

MONROE COUNTY TOURIST DEVELOPMENT COUNCIL'S

OPERATIONS MANUAL

SECTION VII-C

**Other Monroe County
Ordinances & Resolutions**

OTHER MONROE COUNTY ORDINANCES & RESOLUTIONS
RELATING TO TDC

Complete Ordinances and Resolutions on file and available at Administrative Office.

ORDINANCE NO. 015-1988

An Ordinance of Monroe County, Florida, amending Article VIII, Monroe County Code, entitled "Tourist Development Tax"; providing for the levy of a tourist development tax; providing for the collection of said tax; establishing the Monroe County Tourist Development Council; establishing penalties and liens; providing for the repeal of the tourist development tax; providing for Severability; providing for repeal of all ordinances or parts in conflict with this ordinance; and providing for an effective date.

ORDINANCE NO. 017-1988

An Ordinance of Monroe County, Florida, declaring that an emergency exists and waiving notice by a four-fifths vote; amending Section 1 of Ordinance No 105-1988 by amending Section 2-300(B) (6) and (7) thereof; amending Section 2 of said ordinance; and adding a new Section 3 to said ordinance; providing for Severability; providing for repeal of all ordinances or parts in conflict with this ordinance; providing for inclusion in the Monroe County Code; and providing for an effective date.

The above listed ordinances replaced all of the following ordinances:

ORDINANCE NO. 9-1981

An Ordinance of Monroe County, Florida, imposing and levying a tourist development tax in the City of Key West, Monroe County, Florida, pursuant to the Florida Local Option Tourist Development Act, Florida Statutes 125.0104; providing for the collection of said tax; providing that the revenue so raised shall be utilized to implement the Monroe County Tourist Development plan; providing for referendum election to impose and levy the tax; providing for referendum election to repeal the tax; providing for Severability of Ordinance provisions; providing an effective date. Adopted September 22, 1981, filed with Secretary of State October 9, 1981.

ORDINANCE NO. 009-1984

An Ordinance amending Ordinance No. 9-1981 to provide that the tourist development tax imposed in the aforesaid ordinance by virtue of Florida Statute 125.0104 may be levied and collected in all of Monroe County; amending Subsection A and B of Section 4; providing for the distribution plan of tax funds collected; amending Section 6 entitled "referendum" to provide that the aforesaid section shall henceforth apply to all of Monroe County; providing for severability; and providing for an effective date.

ORDINANCE NO. 031-1984

An Ordinance amending Ordinance No. 9-1981, as amended by Ordinance No. 009-1984, to provide for the removal of a member of the Tourist Development Council upon failure to attend meetings; creating an Executive Office for the Tourist Development Council; authorizing the Tourist Development Council to employ an Executive Director and necessary staff; ratifying Ordinance No. 009-1984 and Ordinance No. 9-1981; providing for severability; and providing an effective date. Adopted December 14, 1984, filed with Secretary of State December 28, 1984.

ORDINANCE NO. 008-1985

An Ordinance amending Ordinance No. 031-1984, Section 2, to provide an additional paragraph thereto; providing that the Executive Director set forth therein may be either an individual or a corporation for the purposes of contracting for the services of said Executive Director; providing for severability; repealing all ordinances or parts of ordinances in conflict with this Ordinance to the extent of said conflict; providing for inclusion in the Monroe County code of Ordinances; and providing an effective date. Adopted April 12, 1985 and filed with Secretary of State April 22, 1985.

ORDINANCE NO. 036-1985

An Ordinance of Monroe County, Florida, amending Ordinance No. 9-1981, as amended by Ordinance No. 009-1984 and Ordinance No. 008-1985, codified as Article VIII of Chapter 2 of the Monroe County Code of Ordinances, in order to provide for County-wide representation on the Monroe County Tourist Development Council; providing for length of term; providing for replacement appointments when a member moves from his or her district; providing for severability, providing for repeal of all Ordinances or parts of Ordinances in conflict with this Ordinance to the extent of any such conflict; providing for inclusion of this Ordinance in the Monroe County Code of Ordinances; and providing for an effective date.

