



Agenda Item Cover Sheet

Agenda Item N^o: D-2

Meeting Date March 19, 2014

- Consent Section
 Regular Section
 Public Hearing

Subject:
Public Hearing to Consider Enacting an Ordinance for Motion and Still Photography Production Permitting

Department Name: County Attorney's Office/Economic Development

Contact Person: Christine Beck/Ronald Barton Contact Phone: 307-3136

Sign-Off Approvals:

	Christine Beck	03/06/2014
	<small>Managing County Attorney</small>	<small>Date</small>
Charles Fletcher	03/07/2014	Ronald Barton
<small>County Attorney</small>	<small>Date</small>	<small>Joint Department Director</small>
Tom Fesler	03/07/2014	Christine Beck
<small>Management and Budget – Approved as to Financial Impact Accuracy</small>	<small>Date</small>	<small>Assistant County Attorney</small>
		<small>Date</small>

Staff's Recommended Board Motion:

Conduct a public hearing and consider enacting an Ordinance for Motion and Still Photography Production Permitting and to amend Hillsborough County's Code of Ordinances and Laws Part A by deleting Chapter 38, Article II, Section 38.25(w)(1)(2) and (3).

If the Board decides to waive the current parks fee for Motion Pictures there will be a minor financial impact of approximately \$700 - \$4,400.00 per year based on past collections. There is also a cost associated with publishing the required legal notices for the public hearing.

Financial Impact Statement:

If the Board decides to waive the current parks fee for Motion Pictures there will be a minor financial impact of approximately \$700 - \$4,400.00 per year based on past collections. There is also a cost associated with publishing the required legal notices for the public hearing.

Background:

On December 4, 2013, the Board directed the County Attorney's Office to draft an Ordinance establishing a permitting process and framework for motion and still photography production in Hillsborough County. This Ordinance has been drafted with input from Dale Gordon, the Executive Director of Tampa Hillsborough Film and Digital Media Commission, the County's Economic

Development Department and other affected County staff, each of the municipalities within Hillsborough County, and the Hillsborough County Sheriff's Office.

The Ordinance seeks to establish a one stop permitting process for Motion and still Photography Production endeavors on public property owned or controlled by or under the jurisdiction of Hillsborough County and for certain endeavors on private property. It also provides for an exemption from other County Ordinances, in terms of permits being required, for permitted Motion or still Photography activities under the Ordinance.

Section 12 encourages municipalities to adopt the provisions in this Ordinance. There is no application fee and certain activities are exempted from the Ordinance in Section 4(f). The Ordinance also waives current parks fees for commercial still or motion photography. In addition, the County Administrator is delegated the authority to allow the use of County staff, equipment or other resources if the requirements of Section 9(a) are met. The County Administrator is also delegated the ability to place a temporary moratorium on the issuance of permits when a neighborhood has experienced overuse.

The Ordinance also amends the current Parks Ordinance set out in Chapter 38, Article II of the Code of Ordinances and Laws by deleting Section 38.25(w)(1)(2) and (3) which requires that the Parks Department issue a separate permit for still and motion photography which is inconsistent with the intent of this Ordinance.

On March 5, 2014, the Board of County Commissioners authorized the County Attorney's Office to set and advertise a public hearing on March 19, 2014 to consider enacting an Ordinance for Motion and Still Photography Production Permitting and to amend Hillsborough County's Code of Ordinances and Laws Part A by deleting Chapter 38, Article II, Section 38.25(w)(1)(2) and (3).

