



OFFICE OF THE COUNTY ADMINISTRATOR

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M E M O R A N D U M

TO: Robert S. LaSala, County Administrator

FROM: Elithia V. Stanfield, Assistant County Administrator *ews*

DATE: September 15, 2010

SUBJECT: Disturbance of Bird Nesting Area at Shell Key

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**Summary:** This report is a follow-up to the memorandum issued June 25, 2010 (see Appendix A, page 8) which provided an overview of the role of the Film Commission and an initial report of the disruption of the protected nesting areas of the black skimmer birds on Shell Key. That memorandum also delineated operational and policy issues to consider.

Although the U.S. Fish and Wildlife Service has not issued its report regarding the incident; the FAA has stated none of its regulations were violated. The disruption of the nesting area was an unfortunate accident; the review of the incident has provided the County with an opportunity to review and enhance its procedures.

**Background:** On June 17, 2010 a helicopter dropped off a video tape to a member of the Group Mojo video crew that was shooting commercial video footage on Shell Key. This action appears to have caused the disruption of the protected nesting areas of the black skimmer birds on Shell Key. Concern was raised by members of the environmental community regarding the process and procedures used to regulate filming in protected areas. Investigations were launched by the Federal Aviation Administration (FAA) and the U.S. Fish and Wildlife Service.

While the helicopter pilot admitted flying 100 feet above the barrier island, the FAA deemed he did not violate FAA regulations, which allow helicopters to go below the 500 foot minimum for aircraft in other than congested areas. As of this date, the U.S. Fish and Wildlife Service continues its investigation and has not provided a timeline of when it will be completed.

A cross functional internal work group (membership noted on the following page) was formed to review our internal processes, to make process improvements, and to recommend any policy changes. The Work Group met as a body four times; additional research and reports were done outside of group meetings.

### Work Group Members

Guy Balson, Film Commission  
Paul Cozzie, Culture, Education, and Leisure  
Gillian Crippen, County Administrator's Office  
Jason Ester, County Attorney's Office  
William M. Davis, Environmental Management  
Steven Harper, Environmental Management  
Pamela Leasure, Environmental Management  
Dennis Long, County Attorney's Office  
Jennifer Parramore, Film Commission  
Paul Sacco, Real Estate Management  
Elithia V. Stanfield, County Administrator's Office  
Mark Woodard, County Administrator's Office

**Recommendations:** The following recommendations, where appropriate, are also enumerated, as Action Steps with a timeline and responsible party in Appendix B (page 13). The numbering of the recommendations does not imply any priority.

### Operational/Administrative Recommendations

**Application for Filming Process:** A film application is required for any production, regardless of the size or location. The current application and processes leading to a Film Permit or Film Notice was reviewed to consider opportunities for improvement.

Recommendations:

1. Revise the application for permission to film  
Status: Completed September 2010. The application was revised with more detailed information being required from the applicant. In addition, an internal checklist was developed for Film Commission staff to utilize in determining whether a permit or notice should be issued and whether a production meeting with a County department or municipality is necessary.
2. Send the Application for Filming to the affected department or municipality, in conjunction with the Film Permit or Film Notice.  
Status: This process will begin October 1, 2010. This will allow the department or municipality to have all the available information about the production.
3. Maintain the current process to allow the Film Commission to issue a permit unless otherwise contacted by a representative from a County Department or municipality within a certain time period.  
Status: The issue discussed by the Work Group was whether an official written response is required before granting a film permit. Due to changes in the application process and the internal guidelines developed, the Work Group supports maintaining the current practice.

**Film Permit/Film Notice:** As noted in the June 25<sup>th</sup> memorandum, there appeared to be confusion regarding a Film Permit and a Film Notice. A Film Permit grants a production company the authority to film on government property. The Film Commission does not possess the authority to issue permits; it facilitates the permit on behalf of Pinellas

County and most of its municipalities. After the production company completes an application to film, the Film Commission contacts the affected governing entity for approval, rejection, or an alternative. Once approved, permits are sent to the production company with copies to all affected city, county and state departments. Local governments must be reimbursed if they incur overtime, or other extraordinary costs, when assisting a production.

No permits are needed if a production is entirely situated on private property, is contained within the building or home, and does not impede traffic or the public. News media are not required to obtain film permits.

