

CHAPTER 2017-233

House Bill No. 1-A

An act relating to economic development; terminating the Displaced Homemaker Trust Fund within the Department of Economic Opportunity; providing for the disposition of balances in and revenues of such trust fund; providing procedures for the termination of the trust fund; repealing ss. 446.50, 446.51, 446.52, and 1010.84, F.S., relating to displaced homemaker programs, prohibited discrimination and confidentiality of information related to such programs, and the Displaced Homemaker Trust Fund, respectively; amending ss. 20.60, 28.101, 187.201, 445.003, 445.004, 741.01, and 741.011, F.S.; conforming provisions to changes made by the act; amending s. 11.45, F.S.; authorizing the Auditor General to audit the Florida Tourism Industry Marketing Corporation; amending s. 201.15, F.S.; transferring certain funds to the General Revenue Fund; creating s. 288.101, F.S.; creating the Florida Job Growth Grant Fund within the Department of Economic Opportunity; authorizing the department and Enterprise Florida, Inc., to identify projects, solicit proposals, and make certain recommendations; authorizing the Governor to approve certain public infrastructure projects, specified infrastructure funding, and workforce training grants; providing definitions; requiring the department to administer contracts for certain projects approved by the Governor; amending s. 288.1168, F.S.; requiring the Department of Revenue to conduct an audit; requiring the department to provide a copy of such audit to the Governor and the Legislature by a specified date; requiring a professional golf hall of fame facility applicant to provide a certified financial report to the Governor and the Legislature; requiring payments to cease under certain conditions; providing a repeal date; amending s. 288.1226, F.S.; requiring the Florida Tourism Industry Marketing 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; prohibiting certain performance bonuses and severance pay; removing a requirement that the corporation provide certain support to the Division of Tourism Promotion of Enterprise Florida, Inc.; 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 be used for the calculation of 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 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; limiting lodging expenses of corporation employees; providing an exception; requiring the Department of Economic Opportunity to submit a proposed operating budget for the corporation to the Governor and the Legislature; requiring the inclusion of certain corporation contracts on the corporation's website; requiring the inclusion of specified information in certain corporation contracts and on the corporation's website; requiring certain entities that receive a certain amount of specified funds to report certain public and private financial data on their websites and provide such report to the Governor and the Legislature on a specified date; requiring the report to include specified financial data; requiring specified functionality of the corporation's website; creating s. 288.12266, F.S.; creating the Targeted Marketing Assistance Program to enhance the tourism business marketing of small, minority, rural, and agritourism businesses in the state; providing a definition; requiring the department and the corporation to provide an annual report to the Governor and the Legislature; amending s. 288.124, F.S.; authorizing the Florida Tourism Industry Marketing Corporation, rather than Enterprise Florida, Inc., to establish a convention grants program and guidelines governing the award of program grants and the administration of such program; amending s. 288.901, F.S.; authorizing reimbursement for per diem and travel expenses for Enterprise Florida, Inc., board members; requiring such expenses to be paid out of Enterprise Florida, Inc., funds; amending s. 288.903, F.S.; subjecting certain contracts to specified notice and review procedures; prohibiting the execution of certain contracts; prohibiting Enterprise Florida, Inc., from creating or establishing certain entities; requiring Enterprise Florida, Inc., to comply with certain per diem and travel expense provisions; amending s. 288.904, F.S.; requiring the reversion of unmatched public contributions to the state treasury by a certain date annually; requiring the Department of Economic Opportunity to submit a proposed operating budget for Enterprise Florida, Inc., to the Governor and the Legislature; requiring the inclusion of executed Enterprise Florida, Inc., contracts on the Enterprise Florida, Inc., website; requiring the inclusion of specified information in certain Enterprise Florida, Inc., contracts and on the Enterprise Florida, Inc., website; requiring certain entities that receive a certain amount of specified funds to report certain public and private financial data on their websites and provide such report to the Governor and the Legislature on a specified date; requiring the report to include specified financial data; requiring specified functionality of the Enterprise Florida, Inc., website; amending s. 288.905, F.S.; limiting the amount of public compensation paid to Enterprise Florida, Inc., employees; prohibiting certain performance bonuses and severance pay; limiting lodging expenses of Enterprise Florida, Inc., employees; providing an exception; prohibiting certain expenditures; prohibiting the acceptance or receipt of certain items or

services from certain entities; amending s. 288.92, F.S.; conforming provisions to changes made by the act; amending s. 288.923, F.S.; conforming a cross-reference; providing appropriations; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(c)(d)~~ A charge of ~~\$37.50~~ \$2.50. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph as follows:

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

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

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

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

(2) FAMILIES.—

(b) Policies.—

- 1. Eliminate state policies which cause voluntary family separations.
- 2. Promote concepts to stabilize the family unit to strengthen bonds between parents and children.
- 3. Promote home care services for the sick and disabled.
- 4. Provide financial support for alternative child care services.
- 5. Increase direct parental involvement in K-12 education programs.
- 6. Promote family dispute resolution centers.
- ~~7. Support displaced homemaker programs.~~
- 7.8. Provide increased assurance that child support payments will be made.
- 8.9. Actively develop job opportunities, community work experience programs, and job training programs for persons receiving governmental financial assistance.
- 9.10. Direct local law enforcement authorities and district mental health councils to increase efforts to prevent family violence and to adequately punish the guilty party.
- 10.11. Provide financial, mental health, and other support for victims of family violence.

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

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

(3) FUNDING.—

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

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

2. Fifteen percent of Title I funding shall be retained at the state level and dedicated to state administration and shall be used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. Of such funds retained at the state level, \$2 million shall be reserved for the Incumbent Worker Training Program created under subparagraph 3. Eligible state administration costs include the costs of funding for the board and staff of CareerSource Florida, Inc.; operating fiscal, compliance, and management accountability systems through CareerSource Florida, Inc.; conducting evaluation and research on workforce development activities; and providing technical and capacity building assistance to local workforce development areas at the direction of CareerSource Florida, Inc. Notwithstanding s. 445.004, such administrative costs may not exceed 25 percent of these funds. An amount not to exceed 75 percent of these funds shall be allocated to Individual Training Accounts and other workforce development strategies for other training designed and tailored by CareerSource Florida, Inc., including, but not limited to, programs for incumbent workers, ~~displaced homemakers~~, nontraditional employment, and enterprise zones. CareerSource Florida, Inc., shall design, adopt, and fund Individual Training Accounts for distressed urban and rural communities.

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

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

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

c. All costs reimbursed by the program must be preapproved by CareerSource Florida, Inc., or the grant administrator. The program may not reimburse businesses for trainee wages, the purchase of capital

equipment, or the purchase of any item or service that may possibly be used outside the training project. A business approved for a grant may be reimbursed for preapproved, direct, training-related costs including tuition, fees, books and training materials, and overhead or indirect costs not to exceed 5 percent of the grant amount.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(4)(5)~~ The fee charged for each marriage license issued in the state shall be reduced by a sum of ~~\$25~~ \$2.50 for all couples who present valid certificates of completion of a premarital preparation course from a qualified course provider registered under s. 741.0305(5) for a course taken no more than 1 year prior to the date of application for a marriage license. For each license issued that is subject to the fee reduction of this subsection, the clerk is not required to transfer the sum of \$7.50 to the Department of Revenue for deposit in the Displaced Homemaker Trust Fund pursuant to subsection (3) or to transfer the sum of \$25 to the Department of Revenue for deposit in the General Revenue Fund.

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

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

Section 13. 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 14. Paragraph (a) of subsection (4) of section 201.15, Florida Statutes, is 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 percent of the remainder or \$541.75 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).

Section 15. Section 288.101, Florida Statutes, is created to read:

288.101 Florida Job Growth Grant Fund.—

(1) The Florida Job Growth Grant Fund is created within the department to promote economic opportunity by improving public infrastructure and enhancing workforce training. The Florida Job Growth Grant Fund may not be used for the exclusive benefit of any single company, corporation, or business entity.

(2) The department and Enterprise Florida, Inc., may identify projects, solicit proposals, and make funding recommendations to the Governor, who is authorized to approve:

(a) State or local public infrastructure projects to promote economic recovery in specific regions of the state, economic diversification, or economic enhancement in a targeted industry.

(b) Infrastructure funding to accelerate the rehabilitation of the Herbert Hoover Dike. The department or the South Florida Water Management District may enter into agreements, as necessary, with the United States Army Corps of Engineers to implement this paragraph.

(c) Workforce training grants to support programs at state colleges and state technical centers that provide participants with transferable, sustainable workforce skills applicable to more than a single employer, and for equipment associated with these programs. The department shall work with CareerSource Florida to ensure programs are offered to the public based on criteria established by the state college or state technical center and do not exclude applicants who are unemployed or underemployed.

