A bill to be entitled
An act relating to the Florida Tourism Industry Marketing Corporation; amending s. 11.45, F.S.; authorizing the Auditor General to audit the corporation; authorizing the corporation to enter into an agreement with the Department of Economic Opportunity for certain purposes and to use certain funds; providing legislative intent; amending s. 201.15, F.S.; transferring certain funds to the General Revenue Fund; conforming provisions to changes made by the act; amending s. 212.0606, F.S.; depositing a certain percentage of the rental car surcharge in the General Revenue Fund; conforming provisions to changes made by the act; amending s. 272.11, F.S.; transferring responsibility for the Capitol information center from Enterprise Florida, Inc., to the department; amending s. 288.0001, F.S.; conforming cross-references; amending s. 288.017, F.S.; authorizing the department, rather than Enterprise Florida, Inc., to establish and operate a cooperative advertising matching grants program; authorizing the department to contract with VISIT Florida to administer such program; authorizing the department to conduct an annual competitive selection process for the award of program grants; removing a
requirement that the department consider certain recommendations from Enterprise Florida, Inc., in evaluating program grant applications; repealing ss. 288.1201 and 288.122, F.S., relating to the State Economic Enhancement and Development Trust Fund and the Tourism Promotional Trust Fund, respectively; terminating such trust funds; transferring the balances and revenues of such terminated trust funds to the General Revenue Fund; requiring the department to pay outstanding debts and obligations of such terminated trust funds; requiring the Chief Financial Officer to close out and remove such terminated trust funds from state accounting systems; amending s. 288.1226, F.S.; providing that the corporation is a direct-support organization of the department, rather than Enterprise Florida, Inc.; revising the purposes for which the corporation is an agency; providing that the officers and members of the board of directors of the corporation are subject to certain provisions and are public officers or employees of an agency for a certain purpose; requiring the corporation to comply with certain per diem and travel expense provisions; providing corporation board members and officers with certain voting authority; requiring such officers and members to file a certain annual disclosure; requiring
that such disclosure be placed on the corporation's website; authorizing reimbursement for per diem and travel expenses for corporation board members; requiring such expenses to be paid out of corporation funds; subjecting certain contracts to specified notice and review procedures; prohibiting the execution of certain contracts; limiting the amount of compensation paid to corporation officers, agents, and employees; limiting the value of certain benefits provided to corporation employees; prohibiting certain performance bonuses and severance pay; requiring the Governor to approve certain out-of-state or international travel; requiring the corporation to appoint its president and chief executive officer, subject to Senate confirmation; prohibiting the corporation from creating or establishing certain entities and expending certain funds that benefit only one entity; requiring a one-to-one match of private to public contributions to the corporation; providing private contribution categories to use when calculating such match; prohibiting certain contributions from being considered private contributions for purposes of such match; requiring the reversion of unmatched public contributions to the state treasury by a certain date annually; requiring a
quarterly report to the department; requiring the corporation to provide certain data to the Office of Economic and Demographic Research; prohibiting the expenditure of corporation funds for certain purposes; prohibiting the acceptance or receipt of certain items or services from certain entities; removing a public records exemption; limiting certain expenses of corporation employees; providing an exception; specifying a procedure for the release of appropriated funds; providing that the corporation is a governmental entity and subject to the Transparency Florida Act; requiring the inclusion of specified information in certain corporation contracts and on the corporation's website; requiring specified functionality of the corporation's website; requiring marketing partners to provide annual reports containing specified financial data to the corporation; conforming provisions to changes made by the act; amending s. 288.12265, F.S.; transferring responsibility for administering and operating welcome centers from Enterprise Florida, Inc., to the department; amending s. 288.124, F.S.; authorizing VISIT Florida, rather than Enterprise Florida, Inc., to establish a convention grants program and guidelines governing the award of program grants and