When no governmental agency has jurisdiction to authorize filming in a particular area (e.g., open water or unrestricted air space), or if a production is very low impact (e.g., a small photography project), a Film Notice may be issued by the Film Commission. This advisory notifies the affected entity of the film crew's activity on a "need to know" or "want to know" basis.

#### Recommendations:

1. Clarify the difference between a Film Permit and a Film Notice on the web site: Previous information on the website did not differentiate the purposes of a Film Permit and a Film Notice. While explained during the location process by Film Commission staff, the Work Group deemed it should be noted on the website.  
Status: Completed July 2010. The website delineates the purpose of a Film Permit and a Film Notice. During this process the Film Commission Web Site was also revised to further define its role and services.
2. Place a disclaimer on the Film Notice to further clarify it is not a Film Permit  
Status: To be completed by September 15, 2010. This will be done in conjunction with the revised application process.
3. Continue to offer free permits: Most film permits are free, with a few exceptions: high-security locations or those with restrictions (e.g., airport, landfill, historic venues). Local governments must be reimbursed if they incur overtime, or other extraordinary costs, when assisting a production. Research of Film Commissions around the state reveals similar procedures by our urban and local peers (See Appendix C, page 14).  
Status: The Work Group decided in order to remain competitive we should not charge for a film permit at this time; however the capability to charge exists under the proposed code amendment (See Appendix D, page 16).
4. Continue to provide a Film Notice: Since the County does not have authority over air and water the Work Group discussed whether the Film Commission should issue a Film Notice when these areas will be a location of a shoot.  
Status: The Work Group agrees the Film Notice is important in order to notify a local government or party of interest when minor filming may be occurring and to respond to citizen inquiries. The Coast Guard has specifically requested it be notified regarding filming around bridges.

### **Miscellaneous Issues:**

#### Recommendations:

1. Continue to work with the United States Fish and Wild Life Services in its investigation of the incident.

Status: As previously stated, the U.S. Fish and Wildlife Service continues its investigation and has not provided a timeline of when it will be complete. Staff will continue to be responsive to any of its inquiries. Group Mojo has also offered its full cooperation.

2. Review procedures and work out details between the Film Commission and departments regarding film permit/notification process – The current Pinellas County Codes for Environmental Lands and the Parks provides for the issuance of permits related to commercial photography and filming. In a spirit of cooperation and “one stop” permitting, Environmental Management and Culture, Education, and Leisure allowed the Film Commission to issue permits on their behalf. In order to formalize this process, the codes need to be revised as recommended under Policy Recommendations.

Status: The County Attorney’s Office is currently revising the codes for consideration by the Board of County Commissioners within the first quarter of FY 2010-2011.

3. Allow for donations to be made to the specific park or site where the filming occurs: When a production company wishes to make a donation, the Film Commission has referred them to the Friends’ groups. This process sometimes does not allow the donation to benefit the site where the actual production occurs. The Film Commission will now recommend the actual site for future donations.

Status: To be implemented by October 1, 2010

### **Policy Recommendations**

The following are policy issues to be addressed by the Tourist Development Council (TDC) and the Board of County Commissioners (BCC).

1. Amend the Pinellas County Code regarding the Tourist Development Tax to recognize the role of the Film Commission and Sports Commission: Although there is no state law requiring the creation of film commissions, the State Office of Film and Entertainment does have a policy requiring the designation of an official local film commission for economic development purposes. In the early 90’s the BCC did make this designation and the TDC contracted with the Film Commission for film production activities. It was incorporated into the Convention and Visitors Bureau Family in 1998; similar action occurred with the formally independent Sports Commission. The Film Commission and Sports Commission have no formal authority to act on the County’s behalf.

Status: A proposed amendment (Appendix D, page 16) would officially recognize The Film Commission and the Sports Commission authority to issue permits and approvals on behalf of the County. As part of an overall amendment to the Tourist

Development Tax Code, the proposal was unanimously approved by the TDC at its September 8, 2010 meeting. Action by the BCC should occur during the first quarter of the FY 2010-2011 fiscal year.

2. Develop a formal process that allows the Film Commission to assist the permitting process on behalf of our municipal partners: The Film Commission facilitates film applications for nearly all cities and county departments in Pinellas County. While it works closely with individual staffs, only one municipality has formally designated the Film Commission to facilitate this process on its behalf.

Status: The County Attorney is currently considering various options – interlocal agreement, resolution, etc. It is anticipated the best approach will be resolved by the end of the first quarter of FY 2010-2011.

