

26 | benefits upon the corporation; prohibiting the
 27 | corporation from receiving state funds except for
 28 | certain county tax revenues; requiring the corporation
 29 | to ensure that a certain percentage of funds are
 30 | expended for certain purposes; revising matching funds
 31 | requirements applicable to the corporation; requiring
 32 | the corporation to take certain actions and be
 33 | dissolved upon accepting certain state funds or
 34 | receiving less than a certain amount of public
 35 | contributions in a fiscal year; terminating the
 36 | Tourism Promotional Trust Fund; providing for the
 37 | transfer of current balances in and revenues of the
 38 | trust fund to the General Revenue Fund; requiring the
 39 | Department of Economic Opportunity to pay certain
 40 | debts and obligations; requiring the Chief Financial
 41 | Officer to take certain actions; providing a
 42 | declaration of important state interest; providing an
 43 | effective date.

44 |
 45 | Be It Enacted by the Legislature of the State of Florida:

46 |
 47 | Section 1. Paragraph (b) of subsection (2), paragraphs
 48 | (d), (l), (m), and (n) of subsection (3), subsection (4),
 49 | paragraphs (d) and (e) of subsection (5), and subsection (6) of
 50 | section 125.0104, Florida Statutes, are amended, and paragraphs

51 (f) through (i) are added to subsection (4), to read:

52 125.0104 Tourist development tax; procedure for levying;
53 authorized uses; referendum; enforcement.—

54 (2) APPLICATION; DEFINITIONS.—

55 (b) Definitions.—For purposes of this section:

56 1. "Promotion" means marketing or advertising designed to
57 increase tourist-related business activities.

58 2. "Tourist" means a person who participates in trade or
59 recreation activities outside the county of his or her permanent
60 residence or who rents or leases transient accommodations as
61 described in paragraph (3)(a).

62 3. "Retained spring training franchise" means a spring
63 training franchise that had a location in this state on or
64 before December 31, 1998, and that has continuously remained at
65 that location for at least the 10 years preceding that date.

66 4. "Rural county" means:

67 a. A county with a population of 75,000 or fewer.

68 b. A county with a population of 125,000 or fewer which is
69 contiguous to a county with a population of 75,000 or fewer.

70
71 For purposes of this subparagraph, population shall be
72 determined in accordance with the most recent official estimate
73 pursuant to s. 186.901.

74 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

75 (d) In addition to any 1-percent or 2-percent tax imposed

76 | under paragraph (c), the governing board of the county may levy,
 77 | impose, and set an additional 1 percent of each dollar above the
 78 | tax rate set under paragraph (c) ~~by the extraordinary vote of~~
 79 | ~~the governing board~~ for the purposes set forth in subsection (5)
 80 | ~~or~~ by ordinance approved in a referendum of approval by the
 81 | registered electors within the county or subcounty special
 82 | district pursuant to subsection (6). A county may not. ~~No county~~
 83 | ~~shall~~ levy, impose, and set the tax authorized under this
 84 | paragraph unless the county has imposed the 1-percent or 2-
 85 | percent tax authorized under paragraph (c) for a minimum of 3
 86 | years before ~~prior to~~ the effective date of the levy and
 87 | imposition of the tax authorized by this paragraph. Revenues
 88 | raised by the additional tax authorized under this paragraph may
 89 | ~~shall~~ not be used for debt service on or refinancing of existing
 90 | facilities as specified in subparagraph (5) (a)1. unless approved
 91 | by referendum pursuant to subsection (6) ~~by a resolution adopted~~
 92 | ~~by an extraordinary majority of the total membership of the~~
 93 | ~~governing board of the county~~. If the 1-percent or 2-percent tax
 94 | authorized in paragraph (c) is levied within a subcounty special
 95 | taxing district, the additional tax authorized in this paragraph
 96 | shall only be levied therein. ~~The provisions of paragraphs~~
 97 | ~~(4) (a) - (d) shall not apply to the adoption of the additional tax~~
 98 | ~~authorized in this paragraph~~. The effective date of the levy and
 99 | imposition of the tax authorized under this paragraph is ~~shall~~
 100 | ~~be~~ the first day of the second month following approval of the

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101 ordinance by referendum ~~the governing board~~ or the first day of
102 any subsequent month ~~as may be~~ specified in the ordinance. A
103 certified copy of such ordinance shall be furnished by the
104 county to the Department of Revenue within 10 days after
105 approval of such ordinance.