CODING: Words **stricken** are deletions; words *underlined* are additions.
the administration of such program; repealing s. 288.826, F.S., relating to the Florida International Trade and Promotion Trust Fund; terminating such trust fund; transferring the balances and revenues of such terminated trust fund to the General Revenue Fund; requiring the department to pay outstanding debts and obligations of such terminated trust fund; requiring the Chief Financial Officer to close out and remove such terminated trust fund from state accounting systems; amending s. 288.904, F.S.; conforming provisions to changes made by the act; amending s. 288.92, F.S.; removing a requirement that Enterprise Florida, Inc., include a division related to tourism marketing; conforming provisions to changes made by the act; amending s. 288.923, F.S.; terminating the Division of Tourism Marketing created within Enterprise Florida, Inc.; transferring duties and authority to contract with the corporation from Enterprise Florida, Inc., to the department; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Paragraph (x) is added to subsection (3) of
section 11.45, Florida Statutes, to read:

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

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

(x) The Florida Tourism Industry Marketing Corporation.

Section 2. (1) The Florida Tourism Industry Marketing
Corporation may enter into an agreement with the Department of
Economic Opportunity to continue any existing program, activity,
duty, or function necessary for the operation of the
corporation.

(2) Any funds held in trust which were donated to or
earned by the Florida Tourism Industry Marketing Corporation may
be used by the corporation for the original purposes for which
the funds were received.

(3) It is the intent of the Legislature that the changes
made by this act be accomplished with minimal disruption of
services provided to the public and with minimal disruption to
employees of any organization.

Section 3. Paragraphs (a), (c), and (d) of subsection (4)
of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—All taxes
collected under this chapter are hereby pledged and shall be
first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the payment of service charges or costs of collection and enforcement under this section. All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1). Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs and service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

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

(a) The lesser of $24.18442 million in each fiscal year shall be paid into the State Treasury to the credit of the State Transportation Trust Fund. Of such funds, $75 million for each fiscal year shall be transferred to the General Revenue Fund State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. Notwithstanding any other law, the remaining amount credited to the State Transportation Trust Fund shall be used for:

1. Capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, in the amount of 10 percent of the funds;
2. The Small County Outreach Program specified in s. 339.2818, in the amount of 10 percent of the funds;
3. The Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2.; and
4. The Transportation Regional Incentive Program specified in s. 339.2819, in the amount of 25 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2. The first $60 million of the funds allocated pursuant to this subparagraph shall be allocated annually to the Florida
Rail Enterprise for the purposes established in s. 341.303(5).

(c) Eleven and twenty-four hundredths percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. Of such funds, the first $35 million shall be transferred annually, subject to any distribution required under subsection (5), to the General Revenue Fund State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be used as follows:

1. Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(d) Twelve and ninety-three hundredths percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. Of such funds, the first $40 million shall be transferred annually, subject to any distribution required under subsection (5), to the General Revenue Fund State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. The remainder shall be used as follows:

1. Twelve and one-half percent of that amount shall be
deposited into the State Housing Trust Fund and expended by the Department of Economic Opportunity and the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

Section 4. Paragraph (a) of subsection (3) of section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(3)(a) Notwithstanding s. 212.20, and less the costs of administration, 80 percent of the proceeds of this surcharge shall be deposited in the State Transportation Trust Fund, 15.75 percent of the proceeds of this surcharge shall be deposited in the Tourism Promotional Trust Fund created in s. 288.122, and 4.25 percent of the proceeds of this surcharge shall be deposited in the General Revenue Fund Florida International Trade and Promotion Trust Fund. For the purposes of this subsection, "proceeds" of the surcharge means all funds collected and received by the department under this section, including interest and penalties on delinquent surcharges. The department shall provide the Department of Transportation rental
car surcharge revenue information for the previous state fiscal year by September 1 of each year.

Section 5. Section 272.11, Florida Statutes, is amended to read:

272.11 Capitol information center.—The Department of Economic Opportunity Enterprise Florida, Inc., shall establish, maintain, and operate a Capitol information center somewhere within the area of the Capitol Center and employ personnel or enter into contracts to maintain same.