3. Reference Film Commission in the consolidation of Parks and Environmental Management codes: With the elimination of the Environmental Management Department, Pinellas County Codes related to the management of environmental lands will be incorporated into those related specifically to Parks. Both provisions of the codes allow the issuance of permits related to commercial photography and filming. As previously stated, both departments have allowed the Film Commission to issue permits for their facilities. To formalize this process, language which allows the issuance of film permits be coordinated with the Film Commission should be included in the proposed changes. The issuance of film permits through the Film Commission would not relinquish the department's right to request on site county staffing, law enforcement personnel, special support, etc.

Status: The County Attorney's Office is currently revising the codes for consideration by the BCC within the first quarter of FY 2010-2011.

4. Enforce sanctions if a party proceeds to film without completing an application for filming; films without a permit, when it is required; and for violating any County code.

Status: Current County codes provide enforcement and penalties for violations of County regulations. Where County penalties are not present, existing laws would apply.

5. Continue to allow filming on County property within the current/proposed guidelines.

Status: The Work Group discussed whether there should be any County property that filming would be prohibited. It behooves us to remember that the disturbance of the birds nesting appears to be an unfortunate accident. With the operational/administrative changes and the proposed amendments to the Pinellas County Codes, the Work Group believes that there will be adequate safeguards to protect the County's assets.

6. Submit a request to the appropriate authority for the FAA to designate the 2000 feet overflight restriction to the Ft. Desoto bird sanctuary area and Shell Key: Section 90-31(b) of the Pinellas County Codes provides,

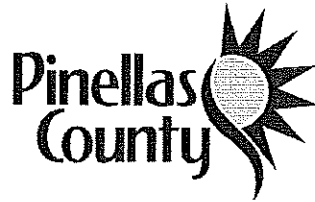
"No person operating any aircraft shall engage in acrobatic flight over park property or fly lower than 1,000 feet above the highest obstruction within a horizontal radius of 2,000 feet of the aircraft or fly within those minimum distances found in federal aviation regulations for pilots."

Unfortunately, these restrictions are not recognized by the FAA. Shell Key and the bird sanctuary area of Ft. Desoto are listed on the aviation sectional chart as "Pinellas National Wildlife Refuge" but has no operational limitations for aircraft, other than general FAA regulations. There are two local areas, Caldesi Island and Anclote Keys, which are listed as "Special State Conservation Area"; these have a notation on the aviation sectional chart that "pilots are requested to avoid overflights below 2000' in the area".

Status: According to information provided by Airport staff, the request for an area to be designated with overflight restriction must be done by the federal agency that administers the land. The FAA has recommended the County seek assistance from the National Forest Services or US Fish and Wildlife. Staff is currently seeking the appropriate party to make the request on Pinellas County's behalf.

## **APPENDICES**

# APPENDIX A



## OFFICE OF THE COUNTY ADMINISTRATOR

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### M E M O R A N D U M

TO: Robert S. LaSala, County Administrator

FROM: Elithia V. Stanfield, Assistant County Administrator *aws*

DATE: June 25, 2010

SUBJECT: Shell Key – Group Mojo Productions

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**Summary/Key Issue:** The Film Commission nor the Pinellas County Board of County Commission has authority over filming using air space or filming occurring exclusively on the water. The United States Fish and Wild Life Services has taken over investigation of the incident.

**Background:** Although that is no state law requiring the creation of film commissions, the State Office of Film and Entertainment does have a policy requiring the designation of an official local film commission for economic development purposes. In the early 90's the Board of County Commission did make this designation and the Tourist Development Council contracted with the Film Commission for film production activities. It was incorporated into the CVB Family, (similar to Arts Council and CEL) in 1998.

The Film Commission requests permission from various county departments on behalf of production companies for filming on Pinellas County property. **It does not issue permits for aerial filming or filming occurring exclusively on the water.** If it is aware of such shoots, a Filming Notice is issued to the county and/or city departments where the filming is taking place. The Coast Guard is also contacted to alert them to any aerial filming near bridges. The Coast Guard offices that were alerted to the recent Sea Doo filming included the Miami District Office, the St. Petersburg Sector Command, the St. Petersburg Officer of the Day, the St. Petersburg Airport Office, and the Station Sand Key.

Approximately 200 film permits and notices are issued annually; with a \$7 – 10 million estimated impact.