106 (1) In addition to any other tax which is imposed pursuant
107 to this section, a county may impose up to an additional 1-
108 percent tax on the exercise of the privilege described in
109 paragraph (a) by ordinance approved by referendum pursuant to
110 subsection (6) ~~majority vote of the governing board of the~~
111 ~~county in order~~ to:

112 1. Pay the debt service on bonds issued to finance the
113 construction, reconstruction, or renovation of a professional
114 sports franchise facility, or the acquisition, construction,
115 reconstruction, or renovation of a retained spring training
116 franchise facility, either publicly owned and operated, or
117 publicly owned and operated by the owner of a professional
118 sports franchise or other lessee with sufficient expertise or
119 financial capability to operate such facility, and to pay the
120 planning and design costs incurred prior to the issuance of such
121 bonds.

122 2. Pay the debt service on bonds issued to finance the
123 construction, reconstruction, or renovation of a convention
124 center, and to pay the planning and design costs incurred prior
125 to the issuance of such bonds.

126 3. Pay the operation and maintenance costs of a convention
 127 center for a period of up to 10 years. Only counties that have
 128 elected to levy the tax for the purposes authorized in
 129 subparagraph 2. may use the tax for the purposes enumerated in
 130 this subparagraph. Any county that elects to levy the tax for
 131 the purposes authorized in subparagraph 2. after July 1, 2000,
 132 may use the proceeds of the tax to pay the operation and
 133 maintenance costs of a convention center for the life of the
 134 bonds.

135 4. Promote and advertise tourism in the State of Florida
 136 and nationally and internationally; however, if tax revenues are
 137 expended for an activity, service, venue, or event, the
 138 activity, service, venue, or event shall have as one of its main
 139 purposes the attraction of tourists as evidenced by the
 140 promotion of the activity, service, venue, or event to tourists.

141
 142 The provision of paragraph (b) which prohibits any county
 143 authorized to levy a convention development tax pursuant to s.
 144 212.0305 from levying more than the 2-percent tax authorized by
 145 this section, ~~and the provisions of paragraphs (4) (a) - (d),~~ shall
 146 not apply to the additional tax authorized in this paragraph.
 147 The effective date of the levy and imposition of the tax
 148 authorized under this paragraph is ~~shall be~~ the first day of the
 149 second month following approval of the ordinance by referendum
 150 ~~the governing board~~ or the first day of any subsequent month ~~as~~

151 ~~may be~~ specified in the ordinance. A certified copy of such
 152 ordinance shall be furnished by the county to the Department of
 153 Revenue within 10 days after approval of such ordinance.

154 (m)1. In addition to any other tax which is imposed
 155 pursuant to this section, a high tourism impact county may
 156 impose an additional 1-percent tax on the exercise of the
 157 privilege described in paragraph (a) by ordinance approved by
 158 referendum pursuant to subsection (6) ~~extraordinary vote of the~~
 159 ~~governing board of the county~~. The tax revenues received
 160 pursuant to this paragraph shall be used for one or more of the
 161 authorized uses pursuant to subsection (5).

162 2. A county is considered to be a high tourism impact
 163 county after the Department of Revenue has certified to such
 164 county that the sales subject to the tax levied pursuant to this
 165 section exceeded \$600 million during the previous calendar year,
 166 or were at least 18 percent of the county's total taxable sales
 167 under chapter 212 where the sales subject to the tax levied
 168 pursuant to this section were a minimum of \$200 million, except
 169 that no county authorized to levy a convention development tax
 170 pursuant to s. 212.0305 shall be considered a high tourism
 171 impact county. Once a county qualifies as a high tourism impact
 172 county, it shall retain this designation for the period the tax
 173 is levied pursuant to this paragraph.

