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HB 5501, Engrossed 1

2017 Legislature

1
2 An act relating to economic programs; terminating the
3 Displaced Homemaker Trust Fund within the Department
4 of Economic Opportunity; providing for the disposition
5 of balances in and revenues of such trust fund;
6 providing procedures for the termination of the trust
7 fund; repealing ss. 446.50, 446.51, 446.52, and
8 1010.84, F.S., relating to displaced homemaker
9 programs, prohibited discrimination and
10 confidentiality of information related to such
11 programs, and the Displaced Homemaker Trust Fund,
12 respectively; amending ss. 20.60, 28.101, 187.201,
13 445.003, 445.004, 741.01, and 741.011, F.S.;
14 conforming provisions to changes made by the act;
15 amending s. 11.45, F.S.; authorizing the Auditor
16 General to audit the Florida Tourism Industry
17 Marketing Corporation; amending s. 201.15, F.S.;
18 transferring certain funds to the General Revenue
19 Fund; amending s. 288.1168, F.S.; requiring the
20 Department of Revenue to conduct an audit; requiring
21 the department to provide a copy of such audit to the
22 Governor and the Legislature by a specified date;
23 requiring a professional golf hall of fame facility
24 applicant to provide a certified financial report to
25 the Governor and the Legislature; requiring payments

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26 | to cease under certain conditions; providing a repeal
27 | date; amending s. 288.1226, F.S.; requiring the
28 | Florida Tourism Industry Marketing Corporation to
29 | comply with certain per diem and travel expense
30 | provisions; providing corporation board members and
31 | officers with certain voting authority; requiring such
32 | officers and members to file a certain annual
33 | disclosure; requiring that such disclosure be placed
34 | on the corporation's website; authorizing
35 | reimbursement for per diem and travel expenses for
36 | corporation board members; requiring such expenses to
37 | be paid out of corporation funds; subjecting certain
38 | contracts to specified notice and review procedures;
39 | prohibiting the execution of certain contracts;
40 | limiting the amount of compensation paid to
41 | corporation officers, agents, and employees;
42 | prohibiting certain performance bonuses and severance
43 | pay; requiring the corporation to appoint its
44 | president and chief executive officer, subject to
45 | Senate confirmation; prohibiting the corporation from
46 | creating or establishing certain entities and
47 | expending certain funds that benefit only one entity;
48 | requiring a one-to-one match of private to public
49 | contributions to the corporation; providing private
50 | contribution categories to be used for the calculation

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51 of such match; prohibiting certain contributions from
52 being considered private contributions for purposes of
53 such match; requiring the reversion of unmatched
54 public contributions to the state treasury by a
55 certain date annually; requiring the corporation to
56 provide certain data to the Office of Economic and
57 Demographic Research; revising the date for a repeal
58 of a public records exemption; prohibiting the
59 expenditure of corporation funds for certain purposes;
60 prohibiting the acceptance or receipt of certain items
61 or services from certain entities; limiting lodging
62 expenses of corporation employees; providing an
63 exception; requiring the Department of Economic
64 Opportunity to submit a proposed operating budget for
65 the corporation to the Governor and the Legislature;
66 providing that the corporation is a governmental
67 entity and subject to the Transparency Florida Act;
68 requiring the inclusion of specified information in
69 certain corporation contracts and on the corporation's
70 website; requiring certain entities that receive a
71 certain amount of specified funds to report certain
72 public and private financial data to the corporation
73 by a specified date; requiring an annual accounting
74 containing specified financial data; requiring
75 specified functionality of the corporation's website;

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76 | creating s. 288.12266, F.S.; creating the Targeted
77 | Marketing Assistance Program to enhance the tourism
78 | business marketing of small, minority, rural, and
79 | agritourism businesses in the state; providing a
80 | definition; requiring the department and the
81 | corporation to provide an annual report to the
82 | Governor and the Legislature; amending s. 288.124,
83 | F.S.; authorizing the Florida Tourism Industry
84 | Marketing Corporation, rather than Enterprise Florida,
85 | Inc., to establish a convention grants program and
86 | guidelines governing the award of program grants and
87 | the administration of such program; amending s.
88 | 288.901, F.S.; authorizing reimbursement for per diem
89 | and travel expenses for Enterprise Florida, Inc.,
90 | board members; requiring such expenses to be paid out
91 | of Enterprise Florida, Inc., funds; amending s.
92 | 288.903, F.S.; subjecting certain contracts to
93 | specified notice and review procedures; prohibiting
94 | the execution of certain contracts; prohibiting
95 | Enterprise Florida, Inc., from creating or
96 | establishing certain entities; requiring Enterprise
97 | Florida, Inc., to comply with certain per diem and
98 | travel expense provisions; amending s. 288.904, F.S.;
99 | prohibiting certain contributions from being
100 | considered private contributions for purposes of a

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101 required match; requiring the reversion of unmatched
102 public contributions to the state treasury by a
103 certain date annually; requiring the Department of
104 Economic Opportunity to submit a proposed operating
105 budget for Enterprise Florida, Inc., to the Governor
106 and the Legislature; providing that Enterprise
107 Florida, Inc., is a governmental entity and subject to
108 the Transparency Florida Act; requiring the inclusion
109 of specified information in certain Enterprise
110 Florida, Inc., contracts and on the Enterprise
111 Florida, Inc., website; requiring certain entities
112 that receive a certain amount of specified funds to
113 report certain public and private financial data to
114 Enterprise Florida, Inc., by a specified date;
115 requiring an annual accounting containing specified
116 financial data; requiring specified functionality of
117 the Enterprise Florida, Inc., website; amending s.
118 288.905, F.S.; providing that the president of
119 Enterprise Florida, Inc., is subject to confirmation
120 by the Senate; limiting the amount of public
121 compensation paid to Enterprise Florida, Inc.,
122 employees; prohibiting certain performance bonuses and
123 severance pay; limiting lodging expenses of Enterprise
124 Florida, Inc., employees; providing an exception;
125 prohibiting certain expenditures; prohibiting the

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126 acceptance or receipt of certain items or services
 127 from certain entities; amending s. 288.92, F.S.;
 128 conforming provisions to changes made by the act;
 129 amending s. 288.923, F.S.; conforming a cross-
 130 reference; providing appropriations; providing an
 131 effective date.

132

133 Be It Enacted by the Legislature of the State of Florida:

134

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

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

141 (3) The Department of Economic Opportunity shall pay any
 142 outstanding debts and obligations of the terminated fund as soon
 143 as practicable, and the Chief Financial Officer shall close out
 144 and remove the terminated fund from various state accounting
 145 systems using generally accepted accounting principles
 146 concerning warrants outstanding, assets, and liabilities.

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

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

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

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

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151 Section 6. Paragraph (b) of subsection (10) of section
 152 20.60, Florida Statutes, is amended to read:

153 20.60 Department of Economic Opportunity; creation; powers
 154 and duties.—

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

160 (b) The report must incorporate annual reports of other
 161 programs, including:

162 ~~1. The displaced homemaker program established under s.~~
 163 ~~446.50.~~

164 1.2. Information provided by the Department of Revenue
 165 under s. 290.014.

166 ~~2.3.~~ Information provided by enterprise zone development
 167 agencies under s. 290.0056 and an analysis of the activities and
 168 accomplishments of each enterprise zone.

169 ~~3.4.~~ The Economic Gardening Business Loan Pilot Program
 170 established under s. 288.1081 and the Economic Gardening
 171 Technical Assistance Pilot Program established under s.
 172 288.1082.

173 ~~4.5.~~ A detailed report of the performance of the Black
 174 Business Loan Program and a cumulative summary of quarterly
 175 report data required under s. 288.714.

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176 ~~5.6.~~ The Rural Economic Development Initiative established
 177 under s. 288.0656.

178 ~~6.7.~~ The Florida Unique Abilities Partner Program.

