest services, and
647 admission tickets. The net value of air time or print space, if
648 any, shall be deemed to be the actual market value of the air
649 time or print space, based on an average of actual unit prices
650 paid contemporaneously for comparable times or spaces, less the
651 value of increased ratings or other benefits realized by the
652 media outlet as a result of the promotion.

653

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

654 Contributions from a government entity or from an entity that
655 received more than 50 percent of its revenue in the previous
656 fiscal year from public sources, including revenue derived from
657 taxes, fees, or other government revenues, are not considered
658 private contributions for purposes of calculating the required
659 one-to-one match.

660 (c) If the corporation fails to meet the one-to-one match
661 requirements of this subsection, the corporation shall revert
662 all unmatched public contributions to the state treasury by June
663 30 of each fiscal year.

664 (7)-(6) ANNUAL AUDIT.—The corporation shall provide for an
665 annual financial audit in accordance with s. 215.981. The annual
666 audit report shall be submitted to the Auditor General; the
667 Office of Program Policy Analysis and Government Accountability;
668 Enterprise Florida, Inc.; and the department for review. The
669 Office of Program Policy Analysis and Government Accountability;
670 Enterprise Florida, Inc.; the department; and the Auditor
671 General have the authority to require and receive from the
672 corporation or from its independent auditor any detail or
673 supplemental data relative to the operation of the corporation.
674 The department shall annually certify whether the corporation is
675 operating in a manner and achieving the objectives that are
676 consistent with the policies and goals of Enterprise Florida,
677 Inc., and its long-range marketing plan. The identity of a donor
678 or prospective donor to the corporation who desires to remain

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

679 anonymous and all information identifying such donor or
680 prospective donor are confidential and exempt from the
681 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
682 Constitution. Such anonymity shall be maintained in the
683 auditor's report.

684 (8)~~(7)~~ REPORT.—The corporation shall provide a quarterly
685 report to Enterprise Florida, Inc., which shall:

686 (a) Measure the current vitality of the visitor industry
687 of this state as compared to the vitality of such industry for
688 the year to date and for comparable quarters of past years.
689 Indicators of vitality shall be determined by Enterprise
690 Florida, Inc., and shall include, but not be limited to,
691 estimated visitor count and party size, length of stay, average
692 expenditure per party, and visitor origin and destination.

693 (b) Provide detailed, unaudited financial statements of
694 sources and uses of public and private funds.

695 (c) Measure progress towards annual goals and objectives
696 set forth in the 4-year marketing plan.

697 (d) Review all pertinent research findings.

698 (e) Provide other measures of accountability as requested
699 by Enterprise Florida, Inc.

700

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

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

704 (9)-(8) PUBLIC RECORDS EXEMPTION.—The identity of any
705 person who responds to a marketing project or advertising
706 research project conducted by the corporation in the performance
707 of its duties on behalf of Enterprise Florida, Inc., or trade
708 secrets as defined by s. 812.081 obtained pursuant to such
709 activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of
710 the State Constitution. This subsection is subject to the Open
711 Government Sunset Review Act in accordance with s. 119.15 and
712 shall stand repealed on October 2, 2018 ~~2021~~, unless reviewed
713 and saved from repeal through reenactment by the Legislature.

714 (10) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—Funds of the
715 corporation may not be expended for food, beverages, lodging,
716 entertainment, or gifts for employees of the corporation, board
717 members of the corporation, or employees of a tourist or
718 economic development entity that receives revenue from a tax
719 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305,
720 unless authorized pursuant to s. 112.061 or this section. An
721 employee or board member of the corporation may not accept or
722 receive food, beverages, lodging, entertainment, or gifts from a
723 tourist or economic development entity that receives revenue
724 from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.
725 212.0305, or from any person, vendor, or other entity, doing
726 business with the corporation unless such food, beverage,
727 lodging, entertainment, or gift is available to similarly
728 situated members of the general public.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

729 (11) LODGING EXPENSES.—Lodging expenses for an employee of
730 the corporation may not exceed \$150 per day, excluding taxes,
731 unless the corporation is participating in a negotiated group
732 rate discount or the corporation provides documentation of at
733 least three comparable alternatives demonstrating that such
734 lodging at the required rate is not available. However, an
735 employee of the corporation may expend his or her own funds for
736 any lodging expenses in excess of \$150 per day.

737 (12) PROPOSED OPERATING BUDGET SUBMISSION.—By August 15 of
738 each fiscal year, the Department of Economic Opportunity shall
739 submit a proposed operating budget for the corporation including
740 amounts to be expended on advertising, marketing, promotions,
741 events, other operating capital outlay, and salaries and
742 benefits for each employee to the Governor, the President of the
743 Senate, and the Speaker of the House of Representatives.

