

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1095 Broward County

**SPONSOR(S):** Porth

**TIED BILLS:** **IDEN./SIM. BILLS:**

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	<u>Military &amp; Local Affairs Policy Committee</u>	<u></u>	<u>Nelson</u>	<u>Hoagland</u>
2)	<u>Economic Development &amp; Community Affairs Policy Council</u>	<u></u>	<u></u>	<u></u>
3)	<u></u>	<u></u>	<u></u>	<u></u>
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5)	<u></u>	<u></u>	<u></u>	<u></u>

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**SUMMARY ANALYSIS**

HB 1095 revises the membership of the Broward County Tourist Development Council. This bill also specifies qualifications for council members, and provides for their duties and responsibilities as well as the procedures of the council.

The bill overall tracks the general law relating to county tourist development councils, except for providing that the Broward council be composed of 11 members instead of nine.

The bill does not have a fiscal impact, and has an effective date of upon becoming law.

**Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) appear to apply to this bill.**

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives:

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### The Local Option Tourist Development Act

The governing board of each county that levies and imposes a tourist development tax under s. 125.0104, F.S., the "Local Option Tourist Development Act," must appoint an advisory council to be known as the " (name of county) Tourist Development Council." The tourist development council is established by ordinance and composed of nine members who are appointed by the governing board.

The chair of the governing board of the county, or any other member of the governing board as designated by the chair, serves on the council. Two members of the council are elected municipal officials, at least one of whom is from the most populous municipality in the county or subcounty special taxing district in which the tax is levied. Six members of the council must be involved in the tourist industry and have demonstrated an interest in tourist development, of which members, not less than three or more than four must be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax.

All members of the council are required to be county electors. The governing board of the county has the option of designating the chair of the council or allowing the council to elect a chair. The chair is appointed or elected annually, and may be reelected or reappointed.

The members of the council serve for staggered terms of four years. The terms of office of the original members are prescribed in the resolution establishing the council. The council meets at least once each quarter and makes recommendations to the county governing board for the effective operation of special projects or for uses of the tourist development tax revenue and performs such other duties as may be prescribed by county ordinance or resolution.

The council continuously reviews expenditures of revenues from the tourist development trust fund and receives, at least quarterly, expenditure reports from the county governing board or its designee. Expenditures which the council believes to be unauthorized are required to be reported to the county governing board and the Department of Revenue. The governing board and the department must review the findings of the council and take appropriate administrative or judicial action to ensure compliance with s. 125.0104, F.S.

The Broward County Tourist Development Council

Broward County Ordinance #80-70, enacted September 9, 1980, authorized the Board of County Commissioners to levy and impose a two percent tourist development tax throughout Broward County beginning December 1, 1980, and established the Broward County Tourist Development Council.<sup>1</sup>

In keeping with the Local Option Tourist Development Act, this council makes recommendations to the Board of County Commissioners for the effective operation of the special projects or uses of the tourist development tax revenue. The council continuously reviews all expenditures of revenue from the Tourist Development Trust Fund to insure compliance with s.125.0104, F.S.

**Effect of Proposed Changes**

HB 1095 provides for appointment of the membership of the Broward County Tourist Development Council. This bill specifies qualifications for the council members, and provides for their duties and responsibilities as well as the procedures of the council.

The bill overall tracks the general law relating to county tourist development councils, s. 125.0104(4)(e), F.S., except for providing that the Broward council be composed of 11 members instead of nine. The bill indicates that the increased membership is necessary because Broward County is the second most populous county in Florida, is served by a charter government, contains 31 municipalities, and has experienced exceptional growth over the past 26 years with its population presently exceeding 1,800,000 residents.

Pursuant to the bill, the 10<sup>th</sup> member of the council is nominated from the membership of the State Road 7 Collaborative and the 11<sup>th</sup> member is a minority person who is involved in the tourism industry. All members of the council must be electors of Broward County.

The bill specifically provides that the special act supersedes the provisions of s. 125.0104, F.S., to the extent of any conflict.

The bill has an effective date of becoming a law.

**B. SECTION DIRECTORY:**

Section 1: Provides for membership of the Broward County Tourist Development Council.

Section 2: Provides for superseding general law.

Section 3: Provides an effective date.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 9, 2009

WHERE? The *Sun-Sentinel*, a daily newspaper of general circulation published in Broward County.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

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<sup>1</sup> The Council previously was established by Broward County Resolution, adopted May 27, 1980.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [x] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [x] No []

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

#### **Other Comments**

The Legislature previously has revised the membership of county tourist development councils by special act. See, HB 925(2006), for example.

House Rule 5.5(b) states that a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. This bill may create an exemption to s.125.0104(4)(e), F.S., by providing that the Broward council be composed of 11 members rather than nine.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES