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DATE: March 20, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 853
RELATING TO: Pinellas County/Tourist Development Council
SPONSOR(S): Representative Carassas
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS YEAS 6 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill revises the composition of the Pinellas County Tourist Development Council to include an additional member, which must be an elected municipal official from one of ten specified cities.

Pursuant to House Rule 5.6(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 5.6(b) appear to apply to this bill. (See II.C. "EFFECT OF PROPOSED CHANGES:" section.)

On March 20, 2001, the Committee on Local Government & Veterans Affairs considered HB 853, adopted two amendments, and passed the bill. The amendments, which are traveling with the bill, are explained in the "Amendments or Committee Substitute Changes" section of the analysis.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Counties are authorized to levy five separate taxes on transient rental transactions. Depending on the particular tax, the levy may be authorized by vote of the governing body or by referendum. Tax rates vary by county depending on a county's eligibility to levy particular taxes; however, the absolute maximum tax rate is 6 percent.

Current law, section 125.0104(3)(c), Florida Statutes, provides for a local option tourist development tax at a rate of 1 or 2 percent. As of September 2000, all of the 47 counties levying the tax are at the 2 percent rate. In addition to any 1 or 2 percent tourist development tax, section 125.0104(3)(d), Florida Statutes, provides for an additional 1 percent tourist development tax by the extraordinary vote of the governing board of the county or by referendum approval by the registered electors within the county or subcounty special district. Only counties that have levied the 1 or 2 percent for three years are eligible. Of the 38 counties eligible to levy the tax, 25 were levying the additional tax as of September 2000.

Section 125.0104(4)(e), Florida Statutes, requires that the governing board of each county that levies and imposes a tourist development tax, to establish, by ordinance, an advisory council to be known as the "... (name of county) ... Tourist Development Council." The council is a nine-member board, which is appointed by the governing board of the county. The chair of the governing board of the county or any other member of the governing board as designated by the chair, shall serve on the council. Two members of the council are elected municipal officials, with at least one of them being from the most populous municipality in the county or subcounty special taxing district in which the tax is levied. Six members of the council are persons involved in the tourist industry who have demonstrated an interest in tourist development. Not less than three, nor more than four, are owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax. 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.

Members of the council serve for staggered terms of 4 years. The council must meet at least once each quarter. The council makes recommendations to the county governing board for the effective operation of the special projects or for uses of the tourist development tax revenue and perform 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 that the council believes are unauthorized must be reported to the county governing board and the Department of Revenue. The governing board and the department, upon reviewing the findings of the council, must take appropriate administrative or judicial action to ensure compliance with this section.

C. EFFECT OF PROPOSED CHANGES:

This bill revises the composition of the Pinellas County Tourist Development Council (council), by increasing the council from nine members to ten members. The number of elected municipal officials is increased to three, with the additional member being an elected municipal official selected from one of the following ten cities: Bellair Beach, Bellair Shore, Indian Rocks Beach, Indian Shores, Maderia Beach, North Redington Beach, Redington Beach, Redington Shores, St. Pete Beach, and Treasure Island. This increase to an even number of board members may potentially cause the council to experience tie votes.

This bill also provides that this revision does not interrupt the current term of any council member who is a member as of October 1, 2001. *In addition, it provides that with the exception of adding a tenth member, section 125.0104(4)(e), Florida Statutes, applies to the council.*

Pursuant to House Rule 5.6(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 5.6(b) appear to apply to this bill.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: This section revises the composition of the Pinellas County Tourist Development Council (council), by increasing the council from nine members to ten members. The number of elected municipal officials is increased to three, with the additional member being an elected municipal official selected from one of the following ten cities: Bellair Beach, Bellair Shore, Indian Rocks Beach, Indian Shores, Maderia Beach, North Redington Beach, Redington Beach, Redington Shores, St. Pete Beach, and Treasure Island.

This section also provides that this revision does not interrupt the current term of any council member who is a member as of October 1, 2001. In addition, it provides that with the exception of adding an additional member, section 125.0104(4)(e), Florida Statutes, applies to the council.

Section 2: This act s effective upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN?

February 2, 2001

WHERE?

Tampa Bay Review; Clearwater, Pinellas 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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Local Government & Veterans Affairs, at its March 20, 2001 meeting, adopted the following two amendments by Representative Carassas:

Amendment #1 -- A technical amendment corrects a scrivener's error in the title.

Amendment #2 -- A clarifying amendment that provides that the revised council composition begins October 1, 2001.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Laura Jacobs, J.D.

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