744 (13) TRANSPARENCY.—

745 (a) For purposes of this section, the corporation is a
746 governmental entity as defined in s. 215.985 and, therefore, is
747 subject to the Transparency Florida Act.

748 (b) A contract entered into between the corporation and
749 any other public or private entity shall include:

750 1. The purpose of the contract.

751 2. Specific performance standards and responsibilities for
752 each entity.

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

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

754 4. The value of any services provided.

755 5. The projected travel and entertainment expenses for
756 employees and board members, if applicable.

757 (c)1. Any entity that in the previous fiscal year received
758 more than 50 percent of its revenue from the corporation or
759 taxes imposed pursuant to s. 125.0104, s. 125.0108, or s.
760 212.0305, and that partners with the corporation or participates
761 in a program, cooperative advertisement, promotional
762 opportunity, or other activity offered by or in conjunction with
763 the corporation, shall report all public and private financial
764 data to the corporation annually on July 1.

765 2. The financial data shall include:

766 a. The total amount of revenue received from public and
767 private sources.

768 b. The operating budget of the partner entity.

769 c. Employee and board member salary and benefit details
770 from public and private funds.

771 d. An itemized account of all expenditures by the partner
772 entity on the behalf of, or coordinated for the benefit of the
773 corporation, its board members, or employees.

774 e. Itemized travel and entertainment expenditures of the
775 partner entity.

776 (d) The following information must be posted on the
777 corporation's website:

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

778 1. A plain language version of any contract that is
779 estimated to exceed \$35,000 with a private entity, municipality,
780 city, town, or vendor of services, supplies, or programs,
781 including marketing, or for the purchase or lease or use of
782 lands, facilities, or properties.

783 2. Any agreement entered into between the corporation and
784 any other entity, including a local government, private entity,
785 or nonprofit entity, that receives public funds or funds from a
786 tax imposed pursuant to s. 125.0104, s. 125.0108, or s.
787 212.0305.

788 3. The contracts and the required information pursuant to
789 paragraph (b) and the financial data submitted to the
790 corporation pursuant to paragraph (c).

791 4. Video recordings of each board meeting.

792 5. A detailed report of expenditures following each
793 marketing event paid for with the corporation's funds. Such
794 report must be posted within 10 business days after the event.

795 6. An annual itemized accounting of the total amount of
796 funds spent by any third party on behalf of the corporation or
797 any board member or employee of the corporation.

798 7. An annual itemized accounting of the total amount of
799 travel and entertainment expenditures by the corporation.

800 (e) The corporation's website must:

801 1. Allow users to navigate to related sites to view
802 supporting details.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

803 2. Enable a taxpayer to email questions to the corporation
804 and make such questions and the corporation's responses publicly
805 viewable.

806 (14)(9) REPEAL.—This section is repealed October 1, 2019,
807 unless reviewed and saved from repeal by the Legislature.

808 Section 17. Section 288.12266, Florida Statutes, is
809 created to read:

810 288.12266 Targeted Marketing Assistance Program.—

811 (1) The Targeted Marketing Assistance Program is created
812 to enhance the tourism business marketing of small, minority,
813 rural, and agritourism businesses in the state. The department,
814 in conjunction with the Florida Tourism Industry Marketing
815 Corporation, shall administer the program. The program shall
816 provide marketing plans, marketing assistance, promotional
817 support, media development, technical expertise, marketing
818 advice, technology training, social marketing support, and other
819 assistance to an eligible entity.

820 (2) As used in this section, the term "eligible entity"
821 means an independently owned and operated business with gross
822 revenue not exceeding \$1,250,000 or a nonprofit corporation that
823 meets the requirements of s. 501(c)(3) of the Internal Revenue
824 Code.

825 (3) The department and the Florida Tourism Industry
826 Marketing Corporation shall provide an annual report to the
827 Governor, the President of the Senate, and the Speaker of the

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

828 House of Representatives documenting that at least 50 percent of
829 the eligible entities receiving assistance through this program
830 are independently owned and operated businesses with gross
831 revenues not exceeding \$500,000.