179 Section 7. Subsection (1) of section 28.101, Florida
 180 Statutes, is amended to read:

181 28.101 Petitions and records of dissolution of marriage;
 182 additional charges.—

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

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

190 ~~(b) A charge of \$5. On a monthly basis, the clerk shall~~
 191 ~~transfer the moneys collected pursuant to this paragraph to the~~
 192 ~~Department of Revenue for deposit in the Displaced Homemaker~~
 193 ~~Trust Fund created in s. 446.50. If a petitioner does not have~~
 194 ~~sufficient funds with which to pay this fee and signs an~~
 195 ~~affidavit so stating, all or a portion of the fee shall be~~
 196 ~~waived subject to a subsequent order of the court relative to~~
 197 ~~the payment of the fee.~~

198 (b)(e) A charge of \$55. On a monthly basis, the clerk
 199 shall transfer the moneys collected pursuant to this paragraph
 200 to the Department of Revenue for deposit in the Domestic

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201 Violence Trust Fund. Such funds which are generated shall be
 202 directed to the Department of Children and Families for the
 203 specific purpose of funding domestic violence centers.

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

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

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

211 Section 8. Paragraph (b) of subsection (2) of section
 212 187.201, Florida Statutes, is amended to read:

213 187.201 State Comprehensive Plan adopted.—The Legislature
 214 hereby adopts as the State Comprehensive Plan the following
 215 specific goals and policies:

216 (2) FAMILIES.—

217 (b) Policies.—

218 1. Eliminate state policies which cause voluntary family
 219 separations.

220 2. Promote concepts to stabilize the family unit to
 221 strengthen bonds between parents and children.

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

223 4. Provide financial support for alternative child care
 224 services.

225 5. Increase direct parental involvement in K-12 education

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226 | programs.

227 | 6. Promote family dispute resolution centers.

228 | ~~7. Support displaced homemaker programs.~~

229 | 7.8. Provide increased assurance that child support

230 | payments will be made.

231 | ~~8.9.~~ Actively develop job opportunities, community work

232 | experience programs, and job training programs for persons

233 | receiving governmental financial assistance.

234 | ~~9.10.~~ Direct local law enforcement authorities and

235 | district mental health councils to increase efforts to prevent

236 | family violence and to adequately punish the guilty party.

237 | ~~10.11.~~ Provide financial, mental health, and other support

238 | for victims of family violence.

239 | Section 9. Paragraph (a) of subsection (3) of section

240 | 445.003, Florida Statutes, is amended to read:

241 | 445.003 Implementation of the federal Workforce Innovation

242 | and Opportunity Act.—

243 | (3) FUNDING.—

244 | (a) Title I, Workforce Innovation and Opportunity Act

245 | funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be

246 | expended based on the 4-year plan of CareerSource Florida, Inc.

247 | The plan must outline and direct the method used to administer

248 | and coordinate various funds and programs that are operated by

249 | various agencies. The following provisions apply to these funds:

250 | 1. At least 50 percent of the Title I funds for Adults and

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251 Dislocated Workers which are passed through to local workforce
252 development boards shall be allocated to and expended on
253 Individual Training Accounts unless a local workforce
254 development board obtains a waiver from CareerSource Florida,
255 Inc. Tuition, books, and fees of training providers and other
256 training services prescribed and authorized by the Workforce
257 Innovation and Opportunity Act qualify as Individual Training
258 Account expenditures.

259 2. Fifteen percent of Title I funding shall be retained at
260 the state level and dedicated to state administration and shall
261 be used to design, develop, induce, and fund innovative
262 Individual Training Account pilots, demonstrations, and
263 programs. Of such funds retained at the state level, \$2 million
264 shall be reserved for the Incumbent Worker Training Program
265 created under subparagraph 3. Eligible state administration
266 costs include the costs of funding for the board and staff of
267 CareerSource Florida, Inc.; operating fiscal, compliance, and
268 management accountability systems through CareerSource Florida,
269 Inc.; conducting evaluation and research on workforce
270 development activities; and providing technical and capacity
271 building assistance to local workforce development areas at the
272 direction of CareerSource Florida, Inc. Notwithstanding s.
273 445.004, such administrative costs may not exceed 25 percent of
274 these funds. An amount not to exceed 75 percent of these funds
275 shall be allocated to Individual Training Accounts and other

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276 workforce development strategies for other training designed and
 277 tailored by CareerSource Florida, Inc., including, but not
 278 limited to, programs for incumbent workers, ~~displaced~~
 279 ~~homemakers~~, nontraditional employment, and enterprise zones.
 280 CareerSource Florida, Inc., shall design, adopt, and fund
 281 Individual Training Accounts for distressed urban and rural
 282 communities.

283 3. The Incumbent Worker Training Program is created for
 284 the purpose of providing grant funding for continuing education
 285 and training of incumbent employees at existing Florida
 286 businesses. The program will provide reimbursement grants to
 287 businesses that pay for preapproved, direct, training-related
 288 costs.

289 a. The Incumbent Worker Training Program will be
 290 administered by CareerSource Florida, Inc., which may, at its
 291 discretion, contract with a private business organization to
 292 serve as grant administrator.

293 b. The program shall be administered pursuant to s.
 294 134(d)(4) of the Workforce Innovation and Opportunity Act.
 295 Priority for funding shall be given to businesses with 25
 296 employees or fewer, businesses in rural areas, businesses in
 297 distressed inner-city areas, businesses in a qualified targeted
 298 industry, businesses whose grant proposals represent a
 299 significant upgrade in employee skills, or businesses whose
 300 grant proposals represent a significant layoff avoidance

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301 strategy.

302 c. All costs reimbursed by the program must be preapproved
303 by CareerSource Florida, Inc., or the grant administrator. The
304 program may not reimburse businesses for trainee wages, the
305 purchase of capital equipment, or the purchase of any item or
306 service that may possibly be used outside the training project.
307 A business approved for a grant may be reimbursed for
308 preapproved, direct, training-related costs including tuition,
309 fees, books and training materials, and overhead or indirect
310 costs not to exceed 5 percent of the grant amount.

311 d. A business that is selected to receive grant funding
312 must provide a matching contribution to the training project,
313 including, but not limited to, wages paid to trainees or the
314 purchase of capital equipment used in the training project; must
315 sign an agreement with CareerSource Florida, Inc., or the grant
316 administrator to complete the training project as proposed in
317 the application; must keep accurate records of the project's
318 implementation process; and must submit monthly or quarterly
319 reimbursement requests with required documentation.

320 e. All Incumbent Worker Training Program grant projects
321 shall be performance-based with specific measurable performance
322 outcomes, including completion of the training project and job
323 retention. CareerSource Florida, Inc., or the grant
324 administrator shall withhold the final payment to the grantee
325 until a final grant report is submitted and all performance

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326 criteria specified in the grant contract have been achieved.

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

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

332 4. At least 50 percent of Rapid Response funding shall be
333 dedicated to Intensive Services Accounts and Individual Training
334 Accounts for dislocated workers and incumbent workers who are at
335 risk of dislocation. CareerSource Florida, Inc., shall also
336 maintain an Emergency Preparedness Fund from Rapid Response
337 funds, which will immediately issue Intensive Service Accounts,
338 Individual Training Accounts, and other federally authorized
339 assistance to eligible victims of natural or other disasters. At
340 the direction of the Governor, these Rapid Response funds shall
341 be released to local workforce development boards for immediate
342 use after events that qualify under federal law. Funding shall
343 also be dedicated to maintain a unit at the state level to
344 respond to Rapid Response emergencies and to work with state
345 emergency management officials and local workforce development
346 boards. All Rapid Response funds must be expended based on a
347 plan developed by CareerSource Florida, Inc., and approved by
348 the Governor.

349 Section 10. Paragraph (b) of subsection (5) of section
350 445.004, Florida Statutes, is amended to read:

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351 445.004 CareerSource Florida, Inc.; creation; purpose;
 352 membership; duties and powers.—

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

359 (b) Providing oversight and policy direction to ensure
 360 that the following programs are administered by the department
 361 in compliance with approved plans and under contract with
 362 CareerSource Florida, Inc.:

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

367 2. Programs authorized under the Wagner-Peyser Act of
 368 1933, as amended, 29 U.S.C. ss. 49 et seq.

