

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1519

Sarasota County Tourist Development Council

**SPONSOR(S):** Holder

**TIED BILLS:**

**IDEN./SIM. BILLS:**

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Military & Local Affairs Policy Committee	13 Y, 0 N	Nelson	Hoagland
2)	Economic Development & Community Affairs Policy Council	13 Y, 0 N	Nelson	Tinker
3)				
4)				
5)				

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**SUMMARY ANALYSIS**

The governing board of each county that levies and imposes a tourist development tax under the "Local Option Tourist Development Act" must appoint a tourist development council. These councils are required to be established by ordinance, and composed of nine members who are appointed by the county commission.

HB 1519 revises the membership of the Sarasota County Tourist Development Council by providing that this council consist of 13 members instead of nine. The bill also specifies qualifications for certain council members.

This bill will 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 comprised of nine members who are appointed by the county commission.

The chair of the county commission, or any other member of the commission 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 tourist development 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 county commission 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 four-year terms. The council meets at least once each quarter, and makes recommendations to the county commission regarding 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 commission or its designee. Expenditures which the council believes to be unauthorized are required to be reported to the county commission and the Department of Revenue. The county commission 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 Sarasota County Tourist Development Council

In 1988, the citizens of Sarasota County approved a Tourist Development Tax. Section 114-63 of the Sarasota County Code of Ordinances created the Sarasota County Tourist Development Council (TDC). That ordinance provides, in relevant part:

The TDC shall be composed of nine members, who shall be appointed by the Board of County Commissioners. The composition of the TDC shall be as follows:

- The Chairman of the Board of County Commissioners, or any other member of the Board of County Commissioners as designated by the Chairman, shall be the Chairman of the TDC.
- Two members of the TDC shall be elected municipal officials, at least one of whom shall be from the most populous municipality in Sarasota County.
- Six members of the TDC shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not less than three nor more than four shall be owners or operator of motels, hotels, recreational vehicle parks, or other tourist accommodations in Sarasota County and subject to the tax.

The TDC recommends policy and oversees the use of the funds collected in Sarasota County pursuant to s. 125.0104, F.S. It is the TDC's goal to create an atmosphere where all agencies work together to enhance Sarasota County as a premier tourist destination.<sup>1</sup>

### **Effect of Proposed Changes**

HB 1519 relates to the Sarasota County Tourist Development Council. This bill contains "Legislative Findings" indicating that, given Sarasota County's growth in population and the important role all municipalities play in the county's tourist development, the Legislature declares it to be appropriate to authorize the governing board of Sarasota County to expand the membership of its tourist development council in order that all municipalities within the county may be represented with a proportionate representation from the tourist industry.

Historically, an elected official from both the cities of Sarasota and Venice have served on the council. However, pursuant to the most recent annual U.S. estimated census, the City of North Port is now the most populous municipality in the county. The commission recently appointed representatives from the cities of North Port and Sarasota to serve on the council. However, the City of Venice and the Town of Longboat Key are significant generators of tourist development taxes in the county. An expansion of the TDC would allow for representation of the most populous municipalities as well as the communities that provide the highest percentage of tourist development taxes.<sup>2</sup>

The bill requires that the Sarasota County Board of County Commissioners increase the composition of the Sarasota County Tourist Development Council from nine to 13 members. The following specifications for council members are provided in the bill:

- The Chair of the Sarasota County Board of County Commissioners or another member designated by the Chair must serve on the council.

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<sup>1</sup> [http://www.scgov.net/advisoryboards/board\\_detail.aspx?ID=130](http://www.scgov.net/advisoryboards/board_detail.aspx?ID=130).

<sup>2</sup> December 14, 2009, correspondence to the Chair of the Sarasota County Legislative Delegation from Joseph A. Barbetta, Sarasota County Commission Vice Chair.

- Four members of the council must be elected municipal officials, one from each of the four incorporated municipalities within the county on the effective date of the bill. This provides for two additional members in this category than required by s. 125.0104(4)(e), F.S.
- Eight members of the council must be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not fewer than four nor more than five shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist-related accommodations in the county and subject to the tax. This also provides for two additional members tourist industry members and for one additional owner/operator member than required by s. 125.0104(4)(e), F.S.

Pursuant to the bill, the Sarasota County Board of County Commissions must amend its current ordinance within 90 days after the effective date of the special act to reflect the increased number of council members, and appoint the four new members no later than October 1, 2010.

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 upon becoming law.

#### B. SECTION DIRECTORY:

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

Section 2: Provides an effective date.

### II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 21, 2010

WHERE? The *Sarasota Herald-Tribune*, a daily newspaper published in Sarasota County, Florida.

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**

None.

**Other Comments**

The Legislature previously has revised the membership of county tourist development councils by special act. See, HBs 925 (2006) and 1095 (2009), 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 appears to create an exemption to s.125.0104(4)(e), F.S., by providing that the Sarasota council be composed of 13 members rather than nine, and providing for additional board members in certain categories.

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

None.