832 Section 18. Section 288.124, Florida Statutes, is amended
833 to read:

834 288.124 Convention grants program.—The Florida Tourism
835 Industry Marketing Corporation ~~Enterprise Florida, Inc.~~, is
836 authorized to establish a convention grants program and,
837 pursuant to that program, to recommend to the department
838 expenditures and contracts with local governments and nonprofit
839 corporations or organizations for the purpose of attracting
840 national conferences and conventions to Florida. Preference
841 shall be given to local governments and nonprofit corporations
842 or organizations seeking to attract minority conventions to
843 Florida. Minority conventions are events that primarily involve
844 minority persons, as defined in s. 288.703, who are residents or
845 nonresidents of the state. The Florida Tourism Industry
846 Marketing Corporation ~~Enterprise Florida, Inc.~~ shall establish
847 guidelines governing the award of grants and the administration
848 of this program. The department has final approval authority for
849 any grants under this section. The total annual allocation of
850 funds for this program shall not exceed \$40,000.

851 Section 19. Subsection (5) of section 288.901, Florida
852 Statutes, is amended to read:

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

853 288.901 Enterprise Florida, Inc.—
854 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—
855 (a) In addition to the Governor or his or her designee,
856 the board of directors shall consist of the following appointed
857 members:
858 1. The Commissioner of Education or his or her designee.
859 2. The Chief Financial Officer or his or her designee.
860 3. The Attorney General or his or her designee.
861 4. The Commissioner of Agriculture or his or her designee.
862 5. The chairperson of the board of directors of
863 CareerSource Florida, Inc.
864 6. The Secretary of State or his or her designee.
865 7. Twelve members from the private sector, six of whom
866 shall be appointed by the Governor, three of whom shall be
867 appointed by the President of the Senate, and three of whom
868 shall be appointed by the Speaker of the House of
869 Representatives. Members appointed by the Governor are subject
870 to Senate confirmation.
871 (b) In making their appointments, the Governor, the
872 President of the Senate, and the Speaker of the House of
873 Representatives shall ensure that the composition of the board
874 of directors reflects the diversity of Florida's business
875 community and is representative of the economic development
876 goals in subsection (2). The board must include at least one
877 director for each of the following areas of expertise:

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

878 international business, tourism marketing, the space or
879 aerospace industry, managing or financing a minority-owned
880 business, manufacturing, finance and accounting, and sports
881 marketing.

882 (c) The Governor, the President of the Senate, and the
883 Speaker of the House of Representatives also shall consider
884 appointees who reflect Florida's racial, ethnic, and gender
885 diversity. Efforts shall be taken to ensure participation from
886 all geographic areas of the state, including representation from
887 urban and rural communities.

888 (d) Appointed members shall be appointed to 4-year terms,
889 except that initially, to provide for staggered terms, the
890 Governor, the President of the Senate, and the Speaker of the
891 House of Representatives shall each appoint one member to serve
892 a 2-year term and one member to serve a 3-year term, with the
893 remaining initial appointees serving 4-year terms. All
894 subsequent appointments shall be for 4-year terms.

895 (e) Initial appointments must be made by October 1, 2011,
896 and be eligible for confirmation at the earliest available
897 Senate session. Terms end on September 30.

898 (f) Any member is eligible for reappointment, except that
899 a member may not serve more than two terms.

900 (g) A vacancy on the board of directors shall be filled
901 for the remainder of the unexpired term. Vacancies on the board
902 shall be filled by appointment by the Governor, the President of

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

903 the Senate, or the Speaker of the House of Representatives,
904 respectively, depending on who appointed the member whose
905 vacancy is to be filled or whose term has expired.

906 (h) Appointed members may be removed by the Governor, the
907 President of the Senate, or the Speaker of the House of
908 Representatives, respectively, for cause. Absence from three
909 consecutive meetings results in automatic removal.

910

911 All Board members shall serve without compensation, but are
912 entitled to receive reimbursement for per diem and travel
913 expenses pursuant to s. 112.061. Such expenses must be paid out
914 of funds of Enterprise Florida, Inc.

915 Section 20. Subsections (7), (8), and (9) are added to
916 section 288.903, Florida Statutes, to read:

917 288.903 Duties of Enterprise Florida, Inc.—Enterprise
918 Florida, Inc., shall have the following duties:

919 (7) Submit all proposed contracts with a total cost of
920 \$750,000 or more in accordance with the notice and review
921 procedures of s. 216.177. If the chair or vice chair of the
922 Legislative Budget Commission, the President of the Senate, or
923 the Speaker of the House of Representatives timely advises
924 Enterprise Florida, Inc., in writing that such proposed contract
925 is contrary to legislative policy and intent, Enterprise
926 Florida, Inc., may not execute such proposed contract.
927 Enterprise Florida, Inc., may not enter into multiple related

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

928 contracts to avoid the requirements of this paragraph. This
929 paragraph does not apply to contracts for the award of a
930 statutorily authorized incentive program.

931 (8) Shall not create or establish any other entity,
932 corporation, or direct-support organization, unless authorized
933 by law.