Section 6. Paragraphs (b) and (c) of subsection (2) of section 288.0001, Florida Statutes, are amended to read:

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

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

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

1. The entertainment industry financial incentive program established under s. 288.1254.
2. The entertainment industry sales tax exemption program established under s. 288.1258.

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


(c) By January 1, 2016, and every 3 years thereafter, an analysis of the following:

1. The qualified defense contractor and space flight business tax refund program established under s. 288.1045.

2. The tax exemption for semiconductor, defense, or space technology sales established under s. 212.08(5)(j).

3. The Military Base Protection Program established under s. 288.980.

4. The Manufacturing and Spaceport Investment Incentive Program formerly established under s. 288.1083.

5. The Quick Response Training Program established under s. 288.047.

6. The Incumbent Worker Training Program established under s. 445.003.

7. International trade and business development programs established or funded under s. 288.826.

Section 7. Subsections (1) and (3) of section 288.017, Florida Statutes, are amended to read:
288.017 Cooperate advertising matching grants program.—

(1) The department Enterprise Florida, Inc., is authorized to establish a cooperative advertising matching grants program and, pursuant thereto, to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of publicizing the tourism advantages of the state. The department, based on recommendations from Enterprise Florida, Inc., shall have final approval of grants awarded through this program. The department Enterprise Florida, Inc., may contract with VISIT Florida its direct support organization to administer the program.

(3) The department Enterprise Florida, Inc., shall conduct an annual competitive selection process for the award of grants under the program. In determining its recommendations for the grant awards, the department commission shall consider the demonstrated need of the applicant for advertising assistance, the feasibility and projected benefit of the applicant's proposal, the amount of nonstate funds that will be leveraged, and such other criteria as the department commission deems appropriate. In evaluating grant applications, the department shall consider recommendations from Enterprise Florida, Inc. The department, however, has final approval authority for any grant under this section.

Section 8. Section 288.1201, Florida Statutes, is repealed.
Section 9. (1) The State Economic Enhancement and Development Trust Fund, FLAIR number 40-2-041, within the Department of Economic Opportunity is terminated.

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

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

Section 10. Section 288.122, Florida Statutes, is repealed.

Section 11. (1) The Tourism Promotional Trust Fund, FLAIR number 40-2-722, within the Department of Economic Opportunity is terminated.

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

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

Section 12. Section 288.1226, Florida Statutes, is amended
to read:

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

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

(2) ESTABLISHMENT.—The Florida Tourism Industry Marketing
Corporation is a direct-support organization of the Department
of Economic Opportunity Enterprise Florida, Inc.

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

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

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

2.a. The corporation is an agency for purposes of chapter 287.

b. The officers and members of the board of directors of the corporation are subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2).

c. For purposes of ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2), the officers or members of the board of directors of the corporation are public officers or employees of an agency, respectively, and the corporation is an agency.

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

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

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

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

(3) USE OF PROPERTY.—The Department of Economic
Opportunity Enterprise Florida, Inc.: (a) Is authorized to permit the use of property and
facilities of the department Enterprise Florida, Inc., by the
corporation, subject to the provisions of this section.

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

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

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

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


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


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

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

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

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

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

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

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

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

(f) Shall elect or appoint such officers and agents as its affairs shall require and allow them reasonable compensation. However, each officer or agent, including the president and chief executive officer of the corporation, may not receive compensation, public or private, that exceeds $130,000 per year.
(g) Shall hire and establish salaries and personnel and employee benefit programs for such permanent and temporary employees as are necessary to carry out the provisions of the 4-year marketing plan and the corporation's contract with Enterprise Florida, Inc., which are not inconsistent with this or any other provision of law. However, an employee may not receive compensation, public or private, that exceeds $130,000 per year. Any retirement, life insurance, or health insurance benefits provided to employees of the corporation may not exceed the value of such benefits provided to employees of the corporation as of January 1, 2017. Any public or private payments of performance bonuses or severance pay to employees of the corporation are prohibited unless specifically authorized by law. The Governor shall review and approve or deny requests for out-of-state or international travel by employees and board members of the corporation and individuals whose travel will be paid for by the corporation, regardless of the source of the funds used for such travel.

