

Senate Bill No. 1756

An act relating to the Florida Statutes; repealing various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; repealing s. 255.043(4), F.S., relating to funds appropriated prior to the effective date of provisions requiring a portion of construction funds to be set aside for acquisition and display of art in newly constructed state buildings; amending s. 267.171, F.S.; deleting obsolete provisions relating to the use of certain funds by the Department of State for historic preservation purposes of the City of St. Augustine; amending s. 267.172, F.S.; deleting obsolete provisions relating to the appropriation of certain funds by the Department of State to not-for-profit organizations established to advance historic preservation in Tallahassee and the Florida Keys, respectively; amending s. 288.012, F.S.; deleting obsolete provisions relating to plans for the disposition, development, and operation of foreign offices; revising cross-references; amending s. 288.1223, F.S.; deleting obsolete provisions relating to appointments to the Florida Commission on Tourism; amending s. 288.1224, F.S.; deleting obsolete provisions relating to a review and report on the Florida Commission on Tourism and its direct-support organization and to duties of the commission with respect to its marketing plan; repealing s. 509.215(3) and (4), F.S., relating to firesafety requirements for public lodging establishments for which construction contracts were let prior to October 1, 1983; providing an effective date.

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

Section 1. Subsection (4) of section 255.043, Florida Statutes, is repealed.

Section 2. Effective October 1, 2001, section 267.171, Florida Statutes, is amended to read:

267.171 St. Augustine; contract for preservation of historic properties.— The Department of State shall contract with the City of St. Augustine for the management of the various state-owned properties presently managed by the Historic St. Augustine Preservation Board of Trustees. The contract shall provide that the City of St. Augustine may use all proceeds derived from the management of state-owned properties for the purpose of maintaining the state-owned buildings and advancing historic preservation in the City of St. Augustine. ~~Additionally, the department may appropriate all remaining funds in the Historic St. Augustine Preservation Board Operating Trust Fund to the City of St. Augustine for maintenance of the state-owned buildings and advancing historic preservation in the City of St. Augustine.~~ The Department of State may transfer ownership and responsibility to any artifacts, documents, equipment, and other forms of tangible personal property to the City of St. Augustine to assist the city in the transition of the management of state-owned properties. ~~The Department of State is authorized to use the unexpended balance of up to \$500,000 in~~

~~general revenue funds, as provided in the 1997-1998 General Appropriations Act for the St. Augustine Preservation Board, to enter into contracts with the City of St. Augustine to continue the operations and maintenance of historic properties.~~

Section 3. Effective October 1, 2001, section 267.172, Florida Statutes, is amended to read:

267.172 Tallahassee; Florida Keys; contracts for historic preservation.— In order to continue the work performed by the Historic Tallahassee Preservation Board of Trustees and the Historic Florida Keys Preservation Board of Trustees, the Department of State may contract with not-for-profit corporations established for the purpose of advancing historic preservation in these areas to manage the various state-owned properties presently managed by the Historic Tallahassee Preservation Board of Trustees and the Historic Florida Keys Preservation Board of Trustees. The contract, which shall at a minimum contain those requirements provided in s. 267.17, for citizen support organizations, including the use of public property and the performance of an annual audit, shall provide that the not-for-profit corporations may use all proceeds derived from the management of state-owned buildings and for the purpose of advancing historic preservation in their areas. ~~Additionally, the department may appropriate all remaining funds in the Historic Florida Keys Preservation Board Operating Trust Fund and the Historic Tallahassee Preservation Board Operating Trust Fund to the not-for-profit corporations for their use.~~

Section 4. Subsections (1), (2), and (5) of section 288.012, Florida Statutes, are amended to read:

288.012 State of Florida foreign offices.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida foreign offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between state entities, local entities, foreign entities, and private businesses.

(1) The Office of Tourism, Trade, and Economic Development is authorized to:

(a) Establish and operate offices in foreign countries for the purpose of promoting the trade and economic development of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in foreign countries containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set com-

pensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the Office of Tourism, Trade, and Economic Development to meet such obligations shall be subject only to s. 216.311.

~~(c) By September 1, 1997, the Office of Tourism, Trade, and Economic Development shall develop a plan for the disposition of the current foreign offices and the development and location of additional foreign offices. The plan shall include, but is not limited to, a determination of the level of funding needed to operate the current offices and any additional offices and whether any of the current offices need to be closed or relocated. Enterprise Florida, Inc., the Florida Tourism Commission, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture shall assist the Office of Tourism, Trade, and Economic Development in the preparation of the plan. All parties shall cooperate on the disposition or establishment of the offices and ensure that needed space, technical assistance, and support services are provided to such entities at such foreign offices.~~

(2) ~~By June 30, 1998,~~ Each foreign office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the Office of Tourism, Trade, and Economic Development. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry sector priorities for the foreign country or area in which a foreign office is located.