934 (9) Enterprise Florida, Inc., shall comply with the per
935 diem and travel expense provisions of s. 112.061.

936 Section 21. Section 288.904, Florida Statutes, is amended
937 to read:

938 288.904 Funding for Enterprise Florida, Inc.; performance
939 and return on the public's investment.—

940 (1) (a) The Legislature may annually appropriate to
941 Enterprise Florida, Inc., a sum of money for its operations, and
942 separate line-item appropriations for each of the divisions
943 listed in s. 288.92.

944 (b) The state's operating investment in Enterprise
945 Florida, Inc., and its divisions is the budget contracted by the
946 department to Enterprise Florida, Inc., less any funding that is
947 directed by the Legislature to be subcontracted to a specific
948 recipient entity.

949 (c) The board of directors of Enterprise Florida, Inc.,
950 shall adopt for each upcoming fiscal year an operating budget
951 for the organization, including its divisions, which specifies

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

952 the intended uses of the state's operating investment and a plan
953 for securing private sector support.

954 (2) (a) The Legislature finds that it is a priority to
955 maximize private sector support in operating Enterprise Florida,
956 Inc., and its divisions, as an endorsement of its value and as
957 an enhancement of its efforts. Thus, the state appropriations
958 must be matched with private sector support equal to at least
959 100 percent of the state operational funding.

960 (b) Private sector support in operating Enterprise
961 Florida, Inc., and its divisions includes:

962 1. Cash given directly to Enterprise Florida, Inc., for
963 its operations, including contributions from at-large members of
964 the board of directors;

965 2. Cash donations from organizations assisted by the
966 divisions;

967 3. Cash jointly raised by Enterprise Florida, Inc., and a
968 private local economic development organization, a group of such
969 organizations, or a statewide private business organization that
970 supports collaborative projects;

971 4. Cash generated by fees charged for products or services
972 of Enterprise Florida, Inc., and its divisions by sponsorship of
973 events, missions, programs, and publications; and

974 5. Copayments, stock, warrants, royalties, or other
975 private resources dedicated to Enterprise Florida, Inc., or its
976 divisions.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

977
978 Contributions from a government entity or from an entity that
979 received more than 50 percent of its revenue in the previous
980 fiscal year from public sources, including revenue derived from
981 taxes, fees, or other government revenues, are not considered
982 private contributions for purposes of calculating the required
983 match.

984 (c) If Enterprise Florida, Inc., fails to meet the one-to-
985 one match requirements of this subsection, the corporation shall
986 revert all unmatched public contributions to the state treasury
987 by June 30 of each fiscal year.

988 ~~(3)(a) Specifically for the marketing and advertising~~
989 ~~activities of the Division of Tourism Marketing or as contracted~~
990 ~~through the Florida Tourism Industry Corporation, a one-to-one~~
991 ~~match is required of private to public contributions within 4~~
992 ~~calendar years after the implementation date of the marketing~~
993 ~~plan pursuant to s. 288.923.~~

994 ~~(b) For purposes of calculating the required one-to-one~~
995 ~~match, matching private funds shall be divided into four~~
996 ~~categories. Documentation for the components of the four private~~
997 ~~match categories shall be kept on file for inspection as~~
998 ~~determined necessary. The four private match categories are:~~

999 ~~1. Direct cash contributions, which include, but are not~~
1000 ~~limited to, cash derived from strategic alliances, contributions~~
1001 ~~of stocks and bonds, and partnership contributions.~~

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1002 ~~2. Fees for services, which include, but are not limited~~
1003 ~~to, event participation, research, and brochure placement and~~
1004 ~~transparencies.~~

1005 ~~3. Cooperative advertising, which is the value based on~~
1006 ~~cost of contributed productions, air time, and print space.~~

1007 ~~4. In-kind contributions, which include, but are not~~
1008 ~~limited to, the value of strategic alliance services~~
1009 ~~contributed, the value of loaned employees, discounted service~~
1010 ~~fees, items contributed for use in promotions, and radio or~~
1011 ~~television air time or print space for promotions. The value of~~
1012 ~~air time or print space shall be calculated by taking the actual~~
1013 ~~time or space and multiplying by the nonnegotiated unit price~~
1014 ~~for that specific time or space which is known as the media~~
1015 ~~equivalency value. In order to avoid duplication in determining~~
1016 ~~media equivalency value, only the value of the promotion itself~~
1017 ~~shall be included; the value of the items contributed for the~~
1018 ~~promotion may not be included.~~