174 3. ~~The provisions of paragraphs (4) (a) - (d) shall not apply~~
 175 ~~to the adoption of the additional tax authorized in this~~

176 ~~paragraph.~~ The effective date of the levy and imposition of the
 177 tax authorized under this paragraph is ~~shall be~~ the first day of
 178 the second month following approval of the ordinance by
 179 referendum ~~the governing board~~ or the first day of any
 180 subsequent month ~~as may be~~ specified in the ordinance. A
 181 certified copy of such ordinance shall be furnished by the
 182 county to the Department of Revenue within 10 days after
 183 approval of such ordinance.

184 (n) In addition to any other tax that is imposed under
 185 this section, a county that has imposed the tax under paragraph
 186 (l) may impose an additional tax that is no greater than 1
 187 percent on the exercise of the privilege described in paragraph
 188 (a) by ordinance approved by referendum pursuant to subsection
 189 (6) ~~a majority plus one vote of the membership of the board of~~
 190 ~~county commissioners in order to:~~

- 191 1. Pay the debt service on bonds issued to finance:
 - 192 a. The construction, reconstruction, or renovation of a
 193 facility either publicly owned and operated, or publicly owned
 194 and operated by the owner of a professional sports franchise or
 195 other lessee with sufficient expertise or financial capability
 196 to operate such facility, and to pay the planning and design
 197 costs incurred prior to the issuance of such bonds for a new
 198 professional sports franchise as defined in s. 288.1162.
 - 199 b. The acquisition, construction, reconstruction, or
 200 renovation of a facility either publicly owned and operated, or

201 publicly owned and operated by the owner of a professional
 202 sports franchise or other lessee with sufficient expertise or
 203 financial capability to operate such facility, and to pay the
 204 planning and design costs incurred prior to the issuance of such
 205 bonds for a retained spring training franchise.

206 2. Promote and advertise tourism in the State of Florida
 207 and nationally and internationally; however, if tax revenues are
 208 expended for an activity, service, venue, or event, the
 209 activity, service, venue, or event shall have as one of its main
 210 purposes the attraction of tourists as evidenced by the
 211 promotion of the activity, service, venue, or event to tourists.

212
 213 A county that imposes the tax authorized in this paragraph may
 214 not expend any ad valorem tax revenues for the acquisition,
 215 construction, reconstruction, or renovation of a facility for
 216 which tax revenues are used pursuant to subparagraph 1. The
 217 provision of paragraph (b) which prohibits any county authorized
 218 to levy a convention development tax pursuant to s. 212.0305
 219 from levying more than the 2-percent tax authorized by this
 220 section shall not apply to the additional tax authorized by this
 221 paragraph in counties which levy convention development taxes
 222 pursuant to s. 212.0305(4)(a). ~~Subsection (4) does not apply to~~
 223 ~~the adoption of the additional tax authorized in this paragraph.~~
 224 The effective date of the levy and imposition of the tax
 225 authorized under this paragraph is the first day of the second

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226 month following approval of the ordinance by referendum ~~the~~
227 ~~board of county commissioners~~ or the first day of any subsequent
228 month specified in the ordinance. A certified copy of such
229 ordinance shall be furnished by the county to the Department of
230 Revenue within 10 days after approval of the ordinance.