The Sea Doo filming that took place June 11 – 16 involved three different production companies producing campaigns for print advertisement (Jim Gallop Photography), video (Group Mojo), and a television commercial (Bandito Brothers). The Film Commission's Filming Notices were sent for each of the three productions. Additionally, a Film Permit was issued for the print portion. All three of the production companies were sent maps of Shell Key noting the public use and bird preservation areas. Please see Attachment A for a chronology of events.



The incident regarding the disturbance of bird nesting on Shell Key has been attributed to Group Mojo's production of 2010 video footage for Sea Doo. Group Mojo had produced both the video and television commercial campaigns for Sea Doo in our area in June of 2009. There were no reported problems from last year's production.

Although there was no filming being conducted by helicopter on or in the immediate vicinity of Shell Key, a helicopter did drop off a video tape to a member of the video crew on the ground. This action may have caused the disruption of the bird nesting.

Helicopters are given special consideration because they operate differently than airplanes when there is engine loss.

General rule: An aircraft can not operate below the following altitudes except for takeoff or landing:

- Congested areas: 1,000' above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.
- Other than Congested areas:
  - 500' above the surface
  - Except over open water or sparsely populated areas, 500' distance from any person, vessel, or structure.

Shell Key and Ft. Desoto area listed on the aviation sectional chart as "Pinellas National Wildlife Refuge" so it is noted on the chart but **has no limitations**. There are two areas, Caldesi Island and Anclote Keys, which are listed as "Special State Conservation Area" these have a notation that "pilots are requested to avoid overflights below 200' in this area"

Each of the production crews have been forthcoming and are willing to participate in any investigation of the incident.

## **OPERATIONAL CONSIDERATIONS/RECOMMENDATIONS**

- Clarify the difference between a Film Permit and a Film Notice on the web site and the application for permission to film – In process
- Revise the notification process to allow for official response rather than a "no problem" response – In process
- Review procedures between Environmental Management and the Film Commission regarding film permit/notification process – In process
- Discuss with County Attorney our ability/inability over air space
- Continue to work with the United States Fish and Wild Life Services in their investigation.

## **POLICY CONSIDERATIONS/RECOMMENDATIONS**

- Should the use of County property be restricted and not allow filming at sites that have protected areas?

- Since the County does not have authority over air and water should the Film Commission even issue a Film Notice, since it implies there is some authority
- Should there be ramifications if a party does not complete a permit – can we/should we sanction?
- Should we charge for a permit?
- In conjunction with the Tourist Development Council clarify the roles and responsibilities of the Film Commission
- Establish with the FAA a system similar to the State's 200 Feet Geo Park System used at Honeymoon, Anclote, and Caladesi Island

## ATTACHMENT A - CHRONOLOGY OF EVENTS

### May

- Group Mojo submitted an application for permission to film a Non-Broadcast Video/Industrial for Sea Doo. Dates of Filming were June 15-19 from 6:00 AM – 7:00 PM, with a scheduled rain date of June 19. The application stated there would be four hours of shooting with a helicopter on June 16, 2010.

This application did not include a request for Shell Key.

- Jim Gallop Photography submitted an application for permission to do still shooting and a safety video showing new Sea Doo products for 2011 from June 8 -17; rain date June 18. It stated on Monday, June 15 it would be shooting by helicopter four boats.
- Bandito Brothers submitted an application for a television commercial shoot for Sea Doo filming on June 10 and 11, 2010; rain date TBD. The application stated Thursday filming will be done from a Camera Boat shooting personal water crafts in the open water; Friday the same shots would be revisited but shot from a helicopter.

### May 19, 2010

- Film Commission (Guy Balson) issued a Filming Permit Approval to stakeholders regarding Jim Gallop Photography's for still photo shoot for Sea Doo.
- Film Commission issued a Filming Notice to stakeholders of the following:
  - Group Mojo - filming boat-to-boat in the water near their accommodations at the Holiday Inn Sunspree Hotel in south St. Petersburg, and in the waters around Fort DeSoto. Aerial filming with a helicopter would occur on June 16<sup>th</sup>.
  - Jim Gallop Photography - still photo shoot from boat-to-boat in the water near their accommodations at the Holiday Inn Sunspree Hotel in south St. Petersburg, and in the waters around Fort DeSoto. Aerial filming with a helicopter would occur on the afternoon of June 14<sup>th</sup>.
  - Bandito Brothers – television commercial in the water near their accommodations at the Holiday Inn Sunspree Hotel in south St. Petersburg, and in the waters around Fort DeSoto. Aerial filming with a helicopter would occur on June 11<sup>th</sup>.
- In regards to the notifications and permit, Pam Leasure responded with a thank you and informed Mr. Balson to make sure the crews respect the beach nesting birds and comply with all of the signage of Shell Key Preserve

### May 19 - 26, 2010

- All production teams were provided a map of public use areas near Shell Key

June 1, 2010

- An email request was received from Group Mojo producer, Trish Weinstock that if they needed to shoot at Shell Key as a cover set was that included in the permit.