1019 ~~(4)~~ Enterprise Florida, Inc., shall fully comply with the
1020 performance measures, standards, and sanctions in its contract
1021 with the department, under s. 20.60. The department shall
1022 ensure, to the maximum extent possible, that the contract
1023 performance measures are consistent with performance measures
1024 that it is required to develop and track under performance-based
1025 program budgeting. The contract shall also include performance
1026 measures for the divisions.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1027 (4)-(5) The Legislature intends to review the performance
1028 of Enterprise Florida, Inc., in achieving the performance goals
1029 stated in its annual contract with the department to determine
1030 whether the public is receiving a positive return on its
1031 investment in Enterprise Florida, Inc., and its divisions. It
1032 also is the intent of the Legislature that Enterprise Florida,
1033 Inc., coordinate its operations with local economic development
1034 organizations to maximize the state and local return on
1035 investment to create jobs for Floridians.

1036 (5) By August 15 of each fiscal year, the Department of
1037 Economic Opportunity shall submit a proposed operating budget
1038 for Enterprise Florida, Inc., including amounts to be expended
1039 on incentives, business recruitment, advertising, events, other
1040 operating capital outlay, and salaries and benefits for each
1041 employee to the Governor, the President of the Senate, and the
1042 Speaker of the House of Representatives.

1043 (6) (a) For purposes of this section, Enterprise Florida,
1044 Inc., is a governmental entity as defined in s. 215.985 and,
1045 therefore, is subject to the Transparency Florida Act.

1046 (b) A contract entered into between Enterprise Florida,
1047 Inc., and any other public or private entity shall include:

- 1048 1. The purpose of the contract.
- 1049 2. Specific performance standards and responsibilities for
1050 each entity.
- 1051 3. A detailed project or contract budget, if applicable.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1052 4. The value of any services provided.

1053 5. The projected travel and entertainment expenses for
1054 employees and board members, if applicable.

1055 (c)1. Any entity that in the previous fiscal year received
1056 more than 50 percent of its revenue from Enterprise Florida,
1057 Inc., or a tax imposed pursuant to s. 125.0104, s. 125.0108, or
1058 s. 212.0305, and that partners with Enterprise Florida, Inc., in
1059 a program or other activity offered by or in conjunction with
1060 Enterprise, Florida, Inc., shall report all public and private
1061 financial data to the corporation annually on July 1.

1062 2. The financial data shall include:

1063 a. The total amount of revenue received from public and
1064 private sources.

1065 b. The operating budget of the partner entity.

1066 c. Employee and board member salary and benefit details
1067 from public and private funds.

1068 d. An itemized account of all expenditures by the partner
1069 entity on the behalf of, or coordinated for the benefit of,
1070 Enterprise Florida, Inc., its board members, or employees.

1071 e. Itemized travel and entertainment expenditures of the
1072 partner entity.

1073 (d) The following information must be posted on the
1074 website of Enterprise Florida, Inc.:

1075 1. A plain language version of any contract that is
1076 estimated to exceed \$35,000 with a private entity, municipality,

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1077 city, town, or vendor of services, supplies, or programs,
1078 including marketing, or for the purchase or lease or use of
1079 lands, facilities, or properties.

1080 2. Any agreement entered into between Enterprise Florida,
1081 Inc., and any other entity, including a local government,
1082 private entity, or nonprofit entity, that receives public funds
1083 or funds from a tax imposed pursuant to s. 125.0104, s.
1084 125.0108, or s. 212.0305.

1085 3. The contracts and the required information pursuant to
1086 paragraph (b) and the financial data submitted to Enterprise
1087 Florida, Inc., pursuant to paragraph (c).

1088 4. Video recordings of each board meeting.

1089 5. A detailed report of expenditures following each
1090 marketing or business recruitment event paid for with Enterprise
1091 Florida, Inc., funds. Such report must be posted within 10
1092 business days after the event.

1093 6. An annual itemized accounting of the total amount of
1094 funds spent by any third party on behalf of Enterprise Florida,
1095 Inc., or any board member or employee of Enterprise Florida,
1096 Inc.

1097 7. An annual itemized accounting of the total amount of
1098 travel and entertainment expenditures by Enterprise Florida,
1099 Inc.

1100 (e) The Enterprise Florida, Inc., website must:

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1101 1. Allow users to navigate to related sites to view
1102 supporting details.

1103 2. Enable a taxpayer to email questions to Enterprise
1104 Florida, Inc., and make such questions and Enterprise Florida,
1105 Inc., responses publicly viewable.

