ORDINANCE NO. 92-18

AN ORDINANCE ESTABLISHING THE COLLIER COUNTY TOURIST DEVELOPMENT COUNCIL; PROVIDING FOR COMPOSITION OF MEMBERSHIP; REQUIRING A RESOLUTION TO DESIGNATE THE MEMBERS, TERMS AND CHAIRMAN OF THE COUNCIL; PROVIDING FOR RESPONSIBILITIES AND DUTIES; PROVIDING FOR MEETINGS; PROVIDING FOR OFFICERS, QUORUM AND RULES OF PROCEDURE; PROVIDING FOR REIMBURSEMENT OF MEMBER'S EXPENSES UPON PRIOR APPROVAL OF THE BOARD; PROVIDING FOR SUPERCESSION OF ORDINANCE NO. 90-43; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Collier County, Florida, has determined that it is in the best interests of the citizens of Collier County to consider the enactment of an ordinance levying and imposing a tourist development tax pursuant to the statutory authority set forth in Section 125.0104, Florida Statutes; and

WHEREAS, Section 125.0104(4)(e), Florida Statutes, requires that an advisory council be established pursuant to the provisions of said section; and

WHEREAS, Section 125.0104(4)(b), Florida Statutes, requires that the members of such advisory council be appointed at least sixty (60) days prior to the enactment of an ordinance levying the tourist development tax;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: PURPOSE.

This Ordinance is adopted pursuant to the authority and requirements of Section 125.0104, Florida Statutes, for the purpose of establishing the Collier County Tourist Development Council. It is the intention of the Board of County Commissioners to consider the enactment of an ordinance levying and imposing the Tourist Development Tax.

SECTION TWO: ESTABLISHMENT OF THE COLLIER COUNTY TOURIST DEVELOPMENT COUNCIL.

There is hereby established the Collier County Tourist Development Council which shall be composed of nine (9) members
shall be appointed by the Collier County Board of County Commissioners as set forth in this Ordinance.

SECTION THREE: COMPOSITION OF MEMBERSHIP.

The membership of the Collier County Tourist Development Council shall be composed as follows:

(a) The Chairman of the Board of County Commissioners of Collier County or any other member of the Board of County Commissioners as designated by the Chairman to serve on the Council.

(b) Two (2) members of the Council shall be elected municipal officials, at least one (1) of whom shall be from the most populous municipality in the County or Sub-County Special Taxing District in which the tax is to be levied.

(c) Three (3) members shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in Collier County subject to any tourist development tax levied pursuant to Section 125.0104, Florida Statutes.

(d) Three (3) members of the Council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, but who are not owners or operators of motels, hotels, recreational vehicle parks or other tourist accommodations in Collier County which would be subject to any tourist development tax.

All members of the Collier County Tourist Development Council shall be electors of Collier County and the members shall serve at the pleasure of the Board of County Commissioners for staggered terms of four (4) years. The terms of office of the original members shall be prescribed in the resolution appointing the original members.

SECTION FOUR: RESOLUTION REQUIRED TO DESIGNATE THE MEMBERS, TERMS AND CHAIRMAN OF THE COUNCIL.

The members of the Collier County Tourist Development
Council shall be designated and approved pursuant to a resolution adopted by the Board of County Commissioners. The resolution shall set forth the names of the members of the Tourist Development Council and the term of each member. In addition, the Board of County Commissioners shall designate the Chairman of the Council in said resolution or shall provide the authority for the Council to elect a Chairman from its membership.

SECTION FIVE: RESPONSIBILITIES AND DUTIES.