List Attachments:

Draft Ordinance

DRAFT
CMB
2/26/14

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ORDINANCE NO. 14-____

AN ORDINANCE CREATING HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS, CHAPTER 10, ARTICLE XIV RELATING TO PHOTOGRAPHY PRODUCTION PERMITTING; DELETING CHAPTER 38, ARTICLE II, SECTION 38.25(W)(1)(2) and (3) OF THE HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS, PART A; PROVIDING DEFINITIONS; REQUIRING A MOTION AND/OR STILL PHOTOGRAPHY PRODUCTION PERMIT FOR MOTION PHOTOGRAPHY ACTIVITIES; PROVIDING FOR SUSPENSION AND/OR REVOCATION FOR FAILURE TO COMPLY WITH PERMIT; PROVIDING EXCEPTIONS FOR PERMITTING; PROVIDING FOR ENFORCEMENT AND ABATEMENT OF PERMITS; PROVIDING REQUIREMENTS FOR PERMIT APPLICATIONS AND PREREQUISITES TO ISSUANCE; PROVIDING STANDARDS FOR ISSUANCE OF PERMITS; PROVIDING RULES AND PROCEDURES; PROVIDING FOR EXEMPTION FROM OTHER COUNTY ORDINANCES; PROVIDING FOR THE IMPOSITION OF FEES AND COSTS FOR EXTRAORDINARY SERVICES; PROVIDING USE OF COUNTY EQUIPMENT OR PERSONNEL IN FILMING ACTIVITIES UNDER LIMITED CIRCUMSTANCES; PROVIDING THE COUNTY ADMINISTRATOR THE ABILITY TO ISSUE MORATORIA ON PERMITS; PROVIDING FOR TERRITORIAL EFFECT/INTERGOVERNMENTAL COOPERATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

Upon motion by Commissioner _____, seconded by Commissioner _____, the following ordinance was enacted by a vote of _____ to _____, with _____ Commissioner(s) _____ voting "No", Commissioner(s) _____ being absent.

1 **WHEREAS**, it is advisable to provide a process whereby acts which may
2 be otherwise prohibited by Hillsborough County’s Code of Ordinances may be
3 allowed during certain motion or still photography production endeavors; and
4

5 **WHEREAS**, it is advisable to provide for an exemption from other County
6 ordinances for approved motion or still photography production endeavors in
7 recognition of the economic impact of the motion picture and television industry;
8 and
9

10 **WHEREAS**, the purpose of this ordinance is to establish a one-stop
11 permitting process for motion or still photography production endeavors on public
12 property owned or controlled by or under the jurisdiction of Hillsborough County
13 and for certain endeavors on private property as set forth herein; and
14

15 **WHEREAS**, Hillsborough County Code of Ordinances and Laws Part A,
16 Chapter 38, Article II, Section 38.25(w)(1)(2) and (3) is no longer necessary and
17 would conflict with this Ordinance.
18

19
20 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
21 **COMMISSIONERS OF HILLSBOROUGH COUNTY FLORIDA, THAT:**
22

23
24 **SECTION 1. TITLE.**
25

26 This Ordinance shall be known as the "Hillsborough County Motion and
27 Still Photography Production Permitting Ordinance."
28

29
30 **SECTION 2. AUTHORITY.**
31

32 Hillsborough County is a Charter County and this Ordinance is enacted
33 under the home rule powers of the County, pursuant to Fla. Const. Art. VIII, §
34 1(g).
35

36
37 **SECTION 3. DEFINITIONS.**
38

39 The following words, terms and phrases, when used in this article, shall have the
40 meanings ascribed to them in this section, except where the context clearly
41 indicates a different meaning:
42

43 **“County Administrator”** shall mean the County Administrator; and additionally,
44 employees of the office of the County Administrator, and the Tampa Hillsborough
45 Film and Digital Media Commission when, and to the extent that, such parties are
46 so designated by the County Administrator to execute his/her authority as
47 granted herein.

1 **“County Equipment”** shall mean any tangible property, other than real property,
2 purchased by public funds and utilized in the normal course and scope of
3 providing governmental service by the County.

4
5 **“County Facility”** is any public street, sidewalk, place or building owned or
6 controlled by or under the jurisdiction of the county including, but not limited to,
7 county parks and recreation facilities.

8
9 **“Motion Photography”** shall mean the commercial taking or making of a motion
10 picture, television, videotape or film production (to include all activity attendant to
11 staging or shooting motion pictures, television shows, commercial still
12 photography, video tapes, computer based programs or other visual reproduction
13 technology) utilizing County equipment or County facilities or productions on
14 private property. This term shall include, and a production permit shall be
15 required for, such productions on private property, not at a studio:

16
17 (1) Involving the erection of tents or other temporary structures.