1106 Section 22. Section 288.905, Florida Statutes, is amended
1107 to read:

1108 288.905 President and employees of Enterprise Florida,
1109 Inc.—

1110 (1) The board of directors of Enterprise Florida, Inc.,
1111 shall appoint a president, who shall serve at the pleasure of
1112 the Governor. The president shall be subject to confirmation by
1113 the Senate. The president shall also be known as the "secretary
1114 of commerce" and shall serve as the Governor's chief negotiator
1115 for business recruitment and business expansion.

1116 (2) The president is the chief administrative and
1117 operational officer of the board of directors and of Enterprise
1118 Florida, Inc., and shall direct and supervise the administrative
1119 affairs of the board of directors and any divisions, councils,
1120 or boards. The board of directors may delegate to the president
1121 those powers and responsibilities it deems appropriate,
1122 including hiring and management of all staff, except for the
1123 appointment of a president.

1124 (3) The board of directors shall establish and adjust the
1125 president's compensation.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1126 (4) No employee of Enterprise Florida, Inc., including an
1127 officer or agent, the president, or the chief executive officer,
1128 may receive public compensation for employment that exceeds the
1129 salary and benefits paid to the Governor, ~~unless the board of~~
1130 ~~directors and the employee have executed a contract that~~
1131 ~~prescribes specific, measurable performance outcomes for the~~
1132 ~~employee, the satisfaction of which provides the basis for the~~
1133 ~~award of incentive payments that increase the employee's total~~
1134 ~~compensation to a level above the salary paid to the Governor.~~
1135 Any public payments of performance bonuses or severance pay to
1136 employees are prohibited unless specifically authorized by law.

1137 (5) Lodging expenses for an employee of Enterprise
1138 Florida, Inc., may not exceed \$150 per day, excluding taxes,
1139 unless the corporation is participating in a negotiated group
1140 rate discount or the corporation provides documentation of at
1141 least three comparable alternatives demonstrating that such
1142 lodging at the required rate is not available. However, an
1143 employee of the corporation may expend his or her own funds for
1144 any lodging expenses in excess of \$150 per day.

1145 (6) Funds of Enterprise Florida, Inc., may not be expended
1146 for food, beverages, lodging, entertainment, or gifts for
1147 employees of the corporation, board members of the corporation,
1148 or employees of a tourist or economic development entity that
1149 receives revenue from a tax imposed pursuant to s. 125.0104, s.
1150 125.0108, or s. 212.0305, unless authorized pursuant to s.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1151 112.061 or this section. An employee or board member of
1152 Enterprise Florida, Inc., may not accept or receive food,
1153 beverages, lodging, entertainment, or gifts from a tourist or
1154 economic development entity that receives revenue from a tax
1155 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, or
1156 from any person, vendor, or other entity, doing business with
1157 the corporation unless such food, beverage, lodging,
1158 entertainment, or gift is available to similarly situated
1159 members of the general public.

1160 Section 23. Paragraph (b) of subsection (2) of section
1161 288.92, Florida Statutes, is amended to read:

1162 288.92 Divisions of Enterprise Florida, Inc.—

1163 (2)

1164 (b)1. The following officers and board members are subject
1165 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1166 112.3143(2):

1167 a. Officers and members of the board of directors of the
1168 divisions of Enterprise Florida, Inc.

1169 b. Officers and members of the board of directors of
1170 subsidiaries of Enterprise Florida, Inc.

1171 c. Officers and members of the board of directors of
1172 corporations created to carry out the missions of Enterprise
1173 Florida, Inc.

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1174 d. Officers and members of the board of directors of
1175 corporations with which a division is required by law to
1176 contract to carry out its missions.

1177 2. For purposes of applying ss. 112.313(1)-(8), (10),
1178 (12), and (15); 112.3135; and 112.3143(2) to activities of the
1179 officers and members of the board of directors specified in
1180 subparagraph 1., those persons shall be considered public
1181 officers or employees and the corporation shall be considered
1182 their agency.

1183 ~~3. It is not a violation of s. 112.3143(2) or (4) for the~~
1184 ~~officers or members of the board of directors of the Florida~~
1185 ~~Tourism Industry Marketing Corporation to:~~

1186 ~~a. Vote on the 4-year marketing plan required under s.~~
1187 ~~288.923 or vote on any individual component of or amendment to~~
1188 ~~the plan.~~

1189 ~~b. Participate in the establishment or calculation of~~
1190 ~~payments related to the private match requirements of s.~~
1191 ~~288.904(3). The officer or member must file an annual disclosure~~
1192 ~~describing the nature of his or her interests or the interests~~
1193 ~~of his or her principals, including corporate parents and~~
1194 ~~subsidiaries of his or her principal, in the private match~~
1195 ~~requirements. This annual disclosure requirement satisfies the~~
1196 ~~disclosure requirement of s. 112.3143(4). This disclosure must~~
1197 ~~be placed either on the Florida Tourism Industry Marketing~~
1198 ~~Corporation's website or included in the minutes of each meeting~~