(c) Provisions for access to information for Florida businesses through the Florida Trade Data Center. Each foreign office shall obtain and forward trade leads and inquiries to the center on a regular basis ~~as called for in the plan pursuant to paragraph (1)(c).~~

(d) Identification of new and emerging market opportunities for Florida businesses. Each foreign office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each foreign office, and to Enterprise Florida, Inc., the Florida Commission on Tourism, the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture ~~the entities identified in paragraph (1)(c),~~ trade industry, commodity, and opportunity information ~~as specified in the plan required in that paragraph.~~ This information shall be provided to such ~~the~~ offices and ~~the entities identified in paragraph (1)(c)~~ either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to the services of the Florida Trade Data Center, international trade assistance services provided by state

and local entities, seaport and airport information, and other services identified by the Office of Tourism, Trade, and Economic Development ~~in the plan pursuant to paragraph (1)(c).~~

(f) Qualitative and quantitative performance measures for each office, including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of foreign buyers and importers contacted, and the amount and type of marketing conducted.

(5) Where feasible and appropriate, and subject to s. 288.1224(9)(10), foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, and subject to s. 288.1224(9)(10), such offices may also be collocated with other foreign offices of the state.

Section 5. Paragraph (a) of subsection (2) of section 288.1223, Florida Statutes, is amended to read:

288.1223 Florida Commission on Tourism; creation; purpose; membership.—

(2)(a) The commission shall consist of 17 general tourism-industry-related members appointed by the Governor, subject to confirmation by the Senate, and 11 additional tourism-industry-related members, appointed by the Governor ~~no later than July 31, 1996~~, including 3 representatives from the statewide rental car industry, 3 representatives from tourist-related statewide associations, including those that represent hotels, campgrounds, and attractions, 3 representatives from county destination marketing organizations, 1 representative from the cruise industry, and 1 representative from the airline industry, who will each serve for a term of 2 years, the Governor, and 2 additional ex officio members, who will serve for a term of 2 years, ~~appointed no later than July 31, 1996~~, including a member of the Senate appointed by the President of the Senate and a member of the House of Representatives appointed by the Speaker of the House of Representatives.

Section 6. Section 288.1224, Florida Statutes, is amended to read:

288.1224 Powers and duties.—The commission:

(1) Notwithstanding the provisions of part I of chapter 287, upon the approval of the Office of Tourism, Trade, and Economic Development, shall contract, ~~no later than December 31, 1996~~, with a direct-support organization incorporated as a private, not-for-profit corporation, as defined in s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, to execute the tourism marketing and promotion services, functions, and programs for this state including, but not limited to, the activities prescribed by the 4-year marketing plan. The Office of Tourism, Trade, and Economic Development shall review such contract in an expedient manner and shall timely make any recommendations so as to allow for the date of the contract to be met. The commission shall serve as contract administrator.

(2) Shall advise the Office of Tourism, Trade, and Economic Development and the direct-support organization regarding the domestic and international tourism promotion programs for this state.

(3) Shall be responsible for the prudent use of all public and private funds and shall ensure that the use of such funds is in accordance with all applicable laws, bylaws, and contractual requirements.

(4)(a) Shall recommend the tenets of a 4-year marketing plan to sustain tourism growth, which plan shall be annual in construction and ongoing in nature. Any annual revisions of such a plan shall carry forward the concepts of the remaining 3-year portion of that plan and consider a continuum portion to preserve the 4-year timeframe of the plan.

(b) The plan shall include an emergency response component and research designs.

(c) The plan shall include provisions for the direct-support organization to reach the targeted one-to-one match of private to public contributions within a period of 4 calendar years after the implementation date of the plan. For the purposes of calculating the required one-to-one match, matching private funds shall be divided into four categories. The first category is direct cash contributions, which include, but are not limited to, cash derived from strategic alliances, contributions of stocks and bonds, and partnership contributions. The second category is fees for services, which include, but are not limited to, event participation, research, and brochure placement and transparencies. The third category is cooperative advertising, which is the value based on cost of contributed productions, air time, and print space. The fourth category is 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 shall not be included. Documentation for the components of the four categories of private match shall be kept on file for inspection as determined necessary.

(d) The plan shall include recommendations regarding specific performance standards and measurable outcomes for the commission and its direct-support organization. The commission, in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop a plan for monitoring its operations to ensure that performance data are maintained and supported by records of the organization.

~~(e) Prior to the 2000 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a review of, and prepare a report on, the Florida Commission on Tourism and its direct-support organization. The review shall be comprehensive in its~~

scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. ~~The progress toward achieving the established outcomes.~~
2. ~~The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.~~
3. ~~Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organization.~~

~~The report shall be submitted by January 1, 2000, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.~~

(e)(f) Prior to the 2003 Regular Session of the Legislature, the Office of Program Policy Analysis and Government Accountability shall conduct a another review of, and prepare a report on, the Florida Commission on Tourism and its direct-support organization, using the criteria prescribed in paragraph (e). The review shall be comprehensive in its scope, but, at a minimum, must be conducted in such a manner as to specifically determine:

1. The progress toward achieving the established outcomes.
2. The circumstances contributing to the organization's ability to achieve, not achieve, or exceed its established outcomes.
3. Whether it would be sound public policy to continue or discontinue funding the organization, and the consequences of discontinuing the organization.

