

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 1095 Broward County
SPONSOR(S): Military & Local Affairs Policy Committee, Porth
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee	14 Y, 0 N, As CS	Nelson	Hoagland
2)	Economic Development & Community Affairs Policy Council			
3)				
4)				
5)				

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.¹

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 of Broward County's exceptional growth in population, its diversity, its tourism industry and economic activity.

Pursuant to the bill, the Broward Board of County Commissions must amend its current ordinance within 60 days of the effective date of the act to reflect the increased number of council members, and appoint the additional members no later than October 1, 2009. With regard to the new members, the bill provides that the board shall "endeavor" to appoint "one minority person involved in the tourist industry who has demonstrated an interest in tourist development," and that it is required to appoint an additional member "from an area with a multipurpose county regional park capable of hosting local, national, and international sports championship events."²

In making its future appointments, the board may consider and balance its appointments to reflect the diverse demographic and geographic representation within the county.

The bill provides that nothing in the act is to be construed to affect the terms of those members currently serving on the council or any actions taken by the council prior to the additional appointments.

The bill specifically provides that the special act supersedes the provisions of s. 125.0104, F.S., to the extent of any conflict, and has an effective date of becoming a law.

B. SECTION DIRECTORY:

Section 1: Provides for legislative findings.

Section 2: Provides for membership of the Broward County Tourist Development Council.

Section 3: Provides for preservation of terms and previous acts, and for superseding general law.

Section 4: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

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

² This language apparently refers to the Central Broward Regional Park, a large municipal park in Lauderhill, owned and operated by Broward County, which opened in 2007.

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?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The use of the term "endeavor" with regard to the minority appointment is vague. As drafted, the language may not provide the county commission with sufficient guidelines for their selection.

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

At its meeting on March 26, 2009, the Military & Local Affairs Policy Committee adopted a strike-all amendment which changes the qualifications for the additional board members. This analysis is drafted to the CS.