June 2, 2010

- Mr. Balson responded to the Group Mojo request stating Pam Leasure of Environmental Management was aware of the upcoming filming for Sea Doo in the area. Group Mojo producers were reminded to refer to the map of Shell Key to determine which areas to avoid.

June 9, 2010

- A follow-up email was sent informing affected stakeholders that in addition to the print and video projects there will be a television commercial filming. It further stated each of the projects will be doing aerial filming in Tampa Bays. Dates for the aerial filming were provided:
  - Friday, June 11 – Bandito Brothers Productions for the TV commercial
  - Monday, June 14 – Jim Gallop Photography for the still photos
  - Wednesday, June 16 – Group Mojo Productions for the video shoot

June 16, 2010

- Pam Leasure called the Film Commission alerting them that aerial filming was reported occurring in a bird nesting area of Shell Key
- Film Commission immediately contacted Group Mojo and directed them to cease aerial filming at Shell Key
- Producers and pilot claim that they were not doing any aerial photography at Shell Key, but that the helicopter had dropped off a requested video tape to a Group Mojo crew member on the beach

June 16 – current

- Environmental Management staff has continued to monitor the site since the incident was reported.

June 20, 2010

- Email from Lorraine Margeson requesting public records

June 22, 2010

- United States Fish and Wild Life Services takes control of the investigation

June 24, 2010

- Email from Group Mojo to Jennifer Parramore, Film Commissioner included a statement from the pilot that the Federal Aviation Agency has investigated the incident at Shell Key and determined that he did not violate any FAR rules. Flight over that area is not prohibited, it is only requested that you avoid the area.

## APPENDIX B

### OPPORTUNITIES FOR IMPROVEMENT - ACTION STEPS

ACTION	RESPONSIBLE PARTY	WHEN	STATUS
Clarify the difference between a film permit and a film notice on the Film Commission website	Film Commission	July	Completed
Develop internal guidelines for filming	Film Commission	August	Completed
Revise the application for permission to film	Film Commission	September	Completed
Include a disclaimer on the Film Notice, that it is not a Film Permitting	Film Commission	September	In process
Send the Application for Filming to the affected department or municipality	Film Commission	October 1, 2010	In process
Provide for donations to the park or site where filming occurs	Film Commission Parks and Conservation Resources	October 1, 2010	In process
Amend the Pinellas County Code to recognize the role of the Film Commission and Sports Commission	County Attorney's Office Tourist Development Council Board of County Commissioners	August September 8, 2010 First Quarter of FY 2010-11	Drafted Approved In process
Consolidation of Parks and Environmental Management Codes should reference the Film Commission	County Attorney's Office Board of County Commissioners	First Quarter of FY 2010-11	In process
Develop a formal process such as an interlocal agreement, resolution, etc. that allows the Film Commission to assist the filming process on behalf of our municipal partners	County Attorney's Office Film Commission	First Quarter of FY 2010-11	In process
Submit a request to the appropriate authority for the FAA to designate the 2000 feet overflight restriction to the Ft. Desoto bird sanctuary area and Shell Key	Board of County Commission	First Quarter of FY 2010-11	In process