~~The report shall be submitted by January 1, 2003, to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader.~~

~~(5) Shall develop an operational structure for implementation no later than December 31, 1996, to carry out the marketing plan recommended by the commission pursuant to this section.~~

~~(6) May appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.~~

~~(7) In the performance of its duties, may undertake or commission marketing research and advertising research studies.~~

~~(a) The identity of any person who responds to a marketing or advertising research project conducted pursuant to this subsection, and trade secrets, as defined by s. 812.081, obtained pursuant to such research, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

(b) Any person who violates the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(8) Shall consult with tourism industry leaders, appropriate members of the legislative and executive branches, and others the commission deems necessary to identify and recommend to the Legislature by December 31, 1996, additional funding sources as may be required to fulfill the long-range objectives of the commission's marketing plan.~~

~~(8)~~(9) Shall develop a budget, in conjunction with the Office of Tourism, Trade, and Economic Development, and in keeping with the commission's 4-year marketing plan, for the operation and activities of the commission and for the provision of tourism promotion programs, services, and functions through a contract with a direct-support organization created for such purposes. The budget shall be submitted to the Governor.

~~(9)~~(10) Is authorized to establish and operate tourism offices in foreign countries in the execution of its responsibilities for promoting the development of tourism. To facilitate the performance of these responsibilities, the commission is authorized to contract with the commission's direct-support organization to establish and administer such offices. Where feasible, appropriate, and recommended by the 4-year marketing plan, the commission may collocate the programs of foreign tourism offices in cooperation with any foreign office operated by any agency of this state.

(a) The commission, or its direct-support organization, may enter into agreements necessary to establish and operate an office in a foreign country containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by the commission, or its direct-support organization, to meet such obligations shall be subject only to s. 216.311.

(b) The Florida Commission on Tourism, or its direct-support organization, in connection with the establishment, operation, and management of any of its tourism offices located in a foreign country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.111 relating to communications, and from all statutory provisions relating to state employment, if the laws, administrative code, or business practices or customs of the foreign country, or political or administrative subdivision thereof, in which such office is located are in conflict with these provisions.

~~(10)~~(11) Shall receive staff support from the Florida Tourism Industry Marketing Corporation and shall not employ any additional staff. The president and chief executive officer of the Florida Tourism Industry Marketing Corporation shall serve without compensation as the executive director of the commission. As executive director, he or she shall have the authority to

conduct any official business of the commission, as authorized by the commission.

~~(11)~~(12) Shall establish a statewide advisory committee of the commission to assist the commission with implementation of a plan to protect and promote all of the natural, coastal, historical, and cultural tourism assets of this state. The duties of the committee shall include, but are not limited to, helping to develop and review nature-based tourism and heritage tourism policies, coordinate governmental and private-sector interests in nature-based tourism and heritage tourism, and integrate federal, state, regional, and local nature-based tourism and heritage tourism marketing strategies. The chairman of the commission shall appoint members of the advisory committee based upon recommendations from the commission. Members shall include:

(a) A representative of each of the following state governmental organizations: the Department of Agriculture, the Department of Environmental Protection, the Department of Community Affairs, the Department of Transportation, the Department of State, the Florida Greenways Coordinating Council, and the Florida Fish and Wildlife Conservation Commission.

(b) A representative of Enterprise Florida, Inc.

(c) Representatives of regional nature-based tourism or heritage tourism committees or associations that are established by local tourism organizations throughout the state.

(d) Representatives of the private sector with experience in environmental, historical, cultural, recreational, or other tourism-related activities.

(e) Representatives of two not-for-profit environmental organizations with expertise in environmental resource protection and land management.

(f) A representative from a local economic development organization serving a rural community.

(g) A representative from a local economic development organization serving a nonrural community.

(h) Representatives from any other organizations that the chairman of the commission, based upon recommendations from the commission, deems appropriate.

~~(12)~~(13) Shall incorporate nature-based tourism and heritage tourism components into its comprehensive tourism marketing plan for the state, including, but not limited to:

(a) Promoting travel experiences that combine visits to commercial destinations in the state with visits to nature-based or heritage-based sites in the state;

(b) Promoting travel experiences that combine visits to multiple nature-based or heritage-based sites within a region or within two or more regions in the state;

(c) Assisting local and regional tourism organizations in incorporating nature-based tourism and heritage tourism components into local marketing plans and in establishing cooperative local or regional advisory committees on nature-based tourism and heritage tourism;

(d) Working with local and regional tourism organizations to identify nature-based tourism and heritage tourism sites, including identifying private-sector businesses engaged in activities supporting or related to nature-based tourism and heritage tourism; and

(e) Providing guidance to local and regional economic development organizations on the identification, enhancement, and promotion of nature-based tourism and heritage tourism assets as a component of the overall job-creating efforts of such organizations.

The marketing plan shall include specific provisions for directing tourism promotion resources toward promotion and development of nature-based tourism and heritage tourism. The marketing plan shall also include provisions specifically addressing promotion and development of nature-based tourism and heritage tourism in rural communities in the state.

Section 7. Subsections (3) and (4) of section 509.215, Florida Statutes, are repealed.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.