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1199 ~~of the Florida Tourism Industry Marketing Corporation's board of~~
1200 ~~directors at which the private match requirements are discussed~~
1201 ~~or voted upon.~~

1202 Section 24. Paragraph (d) of subsection (4) of section
1203 288.923, Florida Statutes, is amended to read:

1204 288.923 Division of Tourism Marketing; definitions;
1205 responsibilities.—

1206 (4) The division's responsibilities and duties include,
1207 but are not limited to:

1208 (d) Drafting and submitting an annual report required by
1209 s. 288.92. The annual report shall set forth for the division
1210 and the direct-support organization:

1211 1. Operations and accomplishments during the fiscal year,
1212 including the economic benefit of the state's investment and
1213 effectiveness of the marketing plan.

1214 2. The 4-year marketing plan, including recommendations on
1215 methods for implementing and funding the plan.

1216 3. The assets and liabilities of the direct-support
1217 organization at the end of its most recent fiscal year.

1218 4. A copy of the annual financial and compliance audit
1219 conducted under s. 288.1226(7) ~~288.1226(6)~~.

1220 Section 25. The recurring sum of \$1,000,000 from the State
1221 Economic Enhancement and Development Trust Fund and the
1222 recurring sum of \$24,000,000 from the Tourism Promotional Trust
1223 Fund are appropriated to the Department of Economic Opportunity

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1224 for Fiscal Year 2017-2018 to enter into a contract with the
1225 Florida Tourism Industry Marketing Corporation.

1226 Section 26. The recurring sum of \$9,400,000 from the State
1227 Economic Enhancement and Development Trust Fund and the
1228 recurring sum of \$6,600,000 from the Florida International Trade
1229 and Promotion Trust Fund are appropriated to the Department of
1230 Economic Opportunity for Fiscal Year 2017-2018 to enter into a
1231 contract with Enterprise Florida, Inc. From the funds
1232 appropriated from the Florida International Trade and Promotion
1233 Trust Fund, Enterprise Florida, Inc., shall allocate \$3,550,000
1234 for international programs, \$2,050,000 to maintain Florida's
1235 international offices, and \$1,000,000 to continue the Florida
1236 Export Diversification and Expansion Programs.

1237 Section 27. This act shall take effect July 1, 2017.

1238
1239 -----

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

1241 Remove everything before the enacting clause and insert:

1242 A bill to be entitled

1243 An act relating to economic programs; terminating the
1244 Displaced Homemaker Trust Fund within the Department
1245 of Economic Opportunity; providing for the disposition
1246 of balances in and revenues of such trust fund;
1247 providing procedures for the termination of the trust
1248 fund; repealing ss. 446.50, 446.51, 446.52, and

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1249 1010.84, F.S., relating to displaced homemaker
1250 programs, prohibited discrimination and
1251 confidentiality of information related to such
1252 programs, and the Displaced Homemaker Trust Fund,
1253 respectively; amending ss. 20.60, 28.101, 187.201,
1254 445.003, 445.004, 741.01, and 741.011, F.S.;
1255 conforming provisions to changes made by the act;
1256 amending s. 11.45, F.S.; authorizing the Auditor
1257 General to audit the Florida Tourism Industry
1258 Marketing Corporation; amending s. 201.15, F.S.;
1259 transferring certain funds to the General Revenue
1260 Fund; amending s. 288.1168, F.S.; requiring the
1261 Department of Revenue to conduct an audit; requiring
1262 the department to provide a copy of such audit to the
1263 Governor and the Legislature by a specified date;
1264 requiring a professional golf hall of fame facility
1265 applicant to provide a certified financial report to
1266 the Governor and the Legislature; requiring payments
1267 to cease under certain conditions; providing a repeal
1268 date; amending s. 288.1226, F.S.; requiring the
1269 Florida Tourism Industry Marketing Corporation to
1270 comply with certain per diem and travel expense
1271 provisions; providing corporation board members and
1272 officers with certain voting authority; requiring such
1273 officers and members to file a certain annual