18
19 (2) Involving the use of pyrotechnics, explosives, or other incendiary
20 devices or any stunts which could impact the public.

21
22 (3) Emitting noise sufficient to violate Hillsborough County’s Noise
23 Ordinance #12-12, Hillsborough County Code of Ordinances and Laws, Chapter
24 36, Article VI, Division 2.

25
26 (4) Involving vehicles, personnel or equipment which would impact a
27 County facility or the public.

28
29 This term shall not include the activities titled exemptions as further defined and
30 set out in Section 4(f) below. “Motion Photography” as defined herein may
31 include “still” photography productions for which a permit will be required unless
32 exempted under Section 4(f) below.

33
34 **“Motion or still photography production permit”** (also referred to herein as
35 "production permit" or "permit") is the permit required herein.

36
37 **“Still Photography”** means the process of staging, shooting and producing non-
38 moving images.

39
40 **“Studio”** shall mean a major entertainment company or motion picture company
41 or independently owned facility that is fully enclosed and is used to make films.

42
43 **“Tampa Hillsborough Film Commissioner”** is the Executive Director for the
44 Tampa Hillsborough Film and Digital Media Commission (“Film Commission” and
45 may be referred to as the “Film Commissioner”).

46

1 **SECTION 4. PERMIT REQUIRED; SUSPENSION AND/OR**
2 **REVOCAION; VIOLATION; ENFORCEMENT AND ABATEMENT**
3

4 (a) No person knowingly shall advertise, engage in, participate in,
5 and/or start any motion or still photography production unless a production permit
6 shall first have been obtained from the County Administrator or his/her designee.
7 Violation of this section shall be punishable as provided for by law and persons
8 engaged in motion or still photography production activities without a permit or
9 otherwise in violation of a permit, shall be subject to enforcement by the
10 Hillsborough County Sheriff's Office or code compliance officers.

11
12 (b) Failure to comply with the terms and conditions of the production
13 permit, once issued, shall be grounds for immediate suspension of the production
14 by the County Administrator or designee until such time as the noncompliance is
15 remedied. The suspension shall be initially communicated orally, followed by a
16 written suspension order. Continued failure to comply with the terms and
17 conditions of the production permit may result in revocation of the permit.
18 Continuation of the production in violation of the suspension and/or revocation
19 shall be punishable as provided for by law.

20
21 (c) It shall be unlawful for any person in charge of, or responsible for,
22 any motion or still photography production for which a permit is required to
23 knowingly fail to comply with any condition of the permit and such failure to
24 comply shall be punishable as provided for by law.

25
26 (d) In addition to the penalties hereinabove provided, any condition
27 caused or permitted to exist in violation of any of the provisions of this article
28 shall be deemed a public nuisance and may be abated by the County as
29 provided by law, and each day that such condition continues shall be regarded
30 as a new and separate offense.

31
32 (e) Permits shall be maintained at the site on which the motion or still
33 photography production occurs. Upon the request of any police officer or code
34 compliance officer of the County, the owner, lessee of the property or
35 representative of the production company shall produce such permit for
36 inspection.

37
38
39 (f) Exemptions: No permit shall be required for the following:

- 40
41 (1) News Media: The provisions of this Chapter shall not apply to
42 or affect reporters, photographers or camerapersons in the
43 employ of a newspaper, news service, or similar entity
44 engaged in on-the-spot print media, publishing or
45 broadcasting, of news events concerning those persons,
46 scenes or occurrences which are in the news and of general

