

## EXECUTIVE SUMMARY

**Recommendation for the Tourist Development Council to approve and recommend an amendment to the Tourist Development Council (Advisory Board) Ordinance No. 92-18, as amended, to more specifically conform to the statutory language in Section 125.0104(4)(e), Fla. Stat.**

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**OBJECTIVE:** For the Tourist Development Council (“TDC”) to approve and recommend a proposed ordinance amendment to the Board of County Commissioners.

**CONSIDERATIONS:** The current TDC Advisory Board Ordinance provides for a mandatory rotation of seats between the City of Marco Island and the Everglades City. The TDC discussed whether this language should be updated based on the current needs of the TDC. After review, the County Attorney’s Office recommends tracking the language of the statute which will provide the TDC and the Board of County Commissioners with the appropriate authority to appoint members to the TDC.

The proposed amendment conforms to the language in Section 125.0104(4)(e), and follows:

(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. ~~The City of Everglades and the City of Marco Island shall alternate as the second municipal member. In the event that other municipalities are legally created in the County, then those municipalities shall be included in the rotation process for the second municipal seat.~~

(c) ~~Three (3) members shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the County subject to any tourist development tax levied pursuant to Section 125.0104, Florida Statutes~~ Six (6) members of the Council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not less than three (3) nor more than four (4) shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the County and subject to the tax.

(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.~~

**FISCAL IMPACT:** The cost to advertise the proposed Ordinance was \$280.02 which funds are available from Funds 195 and 194.

**GROWTH MANAGEMENT IMPACT:** There is no impact on the Growth Management Plan from this action.

**LEGAL CONSIDERATIONS:** This item has been reviewed by the County Attorney's Office, requires majority vote by the Board, and is legally sufficient for Board action. – CMG

**RECOMMENDATION:** Recommendation for the Tourist Development Council to approve and recommend an amendment to the Tourist Development Council (Advisory Board) Ordinance No. 92-18, as amended, to more specifically conform to the statutory language in Section 125.0104(4)(e), Fla. Stat.

**SUBMITTED BY:** Colleen M. Greene, Assistant County Attorney

**ORDINANCE NO. 2012 - \_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 92-18, AS AMENDED, WHICH ESTABLISHED THE TOURIST DEVELOPMENT COUNCIL, BY AMENDING SECTION THREE, ENTITLED "COMPOSITION OF MEMBERSHIP," PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Collier County Ordinance No. 92-18 established the Tourist Development Council pursuant to the authority and requirements of Section 125.0104, Florida Statutes; and

WHEREAS, Ordinance No. 92-18, as subsequently amended, provides that two members of the Council shall be elected municipal officials with the City of Everglades and the City of Marco Island alternating as the second municipal member; and

WHEREAS, the Board of County Commissioners desires to amend Ordinance No. 92-18, as amended, specifically Section Three, "Composition of Membership," in order to conform to Section 125.0104(4)(e), Florida Statutes.

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

**SECTION ONE: AMENDMENT TO SECTION THREE OF ORDINANCE NO. 92-18, AS AMENDED.**

Section Three is hereby amended as follows:

**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 members of the Board of County Commissioners as designated by the Chairman to serve on the Council.

Underlined text is added; ~~Struck through~~ text is deleted

(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. ~~The City of Everglades and the City of Marco Island shall alternate as the second municipal member. In the event that other municipalities are legally created in the County, then those municipalities shall be included in the rotation process for the second municipal seat.~~

(c) ~~Three (3) members shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the County subject to any tourist development tax levied pursuant to Section 125.0104, Florida Statutes~~ Six (6) members of the Council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not less than three (3) nor more than four (4) shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the County and subject to the tax.

(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 TWO: 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 the 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 THREE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Underlined text is added; ~~Struck through~~ text is deleted

**SECTION FOUR: EFFECTIVE DATE.**

This Ordinance shall be effective upon filing with the Department of State.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Collier County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:  
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: \_\_\_\_\_  
\_\_\_\_\_, Deputy Clerk

By: \_\_\_\_\_  
FRED W. COYLE, CHAIRMAN

Approved as to form  
and legal sufficiency:

\_\_\_\_\_  
Colleen M. Greene  
Assistant County Attorney