(h) Shall appoint a president and chief executive officer of the corporation who shall serve subject to confirmation by the Senate provide staff support to the Division of Tourism Promotion of Enterprise Florida, Inc. The president and chief executive officer of the Florida Tourism Industry Marketing Corporation shall serve without compensation as the director of the division.
(i) May adopt, change, amend, and repeal bylaws, not inconsistent with law or its articles of incorporation, for the administration of the provisions of the 4-year marketing plan and the corporation's contract with the department Enterprise Florida, Inc.

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

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

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

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

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

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

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

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

(6) MATCHING REQUIREMENTS.—
(a) A one-to-one match is required of private to public contributions to the corporation. Public contributions include all state appropriations to the corporation.

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

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

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

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

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

(7) (6) ANNUAL AUDIT.—The corporation shall provide for an annual financial audit in accordance with s. 215.981. The annual audit report shall be submitted to the Auditor General; the Office of Program Policy Analysis and Government Accountability; Enterprise Florida, Inc.; and the department for review. The Office of Program Policy Analysis and Government Accountability; Enterprise Florida, Inc.; the department; and the Auditor General have the authority to require and receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. The department shall annually certify whether the corporation is operating in a manner and achieving the objectives that are consistent with the policies and goals of the department Enterprise Florida, Inc., and its long-range marketing plan. The identity of a donor or prospective donor to the corporation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.
(8) REPORT.—The corporation shall provide a quarterly report to the Department of Economic Opportunity, which shall:

(a) Measure the current vitality of the visitor industry of this state as compared to the vitality of such industry for the year to date and for comparable quarters of past years.

Indicators of vitality shall be determined by the Department of Economic Opportunity and shall include, but not be limited to, estimated visitor count and party size, length of stay, average expenditure per party, and visitor origin and destination.

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

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

(d) Review all pertinent research findings.

(e) Provide other measures of accountability as requested by the Department of Economic Opportunity.

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

(9) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—

Notwithstanding per diem and travel expenses authorized pursuant to s. 112.061, funds of the corporation may not be expended for food, beverages, lodging, entertainment, or gifts for employees.
of the corporation, board members of the corporation, or employees of a tourist or economic development entity that receives revenue from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305. An employee or board member of the corporation may not accept or receive food, beverages, lodging, entertainment, or gifts from a tourist or economic development entity that receives revenue from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305 PUBLIC RECORDS EXEMPTION. The identity of any person who responds to a marketing project or advertising research project conducted by the corporation in the performance of its duties on behalf of Enterprise Florida, Inc., or trade secrets as defined by s. 812.081 obtained pursuant to such activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

(10) (9) LODGING EXPENSES.—Lodging expenses for an employee of the corporation may not exceed $150 per day, excluding taxes. However, an employee of the corporation may expend his or her own funds for any lodging expenses in excess of $150 per day.

(11) RELEASE OF APPROPRIATIONS.—Notwithstanding s. 216.192, and in accordance with s. 216.351, the annual plan for release of appropriations for the Department of Economic
Opportunity shall be quarterly. On July 1 of each fiscal year, 25 percent of the original operating budget of the corporation shall be released. The balance of the appropriation shall be held in reserve. By August 15 of each fiscal year, the Department of Economic Opportunity shall submit a proposed operating budget for the corporation including amounts to be expended on advertising, events, other operating capital outlay, and salaries and benefits for each employee to the Legislative Budget Commission. Upon approval of the plan by the Legislative Budget Commission, the remainder of the operating budget for the corporation shall be released pursuant to this subsection.

(12) TRANSPARENCY.—

(a) The corporation is a governmental entity as defined in s. 215.985 and, therefore, is subject to the Transparency Florida Act.

(b) A contract entered into between the corporation and any other entity, including a local government, private, or nonprofit entity, that receives public funds from the state or from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305 shall include:

1. The purpose of the contract.

2. Specific performance standards and responsibilities for each entity.

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

4. The value of any services provided.
5. The salaries of all employees and board members of the entity and the projected travel and entertainment expenses for such employees and board members.