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

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

374 5. Employment and training activities carried out under
 375 funds awarded to this state by the United States Department of

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376 Housing and Urban Development.

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

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

383 7.8. The Florida Bonding Program, provided under Pub. L.
384 No. 97-300, s. 164(a) (1).

385 ~~8.9.~~ The Food Assistance Employment and Training Program,
386 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
387 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
388 and the Hunger Prevention Act, Pub. L. No. 100-435.

389 ~~9.10.~~ The Quick-Response Training Program, provided under
390 ss. 288.046-288.047. Matching funds and in-kind contributions
391 that are provided by clients of the Quick-Response Training
392 Program shall count toward the requirements of s. 288.904,
393 pertaining to the return on investment from activities of
394 Enterprise Florida, Inc.

395 ~~10.11.~~ The Work Opportunity Tax Credit, provided under the
396 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,
397 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

398 ~~11.12.~~ Offender placement services, provided under ss.
399 944.707-944.708.

400 Section 11. Subsections (3), (4), and (5) of section

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401 741.01, Florida Statutes, are amended to read:

402 741.01 County court judge or clerk of the circuit court to
403 issue marriage license; fee.-

404 ~~(3) Further, the fee charged for each marriage license~~
405 ~~issued in the state shall be increased by an additional sum of~~
406 ~~\$7.50 to be collected upon receipt of the application for the~~
407 ~~issuance of a marriage license. The clerk shall transfer such~~
408 ~~funds monthly to the Department of Revenue for deposit in the~~
409 ~~Displaced Homemaker Trust Fund created in s. 446.50.~~

410 (3)~~(4)~~ An additional fee of \$25 shall be paid to the clerk
411 upon receipt of the application for issuance of a marriage
412 license. The moneys collected shall be remitted by the clerk to
413 the Department of Revenue, monthly, for deposit in the General
414 Revenue Fund.

415 (4)~~(5)~~ The fee charged for each marriage license issued in
416 the state shall be reduced by a sum of \$25 ~~32.50~~ for all couples
417 who present valid certificates of completion of a premarital
418 preparation course from a qualified course provider registered
419 under s. 741.0305(5) for a course taken no more than 1 year
420 prior to the date of application for a marriage license. For
421 each license issued that is subject to the fee reduction of this
422 subsection, the clerk is not required to transfer the sum of
423 ~~\$7.50 to the Department of Revenue for deposit in the Displaced~~
424 ~~Homemaker Trust Fund pursuant to subsection (3) or to transfer~~
425 ~~the sum of \$25 to the Department of Revenue for deposit in the~~

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426 General Revenue Fund.

427 Section 12. Section 741.011, Florida Statutes, is amended
428 to read:

429 741.011 Installment payments.—An applicant for a marriage
430 license who is unable to pay the fees required under s. 741.01
431 in a lump sum may make payment in not more than three
432 installments over a period of 90 days. The clerk shall accept
433 installment payments upon receipt of an affidavit that the
434 applicant is unable to pay the fees in a lump-sum payment. Upon
435 receipt of the third or final installment payment, the marriage
436 license application shall be deemed filed, and the clerk shall
437 issue the marriage license to the applicant and distribute the
438 fees as provided in s. 741.01. In the event that the marriage
439 license fee is paid in installments, the clerk shall retain \$1
440 from the additional fee imposed pursuant to s. 741.01(3)
441 ~~741.01(4)~~, as a processing fee.

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

444 11.45 Definitions; duties; authorities; reports; rules.—

445 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
446 Auditor General may, pursuant to his or her own authority, or at
447 the direction of the Legislative Auditing Committee, conduct
448 audits or other engagements as determined appropriate by the
449 Auditor General of:

450 (x) The Florida Tourism Industry Marketing Corporation.

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451 Section 14. Paragraph (a) of subsection (4) of section
452 201.15, Florida Statutes, is amended to read:
453 201.15 Distribution of taxes collected.—All taxes
454 collected under this chapter are hereby pledged and shall be
455 first made available to make payments when due on bonds issued
456 pursuant to s. 215.618 or s. 215.619, or any other bonds
457 authorized to be issued on a parity basis with such bonds. Such
458 pledge and availability for the payment of these bonds shall
459 have priority over any requirement for the payment of service
460 charges or costs of collection and enforcement under this
461 section. All taxes collected under this chapter, except taxes
462 distributed to the Land Acquisition Trust Fund pursuant to
463 subsections (1) and (2), are subject to the service charge
464 imposed in s. 215.20(1). Before distribution pursuant to this
465 section, the Department of Revenue shall deduct amounts
466 necessary to pay the costs of the collection and enforcement of
467 the tax levied by this chapter. The costs and service charge may
468 not be levied against any portion of taxes pledged to debt
469 service on bonds to the extent that the costs and service charge
470 are required to pay any amounts relating to the bonds. All of
471 the costs of the collection and enforcement of the tax levied by
472 this chapter and the service charge shall be available and
473 transferred to the extent necessary to pay debt service and any
474 other amounts payable with respect to bonds authorized before
475 January 1, 2017, secured by revenues distributed pursuant to

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476 | this section. All taxes remaining after deduction of costs shall
 477 | be distributed as follows:

478 | (4) After the required distributions to the Land
 479 | Acquisition Trust Fund pursuant to subsections (1) and (2) and
 480 | deduction of the service charge imposed pursuant to s.
 481 | 215.20(1), the remainder shall be distributed as follows:

482 | (a) The lesser of 24.18442 percent of the remainder or
 483 | \$541.75 million in each fiscal year shall be paid into the State
 484 | Treasury to the credit of the State Transportation Trust Fund.
 485 | Of such funds, \$75 million for each fiscal year shall be
 486 | transferred to the General Revenue Fund ~~State Economic~~
 487 | ~~Enhancement and Development Trust Fund within the Department of~~
 488 | ~~Economic Opportunity~~. Notwithstanding any other law, the
 489 | remaining amount credited to the State Transportation Trust Fund
 490 | shall be used for:

491 | 1. Capital funding for the New Starts Transit Program,
 492 | authorized by Title 49, U.S.C. s. 5309 and specified in s.
 493 | 341.051, in the amount of 10 percent of the funds;

494 | 2. The Small County Outreach Program specified in s.
 495 | 339.2818, in the amount of 10 percent of the funds;

496 | 3. The Strategic Intermodal System specified in ss.
 497 | 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent
 498 | of the funds after deduction of the payments required pursuant
 499 | to subparagraphs 1. and 2.; and

500 | 4. The Transportation Regional Incentive Program specified

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501 in s. 339.2819, in the amount of 25 percent of the funds after
 502 deduction of the payments required pursuant to subparagraphs 1.
 503 and 2. The first \$60 million of the funds allocated pursuant to
 504 this subparagraph shall be allocated annually to the Florida
 505 Rail Enterprise for the purposes established in s. 341.303(5).

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

509 288.1168 Professional golf hall of fame facility.—

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

516 (7) On or before January 1, 2018, the applicant must
 517 certify and provide the Governor, the President of the Senate,
 518 and the Speaker of the House of Representatives, with a
 519 certified financial report indicating that all payments received
 520 from the state pursuant to s. 212.20 are being used to pay or
 521 pledge for payment of debt service on, or to fund debt service
 522 reserve funds, arbitrage rebate obligations, or other amounts
 523 payable with respect to, bonds issued for the construction,
 524 reconstruction, or renovation of the facility or for the
 525 reimbursement of such costs or the refinancing of bonds issued

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526 for such purpose.

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

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

533 (c) If the applicant fails to meet the requirements of
 534 this subsection, no new or additional applications or
 535 certifications shall be approved, no new letters of
 536 certification may be issued, no new contracts or agreements may
 537 be executed, and no new awards may be made.