- 1 public interest or the production of documentaries or “live”
 2 coverage of sporting events.
 3
- 4 (2) Personal/Family Video: The recording of visual images
 5 (motion or still photography) solely for private personal use,
 6 and not for commercial use which involves five or fewer
 7 people using only hand carried and self contained equipment.
 8
- 9 (3) Studio Filming: Filming activities (motion or still photography)
 10 conducted at a studio.
 11
- 12 (4) Pro Bono Public Service Announcements for a Governmental
 13 Purpose: Public Service Announcements recorded at the
 14 request of the County by either a private or a public entity for
 15 which there is no fee or charge.
 16
- 17 (5) Still Photography: The recording of non-moving visual images
 18 which involves five or fewer people using only hand carried
 19 and self contained equipment.
 20
- 21 (6) In addition to the foregoing, to the extent that the filming
 22 activity in question is being conducted in an area subject to the
 23 jurisdiction of a superior governmental agency, including, but
 24 not limited to, the Federal Aviation Administration or United
 25 States Coast Guard, any applicable regulations of those
 26 agencies shall prevail, to the extent they conflict with any
 27 provision of this article.
 28
- 29 (g) Notwithstanding the exempt status of the filming activities above,
 30 persons or entities engaged in filming in, on or over County owned
 31 or controlled property must comply with all other applicable local,
 32 state and federal laws, and shall conduct the activities so as not to
 33 interfere with the peaceful use or enjoyment of the property by all
 34 others entitled to be present at the time.
 35

36
 37 **SECTION 5. APPLICATION FOR PERMIT AND PREREQUISITES TO**
 38 **ISSUANCE.**
 39

40 (a) Any person seeking the issuance of a motion or still photography
 41 production permit shall file an application on forms prepared by the County
 42 Administrator. The application shall be submitted to the Executive Director of the
 43 Tampa Hillsborough Film and Digital Media Commission. Said application shall
 44 be filed not more than one hundred eighty (180) days before, and not less than
 45 seven (7) working days before the commencement of production. The
 46 application shall be signed, under oath, by an authorized representative of the

1 applicant. The Film Commissioner shall endeavor to automate the application
 2 process so that it may be completed on line to the fullest extent possible. In light
 3 of the time constraints and costs of delay associated with filming activities, the
 4 County Administrator and the Film Commissioner shall ensure that all permit
 5 applications receive expedited review. The Film Commissioner shall process the
 6 application as set out herein and shall make a recommendation to the County
 7 Administrator or his/her designee as to whether a permit should be approved or
 8 denied. The County Administrator or his/her designee shall then be responsible
 9 for the issuance or denial of the permit.

10
 11 (b) The County Administrator or his/her designee and the Film
 12 Commissioner shall receive approval from the following entities before issuing
 13 any permit:

- 14 (1) Hillsborough County Sheriff's Office;
- 15 (2) Hillsborough County Fire Rescue;
- 16 (3) Hillsborough County Fire Marshal;
- 17 (4) Hillsborough County Public Works Department;
- 18 (5) Hillsborough County Risk Management;
- 19 (6) Hillsborough County Real Estate & Facilities Services;
 20 and
- 21 (7) Hillsborough County Parks, Recreation and
 22 Conservation Department but only in the event that
 23 the permitted activity would occur in a County park.
 24 In addition, any park fees for still or motion
 25 photography shall be waived.

26 Each of the above named County Representatives and Constitutional
 27 Officers shall review and provide approval or denial of the permit application or
 28 identify issues needed for resolution of the permit request within five (5) working
 29 days of receiving the application.

30
 31
 32 (c) The application shall contain the following information:
 33

- 34 (1) Location(s) of the production and whether it is for motion or
 35 still photography.
- 36 (2) Duration and type of the production.