# APPENDIX C

## Film Commissions in Florida

County	Set up	Funding	Authority	Permit Charge
Hillsborough	A subset of the Convention and Visitor's Bureau in Hillsborough County	Funded (as the Convention and Visitor's Bureau is) through bed tax.	Permit entirely on behalf of the City of Tampa, including parks and recreation, and on a case by case basis for Hillsborough County.	No charge
Manatee	Part of the Convention and Visitor's Bureau	Tourist Development Tax	Do not have any ordinances and are updating their permits now.	No fee unless using county property (\$10 for processing and \$125 per day)
Miami Dade	Set up as a Miami-Dade County department	Funded mostly through the County general fund, with about \$80,000 generated from permit fees, and another \$75,000 coming in support from our Convention and Visitors Bureau	Ordinance governs permits and sets the authority for the office.	Yes. \$100.00 per each 28 days of production
Orange	A division of the Metro Orlando Economic Development Commission	As part of the Economic Development Commission, they are a public/private partnership (largest % of investment comes from private industry).	They offer one stop permitting for the 4 counties and the Cities they represent; permits are a result of city/county ordinances that they have developed and passed with each of our government partners.	County does not charge, but cities do
Palm Beach	County agency but under the Tourist Development Council (TDC)	Funded by bed tax. The education side is funded by ad valorem tax.	Permit public property on behalf of 34 out of 38 municipalities and taxing districts in PBC. Obtain permission from each municipality for each shoot, prior to signing off on a permit. Obtain the proper insurance requirements and document all of the logistics as well as collect important data to report monthly, annually, etc.	No charge

Sarasota	A division of the not-for-profit Economic Development Corporation of Sarasota County (EDC), which is a contractor for government.	Partially from the Economic Development Corporation (EDC) trust fund (EDTF), and partially from the Sarasota County Convention and Visitors Bureau	Have the authority to create/have created and manage one unified multijurisdictional permit form that has "sign off" capacity for each of the County's municipalities (three cities, one town, one unincorporated region, and the county itself as an entity).	No charge
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# APPENDIX D

## ORDINANCE NO. 10-\_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING SECTION 118-31(d) OF THE PINELLAS COUNTY CODE RELATING TO THE THRESHOLD FOR FILING QUARTERLY TOURIST DEVELOPMENT TAX RETURNS AND ENABLING TAXPAYERS TO FILE RETURNS AND PAY TAX ELECTRONICALLY; ADDING SECTION 118-31(f) OF THE PINELLAS COUNTY CODE RELATING TO THE IMPOSITION OF FEES FOR PAYMENTS OF THE TOURIST DEVELOPMENT TAX BY CHECKS DISHONORED; AMENDING SECTION 118-42(d) OF THE PINELLAS COUNTY CODE RELATING TO INFORMAL DISPUTE PROCEDURES; ADDING SECTION 118-43 RELATING TO PERMITS AND APPROVALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2010, as follows:

SECTION 1. Section 118-31(d) of the Pinellas County Code is hereby amended to read as follows:

Initial collection of the tourist development tax shall be made in the same manner as the tax imposed under Chapter 212, Part I, Florida Statutes (Section 212.01, Florida Statutes, et seq.). The person receiving the consideration for such rental or lease shall receive, account for, and remit the tax to the county tax collector, who shall keep appropriate records of such funds. The same duties and privileges imposed by Chapter 212, Florida Statutes, upon dealers in tangible property respecting the collection and remission of tax, and making of returns, the keeping of books, records and accounts, the payment of a dealer's credit in compliance with the rules of the county tax collector in the administration of such chapter shall apply to and be binding upon all persons who are subject to the provisions of this article; provided, however, that the tax collector may authorize a quarterly return and payment when the tax remitted by the person receiving the consideration for such rental or lease for the preceding quarter did not exceed \$500.00. Registered and enrolled taxpayers may file returns and pay amounts due electronically for the Tourist Development Taxes and fees. Sections 213.755 and 443.163, Florida Statutes, require certain taxpayers to file and/or pay tax electronically.

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SECTION 2. Section 118-31(f)(5) of the Pinellas County Code is hereby added as follows:

The tax collector is authorized to impose and retain a dishonor fee as an additional cost of collection of any check, draft, or other order for payment of the taxes collected under this article (an "instrument"), if such instrument is dishonored in accordance with the provisions of Sections 125.0104 and 125.0105, Florida Statutes. The amount of the dishonor fee shall be pursuant to Sections 125.1050 and 832.08(5), Florida Statutes: Twenty-five dollars if the face value of the instrument does not exceed \$50, Thirty



dollars if the face value of the instrument is more than \$50 but does not exceed \$300, Forty dollars if the face value is more than \$300 but does not exceed \$800, and Fifty dollars if the face value is more than \$800.

SECTION 3. Section 118-42(d) of the Pinellas County Code is hereby amended to read as follows:

The notice of dispute should identify the notice of assessment or denial of refund being challenged and should further:

(1) Include a statement of the factual and/or legal grounds which are the grounds for the challenge.

(2) Include attachments of all documents the taxpayer wishes to submit in support of the challenge.

(3) Include a statement of whether the taxpayer wishes to have a conference scheduled. Absent such a request the challenge will be decided on the written materials submitted.