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

539 Section 16. Section 288.1226, Florida Statutes, is amended
 540 to read:

541 288.1226 Florida Tourism Industry Marketing Corporation;
 542 use of property; board of directors; duties; audit.—

543 (1) DEFINITIONS.—For the purposes of this section, the
 544 term "corporation" means the Florida Tourism Industry Marketing
 545 Corporation.

546 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing
 547 Corporation is a direct-support organization of Enterprise
 548 Florida, Inc.

549 (a) The Florida Tourism Industry Marketing Corporation is
 550 a corporation not for profit, as defined in s. 501(c)(6) of the

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551 Internal Revenue Code of 1986, as amended, that is incorporated
 552 under the provisions of chapter 617 and approved by the
 553 Department of State.

554 (b) The corporation is organized and operated exclusively
 555 to request, receive, hold, invest, and administer property and
 556 to manage and make expenditures for the operation of the
 557 activities, services, functions, and programs of this state
 558 which relate to the statewide, national, and international
 559 promotion and marketing of tourism.

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

566 2. It is not a violation of s. 112.3143(2) or (4) for the
 567 officers or members of the board of directors of the corporation
 568 to:

569 a. Vote on the 4-year marketing plan required under s.
 570 288.923 or vote on any individual component of or amendment to
 571 the plan.

572 b. Participate in the establishment or calculation of
 573 payments related to the private match requirements of subsection
 574 (6). The officer or member must file an annual disclosure
 575 describing the nature of his or her interests or the interests

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576 | of his or her principals, including corporate parents and
 577 | subsidiaries of his or her principal, in the private match
 578 | requirements. This annual disclosure requirement satisfies the
 579 | disclosure requirement of s. 112.3143(4). This disclosure must
 580 | be placed on the corporation's website or included in the
 581 | minutes of each meeting of the corporation's board of directors
 582 | at which the private match requirements are discussed or voted
 583 | upon.

584 | (d) The corporation is subject to the provisions of
 585 | chapter 119, relating to public meetings, and those provisions
 586 | of chapter 286 relating to public meetings and records.

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

588 | (a) Is authorized to permit the use of property and
 589 | facilities of Enterprise Florida, Inc., by the corporation,
 590 | subject to the provisions of this section.

591 | (b) Shall prescribe conditions with which the corporation
 592 | must comply in order to use property and facilities of
 593 | Enterprise Florida, Inc. Such conditions shall provide for
 594 | budget and audit review and for oversight by Enterprise Florida,
 595 | Inc.

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

600 | (4) BOARD OF DIRECTORS.—The board of directors of the

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601 corporation shall be composed of 31 tourism-industry-related
602 members, appointed by Enterprise Florida, Inc., in conjunction
603 with the department. Board members shall serve without
604 compensation, but are entitled to receive reimbursement for per
605 diem and travel expenses pursuant to s. 112.061. Such expenses
606 must be paid out of funds of the corporation.

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

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

614 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
615 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
616 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,
617 Taylor, and Union Counties.

618 3. Region 3, composed of Brevard, Indian River, Lake,
619 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
620 Volusia Counties.

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

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

625 6. Region 6, composed of Broward, Martin, Miami-Dade,

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626 | Monroe, and Palm Beach Counties.

627 | (b) The 15 additional tourism-industry-related members
 628 | shall include 1 representative from the statewide rental car
 629 | industry; 7 representatives from tourist-related statewide
 630 | associations, including those that represent hotels,
 631 | campgrounds, county destination marketing organizations,
 632 | museums, restaurants, retail, and attractions; 3 representatives
 633 | from county destination marketing organizations; 1
 634 | representative from the cruise industry; 1 representative from
 635 | an automobile and travel services membership organization that
 636 | has at least 2.8 million members in Florida; 1 representative
 637 | from the airline industry; and 1 representative from the space
 638 | tourism industry, who will each serve for a term of 2 years.

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

641 | (a) May make and enter into contracts and assume such
 642 | other functions as are necessary to carry out the provisions of
 643 | the 4-year marketing plan required by s. 288.923, and the
 644 | corporation's contract with Enterprise Florida, Inc., which are
 645 | not inconsistent with this or any other provision of law. A
 646 | proposed contract with a total cost of \$750,000 or more is
 647 | subject to the notice and review procedures of s. 216.177. If
 648 | the chair or vice chair of the Legislative Budget Commission,
 649 | the President of the Senate, or the Speaker of the House of
 650 | Representatives timely advises the corporation in writing that

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651 such proposed contract is contrary to legislative policy and
 652 intent, the corporation may not execute such proposed contract.
 653 The corporation may not enter into multiple related contracts to
 654 avoid the requirements of this paragraph.

655 (b) May develop a program to provide incentives and to
 656 attract and recognize those entities which make significant
 657 financial and promotional contributions towards the expanded
 658 tourism promotion activities of the corporation.

659 (c) May establish a cooperative marketing program with
 660 other public and private entities which allows the use of the
 661 VISIT Florida logo in tourism promotion campaigns which meet the
 662 standards of Enterprise Florida, Inc., for which the corporation
 663 may charge a reasonable fee.

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

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

670 (f) Shall elect or appoint such officers and agents as its
 671 affairs shall require and allow them reasonable compensation.
 672 However, each officer or agent, including the president and
 673 chief executive officer of the corporation, may not receive
 674 public compensation for employment that exceeds the salary and
 675 benefits paid to the Governor. Any public payments of

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676 | performance bonuses or severance pay to an officer or agent of
 677 | the corporation are prohibited unless specifically authorized by
 678 | law.

679 | (g) Shall hire and establish salaries and personnel and
 680 | employee benefit programs for such permanent and temporary
 681 | employees as are necessary to carry out the provisions of the 4-
 682 | year marketing plan and the corporation's contract with
 683 | Enterprise Florida, Inc., which are not inconsistent with this
 684 | or any other provision of law. However, an employee may not
 685 | receive public compensation for employment that exceeds the
 686 | salary and benefits paid to the Governor. Any public payments of
 687 | performance bonuses or severance pay to employees of the
 688 | corporation are prohibited unless specifically authorized by
 689 | law.

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

693 | (i) Shall provide staff support to the Division of Tourism
 694 | Promotion of Enterprise Florida, Inc. The president and chief
 695 | executive officer of the Florida Tourism Industry Marketing
 696 | Corporation shall serve without compensation as the director of
 697 | the division.

698 | (j)~~(i)~~ May adopt, change, amend, and repeal bylaws, not
 699 | inconsistent with law or its articles of incorporation, for the
 700 | administration of the provisions of the 4-year marketing plan

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701 and the corporation's contract with Enterprise Florida, Inc.

702 (k)~~(j)~~ May conduct its affairs, carry on its operations,
703 and have offices and exercise the powers granted by this act in
704 any state, territory, district, or possession of the United
705 States or any foreign country. Where feasible, appropriate, and
706 recommended by the 4-year marketing plan developed by the
707 Division of Tourism Promotion of Enterprise Florida, Inc., the
708 corporation may collocate the programs of foreign tourism
709 offices in cooperation with any foreign office operated by any
710 agency of this state.

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

714 (m)~~(l)~~ May request or accept any grant, payment, or gift,
715 of funds or property made by this state or by the United States
716 or any department or agency thereof or by any individual, firm,
717 corporation, municipality, county, or organization for any or
718 all of the purposes of the 4-year marketing plan and the
719 corporation's contract with Enterprise Florida, Inc., that are
720 not inconsistent with this or any other provision of law. Such
721 funds shall be deposited in a bank account established by the
722 corporation's board of directors. The corporation may expend
723 such funds in accordance with the terms and conditions of any
724 such grant, payment, or gift, in the pursuit of its
725 administration or in support of the programs it administers. The

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726 corporation shall separately account for the public funds and
 727 the private funds deposited into the corporation's bank account.

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

731 (o)~~(n)~~ In the performance of its duties, may undertake, or
 732 contract for, marketing projects and advertising research
 733 projects.