- 1 (3) Proof of liability insurance coverage in the amount of at least
2 \$1,000,000.00 with the County and the property owner of the
3 location of the production named as an additional insured.
- 4 (4) Special effects to be utilized, especially stunts and
5 incendiary or explosive devices with proof of \$5,000,000.00
6 liability insurance therefore. In addition, the application shall
7 list the person in charge (pyrotechnician or stunt coordinator)
8 of such special effects together with his qualifications and
9 licensure by the applicable federal and/or state agencies.
- 10 (5) Necessity for closures of public streets or sidewalks and for
11 what duration.
- 12 (6) Proposed utilization of County equipment.
- 13 (7) Number and type of vehicles and/or equipment and number
14 of personnel to be on location with the production.
- 15 (8) A written summary or explanation of the portion of the
16 production to be shot within unincorporated areas of the
17 County.
- 18 (9) An agreement to pay for extraordinary services provided by
19 the County or other Constitutional Officers.
- 20 (10) Certificate to the film commission that all affected, private
21 property owners and tenants have been notified of the
22 filming and that arrangements have been made to cause the
23 least disruption as possible for the property owners and
24 tenants.
- 25 (11) Written consent of any private property owners of any
26 property where equipment, cast or crew will enter on said
27 private property.
- 28 (12) Certificate that the film shall not be a pornographic film. The
29 term "pornographic," for the purposes of this ordinance,
30 means film or tape of activities of one or more of the
31 following:
- 32 a. Acts of human masturbation, actual sexual
33 intercourse, sodomy, bestiality and in a graphically
34 sexual context the following: masochism, sadism or
35 sadomasochism;
- 36 b. Depiction of human genitals in a state of sexual
37 stimulation or arousal.

1 (13) Any additional information that shall be reasonably deemed
2 necessary by the Tampa Hillsborough Film and Digital Media
3 Commission or County Administrator.
4

5 (14) Prior to a permit being granted under this ordinance, the
6 following shall be provided to the County by the applicant:
7

8 Hold harmless agreement. The applicant shall
9 execute a hold harmless agreement in favor of the
10 County saving, defending and holding harmless the
11 County, its agents, employees and representatives,
12 from any claim arising as a result of the activities of
13 the applicant, his agents, representatives or
14 employees, within the County. This agreement shall
15 be executed by an individual and/or entity capable
16 financially and otherwise of honoring the terms
17 thereof, and the agreement shall be in a manner and
18 form acceptable to the County and deemed to provide
19 the protection necessary to the County as intended by
20 this section.
21

22
23 **SECTION 6. STANDARDS FOR ISSUANCE OF PERMITS; RULES AND**
24 **PROCEDURES.**
25

26 (a) The County Administrator or his/her designee shall issue a permit
27 for motion or still photography production as provided herein if, from a
28 consideration of the application and from other information as may otherwise be
29 obtained, it appears that:
30

31 (1) The production activity to be permitted will not unduly
32 interrupt the safe and orderly movements of pedestrian or vehicular traffic
33 in or contiguous to the location of the production activity.
34

35 (2) The conduct of the production activity will not require the
36 diversion of so great a number of deputies of the Hillsborough County
37 Sheriff, personnel of the Fire Marshal, or personnel of Hillsborough County
38 Fire Rescue in order to properly police the production activity area and
39 the areas contiguous thereto as to prevent normal police and fire
40 protection from being furnished to other parts of the County.
41

42 (3) The concentration of persons, animals and/or vehicles
43 and/or the intrinsic nature of the production activity will not interfere unduly
44 with the fire, police and other emergency services and protection to areas
45 contiguous to the production activity area and other areas of the County.
46

1 (4) The conduct of the production activity is not reasonably likely
2 to cause injury to persons or property or to provoke disorderly conduct as
3 defined in F.S. § 877.03.
4

5 (5) Adequate sanitary and other required health facilities are, or
6 will be made available, in or adjacent to the production activity area.
7

8 (6) The conduct of the production activity will not result in noise
9 of a level inappropriate for the areas surrounding the assembly.
10

11 (7) Neither the conduct of the production activity nor the
12 inherent nature of the production activity may present a threat or an undue
13 hampering to the public health, welfare and safety of the County or the
14 property and/or personnel of the County.
15

16 (b) Permit applications for filming activities may be denied for the
17 following reasons:
18

19 (1) The activity requested represents an unreasonable threat to
20 the land, property or other assets or resources of the
21 County.
22

23 (2) The activity requested will create an unreasonable danger of
24 death, injury or disruption of wildlife, or of damage or
25 destruction to trees or similar plant life.
26

27 (3) The activity will require an unreasonable burden on County
28 staff or staff of other governmental agencies to supervise the
29 activity. At the discretion of the County Administrator, this
30 restriction may be excepted if the applicant agrees to pay for
31 the additional staff supervisory costs.
32

33 (4) The activity will unreasonably deprive average visitors or
34 patrons of the use of the County property or facility for an
35 extended period of time.
36

37 (5) The activity would require entry into or access to areas of
38 County property or facilities which are closed to the general
39 public, or which would allow activities not permitted to the
40 average visitor or patron. At the discretion of the County
41 Administrator, this restriction may be excepted if the
42 applicant agrees to pay for additional staff supervisory costs,
43 and/or complies with such other terms or conditions the
44 County Administrator determines are necessary to safely
45 allow the activity to occur while not damaging County
46 property or facilities.