231 (4) ORDINANCE LEVY TAX; PROCEDURE.—

232 (a) The tourist development tax shall be levied and
233 imposed pursuant to an ordinance containing the county tourist
234 development plan prescribed under paragraph (c), enacted by the
235 governing board of the county. The ordinance levying and
236 imposing the tourist development tax shall not be effective
237 unless the electors of the county or the electors in the
238 subcounty special district in which the tax is to be levied
239 approve the ordinance authorizing the levy and imposition of the
240 tax, in accordance with subsection (6). The effective date of
241 the levy and imposition of the tax is ~~shall be~~ the first day of
242 the second month following approval of the ordinance by
243 referendum, ~~as prescribed in subsection (6),~~ or the first day of
244 any subsequent month ~~as may be~~ specified in the ordinance. A
245 certified copy of the ordinance shall be furnished by the county
246 to the Department of Revenue within 10 days after approval of
247 such ordinance. The governing authority of any county levying
248 such tax shall notify the department, within 10 days after
249 approval of the ordinance by referendum, of the time period
250 during which the tax will be levied.

251 (b) At least 60 days before ~~prior to~~ the enactment or
252 renewal of the ordinance levying the tax, the governing board of
253 the county shall adopt a resolution establishing and appointing
254 the members of the county tourist development council, as
255 prescribed in paragraph (e), and indicating the intention of the
256 county to consider the enactment or renewal of an ordinance
257 levying and imposing the tourist development tax.

258 (c) Before a referendum to enact or renew ~~Prior to~~
259 ~~enactment of~~ the ordinance levying and imposing the tax, the
260 county tourist development council shall prepare and submit to
261 the governing board of the county for its approval a plan for
262 tourist development. The plan shall set forth the anticipated
263 net tourist development tax revenue to be derived by the county
264 for the 6 years after ~~24 months following~~ the levy of the tax;
265 the tax district in which the enactment or renewal of the
266 ordinance levying and imposing the tourist development tax is
267 proposed; the anticipated tourist development revenue to be
268 remitted to the Florida Tourism Industry Marketing Corporation;
269 and a list, in the order of priority, of the proposed uses of
270 the tax revenue by specific project or special use as the same
271 are authorized under subsection (5). The plan shall include the
272 approximate cost or expense allocation for each specific project
273 or special use.

274 (d) The governing board of the county shall adopt the
275 county plan for tourist development as part of the ordinance

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276 levying the tax. After enactment or renewal of the ordinance
277 levying and imposing the tax, the plan of tourist development
278 may not be substantially amended except by ordinance enacted by
279 an affirmative vote of a majority plus one additional member of
280 the governing board.

281 (e) The governing board of each county which levies and
282 imposes a tourist development tax under this section shall
283 appoint an advisory council to be known as the "... (name of
284 county)...Tourist Development Council." The council shall be
285 established by ordinance and composed of nine members who shall
286 be appointed by the governing board. The chair of the governing
287 board of the county or any other member of the governing board
288 as designated by the chair shall serve on the council. Two
289 members of the council shall be elected municipal officials, at
290 least one of whom shall be from the most populous municipality
291 in the county or subcounty special taxing district in which the
292 tax is levied. Six members of the council shall be persons who
293 are involved in the tourist industry and who have demonstrated
294 an interest in tourist development, of which members, not less
295 than three nor more than four shall be owners or operators of
296 motels, hotels, recreational vehicle parks, or other tourist
297 accommodations in the county and subject to the tax. All members
298 of the council shall be electors of the county. The governing
299 board of the county shall have the option of designating the
300 chair of the council or allowing the council to elect a chair.

301 The chair shall be appointed or elected annually and may be
302 reelected or reappointed. The members of the council shall serve
303 for staggered terms of 4 years. The terms of office of the
304 original members shall be prescribed in the resolution required
305 under paragraph (b). The council shall meet at least once each
306 quarter and, from time to time, shall make recommendations to
307 the county governing board for the effective operation of the
308 special projects or for uses of the tourist development tax
309 revenue and perform such other duties as may be prescribed by
310 county ordinance or resolution. The council shall continuously
311 review expenditures of revenues from the tourist development
312 trust fund and shall receive, at least quarterly, expenditure
313 reports from the county governing board or its designee.