734 (p)~~(o)~~ In addition to any indemnification available under
 735 chapter 617, the corporation may indemnify, and purchase and
 736 maintain insurance on behalf of, directors, officers, and
 737 employees of the corporation against any personal liability or
 738 accountability by reason of actions taken while acting within
 739 the scope of their authority.

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

742 (r) Shall not expend funds, public or private, that
 743 directly or indirectly benefit only one company, corporation, or
 744 business entity.

745 (6) MATCHING REQUIREMENTS.-

746 (a) A one-to-one match is required of private to public
 747 contributions to the corporation. Public contributions include
 748 all state appropriations to the corporation.

749 (b) For purposes of calculating the required one-to-one
 750 match, the corporation shall receive matching private

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751 contributions in one of four private match categories. The
752 corporation shall maintain documentation of such categorized
753 contributions on file and make such documentation available for
754 inspection upon reasonable notice during its regular business
755 hours. Contribution details shall be included in the quarterly
756 reports required under subsection (8). The private match
757 categories are:

758 1. Direct cash contributions from private sources, which
759 include, but are not limited to, cash derived from strategic
760 alliances, contributions of stocks and bonds, and partnership
761 contributions.

762 2. Fees for services, which include, but are not limited
763 to, event participation, research, and brochure placement and
764 transparencies.

765 3. Cooperative advertising, which is limited to partner
766 expenditures for paid media placement, partner expenditures for
767 collateral material distribution, and the actual market value of
768 contributed productions, air time, and print space.

769 4. In-kind contributions, which is limited to the actual
770 market value of promotional contributions of partner-supplied
771 benefits to target audiences and the actual market value of
772 nonpartner-supplied air time or print space contributed for the
773 broadcasting or printing of such promotions, which would
774 otherwise require tourist promotion expenditures by the
775 corporation for advertising, air travel, rental car fees, hotel

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776 rooms, RV or campsite space rental, on-site guest services, and
 777 admission tickets. The net value of air time or print space, if
 778 any, shall be deemed to be the actual market value of the air
 779 time or print space, based on an average of actual unit prices
 780 paid contemporaneously for comparable times or spaces, less the
 781 value of increased ratings or other benefits realized by the
 782 media outlet as a result of the promotion.

783
 784 Contributions from a government entity or from an entity that
 785 received more than 50 percent of its revenue in the previous
 786 fiscal year from public sources, including revenue derived from
 787 taxes, fees, or other government revenues, are not considered
 788 private contributions for purposes of calculating the required
 789 one-to-one match.

790 (c) If the corporation fails to meet the one-to-one match
 791 requirements of this subsection, the corporation shall revert
 792 all unmatched public contributions to the state treasury by June
 793 30 of each fiscal year.

794 (7) ~~(6)~~ ANNUAL AUDIT.—The corporation shall provide for an
 795 annual financial audit in accordance with s. 215.981. The annual
 796 audit report shall be submitted to the Auditor General; the
 797 Office of Program Policy Analysis and Government Accountability;
 798 Enterprise Florida, Inc.; and the department for review. The
 799 Office of Program Policy Analysis and Government Accountability;
 800 Enterprise Florida, Inc.; the department; and the Auditor

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801 General have the authority to require and receive from the
802 corporation or from its independent auditor any detail or
803 supplemental data relative to the operation of the corporation.
804 The department shall annually certify whether the corporation is
805 operating in a manner and achieving the objectives that are
806 consistent with the policies and goals of Enterprise Florida,
807 Inc., and its long-range marketing plan. The identity of a donor
808 or prospective donor to the corporation who desires to remain
809 anonymous and all information identifying such donor or
810 prospective donor are confidential and exempt from the
811 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
812 Constitution. Such anonymity shall be maintained in the
813 auditor's report.

814 (8)~~(7)~~ REPORT.—The corporation shall provide a quarterly
815 report to Enterprise Florida, Inc., which shall:

816 (a) Measure the current vitality of the visitor industry
817 of this state as compared to the vitality of such industry for
818 the year to date and for comparable quarters of past years.
819 Indicators of vitality shall be determined by Enterprise
820 Florida, Inc., and shall include, but not be limited to,
821 estimated visitor count and party size, length of stay, average
822 expenditure per party, and visitor origin and destination.

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

825 (c) Measure progress towards annual goals and objectives

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826 | set forth in the 4-year marketing plan.

827 | (d) Review all pertinent research findings.

828 | (e) Provide other measures of accountability as requested
829 | by Enterprise Florida, Inc.

830 |

831 | The corporation must take all steps necessary to provide all
832 | data that is used to develop the report, including source data,
833 | to the Office of Economic and Demographic Research.

834 | ~~(9)-(8)~~ PUBLIC RECORDS EXEMPTION.—The identity of any
835 | person who responds to a marketing project or advertising
836 | research project conducted by the corporation in the performance
837 | of its duties on behalf of Enterprise Florida, Inc., or trade
838 | secrets as defined by s. 812.081 obtained pursuant to such
839 | activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of
840 | the State Constitution. This subsection is subject to the Open
841 | Government Sunset Review Act in accordance with s. 119.15 and
842 | shall stand repealed on October 2, 2018 ~~2021~~, unless reviewed
843 | and saved from repeal through reenactment by the Legislature.

844 | (10) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—Funds of the
845 | corporation may not be expended for food, beverages, lodging,
846 | entertainment, or gifts for employees of the corporation, board
847 | members of the corporation, or employees of a tourist or
848 | economic development entity that receives revenue from a tax
849 | imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305,
850 | unless authorized pursuant to s. 112.061 or this section. An

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851 employee or board member of the corporation may not accept or
852 receive food, beverages, lodging, entertainment, or gifts from a
853 tourist or economic development entity that receives revenue
854 from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.
855 212.0305, or from any person, vendor, or other entity, doing
856 business with the corporation unless such food, beverage,
857 lodging, entertainment, or gift is available to similarly
858 situated members of the general public.

859 (11) LODGING EXPENSES.—Lodging expenses for an employee of
860 the corporation may not exceed \$150 per day, excluding taxes,
861 unless the corporation is participating in a negotiated group
862 rate discount or the corporation provides documentation of at
863 least three comparable alternatives demonstrating that such
864 lodging at the required rate is not available. However, an
865 employee of the corporation may expend his or her own funds for
866 any lodging expenses in excess of \$150 per day.

867 (12) PROPOSED OPERATING BUDGET SUBMISSION.—By August 15 of
868 each fiscal year, the Department of Economic Opportunity shall
869 submit a proposed operating budget for the corporation including
870 amounts to be expended on advertising, marketing, promotions,
871 events, other operating capital outlay, and salaries and
872 benefits for each employee to the Governor, the President of the
873 Senate, and the Speaker of the House of Representatives.

874 (13) TRANSPARENCY.—

875 (a) For purposes of this section, the corporation is a

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876 governmental entity as defined in s. 215.985 and, therefore, is
 877 subject to the Transparency Florida Act.

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

880 1. The purpose of the contract.

881 2. Specific performance standards and responsibilities for
 882 each entity.

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

884 4. The value of any services provided.

885 5. The projected travel and entertainment expenses for
 886 employees and board members, if applicable.

887 (c)1. Any entity that in the previous fiscal year received
 888 more than 50 percent of its revenue from the corporation or
 889 taxes imposed pursuant to s. 125.0104, s. 125.0108, or s.
 890 212.0305, and that partners with the corporation or participates
 891 in a program, cooperative advertisement, promotional
 892 opportunity, or other activity offered by or in conjunction with
 893 the corporation, shall report all public and private financial
 894 data to the corporation annually on July 1.

895 2. The financial data shall include:

896 a. The total amount of revenue received from public and
 897 private sources.

898 b. The operating budget of the partner entity.

899 c. Employee and board member salary and benefit details
 900 from public and private funds.

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

904 e. Itemized travel and entertainment expenditures of the
 905 partner entity.

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

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

913 2. Any agreement entered into between the corporation and
 914 any other entity, including a local government, private entity,
 915 or nonprofit entity, that receives public funds or funds from a
 916 tax imposed pursuant to s. 125.0104, s. 125.0108, or s.
 917 212.0305.