(3) For purposes of this section:

(a) “Infrastructure” means any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of facilities that have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related

thereto. Facilities in this category include technical structures such as roads, bridges, tunnels, water supply, sewers, electrical grids, and telecommunications facilities.

(b) “Public infrastructure” means infrastructure that is owned by the public, and is for public use or predominately benefits the public. If public infrastructure is leased or sold, it must be leased or sold at fair market rates or value.

(c) “Targeted industry” means any industry identified in the most recent list provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives in accordance with s. 288.106(q).

(4) The department shall administer contracts for projects approved by the Governor and funded pursuant to this section.

Section 16. Subsection (5) of section 288.1168, Florida Statutes, is amended, and subsections (7) and (8) are added to that section, to read:

288.1168 Professional golf hall of fame facility.—

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

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

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

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

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

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

Section 17. 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 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, 216, and 287; 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. 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.—Enterprise Florida, Inc.:

(a) Is authorized to permit the use of property and facilities of 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 Enterprise Florida, Inc. Such conditions shall provide for budget and audit review and for oversight by Enterprise Florida, Inc.

(c) May not permit the use of property and facilities of 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 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:

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

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

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

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

5. Region 5, composed of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, and Lee 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 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 and vice chair of the Legislative Budget Commission, or the President of the Senate and the Speaker of the House of Representatives, timely advise 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 public compensation for employment that exceeds the salary and benefits authorized to be paid to the Governor. Any public payments of performance bonuses or severance pay to an officer or agent of the corporation are prohibited unless specifically authorized by law.

(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 public

compensation for employment that exceeds the salary and benefits authorized to be paid to the Governor. Any public payments of performance bonuses or severance pay to employees of the corporation are prohibited unless specifically authorized by law.

~~(h) Shall 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 Enterprise Florida, Inc.~~

~~(i)(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. Where 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.~~

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

~~(k)(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 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.~~

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

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

~~(n)(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.

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

(p) Shall not expend funds, public or private, that directly 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 and exclude taxes derived pursuant to s. 125.0104.

(b) For purposes of calculating the required one-to-one match, the corporation shall receive matching private contributions in one of four 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.

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

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

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, other than taxes collected pursuant to

s. 125.0104, from fees, or from 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 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)~~(7) REPORT.—The corporation shall provide a quarterly report to Enterprise Florida, Inc., 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 Enterprise Florida, Inc., 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 Enterprise Florida, Inc.

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)(8) 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) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—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, unless authorized pursuant to s. 112.061 or this section. 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, or from any person, vendor, or other entity, doing business with the corporation unless such food, beverage, lodging, entertainment, or gift is available to similarly situated members of the general public.

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

(12) PROPOSED OPERATING BUDGET SUBMISSION.—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, marketing, promotions, events, other operating capital outlay, and salaries and benefits for each employee to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(13) TRANSPARENCY.—

(a) All executed corporation contracts are to be placed for viewing on the corporation's website. All contracts with the corporation valued at \$500,000 or more shall be placed on the corporation's website for review 14 days prior to execution.

(b) A contract entered into between the corporation and any other public or private entity 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 projected travel and entertainment expenses for employees and board members, if applicable.

(c)1. Any entity that in the previous fiscal year received more than 50 percent of its revenue from the corporation or taxes imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, and that partners with the corporation or participates in a program, cooperative advertisement, promotional opportunity, or other activity offered by or in conjunction with the corporation, shall annually on July 1 report all public and private financial data to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and include such report on its website.

2. The financial data shall include:
 - a. The total amount of revenue received from public and private sources.
 - b. The operating budget of the partner entity.
 - c. Employee and board member salary and benefit details from public and private funds.
 - d. An itemized account of all expenditures by the partner entity on the behalf of, or coordinated for the benefit of the corporation, its board members, or employees.
 - e. Itemized travel and entertainment expenditures of the partner entity.

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

1. A plain language version of any contract that is estimated to exceed \$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. The contracts and the required information pursuant to paragraph (b) and the financial data submitted to the corporation pursuant to paragraph (c).

4. Video recordings of each board meeting.

5. 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.

6. 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.

7. 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.