314 Expenditures which the council believes to be unauthorized shall
315 be reported to the county governing board and the Department of
316 Revenue. The governing board and the department shall review the
317 findings of the council and take appropriate administrative or
318 judicial action to ensure compliance with this section. The
319 changes in the composition of the membership of the tourist
320 development council mandated by chapter 86-4, Laws of Florida,
321 and this act shall not cause the interruption of the current
322 term of any person who is a member of a council on October 1,
323 1996.

324 (f) To the extent not prohibited by contracts or bond
325 covenants in effect on July 1, 2023:

326 1. Beginning July 1, 2023, for each county that levies a
327 tax under this section, except as provided in subparagraph 2.,
328 the Department of Revenue shall quarterly remit 5 percent of all
329 revenues received between July 1, 2023, and July 1, 2026, from
330 such tax to the Florida Tourism Industry Marketing Corporation,
331 unless the county is a rural county. For rural counties, the
332 Department of Revenue shall quarterly remit 2 percent of all
333 revenues received between July 1, 2023, and July 1, 2026, from
334 such tax to the Florida Tourism Industry Marketing Corporation.

335 2. Beginning July 1, 2023, a county that has elected to
336 self-administer a tax under subsection (10) shall quarterly
337 remit 5 percent of all revenues received between July 1, 2023,
338 and July 1, 2026, from such tax to the Florida Tourism Industry
339 Marketing Corporation, unless the county is a rural county. A
340 rural county that has elected to self-administer a tax under
341 subsection (10) shall quarterly remit 2 percent of all revenues
342 received between July 1, 2023, and July 1, 2026, from such tax
343 to the Florida Tourism Industry Marketing Corporation.

344 3. Beginning July 1, 2026, a county that levies a tax
345 under this section may elect, by majority vote of the board of
346 county commissioners, to quarterly remit, or to direct the
347 Department of Revenue to remit if the department collects and
348 administers the tax on behalf of the county, a portion of
349 revenues received from such tax to the Florida Tourism Industry
350 Marketing Corporation.

351
352 A county that levies a tax under this section may not place any
353 terms or conditions on revenues received under this section and
354 remitted to the Florida Tourism Industry Marketing Corporation
355 under this paragraph.

356 (g) An ordinance that levies and imposes a tax pursuant to
357 this section expires 6 years after the date the ordinance is
358 approved in a referendum, but may be renewed for subsequent 6-
359 year periods if each 6-year period is approved in a referendum
360 held pursuant to subsection (6).

361 (h) Any tax imposed pursuant to this section and in effect
362 on June 30, 2023, must be renewed by an ordinance approved in a
363 referendum held pursuant to subsection (6) on or before July 1,
364 2028, in order to remain in effect after July 1, 2028.

365 (i) The state covenants with holders of bonds or other
366 instruments of indebtedness issued by counties before July 1,
367 2023, that it is not the intent of this subsection to impair or
368 materially alter the rights of those holders or relieve counties
369 of the duty to meet their obligations as a result of previous
370 pledges or assignments entered into under this section as it
371 applied before July 1, 2023. Therefore, paragraph (h) does not
372 apply in any case in which the proceeds of a tax levied pursuant
373 to this section on or before June 30, 2023, have been pledged to
374 secure and liquidate revenue bonds or revenue refunding bonds as
375 authorized by this section, unless such bonds are retired before

376 July 1, 2028. If the bonds are not yet retired on July 1, 2028,
 377 paragraph (h) shall apply as though July 1, 2028, was instead
 378 replaced with July 1 of the year following the retirement of
 379 such bonds.