918 3. The contracts and the required information pursuant to
 919 paragraph (b) and the financial data submitted to the
 920 corporation pursuant to paragraph (c).

921 4. Video recordings of each board meeting.

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

925 6. An annual itemized accounting of the total amount of

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926 funds spent by any third party on behalf of the corporation or
 927 any board member or employee of the corporation.

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

930 (e) The corporation's website must:

931 1. Allow users to navigate to related sites to view
 932 supporting details.

933 2. Enable a taxpayer to email questions to the corporation
 934 and make such questions and the corporation's responses publicly
 935 viewable.

936 (14)(9) REPEAL.—This section is repealed October 1, 2019,
 937 unless reviewed and saved from repeal by the Legislature.

938 Section 17. Section 288.12266, Florida Statutes, is
 939 created to read:

940 288.12266 Targeted Marketing Assistance Program.—

941 (1) The Targeted Marketing Assistance Program is created
 942 to enhance the tourism business marketing of small, minority,
 943 rural, and agritourism businesses in the state. The department,
 944 in conjunction with the Florida Tourism Industry Marketing
 945 Corporation, shall administer the program. The program shall
 946 provide marketing plans, marketing assistance, promotional
 947 support, media development, technical expertise, marketing
 948 advice, technology training, social marketing support, and other
 949 assistance to an eligible entity.

950 (2) As used in this section, the term "eligible entity"

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951 means an independently owned and operated business with gross
 952 revenue not exceeding \$1,250,000 or a nonprofit corporation that
 953 meets the requirements of s. 501(c)(3) of the Internal Revenue
 954 Code.

955 (3) The department and the Florida Tourism Industry
 956 Marketing Corporation shall provide an annual report to the
 957 Governor, the President of the Senate, and the Speaker of the
 958 House of Representatives documenting that at least 50 percent of
 959 the eligible entities receiving assistance through this program
 960 are independently owned and operated businesses with gross
 961 revenues not exceeding \$500,000.

962 Section 18. Section 288.124, Florida Statutes, is amended
 963 to read:

964 288.124 Convention grants program.— The Florida Tourism
 965 Industry Marketing Corporation ~~Enterprise Florida, Inc.,~~ is
 966 authorized to establish a convention grants program and,
 967 pursuant to that program, to recommend to the department
 968 expenditures and contracts with local governments and nonprofit
 969 corporations or organizations for the purpose of attracting
 970 national conferences and conventions to Florida. Preference
 971 shall be given to local governments and nonprofit corporations
 972 or organizations seeking to attract minority conventions to
 973 Florida. Minority conventions are events that primarily involve
 974 minority persons, as defined in s. 288.703, who are residents or
 975 nonresidents of the state. The Florida Tourism Industry

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976 Marketing Corporation ~~Enterprise Florida, Inc.~~, shall establish
 977 guidelines governing the award of grants and the administration
 978 of this program. The department has final approval authority for
 979 any grants under this section. The total annual allocation of
 980 funds for this program shall not exceed \$40,000.

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

983 288.901 Enterprise Florida, Inc.—

984 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

985 (a) In addition to the Governor or his or her designee,
 986 the board of directors shall consist of the following appointed
 987 members:

- 988 1. The Commissioner of Education or his or her designee.
- 989 2. The Chief Financial Officer or his or her designee.
- 990 3. The Attorney General or his or her designee.
- 991 4. The Commissioner of Agriculture or his or her designee.
- 992 5. The chairperson of the board of directors of
 993 CareerSource Florida, Inc.
- 994 6. The Secretary of State or his or her designee.
- 995 7. Twelve members from the private sector, six of whom
 996 shall be appointed by the Governor, three of whom shall be
 997 appointed by the President of the Senate, and three of whom
 998 shall be appointed by the Speaker of the House of
 999 Representatives. Members appointed by the Governor are subject
 1000 to Senate confirmation.

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1001 (b) In making their appointments, the Governor, the
1002 President of the Senate, and the Speaker of the House of
1003 Representatives shall ensure that the composition of the board
1004 of directors reflects the diversity of Florida's business
1005 community and is representative of the economic development
1006 goals in subsection (2). The board must include at least one
1007 director for each of the following areas of expertise:
1008 international business, tourism marketing, the space or
1009 aerospace industry, managing or financing a minority-owned
1010 business, manufacturing, finance and accounting, and sports
1011 marketing.

1012 (c) The Governor, the President of the Senate, and the
1013 Speaker of the House of Representatives also shall consider
1014 appointees who reflect Florida's racial, ethnic, and gender
1015 diversity. Efforts shall be taken to ensure participation from
1016 all geographic areas of the state, including representation from
1017 urban and rural communities.

1018 (d) Appointed members shall be appointed to 4-year terms,
1019 except that initially, to provide for staggered terms, the
1020 Governor, the President of the Senate, and the Speaker of the
1021 House of Representatives shall each appoint one member to serve
1022 a 2-year term and one member to serve a 3-year term, with the
1023 remaining initial appointees serving 4-year terms. All
1024 subsequent appointments shall be for 4-year terms.

1025 (e) Initial appointments must be made by October 1, 2011,

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1026 and be eligible for confirmation at the earliest available
 1027 Senate session. Terms end on September 30.

1028 (f) Any member is eligible for reappointment, except that
 1029 a member may not serve more than two terms.

1030 (g) A vacancy on the board of directors shall be filled
 1031 for the remainder of the unexpired term. Vacancies on the board
 1032 shall be filled by appointment by the Governor, the President of
 1033 the Senate, or the Speaker of the House of Representatives,
 1034 respectively, depending on who appointed the member whose
 1035 vacancy is to be filled or whose term has expired.

1036 (h) Appointed members may be removed by the Governor, the
 1037 President of the Senate, or the Speaker of the House of
 1038 Representatives, respectively, for cause. Absence from three
 1039 consecutive meetings results in automatic removal.

1040
 1041 All Board members shall serve without compensation, but are
 1042 entitled to receive reimbursement for per diem and travel
 1043 expenses pursuant to s. 112.061. Such expenses must be paid out
 1044 of funds of Enterprise Florida, Inc.

1045 Section 20. Subsections (7), (8), and (9) are added to
 1046 section 288.903, Florida Statutes, to read:

1047 288.903 Duties of Enterprise Florida, Inc.—Enterprise
 1048 Florida, Inc., shall have the following duties:

1049 (7) Submit all proposed contracts with a total cost of
 1050 \$750,000 or more in accordance with the notice and review

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1051 procedures of s. 216.177. If the chair or vice chair of the
 1052 Legislative Budget Commission, the President of the Senate, or
 1053 the Speaker of the House of Representatives timely advises
 1054 Enterprise Florida, Inc., in writing that such proposed contract
 1055 is contrary to legislative policy and intent, Enterprise
 1056 Florida, Inc., may not execute such proposed contract.
 1057 Enterprise Florida, Inc., may not enter into multiple related
 1058 contracts to avoid the requirements of this paragraph. This
 1059 paragraph does not apply to contracts for the award of a
 1060 statutorily authorized incentive program.

1061 (8) Shall not create or establish any other entity,
 1062 corporation, or direct-support organization, unless authorized
 1063 by law.

1064 (9) Enterprise Florida, Inc., shall comply with the per
 1065 diem and travel expense provisions of s. 112.061.

1066 Section 21. Section 288.904, Florida Statutes, is amended
 1067 to read:

1068 288.904 Funding for Enterprise Florida, Inc.; performance
 1069 and return on the public's investment.—

1070 (1) (a) The Legislature may annually appropriate to
 1071 Enterprise Florida, Inc., a sum of money for its operations, and
 1072 separate line-item appropriations for each of the divisions
 1073 listed in s. 288.92.

1074 (b) The state's operating investment in Enterprise
 1075 Florida, Inc., and its divisions is the budget contracted by the

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1076 department to Enterprise Florida, Inc., less any funding that is
 1077 directed by the Legislature to be subcontracted to a specific
 1078 recipient entity.