A. It shall be the duty and responsibility solely of the Board of County Commissioners as the taxing authority of Collier County to consider and determine if an ordinance shall be enacted levying and imposing a tourist development tax subject to referendum election. Prior to enactment of an ordinance levying and imposing a tourist development tax, the Tourist Development Council shall prepare and submit to the Board of County Commissioners for its approval a plan for the use of tourist development tax revenues. It shall be the administrative duty of the Tourist Development Council as an advisory council to advise the Board of County Commissioners regarding the elements of a plan and recommend to the Board of County Commissioners a plan for the uses of tourist development tax revenues, which plan the Board of County Commissioners shall thereafter consider, modify, and/or adopt for submittal to the voters by referendum. The plan shall set forth the anticipated net tourist development tax revenue to be derived by the County for the twenty-four (24) months following the levy of the tax; the tax district in which the tourist development tax is proposed; and a list, in the order of priority, of the proposed uses of the tax revenue by specific project or special use as the same are authorized under Section 125.0104(5), Florida Statutes. The plan shall include the approximate cost or expense allocation for each specific project or special use. The plan shall be submitted on or before July 1, 1992, by the Tourist Development Council to the Board of County Commissioners for its modification or approval.
B. In the event the Tourist Development Council as an advisory body is unable to fulfill its responsibility and duty to prepare and submit in a timely fashion a tourist development tax plan which includes all statutorily required elements, the Board of County Commissioners may at its option dissolve the existing Tourist Development Council and re-appoint a new Tourist Development Council by resolution. Additionally, the Board of County Commissioners may, at its option, pursue any and all legal remedies available to ensure performance by the Tourist Development Council of its duties and responsibilities.

C. Upon adoption of an ordinance levying and imposing a tourist development tax, the Tourist Development Council shall make recommendations to the Board of County Commissioners for the effective operation of the special projects or for uses of the tourist development tax revenue. The Tourist Development Council shall continuously review expenditures of revenues from the Tourist Development Trust Fund and shall receive, at least quarterly, expenditure reports from the Board of County Commissioners or its designee. Expenditures which the Council believes to be unauthorized shall be reported to the Board of County Commissioners and the Department of Revenue for review pursuant to Section 125.0104(4)(e), Florida Statutes.

SECTION SIX: MEETINGS.

The Collier County Tourist Development Council shall meet from time to time as determined necessary by the Council in order to meet the time deadlines and response requirements established by the Board of County Commissioners herein; provided, however, that the Tourist Development Council shall meet at least once each quarter.

SECTION SEVEN: OFFICERS; QUORUM; RULES OF PROCEDURE.

A. The Chairman of the Tourist Development Council shall be designated by the Board of County Commissioners or, if authorized by the Board of County Commissioners, the membership of the Committee shall elect a Chairman from among the members.
Further, the membership of the Tourist Development Council shall elect a Vice-Chairman from among the membership. The Chairman and Vice-Chairman shall be appointed or elected, as applicable, annually and may be re-elected or re-appointed.

B. The presence of five (5) or more members shall constitute a quorum of the Tourist Development Council necessary to take action and transact business.

C. The Council shall, by majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a written record of meetings, resolutions, findings and determinations. Copies of all Tourist Development Council minutes, resolutions, reports, and exhibits shall be submitted to the Board of County Commissioners.

SECTION EIGHT: COMPENSATION.

Members of the Tourist Development Council shall serve without compensation, but may be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon prior approval of the Board of County Commissioners.

SECTION NINE: THE SUPERSEDES ORDINANCE.

This Ordinance supersedes Ordinance No. 90-43, the Tourist Development Tax Ordinance for all purposes relating to the establishment of a Collier County Tourist Development Council and to its powers, duties and functions and other matters relating thereto.

SECTION TEN: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held 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 portion.
SECTION ELEVEN: EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 24th day of March, 1992.

JAMES C. GILES, Clerk

Approved as to form and
legal sufficiency:
Brenda C. Wilson
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: MICHAEL J. VOLPE, Chairman

This ordinance filed with the Secretary of State's Office the 30th day of March, 1992 and acknowledgment of that filing received this 30th day of April, 1992.

By: Stacie Chudnovic
Deputy Clerk
STATE OF FLORIDA
COUNTY OF COLLIER

I, JAMES C. GILES, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

Ordinance No. 92-18

which was adopted by the Board of County Commissioners on the 24th day of March, 1992, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 27th day of March, 1992.

JAMES C. GILES
Clerk of Courts and Clerk Ex-officio to Board of County Commissioners

By: /s/Ellie Hoffman
Deputy Clerk

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