(c)1. If a marketing partner receives public funds from the state or from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, the marketing partner shall annually report all public and private financial data to the corporation.

2. The financial data shall include:
   a. The total amount of revenue received from public and private sources.
   b. The operating budget.
   c. Employee and board member salary and benefit details.
   d. An itemized account of all funds spent by a third party on behalf of the corporation or a board member or an employee of the corporation.
   e. Itemized travel and entertainment expenditures.

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

1. A plain language version of each proposed and executed contract exceeding $35,000 with a private entity, municipality, city, town, or vendor of services, supplies, or programs, including marketing, or for the purchase or lease or use of lands, facilities, or properties.

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

3. Video recordings of each board meeting.

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

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

6. An annual itemized accounting of the total amount of travel and entertainment expenditures by the corporation.

(e) The corporation's website must:

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

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

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

Section 13. Section 288.12265, Florida Statutes, is amended to read:

288.12265 Welcome centers.—

(1) Responsibility for the welcome centers is assigned to the Department of Economic Opportunity Enterprise Florida, Inc.,
which shall contract with the Florida Tourism Industry Marketing Corporation to employ all welcome center staff.

(2) The Department of Economic Opportunity Enterprise Florida, Inc., shall administer and operate the welcome centers. Pursuant to a contract with the Department of Transportation, the Department of Economic Opportunity Enterprise Florida, Inc., shall be responsible for routine repair, replacement, or improvement and the day-to-day management of interior areas occupied by the welcome centers. All other repairs, replacements, or improvements to the welcome centers shall be the responsibility of the Department of Transportation. The Department of Economic Opportunity Enterprise Florida, Inc., may contract with the Florida Tourism Industry Marketing Corporation for the management and operation of the welcome centers.

Section 14. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—VISIT Florida Enterprise Florida, Inc., is authorized to establish a convention grants program and, pursuant to that program, to recommend to the department expenditures and contracts with local governments and nonprofit corporations or organizations for the purpose of attracting national conferences and conventions to Florida. Preference shall be given to local governments and nonprofit corporations or organizations seeking to attract minority conventions to Florida. Minority conventions
are events that primarily involve minority persons, as defined in s. 288.703, who are residents or nonresidents of the state. VISIT Florida Enterprise Florida, Inc., shall establish guidelines governing the award of grants and the administration of this program. The department has final approval authority for any grants under this section. The total annual allocation of funds for this program shall not exceed $40,000.

Section 15. Section 288.826, Florida Statutes, is repealed.

Section 16. (1) The Florida International Trade and Promotion Trust Fund, FLAIR number 40-2-338, within the Department of Economic Opportunity is terminated.

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

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

Section 17. Subsection (3) of section 288.904, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

Section 18. Subsection (1) and paragraph (b) of subsection (2) of section 288.92, Florida Statutes, are amended to read:

288.92 Divisions of Enterprise Florida, Inc.—
(1) Enterprise Florida, Inc., may create and dissolve
divisions as necessary to carry out its mission. Each division
shall have distinct responsibilities and complementary missions.
At a minimum, Enterprise Florida, Inc., shall have divisions
related to the following areas:
   (a) International Trade and Business Development;
   (b) Business Retention and Recruitment;
   (c) Tourism Marketing;
   (d) Minority Business Development; and
   (e) Sports Industry Development.

(b) 1. The following officers and board members are subject
to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
112.3143(2):
   a. Officers and members of the board of directors of the
divisions of Enterprise Florida, Inc.

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

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

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

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

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

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

   b. Participate in the establishment or calculation of payments related to the private match requirements of s. 288.904(3). The officer or member must file an annual disclosure describing the nature of his or her interests or the interests
of his or her principals, including corporate parents and subsidiaries of his or her principal, in the private match requirements. This annual disclosure requirement satisfies the disclosure requirement of s. 112.3143(4). This disclosure must be placed either on the Florida Tourism Industry Marketing Corporation's website or included in the minutes of each meeting of the Florida Tourism Industry Marketing Corporation's board of directors at which the private match requirements are discussed or voted upon.