1079 (c) The board of directors of Enterprise Florida, Inc.,
 1080 shall adopt for each upcoming fiscal year an operating budget
 1081 for the organization, including its divisions, which specifies
 1082 the intended uses of the state's operating investment and a plan
 1083 for securing private sector support.

1084 (2) (a) The Legislature finds that it is a priority to
 1085 maximize private sector support in operating Enterprise Florida,
 1086 Inc., and its divisions, as an endorsement of its value and as
 1087 an enhancement of its efforts. Thus, the state appropriations
 1088 must be matched with private sector support equal to at least
 1089 100 percent of the state operational funding.

1090 (b) Private sector support in operating Enterprise
 1091 Florida, Inc., and its divisions includes:

1092 1. Cash given directly to Enterprise Florida, Inc., for
 1093 its operations, including contributions from at-large members of
 1094 the board of directors;

1095 2. Cash donations from organizations assisted by the
 1096 divisions;

1097 3. Cash jointly raised by Enterprise Florida, Inc., and a
 1098 private local economic development organization, a group of such
 1099 organizations, or a statewide private business organization that
 1100 supports collaborative projects;

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1101 4. Cash generated by fees charged for products or services
 1102 of Enterprise Florida, Inc., and its divisions by sponsorship of
 1103 events, missions, programs, and publications; and

1104 5. Copayments, stock, warrants, royalties, or other
 1105 private resources dedicated to Enterprise Florida, Inc., or its
 1106 divisions.

1107
 1108 Contributions from a government entity or from an entity that
 1109 received more than 50 percent of its revenue in the previous
 1110 fiscal year from public sources, including revenue derived from
 1111 taxes, fees, or other government revenues, are not considered
 1112 private contributions for purposes of calculating the required
 1113 match.

1114 (c) If Enterprise Florida, Inc., fails to meet the one-to-
 1115 one match requirements of this subsection, the corporation shall
 1116 revert all unmatched public contributions to the state treasury
 1117 by June 30 of each fiscal year.

1118 ~~(3)(a) Specifically for the marketing and advertising~~
 1119 ~~activities of the Division of Tourism Marketing or as contracted~~
 1120 ~~through the Florida Tourism Industry Corporation, a one-to-one~~
 1121 ~~match is required of private to public contributions within 4~~
 1122 ~~calendar years after the implementation date of the marketing~~
 1123 ~~plan pursuant to s. 288.923.~~

1124 ~~(b) For purposes of calculating the required one-to-one~~
 1125 ~~match, matching private funds shall be divided into four~~

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1126 ~~categories. Documentation for the components of the four private~~
1127 ~~match categories shall be kept on file for inspection as~~
1128 ~~determined necessary. The four private match categories are:~~

1129 ~~1. Direct cash contributions, which include, but are not~~
1130 ~~limited to, cash derived from strategic alliances, contributions~~
1131 ~~of stocks and bonds, and partnership contributions.~~

1132 ~~2. Fees for services, which include, but are not limited~~
1133 ~~to, event participation, research, and brochure placement and~~
1134 ~~transparencies.~~

1135 ~~3. Cooperative advertising, which is the value based on~~
1136 ~~cost of contributed productions, air time, and print space.~~

1137 ~~4. In-kind contributions, which include, but are not~~
1138 ~~limited to, the value of strategic alliance services~~
1139 ~~contributed, the value of loaned employees, discounted service~~
1140 ~~fees, items contributed for use in promotions, and radio or~~
1141 ~~television air time or print space for promotions. The value of~~
1142 ~~air time or print space shall be calculated by taking the actual~~
1143 ~~time or space and multiplying by the nonnegotiated unit price~~
1144 ~~for that specific time or space which is known as the media~~
1145 ~~equivalency value. In order to avoid duplication in determining~~
1146 ~~media equivalency value, only the value of the promotion itself~~
1147 ~~shall be included; the value of the items contributed for the~~
1148 ~~promotion may not be included.~~

1149 ~~(4)~~ Enterprise Florida, Inc., shall fully comply with the
1150 performance measures, standards, and sanctions in its contract

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1151 with the department, under s. 20.60. The department shall
 1152 ensure, to the maximum extent possible, that the contract
 1153 performance measures are consistent with performance measures
 1154 that it is required to develop and track under performance-based
 1155 program budgeting. The contract shall also include performance
 1156 measures for the divisions.

1157 (4)~~(5)~~ The Legislature intends to review the performance
 1158 of Enterprise Florida, Inc., in achieving the performance goals
 1159 stated in its annual contract with the department to determine
 1160 whether the public is receiving a positive return on its
 1161 investment in Enterprise Florida, Inc., and its divisions. It
 1162 also is the intent of the Legislature that Enterprise Florida,
 1163 Inc., coordinate its operations with local economic development
 1164 organizations to maximize the state and local return on
 1165 investment to create jobs for Floridians.

1166 (5) By August 15 of each fiscal year, the Department of
 1167 Economic Opportunity shall submit a proposed operating budget
 1168 for Enterprise Florida, Inc., including amounts to be expended
 1169 on incentives, business recruitment, advertising, events, other
 1170 operating capital outlay, and salaries and benefits for each
 1171 employee to the Governor, the President of the Senate, and the
 1172 Speaker of the House of Representatives.

1173 (6) (a) For purposes of this section, Enterprise Florida,
 1174 Inc., is a governmental entity as defined in s. 215.985 and,
 1175 therefore, is subject to the Transparency Florida Act.

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1176 (b) A contract entered into between Enterprise Florida,
 1177 Inc., and any other public or private entity shall include:
 1178 1. The purpose of the contract.
 1179 2. Specific performance standards and responsibilities for
 1180 each entity.
 1181 3. A detailed project or contract budget, if applicable.
 1182 4. The value of any services provided.
 1183 5. The projected travel and entertainment expenses for
 1184 employees and board members, if applicable.
 1185 (c)1. Any entity that in the previous fiscal year received
 1186 more than 50 percent of its revenue from Enterprise Florida,
 1187 Inc., or a tax imposed pursuant to s. 125.0104, s. 125.0108, or
 1188 s. 212.0305, and that partners with Enterprise Florida, Inc., in
 1189 a program or other activity offered by or in conjunction with
 1190 Enterprise, Florida, Inc., shall report all public and private
 1191 financial data to the corporation annually on July 1.
 1192 2. The financial data shall include:
 1193 a. The total amount of revenue received from public and
 1194 private sources.
 1195 b. The operating budget of the partner entity.
 1196 c. Employee and board member salary and benefit details
 1197 from public and private funds.
 1198 d. An itemized account of all expenditures by the partner
 1199 entity on the behalf of, or coordinated for the benefit of,
 1200 Enterprise Florida, Inc., its board members, or employees.

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1201 e. Itemized travel and entertainment expenditures of the
 1202 partner entity.

1203 (d) The following information must be posted on the
 1204 website of Enterprise Florida, Inc.:

1205 1. A plain language version of any contract that is
 1206 estimated to exceed \$35,000 with a private entity, municipality,
 1207 city, town, or vendor of services, supplies, or programs,
 1208 including marketing, or for the purchase or lease or use of
 1209 lands, facilities, or properties.

1210 2. Any agreement entered into between Enterprise Florida,
 1211 Inc., and any other entity, including a local government,
 1212 private entity, or nonprofit entity, that receives public funds
 1213 or funds from a tax imposed pursuant to s. 125.0104, s.
 1214 125.0108, or s. 212.0305.

1215 3. The contracts and the required information pursuant to
 1216 paragraph (b) and the financial data submitted to Enterprise
 1217 Florida, Inc., pursuant to paragraph (c).

1218 4. Video recordings of each board meeting.

1219 5. A detailed report of expenditures following each
 1220 marketing or business recruitment event paid for with Enterprise
 1221 Florida, Inc., funds. Such report must be posted within 10
 1222 business days after the event.