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1274 disclosure; requiring that such disclosure be placed
1275 on the corporation's website; authorizing
1276 reimbursement for per diem and travel expenses for
1277 corporation board members; requiring such expenses to
1278 be paid out of corporation funds; subjecting certain
1279 contracts to specified notice and review procedures;
1280 prohibiting the execution of certain contracts;
1281 limiting the amount of compensation paid to
1282 corporation officers, agents, and employees;
1283 prohibiting certain performance bonuses and severance
1284 pay; requiring the corporation to appoint its
1285 president and chief executive officer, subject to
1286 Senate confirmation; prohibiting the corporation from
1287 creating or establishing certain entities and
1288 expending certain funds that benefit only one entity;
1289 requiring a one-to-one match of private to public
1290 contributions to the corporation; providing private
1291 contribution categories to be used for the calculation
1292 of such match; prohibiting certain contributions from
1293 being considered private contributions for purposes of
1294 such match; requiring the reversion of unmatched
1295 public contributions to the state treasury by a
1296 certain date annually; requiring the corporation to
1297 provide certain data to the Office of Economic and
1298 Demographic Research; revising the date for a repeal

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1299 of a public records exemption; prohibiting the
1300 expenditure of corporation funds for certain purposes;
1301 prohibiting the acceptance or receipt of certain items
1302 or services from certain entities; limiting lodging
1303 expenses of corporation employees; providing an
1304 exception; requiring the Department of Economic
1305 Opportunity to submit a proposed operating budget for
1306 the corporation to the Governor and the Legislature;
1307 providing that the corporation is a governmental
1308 entity and subject to the Transparency Florida Act;
1309 requiring the inclusion of specified information in
1310 certain corporation contracts and on the corporation's
1311 website; requiring certain entities that receive a
1312 certain amount of specified funds to report certain
1313 public and private financial data to the corporation
1314 by a specified date; requiring an annual accounting
1315 containing specified financial data; requiring
1316 specified functionality of the corporation's website;
1317 creating s. 288.12266, F.S.; creating the Targeted
1318 Marketing Assistance Program to enhance the tourism
1319 business marketing of small, minority, rural, and
1320 agritourism businesses in the state; providing a
1321 definition; requiring the department and the
1322 corporation to provide an annual report to the
1323 Governor and the Legislature; amending s. 288.124,

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1324 F.S.; authorizing the Florida Tourism Industry
1325 Marketing Corporation, rather than Enterprise Florida,
1326 Inc., to establish a convention grants program and
1327 guidelines governing the award of program grants and
1328 the administration of such program; amending s.
1329 288.901, F.S.; authorizing reimbursement for per diem
1330 and travel expenses for Enterprise Florida, Inc.,
1331 board members; requiring such expenses to be paid out
1332 of Enterprise Florida, Inc., funds; amending s.
1333 288.903, F.S.; subjecting certain contracts to
1334 specified notice and review procedures; prohibiting
1335 the execution of certain contracts; prohibiting
1336 Enterprise Florida, Inc., from creating or
1337 establishing certain entities; requiring Enterprise
1338 Florida, Inc., to comply with certain per diem and
1339 travel expense provisions; amending s. 288.904, F.S.;
1340 prohibiting certain contributions from being
1341 considered private contributions for purposes of a
1342 required match; requiring the reversion of unmatched
1343 public contributions to the state treasury by a
1344 certain date annually; requiring the Department of
1345 Economic Opportunity to submit a proposed operating
1346 budget for Enterprise Florida, Inc., to the Governor
1347 and the Legislature; providing that Enterprise
1348 Florida, Inc., is a governmental entity and subject to

642323

Approved For Filing: 5/5/2017 8:26:41 PM

Amendment No.

1349 the Transparency Florida Act; requiring the inclusion
1350 of specified information in certain Enterprise
1351 Florida, Inc., contracts and on the Enterprise
1352 Florida, Inc., website; requiring certain entities
1353 that receive a certain amount of specified funds to
1354 report certain public and private financial data to
1355 Enterprise Florida, Inc., by a specified date;
1356 requiring an annual accounting containing specified
1357 financial data; requiring specified functionality of
1358 the Enterprise Florida, Inc., website; amending s.
1359 288.905, F.S.; providing that the president of
1360 Enterprise Florida, Inc., is subject to confirmation
1361 by the Senate; limiting the amount of public
1362 compensation paid to Enterprise Florida, Inc.,
1363 employees; prohibiting certain performance bonuses and
1364 severance pay; limiting lodging expenses of Enterprise
1365 Florida, Inc., employees; providing an exception;
1366 prohibiting certain expenditures; prohibiting the
1367 acceptance or receipt of certain items or services
1368 from certain entities; amending s. 288.92, F.S.;
1369 conforming provisions to changes made by the act;
1370 amending s. 288.923, F.S.; conforming a cross-
1371 reference; providing appropriations; providing an
1372 effective date.

642323

Approved For Filing: 5/5/2017 8:26:41 PM