380 (5) AUTHORIZED USES OF REVENUE.—

381 (d) The revenues to be derived from the tourist
 382 development tax may be pledged to secure and liquidate revenue
 383 bonds issued by the county for the purposes set forth in
 384 subparagraphs (a)1., 2., ~~and 5.,~~ and 6. or for the purpose of
 385 refunding bonds previously issued for such purposes, or both;
 386 however, no more than 50 percent of the revenues from the
 387 tourist development tax may be pledged to secure and liquidate
 388 revenue bonds or revenue refunding bonds issued for the purposes
 389 set forth in subparagraph (a)5. Such revenue bonds and revenue
 390 refunding bonds may be authorized and issued in such principal
 391 amounts, with such interest rates and maturity dates, and
 392 subject to such other terms, conditions, and covenants as the
 393 governing board of the county shall provide. The Legislature
 394 intends that this paragraph be full and complete authority for
 395 accomplishing such purposes, but such authority is supplemental
 396 and additional to, and not in derogation of, any powers now
 397 existing or later conferred under law.

398 (e) Any use of the local option tourist development tax
 399 revenues collected pursuant to this section for a purpose not
 400 expressly authorized by paragraph (3) (1) , ~~or~~ paragraph (3) (n) ,

401 paragraph (4) (f), or paragraphs (a)-(d) ~~of this subsection~~ is
 402 expressly prohibited.

403 (6) REFERENDUM.—

404 (a) An ~~No~~ ordinance enacted or renewed by a ~~any~~ county
 405 levying the tax authorized by this section may not ~~paragraphs~~
 406 ~~(3) (b) and (c) shall~~ take effect until the ordinance levying and
 407 imposing the tax has been approved in a referendum held at a
 408 general election, as defined in s. 97.021, by at least 60
 409 percent ~~a majority~~ of the electors voting in such election in
 410 the county or by at least 60 percent ~~a majority~~ of the electors
 411 voting in the subcounty special tax district affected by the
 412 tax.

413 (b) The governing board of the county levying the tax
 414 shall arrange to place a question on the ballot at a general
 415 election, as defined in s. 97.021, to be held within the county,
 416 which question shall be in substantially the following form:

- 417FOR the Tourist Development Tax
- 418AGAINST the Tourist Development Tax.

419 (c) If at least 60 percent ~~a majority~~ of the electors
 420 voting on the question approve the levy, the ordinance shall be
 421 deemed to be in effect.

422 (d) In any case where an ordinance ~~a referendum~~ levying
 423 and imposing the tax has been approved by referendum pursuant to
 424 this section and 15 percent of the electors in the county or 15
 425 percent of the electors in the subcounty special district in

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426 | which the tax is levied file a petition with the board of county
 427 | commissioners for a referendum to repeal the tax, the board of
 428 | county commissioners shall cause an election to be held for the
 429 | repeal of the tax which election shall be subject only to the
 430 | outstanding bonds for which the tax has been pledged. However,
 431 | the repeal of the tax shall not be effective with respect to any
 432 | portion of taxes initially levied in November 1989, which has
 433 | been pledged or is being used to support bonds under paragraph
 434 | (3)(d) or paragraph (3)(1) until the retirement of those bonds.

435 | Section 2. Paragraph (a) of subsection (5) of section
 436 | 212.0606, Florida Statutes, is amended to read:

437 | 212.0606 Rental car surcharge.—

438 | (5)(a) Notwithstanding s. 212.20, and less the costs of
 439 | administration, 80 percent of the proceeds of this surcharge
 440 | shall be deposited in the State Transportation Trust Fund, ~~15.75~~
 441 | ~~percent of the proceeds of this surcharge shall be deposited in~~
 442 | ~~the Tourism Promotional Trust Fund created in s. 288.122,~~ and 20
 443 | 4.25 percent of the proceeds of this surcharge shall be
 444 | deposited in the Florida International Trade and Promotion Trust
 445 | Fund. For the purposes of this subsection, the term "proceeds of
 446 | this surcharge" means all funds collected and received by the
 447 | department under this section, including interest and penalties
 448 | on delinquent surcharges. The department shall provide the
 449 | Department of Transportation rental car surcharge revenue
 450 | information for the previous state fiscal year by September 1 of

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451 each year.