RESOLUTION NO. 166-1985

A Resolution relating to Monroe County, Florida, providing for reimbursement for travel of members of the Tourist Development Council as per Florida Statute Chapter 112, and as provided in Monroe County Ordinance No. 26-1977. Passed and adopted on May 24, 1985.

ORDINANCE NO. 032A-1986

An Ordinance amending Article VII, Division 1, Section 2-297(A) and adding Subsection(D), Monroe County Code, to provide that the additional tourist development tax imposed by Florida Statutes. Section 125.0104(3) (d) (1986), shall be levied and collected within the City of Key West, Florida; providing for severability; providing for the repeal of all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing for an effective date.

ORDINANCE NO. 016-1987

An Ordinance declaring an emergency exists and waiving notice by a four-fifths vote; levying an additional one cent tourist development tax on the lease or rental of temporary accommodations rented or leased for a period of less than six months; providing that such tax shall be in addition to all other taxes and fees charged; providing for collection; providing for expenditure of the funds so raised for certain tourist development purposes; further providing for the distribution of funds so collected; providing for penalties; providing for severability; providing for the repeal of all Ordinances inconsistent herewith; providing for incorporation into the Monroe County Code; and providing an effective date.

RESOLUTION NO. 247-1988

A Resolution relative to the Third Cent Tourist Tax to be expended only by the District in which it has been generated and only for the district in which it has been collected. That Ordinance No. 015-1988 is the lawful decision of the legislative and governing body of Monroe County, founded upon appropriate legislative findings and due consideration of the peculiar and prevailing local conditions and needs and based on Attorney General Opinion 87-16 of the State of Florida, is not subject to interpretation by the Tourist Development Council, nor the Executive director of the Tourist Development Council, as to intent, purpose, methods of use and authorized uses, except by the Board.

The following ordinances have amended Ordinance No. 15-1988, as indicated in the synopsis of each ordinance.

ORDINANCE NO. 026-1990

An Ordinance amending Ordinance No. 15-1988, as amended, providing for local administration and collection of the Tourist Development Tax, providing for auditing, record keeping and cost of administration; providing for severability; providing for repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code; and providing an effective date.

ORDINANCE NO. 028-1990

An Ordinance amending Section 2-300, of the Monroe County Code (Tourist Development Plan), in order to add to the Third Cent authorized expenditures for publicly owned and operated and not-for-profit owned and operated museums, zoological parks, fishing piers or nature centers; providing for severability; providing for repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County code; and providing an effective date.

RESOLUTION NO. 125-1987

A Resolution exempting and waiving any prohibitions concerning conflict of interest for the present members of the Tourist Development Council.

RESOLUTION NO. 397-1990

A Resolution of the Board of County Commissioners of Monroe County, Florida, directing that certain Tourist Development Council expenditures which have previously been authorized by the Board of County Commissioners as explicit contractual functions and/or by explicit budgetary line item authorizations in budgets attached to such contracts are to be immediately processed for payment.

RESOLUTION NO. 258-1993

A resolution providing procedure for the selection of Tourist Development Council Members.

Repealed by Resolution No. 300-2007 (BOCC 8/15/07) see below

RESOLUTION NO. 300-2007

A resolution of the Board of County Commissioners of Monroe County repealing Resolution 258-1993, and clarifying the appointment process for the Tourist Development Council.