1 (c) The Board of County Commissioners may adopt, from time to time,
2 by resolution, such rules and procedures as are necessary or proper to
3 implement the process of the issuance of motion photography production
4 permits; provided, however, that such rules and procedures shall conform to the
5 standards set forth hereinabove.

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7

8 **SECTION 7. EXEMPTION FROM OTHER COUNTY ORDINANCES.**

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10 (a) Once a production permit has been issued, and notwithstanding
11 any other provisions of Hillsborough County’s Code of Ordinances to the
12 contrary, no other County permits shall be required for any of the activities
13 forming a part of a permitted motion photography production.

14

15 (b) Provisions of the rules and regulations of the County Parks,
16 Recreation and Conservation Department, or provisions of the rules and
17 regulations of any other division or department of the County government, insofar
18 as certain acts are required or prohibited, may be suspended by the County
19 Administrator, or his/her designee, in connection with the conduct of a permitted
20 motion photography production activity pursuant to this section.

21
22

23 **SECTION 8. FEES AND COSTS FOR EXTRAORDINARY SERVICES.**

24 No permitting fees will be attached to obtaining a permit for motion or still
25 photography production. Where fees are applicable for County facilities usage,
26 the County Administrator upon recommendation by the Film Commissioner, may
27 waive the fees. In the event that these fees are not waived and only in the event
28 that film production activities occurred in the unincorporated Hillsborough County,
29 the County Administrator shall have the authority to use funds from any film
30 production incentive fund, when available, to cover these costs.

31

32 However, the County shall recover reasonably estimated expenses for
33 extraordinary services rendered in connection with a production. Such costs
34 shall include, but not be limited to, charges for personnel and/or equipment
35 committed in support of the production which are outside the normal scope of
36 government services. Based on the information contained in the permit
37 application and such consultations as may be required between the applicant
38 and appropriate County officials, an estimate of these costs will be provided to
39 the applicant and submitted by the applicant with his application for the permit
40 when such is filed with the County Administrator. The County Administrator may
41 require prepayment of all or a portion of these estimated costs prior to issuance
42 of the permit. At the conclusion of the production, expenses below or in excess
43 of the estimates will be refunded by the County or paid by the applicant,
44 respectively. Any film incentive fund will not be used to offset these extraordinary
45 services unless authorized by the Board of County Commissioners.

SECTION 9. USE OF COUNTY EQUIPMENT OR PERSONNEL IN FILMING ACTIVITIES.

(a) Should the producers of a film project request the use of County staff, equipment or other resources to appear in any scenes or still photos, the County Administrator shall examine the nature and topic of the project in question and make a determination whether to honor the request. Such requests shall only be honored if they are of a limited nature, and would further one or more public purposes, including contributing to local economic development, helping foster a local film-making industry, improving tourism to the County, creating positive economic spinoff effects, exposing a local viewing audience to the dedication and professionalism of County staff, or other similar public purposes.

(b) To the extent the County Administrator authorizes the limited use of County staff, equipment or resources in such a manner, the County risk manager shall review the proposed involvement and may, after consultation with the County Administrator place such terms and conditions on the participation as that official deems necessary to protect the County’s financial interests and the health and safety of its staff and citizens.

(c) The producers of the film project shall, when any use of County staff, equipment or resources is granted, agree to give suitable credit to the County (and/or any other participating agencies) within the printed film credits.

SECTION 10. FILM COMMISSIONER ASSISTANCE FOR FILMING ON PRIVATE VENUES.