452 Section 3. Paragraph (b) of subsection (2) of section
453 288.0001, Florida Statutes, is amended to read:

454 288.0001 Economic Development Programs Evaluation.—The
455 Office of Economic and Demographic Research and the Office of
456 Program Policy Analysis and Government Accountability (OPPAGA)
457 shall develop and present to the Governor, the President of the
458 Senate, the Speaker of the House of Representatives, and the
459 chairs of the legislative appropriations committees the Economic
460 Development Programs Evaluation.

461 (2) The Office of Economic and Demographic Research and
462 OPPAGA shall provide a detailed analysis of economic development
463 programs as provided in the following schedule:

464 (b) By January 1, 2015, and every 3 years thereafter, an
465 analysis of the following:

466 1. The entertainment industry financial incentive program
467 established under s. 288.1254.

468 2. The entertainment industry sales tax exemption program
469 established under s. 288.1258.

470 3. VISIT Florida and its programs established or funded
471 under ss. ~~288.122~~, 288.1226, 288.12265, and 288.124.

472 4. The Florida Sports Foundation and related programs
473 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
474 288.1168, 288.1169, and 288.1171.

475 Section 4. Section 288.122, Florida Statutes, is repealed.

476 Section 5. Subsection (13) of section 288.1226, Florida
 477 Statutes, is renumbered as subsection (14), paragraph (b) of
 478 subsection (2), subsection (3), paragraph (k) of subsection (5),
 479 and subsection (6) are amended, paragraphs (q) and (r) are added
 480 to subsection (5), and a new subsection (13) is added to that
 481 section, to read:

482 288.1226 Florida Tourism Industry Marketing Corporation;
 483 use of property; board of directors; duties; audit.—

484 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing
 485 Corporation is a direct-support organization of Enterprise
 486 Florida, Inc.

487 (b) The corporation is organized and operated exclusively
 488 to request, receive, hold, invest, and administer property and
 489 to manage and make expenditures for the operation of the
 490 activities, services, functions, and programs of this state
 491 which relate to the statewide, national, and international
 492 promotion and marketing of tourism, without any financial
 493 support or specific appropriations from the state.

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

495 (a) Is authorized to permit the use of property and
 496 facilities of Enterprise Florida, Inc., by the corporation,
 497 subject to the provisions of this section, so long as the
 498 corporation reimburses Enterprise Florida, Inc., for any
 499 applicable costs to keep, operate, and maintain the property.

500 (b) Shall prescribe conditions with which the corporation

501 must comply in order to use property and facilities of
 502 Enterprise Florida, Inc. Such conditions shall provide for
 503 budget and audit review and for oversight by Enterprise Florida,
 504 Inc.

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

509 (d) May not confer a monetary or nonmonetary benefit upon
 510 the corporation unless the corporation pays fair market value
 511 for the benefit.

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

514 (k) May request or accept any grant, payment, or gift, of
 515 funds or property made by this state or by the United States or
 516 any department or agency thereof or by any individual, firm,
 517 corporation, municipality, county, or organization for any or
 518 all of the purposes of the 4-year marketing plan and the
 519 corporation's contract with Enterprise Florida, Inc., that are
 520 not inconsistent with this or any other provision of law. Such
 521 funds shall be deposited in a bank account established by the
 522 corporation's board of directors. The corporation may expend
 523 such funds in accordance with the terms and conditions of any
 524 such grant, payment, or gift, in the pursuit of its
 525 administration or in support of the programs it administers. The

526 corporation shall separately account for ~~the~~ public funds
 527 received from counties pursuant to s. 125.0104, all other public
 528 funds, and ~~the~~ private funds deposited into the corporation's
 529 bank account.

530 (q) May not receive any financial support or specific
 531 appropriation from the state other than funds received from
 532 counties pursuant to s. 125.0104.

533 (r) Shall ensure that 75 percent of all expenditures go
 534 toward activities, services, functions, and programs that
 535 directly assist state parks, state forests, and rural counties
 536 as defined in s. 125.0104 (2) (b).