WHEREAS, Section 125.0104(4)(e), FS, requires the tourist development council for each county adopting a tourism development tax to have a specified composition appointed by the board of county commissioners, to wit: three elected officials, of which one shall be either the chair of the governing board of the county or any other member of the governing board as designated by the chair, and two of which shall be elected municipal officials, at least one of whom shall be from the most populous municipality in the county; at least three, but no more than four, shall be from the lodging industry; and at least two, but no more than three, shall be from the tourism (non-lodging) industry; and

WHEREAS, the County code further provides that the BOCC appointments shall be based on the percentage of collections of the tourist development tax in each district, but that each district will have at least one representative; and

WHEREAS, County Commission districts are not the same as the TDC districts; and

WHEREAS, the Monroe County Board of County Commissioners issued Resolution No. 258-1993 to clarify the process for making nominations and appointments to the Monroe County Tourist Council; and

WHEREAS, it is desired to further clarify the process set forth in Resolution 258-1993;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1: Resolution No. 258-1993 is hereby repealed.

Section 2: Three (3) of the officials are essentially selected by the statute in that one is the Chairman of the Board of County Commissioners and two (2) are elected representatives of municipalities located within the County, one (1) of which is the most populous municipality, and these nominations shall be and remain the nominations of the Board of County Commissioners.

Section 3: (a) Of the remaining six (6) appointments, there shall be at all times on the TDC an appointment which was nominated by a commissioner representing each tourist development district as defined in Monroe County code Section 2-299(G)¹, and confirmed

<u>TDC DISTRICT</u>	<u>COMMISSIONER REPRESENTATION</u>
District I	BOCC District 3
District II	BOCC District 1
District III	BOCC District 2
District IV	BOCC District 4
District V	BOCC District 5

(b) The Mayor shall have the right to select a second nominee (6th lodging/tourism member) in his/her capacity as Mayor. This appointment shall only be made when vacancy occurs either through natural expiration of a term or the early vacation of the term by the member.²

(c) These six (6) nominations shall satisfy the statutory requirements with respect to occupation as well as the ordinance requirement with respect to geographic locale, and shall be the Board's appointees to the Tourist Development Council.

Section 4: The TDC District representation by specified County Commission Districts would also include the three (3) At Large appointments to the District Advisory Committees (DAC's) and the nominees by the county commissioner for that district shall be appointed by the Board of County Commissioners.

Section 5: This Resolution shall become effective on the date written below.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of said Board held on the 15th day of August, A.D., 2007.

ORDINANCE NO. 045 - 1995

An ordinance amending section 2-299(F); revising the manner of appointments to district advisory committees; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County code of ordinances; and providing an effective date.

ORDINANCE NO. 050-1996

An ordinance amending Section 2-299(B)(1), Monroe County Code in order to conform to recently amended statute; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

ORDINANCE NO. 031 - 1998

An ordinance amending sec. 2-300, Monroe County Code in order to allow catastrophic/emergency funds to be allocated in proportions different than normal allocations; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of ordinances; and providing an effective date.

ORDINANCE NO. 038 - 1999

An ordinance amending Sec. 2-299 (F)(2), Advisory committees of the Tourist Development Council; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

ORDINANCE NO. 052 – 2000

An ordinance amending section 2-299 (G)(4) and (5), Monroe County code, revising the boundary between District IV and District V; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date. BOCC 11/22/2000

ORDINANCE NO. 019 – 2006

An ordinance amending section 2-299(g)(4) and 2-299(g)(5) of the Monroe County code concerning the Tourist Development Council to revise the boundary between District IV and District V; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date. BOCC 5/16/06

ORDINANCE NO. 006 – 2008

An ordinance of the Board of County Commissioners of Monroe County, Florida, amending section 2-299, Monroe County Code; to clarify that the intent of the tourism-related and lodging industry appointments to the TDC and the District Advisory Councils was that these positions should be filled with people who are willing and able to serve as representatives of the geographic areas in which their businesses are located, and also to clarify the absenteeism policy. BOCC 1/16/2008

ORDINANCE NO. 004 – 2009

An ordinance of the Board of County Commissioners of Monroe County, Florida, amending section 23-197(A) of the Monroe County Code to add a fourth cent Tourist Development Tax; amending the Tourist Development Plan in section 23-200(A) and (B) of the Monroe County Code; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of ordinances; and providing an effective date. BOCC 3/18/2009