

**ORDINANCE NO. 2022-\_\_\_\_\_**

AN ORDINANCE AMENDING CHAPTER 102, SECTION 120, "TOURIST DEVELOPMENT COUNCIL – ESTABLISHED; COMPOSITION; TERMS; CHAIR", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING THE NUMBER OF OWNERS AND OPERATORS ON THE COUNCIL TO CONFORM TO FLORIDA STATUTE; AMENDING THE PROCEDURES FOR ELECTION OF THE CHAIR; AMENDING THE TERMS TO CLARIFY REPLACEMENT STATUS; AMENDING ARTICLE PROVIDING FOR SEVERABILITY; PROVIDING FOR AN AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.

~~Strike through indicates deletions.~~

SECTION 1. Section 102-120, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 102-120. - Tourist development council—Established; composition; terms; chairman.**

(a) The county tourist development council is hereby established in compliance with the provisions of the act. The council shall be an advisory council to the board of county commissioners on expenditures of revenues received from the levy and imposition of the tourist development tax. The council shall be composed of nine members who shall be appointed by the board. All members of the council shall serve staggered terms of four years, but may be reappointed for additional terms if otherwise eligible. The council shall meet at least once each quarter. The members of the council shall include:

- (1) ~~The chairman~~A member of the Board of County Commissioners, designated by ~~, who, at the option of the board of county commissioners. , shall be either designated by the board of county commissioners or elected by the tourist development council. The chairman shall be appointed or elected annually and may be reelected or reappointed.~~
- (2) Two members who are elected municipal officers of a municipality within the county, one of whom shall be from the most populous municipality in the county. Within this category, one member shall be appointed for a term of one year and one member shall be appointed for a term of three years.
- (3) At least three but no more than four members who are owners or operators of hotels, motels, recreational vehicle parks, or other tourist accommodations of the county which would be subject to the tax. Within this category, one member shall be

appointed for a term of two years, and one member shall be appointed for a term of four years.

- (4) At least two but no more than three members who are persons involved in the tourist industry and who have demonstrated an interest in tourist development, but who are not owners or operators of hotels, motels, recreational vehicle parks, or other tourist accommodations of the county and whose activities would not be subject to the tourist tax. Within this category, one member shall be appointed for a term of three years, and one member shall be appointed for a term of four years.
- (b) The chairman of the council shall be the person serving on the council from the board of county commissioners, ~~shall be either designated by the board of county commissioners or with that commissioner's consent, the tourist development council may elect a member of the council to be the chair. The chairman shall be appointed or elected annually and may be reelected or reappointed. and that person annually appointed by the board.~~
- (c) All terms shall begin as of October 8<sup>th</sup>. A replacement's completion of a term shall not count toward the term limit.
- (d) No member of the TDC shall serve more than two consecutive terms. An individual who serves two consecutive terms on the TDC must wait one term in order to become eligible for re-appointment on the TDC. Upon re-appointment, said individual will again be subject to the two consecutive term limit.
- (e) The executive director, or similar position, of the tourist development office is not permitted to serve on the TDC for two years after the last date of employment in such position.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. In accordance with Section 74-104, this ordinance shall take effect in the unincorporated and incorporated areas of Brevard County, Florida; provided that any provision of this Ordinance in conflict with a municipal ordinance shall not be effective within that municipality to the extent of such conflict.

SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. Unless specified otherwise, this ordinance shall take effect upon adoption and filing as required by law.

SECTION 6. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

BY: \_\_\_\_\_  
Rachel Sadoff, Clerk

BY: \_\_\_\_\_  
Kristine Zonka, Chair  
(as approved by the Board on \_\_\_\_\_)

( S E A L )