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

Section 18. Section 288.12266, Florida Statutes, is created to read:

288.12266 Targeted Marketing Assistance Program.—

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

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

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

Section 19. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—The Florida Tourism Industry Marketing Corporation 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. The Florida Tourism Industry Marketing Corporation ~~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 20. Subsection (5) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.—

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

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

1. The Commissioner of Education or his or her designee.
2. The Chief Financial Officer or his or her designee.
3. The Attorney General or his or her designee.
4. The Commissioner of Agriculture or his or her designee.
5. The chairperson of the board of directors of CareerSource Florida, Inc.
6. The Secretary of State or his or her designee.

7. Twelve members from the private sector, six of whom shall be appointed by the Governor, three of whom shall be appointed by the President of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives. Members appointed by the Governor are subject to Senate confirmation.

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

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

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

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

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

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

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

All 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 Enterprise Florida, Inc.

Section 21. Subsections (7), (8), and (9) are added to section 288.903, Florida Statutes, to read:

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

(7) Submit all proposed contracts with a total cost of \$750,000 or more in accordance with the notice and review procedures of s. 216.177. If the chair and vice chair of the Legislative Budget Commission, or the President of the Senate and the Speaker of the House of Representatives, timely advise Enterprise Florida, Inc., in writing that such proposed contract is contrary to legislative policy and intent, Enterprise Florida, Inc., may not execute such proposed contract. Enterprise Florida, Inc., may not enter into multiple related contracts to avoid the requirements of this paragraph. This paragraph does not apply to contracts for the award of a statutorily authorized incentive program.

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

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

Section 22. Section 288.904, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

2. Cash donations from organizations assisted by the divisions;

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

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

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

(c) If Enterprise Florida, Inc., 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.

~~(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.~~

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

~~(4)(5)~~ The Legislature intends to review the performance of Enterprise Florida, Inc., in achieving the performance goals stated in its annual contract with the department to determine whether the public is receiving a positive return on its investment in Enterprise Florida, Inc., and its divisions. It also is the intent of the Legislature that Enterprise Florida, Inc., coordinate its operations with local economic development

organizations to maximize the state and local return on investment to create jobs for Floridians.

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

(6)(a) All executed Enterprise Florida, Inc., contracts are to be placed for viewing on the Enterprise Florida, Inc., website.

(b) A contract entered into between Enterprise Florida, Inc., and any other public or private entity 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 projected travel and entertainment expenses for employees and board members, if applicable.

(c)1. Any entity that in the previous fiscal year received more than 50 percent of its revenue from Enterprise Florida, Inc., or a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, and that partners with Enterprise Florida, Inc., in a program or other activity offered by or in conjunction with Enterprise, Florida, Inc., shall annually on July 1 report all public and private financial data to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and include such report on its website.

2. The financial data shall include:
 - a. The total amount of revenue received from public and private sources.
 - b. The operating budget of the partner entity.
 - c. Employee and board member salary and benefit details from public and private funds.
 - d. An itemized account of all expenditures by the partner entity on the behalf of, or coordinated for the benefit of, Enterprise Florida, Inc., its board members, or employees.
 - e. Itemized travel and entertainment expenditures of the partner entity.

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

1. A plain language version of any contract that is estimated to exceed \$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 Enterprise Florida, Inc., 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. The contracts and the required information pursuant to paragraph (b) and the financial data submitted to Enterprise Florida, Inc., pursuant to paragraph (c).

4. Video recordings of each board meeting.

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

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

7. An annual itemized accounting of the total amount of travel and entertainment expenses by Enterprise Florida, Inc.

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

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

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

Section 23. Section 288.905, Florida Statutes, is amended to read:

288.905 President and employees of Enterprise Florida, Inc.—

(1) The board of directors of Enterprise Florida, Inc., shall appoint a president, who shall serve at the pleasure of the Governor. The president shall also be known as the “secretary of commerce” and shall serve as the Governor’s chief negotiator for business recruitment and business expansion.

(2) The president is the chief administrative and operational officer of the board of directors and of Enterprise Florida, Inc., and shall direct and supervise the administrative affairs of the board of directors and any divisions, councils, or boards. The board of directors may delegate to the

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

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

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

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

(6) Funds of Enterprise Florida, Inc., 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, unless authorized pursuant to s. 112.061 or this section. An employee or board member of Enterprise Florida, Inc., 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, or from any person, vendor, or other entity, doing business with the corporation unless such food, beverage, lodging, entertainment, or gift is available to similarly situated members of the general public.