(4) If the timely written dispute does not contain all the information in subsections (1), (2), and (3), and the taxpayer is so notified by the tax collector, then the taxpayer may request in writing an additional fifteen (15) days to submit the required information. The taxpayer's failure to submit the information within the extension periods shall result in dismissal of the dispute and forfeiture of the taxpayer's right to dispute the proceeding.

(5) Any disputes filed under this section will be submitted to and considered by the tax collector or his or her designees.

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(6) If the taxpayer fails to attend any scheduled oral conference, without having arranged for a continuance with the tax collector, the dispute may be decided on the written materials submitted. Any continued conference must be held within 15 days of the originally scheduled conference except upon mutual agreement of the parties and no further continuances can be granted.

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(7) During conferences under these procedures, the taxpayer has a right to be represented at the taxpayer's cost and to have the conference manually or electronically recorded at taxpayer's cost. The conference shall be conducted informally and shall not be in the nature of a formal evidentiary hearing.

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(8) If no conference is held, a notice of decision must be mailed to the taxpayer by the tax collector within 30 days of the date of the postmark date on the taxpayer's notice of dispute. If a conference is held, a notice of decision must

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Deleted: or within 30 days of the taxpayer's failure to attend any scheduled oral conference pursuant to subsection (5),

be mailed to the taxpayer by the tax collector within 30 days of the date of the conclusion of any such conference. The notice of decision shall contain a tax collector certificate of mailing which shall be the date which determines the finality of the challenged assessment or denial of refund.

(9) The notice of decision shall set forth the factual and/or legal reasons serving as the grounds thereof. It shall be signed by the tax collector's designees who considered the challenge and must contain the approval signature of the tax collector.

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(10) The undertaking of dispute resolution procedures hereunder shall in no way alter or interfere with the duty of tax collector to proceed with jeopardy enforcement procedures under F.S. § 213.732, should circumstances calling for the employment of such procedures be determined to exist.

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SECTION 4. Section 118-43 of the Pinellas County Code is hereby added as follows:

Section 118-43. Permits and approvals.

(a) Activity. For the purpose of this subsection, “activity” means: (i) commercial photography or filming that involves the use of special settings, structures, lighting or apparatus, and/or the performance of persons or animals, and/or the posing of models; or (ii) events or programs, whether sponsored or promoted by a commercial, non-profit, or a governmental organization, including but not limited to athletic events and contests, concerts, and shows.

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(b) Permits. Any activity that is sponsored, supported, or facilitated by the St. Petersburg/Clearwater Convention & Visitors Bureau, including the St. Petersburg/Clearwater Film Commission and the St. Petersburg/Clearwater Sports Commission (the “CVB”), including activity on or in county-owned or managed real property, facilities, or improvements, or any real property, facilities, or improvements owned or managed by a municipality that has authorized the CVB to issues permits on its behalf by agreement, ordinance, or other approval, may be allowed by permit, approval, or license (collectively a “permit”) by the County Administrator or his/her designee. If the real property, facility, or improvement is managed or operated by a county department other than the CVB and the activity requires a permit pursuant to ordinance, regulations or policy, the CVB and the managing department shall coordinate all permitting activities, and a single permit may be issued for the activity.

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(c) Facilitation. The CVB may act as a facilitator for any activity conducted on private property or property owned by another governmental unit, including coordinating activities, expediting the issuance of permits and/or providing notification to affected parties; provided it shall be the sole responsibility of the person or entity engaging in the activity to satisfy any requirements or conditions and secure whatever approvals are necessary to conduct the activity from the owner or manager.

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(d) *Conditions.* The permit shall contain such conditions that are reasonably consistent with the protection, maintenance or operation of the facility or activity.

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(e) *Denial.* If an application for a permit is denied, the applicant shall be so informed of the denial in writing.

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(f) *Transferability.* Permits are not transferable and may only be utilized by those persons or entities to whom the permit was issued.

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(g) *Revocation.* Any permit issued pursuant to this section may be revoked for failure to comply with any condition imposed on the permit.

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(h) *Fees.* The CVB shall charge such fees for permits for activities described herein as established by the board of county commissioners.

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#### SECTION 5. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of the Ordinance invalid or unconstitutional.

#### SECTION 6. Inclusion in the Pinellas County Code.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

#### SECTION 7. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State, and shall apply to all tourist development taxes collected after this effective date.