In addition to facilitating filming activities in, on or over government property, the Film Commissioner is authorized to assist persons or entities seeking to conduct filming activities in or on privately owned property or facilities within the County. Such assistance may include identification of suitable locations, maintenance of lists of private property owners or businesses which have expressed willingness to permit such activities, and ensuring such persons or business entities receive public credit from the County and the film producers for their willingness to support the filming activity.

SECTION 11. MORATORIA.

The County Administrator, at his sole discretion, is authorized to place a temporary moratorium on the issuance of motion photography or still production permits for locations and/or neighborhoods which have experienced overuse as a result of high volume and/or heavy impact filming or for extraordinary neighborhood impacts that have caused complaint. The moratorium shall

1 remain in effect for a maximum period of six months, but may be renewed for
2 additional six-month periods if, in the discretion of the County Administrator, the
3 impact of the prior filming activities in the area warrants extension.

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6 **SECTION 12. TERRITORIAL EFFECT/INTERGOVERNMENTAL**
7 **COOPERATION.**
8

9 This Ordinance shall be effective throughout Hillsborough County,
10 including County-owned or controlled lands within any municipality, except that
11 where a provision hereof is in direct and irreconcilable conflict with any provision
12 of a municipal ordinance, that provision will not be effective within that
13 municipality.

14
15 (a) To facilitate an easy to use, efficient and inexpensive permitting
16 process for commercial filming activities, the County’s municipalities and districts
17 are encouraged to adopt and make use of the provisions of this ordinance for
18 motion and still photography production activities on their properties.

19
20 (b) The Film Commissioner is authorized to facilitate the permitting
21 process and provide such other assistance to municipalities as they may
22 delegate to the Tampa Hillsborough Film Commissioner by resolution or other
23 lawful means. The County shall not assert or collect any fee or charge for the
24 Film Commissioner’s work or for any other reason from any municipality or
25 district which elects to adopt the provisions of this article.

26
27
28 **SECTION 13. AMENDMENT TO HILLSBOROUGH COUNTY CODE OF**
29 **ORDINANCES AND LAWS.**
30

31 Chapter 38, Article II, Section 38.25(w)(1)(2) and (3) of the Hillsborough
32 County Code of Ordinances and Laws are hereby deleted as follows:

33
34 ~~(w) *Filming and photography.*~~

- 35
36 ~~(1) A permit must be obtained from the Department for the~~
37 ~~making of still or moving pictures that involve the use of~~
38 ~~special settings, structures, lighting or apparatus, or the~~
39 ~~performance of a cast of persons, either amateur or~~
40 ~~professional or the posing of professional models; such~~
41 ~~permit shall be conditioned on such activities permitting~~
42 ~~normal use of the parks and park facilities by other patrons.~~
43 ~~(2) The provisions of this section shall not restrict the use of~~
44 ~~cameras by amateur photographers or professionals not~~
45 ~~using set, scenery, casts or models.~~
46 ~~(3) Bona fide newspaper, press association, newsreel and/or~~

~~television news department personnel, identified by press cards, or passes, and assigned by their respective editors to make photographs for use of such communications media, will be regarded as persons performing a task involving the freedom of the press as set forth in the Constitution of the United States and, accordingly, will not be restricted by this section.~~

SECTION 14. INCLUSION IN HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS.

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

SECTION 15. SEVERABILITY CLAUSE.

If any section, phrase, sentence, or portion of this Ordinance is for any reason invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 16. EFFECTIVE DATE.

This Ordinance shall take effect upon the filing of this Ordinance with the Florida Department of State, State of Florida.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Pat Frank, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an ordinance enacted by the Board at its regular meeting of _____, 2014, as the same appears of record in Minute Book _____, of the Public Records of Hillsborough County, Florida.

1 WITNESS my hand and official seal this ____ day of _____,
2 2014.

3

4

5 PAT FRANK, CLERK OF THE CIRCUIT COURT

6

7 By: _____
8 Deputy Clerk

9

10

11

12 APPROVED BY COUNTY ATTORNEY
13 AS TO FORM AND LEGAL
14 SUFFICIENCY

15

16

17 By: _____
18 Chief Assistant County Attorney

19