Section 24. Paragraph (b) of subsection (2) of section 288.92, Florida Statutes, is amended to read:

288.92 Divisions of Enterprise Florida, Inc.—

(2)

(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 25. Paragraph (d) of subsection (4) of section 288.923, Florida Statutes, is amended to read:

288.923 Division of Tourism Marketing; definitions; responsibilities.—

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

(d) Drafting and submitting an annual report required by s. 288.92. The annual report shall set forth for the 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)~~.

Section 26. For the 2017-2018 fiscal year, the recurring sum of \$26,000,000 and the nonrecurring sum of \$26,000,000 from the State Economic Enhancement and Development Trust Fund and the recurring sum of \$24,000,000 from the Tourism Promotional Trust Fund are appropriated to the Department of Economic Opportunity to enter into a contract with the Florida Tourism Industry Marketing Corporation.

Section 27. For the 2017-2018 fiscal year, the recurring sum of \$9,400,000 from the State Economic Enhancement and Development Trust Fund and the recurring sum of \$6,600,000 from the Florida International Trade and Promotion Trust Fund are appropriated to the Department of Economic Opportunity to enter into a contract with Enterprise Florida, Inc., for operational purposes and to maintain its offices but excluding expenditures on any incentive tools or programs unless explicitly authorized by this act. From the funds appropriated from the Florida International Trade and Promotion Trust Fund, Enterprise Florida, Inc., shall allocate \$3,550,000 for international programs, \$2,050,000 to maintain Florida's international offices, and \$1,000,000 to continue the Florida Export Diversification and Expansion Programs.

Section 28. For the 2017-2018 fiscal year, the nonrecurring sum of \$60,000,000 from the State Economic Enhancement and Development Trust Fund is appropriated to the Department of Economic Opportunity to administer contracts approved by the Governor for the Florida Job Growth Grant Fund pursuant to section 15 of this act. For the 2017-2018 fiscal year, the nonrecurring sum of \$50,000,000 from the General Revenue Fund is appropriated to the Department of Economic Opportunity for the Florida Job Growth Grant Fund for the Herbert Hoover Dike as provided in s. 288.101(2)(b), Florida Statutes. For the 2017-2018 fiscal year, the non-recurring sum of \$25,000,000 from the State Transportation Trust Fund is appropriated to the Department of Transportation to enter into an agreement with the Department of Economic Opportunity to provide for infrastructure for contracts approved by the Governor for the Florida Job Growth Grant Fund pursuant to section 15 of this act. Additionally, the Executive Office of the Governor is authorized to process one or more budget amendments pursuant to s. 216.181(12), Florida Statutes, in a total amount not to exceed \$40,000,000 to provide for the non-operating transfer of funds from the State Transportation Trust Fund to the State Economic Enhancement and Development Trust Fund to support expenditures for the Florida Job Growth Grant Fund pursuant to section 15 of this act. No state appropriated funds other than those appropriated in this section may be

expended on the Florida Job Growth Grant Fund. Additionally, notwithstanding s. 216.292, Florida Statutes, the funds appropriated herein are nontransferable. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, the balance of any appropriation for the Florida Job Growth Grant Fund which is not disbursed by June 30 of the fiscal year in which the funds are appropriated may be carried forward for up to 5 years after the effective date of the original appropriation.

Section 29. For the 2017-2018 fiscal year, the nonrecurring sum of \$4,233,813 from the General Revenue Fund is appropriated to the Department of Education in the Fixed Capital Outlay – Florida College System Projects category for allocation to the Miami Dade College for the Remodel/Renovation of Facility 14 (gym) for the Justice Center – North.

Section 30. For the 2017-2018 fiscal year, the nonrecurring sum of \$338,705 from the General Revenue Fund is appropriated to the Department of Education in the Fixed Capital Outlay – Florida College System Projects category for allocation to the Florida Gateway College for the Olustee Campus Public Safety Facility (HB 2217).

Section 31. For the 2017-2018 fiscal year, the nonrecurring sum of \$12,701,439 from the General Revenue Fund is appropriated to the Department of Education in the Fixed Capital Outlay – State University System Projects category for allocation to the Florida Gulf Coast University for Integrated Watershed and Coastal Studies.

