



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

January 17, 2013

Cecil Pendergrass
District Two

VIA E-MAIL and OVERNIGHT MAIL

Larry Kiker
District Three

The Honorable Matt Caldwell
Chair, Lee County Legislative Delegation
T. Wayne Miller Jr. Building
15191 Homestead Road
Lehigh Acres, FL 33971

Tammy Hall
District Four

Frank Mann
District Five

Doug Meurer
*Interim County
Manager*

RE: Lee County Tourist Development Council Local Bill

Michael D. Hunt
County Attorney

Dear Mr. Caldwell:

Diana M. Parker
*County Hearing
Examiner*

Lee County staff has been directed by the Board of County Commissioners to seek a local bill before the Lee County Legislative Delegation. This legislation would alter the way in which municipal officials are appointed to the Tourist Development Council. The bill will be sponsored by Representative Ray Rodrigues.

Please find enclosed a copy of the proposed legislation, a local bill certification form, and an economic impact statement. Board Chairman Cecil Pendergrass will attend the January 29 delegation meeting and be available to answer questions.

Please let me know if you need any additional information.

Respectfully yours,

Douglas L. Meurer, P.E.
Interim County Manager

Cc: Cecil L Pendergrass, District 2
Senator Garrett Richter, Florida Senate—District 23
Andrea Fraser, Interim County Attorney
Glen Salyer, Lee County Administration
Tamara Pigott, Lee County Visitor & Convention Bureau

2013 Legislature

1 An act relating to Lee County, Florida;
2 providing for the composition of members of the Lee County
3 “Tourist Development Council” appointed pursuant to Section
4 125.0104, Florida Statutes, the “Local Option Tourist Development
5 Act”; providing that two (2) elected municipal officials shall be
6 appointed to the Council; providing one of the two (2) municipal
7 members shall be from the municipality that generated the highest
8 revenues from the tax in the most recent fiscal year; providing that
9 the second municipal member shall serve for terms of two (2)
10 years; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13 Section 1. Lee County Tourist Development Council; composition.
14 Notwithstanding the provisions of Section 125.0104(4)(e), Florida Statutes, the
15 Lee County Tourist Development Council as established by Lee County
16 ordinance pursuant to section 125.0104, Florida Statutes, the “Local Option
17 Tourist Development Act”, shall be composed of nine (9) members who shall be
18 appointed by the Lee County Board of County Commissioners. The Chair of the
19 Lee County Board of County Commissioners or any other member as designated
20 by the Chair shall serve on the Council. Two (2) members of the Council shall be
21 elected municipal officials; one of whom shall be from one of the two
22 municipalities that generated the highest revenues from the tourist tax in the prior
23 two (2) fiscal years. These two municipalities shall rotate every two (2) years.
24 The second municipal official shall be from one of the remaining municipalities.
25 The second municipal seat shall also rotate every two (2) years. Six (6)
26 members of the council shall be persons who are involved in the tourist industry
27 and who have demonstrated an interest in tourist development, of which
28 members, not less than three (3) nor more than four (4) shall be owners or
29 operators of motels, hotels, recreational vehicle parks, or other tourist

2013 Legislature

30 accommodations in the county and subject to the tax. All members of the
31 Council shall be electors of the county. The changes in the composition of the
32 membership of the Lee County Tourist Development Council mandated by this
33 act are effective July 1, 2013. The changes in composition of the membership of
34 the Lee County Tourist Development Council mandated by the act shall not
35 cause the interruption of the current term of any person who is a member of the
36 Lee County Tourist Development Council, except the two (2) municipal members
37 upon the effective date. Except as specifically provided herein, the provisions of
38 Section 125.0104(4)(e), Florida Statutes, shall apply to the Lee County Tourist
39 Development Council.

40 Section 2. This act shall take effect upon becoming a law.

**HOUSE OF REPRESENTATIVES
2013 ECONOMIC IMPACT STATEMENT FORM**

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared at the LOCAL LEVEL by an individual who is qualified to establish fiscal data and impacts. Please submit this completed, original form to the Local & Federal Affairs Committee as soon as possible after a bill is filed.

BILL #: _____
SPONSOR(S): _____
RELATING TO: Lee County Tourist Development Council membership composition
[Indicate Area Affected (City, County or Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

	<u>FY13-14</u>	<u>FY 14-15</u>
Expenditures: No additional expense	--0--	--0--

II. ANTICIPATED SOURCE(S) OF FUNDING:

	<u>FY 13-14</u>	<u>FY 14-15</u>
Federal:	--0--	--0--
State:	--0--	--0--
Local:	--0--	--0--

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

	<u>FY 13-14</u>	<u>FY 14-15</u>
Revenues:	--0--	--0--

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages: None

Disadvantages: None

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

None

VI. DATA AND METHOD USED IN MAKING ESTIMATES [INCLUDE SOURCE(S) OF DATA]:

Proposed legislation only changes the way Committee members are designated.

PREPARED BY:  1-16-13
[Must be signed by Preparer] Date

TITLE: Assistant County Manager & Acting Budget Director

REPRESENTING: Lee County Government

PHONE: (239) 533-2777

E-Mail Address: wintonpx@leegov.com

HOUSE OF REPRESENTATIVES
2013 LOCAL BILL CERTIFICATION FORM

BILL #: _____
SPONSOR(S): Representative Ray Rodrigues (76)
RELATING TO: Lee County Tourist Development Council membership composition
[Indicate Area Affected (City, County, or Special District) and Subject]
NAME OF DELEGATION: Lee County
CONTACT PERSON: _____
PHONE NO.: () _____ **E-Mail:** _____

I. *House local bill policy requires that three things occur before a committee or subcommittee of the House considers a local bill: (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level; (2) the legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s); and (3) the bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting. Please submit this completed, original form to the Local & Federal Affairs Committee as soon as possible after a bill is filed.*

(1) Does the delegation certify that the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES NO

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES NO

Date hearing held: January 29, 2013

Location: Edison State College, 8099 College Parkway, Fort Myers, FL 33919

(3) Was this bill formally approved by a majority of the delegation members?

YES NO

II. *Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this constitutional notice requirement been met?

Notice published: YES NO **DATE** February 1, 2013

Where? News-Press **County** Lee

Referendum in lieu of publication: YES NO

Date of Referendum N/A

III. *Article VII, Section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES [] NO [X] NOT APPLICABLE []

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES [] NO [X] NOT APPLICABLE []

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES [] NO []

Note: House policy requires that an Economic Impact Statement for local bills be prepared at the local level and be submitted to the Local & Federal Affairs Committee.

Delegation Chair (Original Signature)

Date

Printed Name of Delegation Chair