537 (6) MATCHING REQUIREMENTS.—

538 (a) A one-to-one match is required of private to public
 539 contributions to the corporation. Public contributions include
 540 all funds remitted from counties ~~state appropriations~~ to the
 541 corporation ~~and exclude taxes derived~~ pursuant to s. 125.0104.

542 (b) For purposes of calculating the required one-to-one
 543 match, the corporation shall receive matching private
 544 contributions in one of four private match categories. The
 545 corporation shall maintain documentation of such categorized
 546 contributions on file and make such documentation available for
 547 inspection upon reasonable notice during its regular business
 548 hours. Contribution details shall be included in the quarterly
 549 reports required under subsection (8). The private match
 550 categories are:

551 1. Direct cash contributions from private sources, which
552 include, but are not limited to, cash derived from strategic
553 alliances, contributions of stocks and bonds, and partnership
554 contributions.

555 2. Fees for services, which include, but are not limited
556 to, event participation, research, and brochure placement and
557 transparencies.

558 3. Cooperative advertising, which is limited to partner
559 expenditures for paid media placement, partner expenditures for
560 collateral material distribution, and the actual market value of
561 contributed productions, air time, and print space.

562 4. In-kind contributions, which is limited to the actual
563 market value of promotional contributions of partner-supplied
564 benefits to target audiences and the actual market value of
565 nonpartner-supplied air time or print space contributed for the
566 broadcasting or printing of such promotions, which would
567 otherwise require tourist promotion expenditures by the
568 corporation for advertising, air travel, rental car fees, hotel
569 rooms, RV or campsite space rental, onsite guest services, and
570 admission tickets. The net value of air time or print space, if
571 any, shall be deemed to be the actual market value of the air
572 time or print space, based on an average of actual unit prices
573 paid contemporaneously for comparable times or spaces, less the
574 value of increased ratings or other benefits realized by the
575 media outlet as a result of the promotion.

576
577 Contributions from a government entity or from an entity that
578 received more than 50 percent of its revenue in the previous
579 fiscal year from public sources, including revenue derived from
580 taxes, ~~other than taxes collected pursuant to s. 125.0104,~~ from
581 fees, or from other government revenues, are not considered
582 private contributions for purposes of calculating the required
583 one-to-one match.

584 (c) If the corporation fails to meet the one-to-one match
585 requirements of this subsection, the corporation shall revert
586 all unmatched public contributions received from counties
587 pursuant to s. 125.0104 to the counties that remitted funds to
588 the corporation ~~state treasury~~ by June 30 of each fiscal year.
589 The corporation shall do so on a pro rata basis, which shall be
590 based on the amount of such funds received from each county.

591 (13) MANDATORY TRANSFER OF FUNDS.—If the corporation
592 accepts any financial support or specific appropriation from the
593 state after July 1, 2023, or if the corporation receives less
594 than \$1 million in public contributions within a fiscal year:

595 (a) The corporation shall immediately notify the
596 Department of Economic Opportunity.

597 (b) All funds held by the corporation which were received
598 pursuant to s. 125.0104 shall proportionally be returned to the
599 counties that remitted such funds.

600 (c) The corporation shall immediately transfer all other

601 funds held by the corporation to the General Revenue Fund.

602 (d) The corporation shall immediately liquidate all assets
603 held by the corporation and all proceeds of the sales of such
604 assets shall revert to the General Revenue Fund.

605 (e) The corporation shall be dissolved.

606 Section 6. (1) The Tourism Promotional Trust Fund, FLAIR
607 number 40-2-722, within the Department of Economic Opportunity
608 is terminated.

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

612 (3) The Department of Economic Opportunity shall pay any
613 outstanding debts and obligations of the terminated fund as soon
614 as practicable, and the Chief Financial Officer shall close out
615 and remove the terminated fund from various state accounting
616 systems using generally accepted accounting principles
617 concerning warrants outstanding, assets, and liabilities.

618 Section 7. The Legislature finds and declares that this
619 act fulfills an important state interest.

620 Section 8. This act shall take effect July 1, 2023.