Section 32. For the 2017-2018 fiscal year, the nonrecurring sum of \$6,774,101 from the General Revenue Fund is appropriated to the Department of Education in the Fixed Capital Outlay – State University System Projects category for allocation to the Florida State University for the Interdisciplinary Research Commercialization Building (HB 4001).

Section 33. For the 2017-2018 fiscal year, the nonrecurring sum of \$4,233,813 from the General Revenue Fund is appropriated to the Department of Education in the Fixed Capital Outlay – State University System Projects category for allocation to the Florida State University for the Stem Teaching Lab (HB 2357).

Section 34. For the 2017-2018 fiscal year, the nonrecurring sum of \$5,927,338 from the General Revenue Fund is appropriated to the Department of Education in the Fixed Capital Outlay – State University System Projects category for allocation to the University of Florida for the Music Building (HB 2663).

Section 35. For the 2017-2018 fiscal year, the nonrecurring sum of \$12,701,439 from the General Revenue Fund is appropriated to the Department of Education in the Fixed Capital Outlay – State University System Projects category for allocation to the Florida International University for the School of International and Public Affairs (HB 3461).

Section 36. For the 2017-2018 fiscal year, the nonrecurring sum of \$846,763 from the General Revenue Fund is appropriated to the Department of Education in the Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay Grants and Aids – Non-Public Higher Education Project category for allocation to the Flagler College for the restoration and rehabilitation of the Flagler College Hotel Ponce De Leon/ Molly Wiley Art Building (HB 4241).

Section 37. For the 2017-2018 fiscal year, the nonrecurring sum of \$425,897 from the General Revenue Fund (Senate Form 1803) and the recurring sum of \$1,691,010 are appropriated to the Department of Education in the Special Categories Grants and Aids – LECOM/Florida – Health Programs category to be used to support Florida residents enrolled in the Osteopathic Medicine or the Pharmacy Program at the Lake Erie College of Osteopathic Medicine in Bradenton. The college must submit enrollment information for Florida residents to the Department of Education prior to January 1, 2018.

Section 38. For the 2017-2018 fiscal year, the recurring sum of \$2,540,288 from the General Revenue Fund is appropriated to the Department of Education in the Grants and Aids to Local Governments and Nonstate Entities – Florida College System Program Fund category for allocation to Polk State College for Expansion of Art Program.

Section 39. For the 2017-2018 fiscal year, the recurring sum of \$846,763 from the General Revenue Fund is appropriated to the Department of Education in the Aid to Local Governments Grants and Aids – Education and General Activities category for allocation to the Florida State University College of Law for scholarships and faculty.

Section 40. For the 2017-2018 fiscal year, the recurring sum of \$1,693,525 from the General Revenue Fund is appropriated to the Department of Education in the Aid to Local Governments Grants and Aids – Education and General Activities category for allocation to the University of Central Florida for the Downtown Presence initiative.

Section 41. For the 2017-2018 fiscal year, the recurring sum of \$514,926 from the General Revenue Fund is appropriated to the Department of Education in the Aid to Local Governments Grants and Aids – Education and General Activities category for allocation to the Florida State University for the Florida Campus Compact.

Section 42. For the 2017-2018 fiscal year, the recurring sum of \$931,439 from the General Revenue Fund is appropriated to the Department of Education in the Aid to Local Governments Grants and Aids – Education and General Activities category for allocation to the University of West Florida for the Archaeology Program.

Section 43. For the 2017-2018 fiscal year, the recurring sum of \$889,101 from the General Revenue Fund is appropriated to the Department of

Education in the Aid to Local Governments Grants and Aids – Education and General Activities category for allocation to the Florida Atlantic University for the Max Planck Scientific Fellowship Program.

Section 44. For the 2017-2018 fiscal year, the nonrecurring sum of \$1,693,525 from the General Revenue Fund is appropriated to the Department of Education in the Aid to Local Governments Grants and Aids – University of Florida Health Center category to be allocated to the University of Florida Health Center for the College of Pharmacy – Medical Cannabis Research (HB 3159).

Section 45. For the 2017-2018 fiscal year, the nonrecurring sum of \$1,016,115 from the General Revenue Fund is appropriated to the Department of Economic Opportunity in the Special Categories Economic Development Projects category to be allocated to the Florida Atlantic University for the Tech Runway Initiative (HB 2163).

Section 46. This act shall take effect July 1, 2017.

Approved by the Governor June 26, 2017.

Filed in Office Secretary of State June 26, 2017.