1223 6. An annual itemized accounting of the total amount of
 1224 funds spent by any third party on behalf of Enterprise Florida,
 1225 Inc., or any board member or employee of Enterprise Florida,

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1226 Inc.
 1227 7. An annual itemized accounting of the total amount of
 1228 travel and entertainment expenditures by Enterprise Florida,
 1229 Inc.
 1230 (e) The Enterprise Florida, Inc., website must:
 1231 1. Allow users to navigate to related sites to view
 1232 supporting details.
 1233 2. Enable a taxpayer to email questions to Enterprise
 1234 Florida, Inc., and make such questions and Enterprise Florida,
 1235 Inc., responses publicly viewable.
 1236 Section 22. Section 288.905, Florida Statutes, is amended
 1237 to read:
 1238 288.905 President and employees of Enterprise Florida,
 1239 Inc.—
 1240 (1) The board of directors of Enterprise Florida, Inc.,
 1241 shall appoint a president, who shall serve at the pleasure of
 1242 the Governor. The president shall be subject to confirmation by
 1243 the Senate. The president shall also be known as the "secretary
 1244 of commerce" and shall serve as the Governor's chief negotiator
 1245 for business recruitment and business expansion.
 1246 (2) The president is the chief administrative and
 1247 operational officer of the board of directors and of Enterprise
 1248 Florida, Inc., and shall direct and supervise the administrative
 1249 affairs of the board of directors and any divisions, councils,
 1250 or boards. The board of directors may delegate to the president

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1251 those powers and responsibilities it deems appropriate,
 1252 including hiring and management of all staff, except for the
 1253 appointment of a president.

1254 (3) The board of directors shall establish and adjust the
 1255 president's compensation.

1256 (4) No employee of Enterprise Florida, Inc., including an
 1257 officer or agent, the president, or the chief executive officer,
 1258 may receive public compensation for employment that exceeds the
 1259 salary and benefits paid to the Governor, ~~unless the board of~~
 1260 ~~directors and the employee have executed a contract that~~
 1261 ~~prescribes specific, measurable performance outcomes for the~~
 1262 ~~employee, the satisfaction of which provides the basis for the~~
 1263 ~~award of incentive payments that increase the employee's total~~
 1264 ~~compensation to a level above the salary paid to the Governor.~~
 1265 Any public payments of performance bonuses or severance pay to
 1266 employees are prohibited unless specifically authorized by law.

1267 (5) Lodging expenses for an employee of Enterprise
 1268 Florida, Inc., may not exceed \$150 per day, excluding taxes,
 1269 unless the corporation is participating in a negotiated group
 1270 rate discount or the corporation provides documentation of at
 1271 least three comparable alternatives demonstrating that such
 1272 lodging at the required rate is not available. However, an
 1273 employee of the corporation may expend his or her own funds for
 1274 any lodging expenses in excess of \$150 per day.

1275 (6) Funds of Enterprise Florida, Inc., may not be expended

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1276 for food, beverages, lodging, entertainment, or gifts for
 1277 employees of the corporation, board members of the corporation,
 1278 or employees of a tourist or economic development entity that
 1279 receives revenue from a tax imposed pursuant to s. 125.0104, s.
 1280 125.0108, or s. 212.0305, unless authorized pursuant to s.
 1281 112.061 or this section. An employee or board member of
 1282 Enterprise Florida, Inc., may not accept or receive food,
 1283 beverages, lodging, entertainment, or gifts from a tourist or
 1284 economic development entity that receives revenue from a tax
 1285 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, or
 1286 from any person, vendor, or other entity, doing business with
 1287 the corporation unless such food, beverage, lodging,
 1288 entertainment, or gift is available to similarly situated
 1289 members of the general public.

1290 Section 23. Paragraph (b) of subsection (2) of section
 1291 288.92, Florida Statutes, is amended to read:

1292 288.92 Divisions of Enterprise Florida, Inc.—

1293 (2)

1294 (b)1. The following officers and board members are subject
 1295 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 1296 112.3143(2):

1297 a. Officers and members of the board of directors of the
 1298 divisions of Enterprise Florida, Inc.

1299 b. Officers and members of the board of directors of
 1300 subsidiaries of Enterprise Florida, Inc.

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1301 c. Officers and members of the board of directors of
 1302 corporations created to carry out the missions of Enterprise
 1303 Florida, Inc.

1304 d. Officers and members of the board of directors of
 1305 corporations with which a division is required by law to
 1306 contract to carry out its missions.

1307 2. For purposes of applying ss. 112.313(1)-(8), (10),
 1308 (12), and (15); 112.3135; and 112.3143(2) to activities of the
 1309 officers and members of the board of directors specified in
 1310 subparagraph 1., those persons shall be considered public
 1311 officers or employees and the corporation shall be considered
 1312 their agency.

1313 ~~3. It is not a violation of s. 112.3143(2) or (4) for the~~
 1314 ~~officers or members of the board of directors of the Florida~~
 1315 ~~Tourism Industry Marketing Corporation to:~~

1316 ~~a. Vote on the 4-year marketing plan required under s.~~
 1317 ~~288.923 or vote on any individual component of or amendment to~~
 1318 ~~the plan.~~

1319 ~~b. Participate in the establishment or calculation of~~
 1320 ~~payments related to the private match requirements of s.~~
 1321 ~~288.904(3). The officer or member must file an annual disclosure~~
 1322 ~~describing the nature of his or her interests or the interests~~
 1323 ~~of his or her principals, including corporate parents and~~
 1324 ~~subsidiaries of his or her principal, in the private match~~
 1325 ~~requirements. This annual disclosure requirement satisfies the~~

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1326 ~~disclosure requirement of s. 112.3143(4). This disclosure must~~
 1327 ~~be placed either on the Florida Tourism Industry Marketing~~
 1328 ~~Corporation's website or included in the minutes of each meeting~~
 1329 ~~of the Florida Tourism Industry Marketing Corporation's board of~~
 1330 ~~directors at which the private match requirements are discussed~~
 1331 ~~or voted upon.~~

1332 Section 24. Paragraph (d) of subsection (4) of section
 1333 288.923, Florida Statutes, is amended to read:

1334 288.923 Division of Tourism Marketing; definitions;
 1335 responsibilities.—

1336 (4) The division's responsibilities and duties include,
 1337 but are not limited to:

1338 (d) Drafting and submitting an annual report required by
 1339 s. 288.92. The annual report shall set forth for the division
 1340 and the direct-support organization:

1341 1. Operations and accomplishments during the fiscal year,
 1342 including the economic benefit of the state's investment and
 1343 effectiveness of the marketing plan.

1344 2. The 4-year marketing plan, including recommendations on
 1345 methods for implementing and funding the plan.

1346 3. The assets and liabilities of the direct-support
 1347 organization at the end of its most recent fiscal year.

1348 4. A copy of the annual financial and compliance audit
 1349 conducted under s. 288.1226(7) ~~288.1226(6)~~.

1350 Section 25. The recurring sum of \$1,000,000 from the State

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1351 Economic Enhancement and Development Trust Fund and the
 1352 recurring sum of \$24,000,000 from the Tourism Promotional Trust
 1353 Fund are appropriated to the Department of Economic Opportunity
 1354 for Fiscal Year 2017-2018 to enter into a contract with the
 1355 Florida Tourism Industry Marketing Corporation.

1356 Section 26. The recurring sum of \$9,400,000 from the State
 1357 Economic Enhancement and Development Trust Fund and the
 1358 recurring sum of \$6,600,000 from the Florida International Trade
 1359 and Promotion Trust Fund are appropriated to the Department of
 1360 Economic Opportunity for Fiscal Year 2017-2018 to enter into a
 1361 contract with Enterprise Florida, Inc. From the funds
 1362 appropriated from the Florida International Trade and Promotion
 1363 Trust Fund, Enterprise Florida, Inc., shall allocate \$3,550,000
 1364 for international programs, \$2,050,000 to maintain Florida's
 1365 international offices, and \$1,000,000 to continue the Florida
 1366 Export Diversification and Expansion Programs.

1367 Section 27. This act shall take effect July 1, 2017.