Section 19. Section 288.923, Florida Statutes, is amended to read:

288.923 Division of Tourism marketing; definitions; responsibilities.—

(1) There is created within Enterprise Florida, Inc., the Division of Tourism Marketing.

(2) As used in this section, the term:

(a) "Tourism marketing" means any effort exercised to attract domestic and international visitors from outside the state to destinations in this state and to stimulate Florida resident tourism to areas within the state.

(b) "Tourist" means any person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient living quarters or accommodations as described in s. 125.0104(3)(a).

(c) "County destination marketing organization" means a
public or private agency that is funded by local option tourist
development tax revenues under s. 125.0104, or local option
convention development tax revenues under s. 212.0305, and is
officially designated by a county commission to market and
promote the area for tourism or convention business or, in any
county that has not levied such taxes, a public or private
agency that is officially designated by the county commission to
market and promote the area for tourism or convention business.

(d) "Direct-support organization" means the Florida
Tourism Industry Marketing Corporation.

(2)(3) The Department of Economic Opportunity Enterprise
Florida, Inc., shall contract with the Florida Tourism Industry
Marketing Corporation, a direct-support organization established
in s. 288.1226, to execute tourism promotion and marketing
services, functions, and programs for the state, including, but
not limited to, the activities prescribed by the 4-year
marketing plan. The division shall assist to maintain and
implement the contract.

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

(a) Maintaining and implementing the contract with the
Florida Tourism Industry Marketing Corporation.

(b) Ensuring that the corporation develops Advising the
department and Enterprise Florida, Inc., on development of
domestic and international tourism marketing campaigns featuring
Florida.

(c) Developing, in collaboration with the corporation, a 4-year marketing plan.

1. At a minimum, the marketing plan shall discuss the following:
   a. Continuation of overall tourism growth in this state.
   b. Expansion to new or under-represented tourist markets.
   c. Maintenance of traditional and loyal tourist markets.
   d. Coordination of efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private sector partners to create a seamless, four-season advertising campaign for the state and its regions.
   e. Development of innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population.
   f. Consideration of innovative sources of state funding for tourism marketing.
   g. Promotion of nature-based tourism and heritage tourism.
   h. Development of a component to address emergency response to natural and manmade disasters from a marketing standpoint.

2. The plan shall be annual in construction and ongoing in nature. Any annual revisions of the plan shall carry forward the concepts of the remaining 3-year portion of the plan and
consider a continuum portion to preserve the 4-year timeframe of
the plan. The plan also shall include recommendations for
specific performance standards and measurable outcomes for the
division and direct-support organization. The department, in
consultation with the board of directors of Enterprise Florida,
Inc., shall base the actual performance metrics on these
recommendations.

3. The 4-year marketing plan shall be developed in
collaboration with the Florida Tourism Industry Marketing
Corporation. The plan shall be annually reviewed and approved by
the department board of directors of Enterprise Florida, Inc.
(d) Drafting and submitting an annual report required by
s. 288.92. The annual report shall set forth for the department
division and the direct-support organization:
   1. Operations and accomplishments during the fiscal year,
      including the economic benefit of the state's investment and
effectiveness of the marketing plan.
   2. The 4-year marketing plan, including recommendations on
      methods for implementing and funding the plan.
   3. The assets and liabilities of the direct-support
      organization at the end of its most recent fiscal year.
   4. A copy of the annual financial and compliance audit
      conducted under s. 288.1226(7) 288.1226(6).
(5) Notwithstanding s. 288.92, the division shall be
staffed by the Florida Tourism Industry Marketing Corporation.
Such staff shall not be considered to be employees of the division and shall remain employees of the Florida Tourism Industry Marketing Corporation. Section 288.905 does not apply to the Florida Tourism Industry Marketing Corporation.

(4) This section is repealed October 1, 2019, unless reviewed and saved from repeal by the Legislature.

Section 20. This act shall take effect July 1, 2017.