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MEMORANDUM

Amended
Agenda Item No. 2 (m)
(4-4-78--public hearing)

103.01-14

TO: Honorable Mayor and Members
Board of County Commissioners

DATE: March 21, 1978

SUBJECT: Ordinance establishing Dade County Tourist Development Council and stating intention of County to consider imposition of tourist development tax

FROM: Stuart L. Simon
Dade County Attorney

The attached ordinance was prepared and placed on the agenda at the request of Mayor Stephen P. Clark.

The ordinance provides for the establishment of the Dade County Tourist Development Council and declares the County's intention to consider the enactment of an ordinance imposing a tourist development tax.

Stuart L. Simon

SLS:CAC:ne
Attachment

BOOK 7 PG 1322

I HEREBY CERTIFY THAT THE ABOVE MICROPHOTOGRAPH IS A TRUE COPY OF THE ORIGINAL DOCUMENT AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS, AND THAT THE PHOTOGRAPHIC PROCESSES USED FOR MICROFILMING WERE ACCOMPLISHED IN A MANNER AND ON MICROFILM WHICH MEETS THE RECOMMENDED REQUIREMENT OF THE NATIONAL BUREAU OF STANDARDS FOR REP-

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Amended
Agenda Item No. 2 (a)
4-4-78

ORDINANCE NO. 78-28

ORDINANCE DECLARING IN HTION OF THE
COUNTY TO CONSIDER ENA MENT OF AN
ORDINANCE LEVYING AND POSING TOURIST
DEVELOPMENT TAX AS AUT RIZED BY FLORIDA
LAW; ESTABLISHING METR OLITAN DADE COUNTY
TOURIST DEVELOPMENT CO CIL; SETTING FORTH
PURPOSES OF COUNCIL; P VIDING FOR
APPOINTMENT OF MEMBERS Y RESOLUTION;
ESTABLISHING QUALIFICA ONS FOR MEMBERSHIP;
ESTABLISHING TERMS OF BERS; PROVIDING
FOR REMOVAL OF MEMBERS PROVIDING FOR
ORGANIZATION OF COUNCI PROVIDING FOR NO
COMPENSATION; PROVIDIN A FINDING OF PUBLIC
PURPOSE; PROVIDING FOR EVERA...ITY.
PROVIDING FOR INCLUSIO IN THE CODE; AND
PROVIDING AN EFFECTIVE ATE

WHEREAS, the Florida Legisl ure in their 1977 session enacted Chapter 77-209, Laws of Flo da, known as the "Local Option Tourist Development Act" (h einafter sometimes referred to as the "Enabling Act"); and

WHEREAS, the Local Option T rist Development Act provides for the levying of a local o ion tourist development tax by any county if such tax is impos through an ordinance of the governing body of the county (h reinafter sometimes known as "the Levying Ordinance") and sa Levying Ordinance is approved by the electorate through a refere um election; and

WHEREAS, the Enabling Act pr vides that at least 60 days prior to the enactment of the Levy g Ordinance, the County Commission shall establish and appo nt the members of a tourist development council to be known as the "_____ County Tourist Development Council" and shall indicate the int ntion of the county to consider the enactment of an ordinance levy g and imposing the tourist development tax; and

WHEREAS, the Board of County Commissioners of Dade County has determined that it is in the be t interests of the residents and taxpayers of Dade County to est blish a Dade County Tourist

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Development Council and to indicate the County's intention to consider the enactment of the levying Ordinance; and

WHEREAS, the Commission desires further input from interested citizens prior to appointing the membership of the Council and has determined that it is in the best interest of the people of Dade County to name the members of the Council by resolution,

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

Section 1. Statement of Intent. -- It is the intent of the Dade County Board of County Commissioners to consider the enactment of an ordinance levying and imposing a tourist development tax as authorized by Chapter 77-209, Laws of Florida, known as the "Local Option Tourist Development Act". The ordinance is intended to be effective throughout Dade County except for the municipal areas of Bal Harbour, Miami Beach, and Surfside.

Section 2. Dade County Tourist Development Council. -- There is hereby created and established in Dade County, Florida, a (9) nine member advisory board to be known as the Metropolitan Dade County Tourist Development Council (hereinafter referred to as the "Council") for the purposes and with the powers conferred by the Enabling Act. As part of its purpose and power, the Council shall prepare and submit a plan for tourist development to the Board of County Commissioners for its consideration.

Section 3. Appointment of Members; Qualifications for Membership; Terms of Membership. -- The Board of County Commissioners shall, by Resolution, appoint the members of the Council. The Mayor of Dade County shall be the chairman of the Council. Two members of the Council shall be elected municipal officials. Three members of the Council shall be owners or operators of motels, hotels or other tourist accommodations in the county and subject to the tax. Three members of the Council shall be persons who are involved in the tourist industry and who have demonstrated

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an interest in tourist development, ut who are not owners or operators of motels, hotels, or otl tourist accommodations in the county and subject to the tax. All members of the Council shall be electors of the County. I bers shall serve staggered terms of four years as determined the appointing Resolution.

Section 4. Removal of Membe . -- Any member of the Council who ceases to be a qualified electo of Dade County shall immediately forfeit his or her office. Should vacancy result from such forfeiture, or should any member of this Council fail to attend (3) consecutive meetings of the Cou il without due cause, the chairperson of the Council shall c tify the same to the County Commission which shall fill the va ncy created thereby by appointment. Any member of the Council m be removed from office without cause by a majority of the ntire membership of the County Commission.

Section 5. Organization of the Council. -- The chairperson of the Council shall be the ayor of Dade County. The members of the Council, by majority vote, shall select any other officer as may be deemed necessary r desirable. Any other such officer shall serve at the will of he Council. A majority vote of the entire membership of the Co ncil shall be necessary to take any action. A majority of the mem rs of the Council shall constitute a quorum necessary to hold meeting or take any action. The chairperson may call meetings the Council, and meetings may be called by written notice si ed by five (5) members of the Council, and the Council at any me ing may fix and call a meeting for a future date. Minutes shall kept of all meetings of the Council. All meetings shall be pu ic. The County Manager shall provide adequate and competent cle cal and administrative personnel as may be reasonably req red by the Council for the proper

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Dade County

performance as may be reasonab[ly] required by the Council for the proper performance of its duti[es] and functions, subject to budget limitations as fixed by [t]he County Commission.

Section 6. Providing f[or] No Compensation. -- Members of the Metropolitan Dade County T[our]ist Development Council shall serve without compensation, sa[lar]y or remuneration of any nature, but the County Commission may [pro]vide in the annual county budget sufficient funds for the reaso[nab]le and necessary expenses incurred by the Council in perfo[rm]ance of its duties and functions.

Section 7. Public Purp[ose]. -- This ordinance being for a public purpose and for t[he] welfare of the citizens of Dade County, Florida, shall be libe[ral]ly construed to effect the purposes hereof.

Section 8. Severabilit[y] -- If any section, subsection, sentence, clause or provision [of] this ordinance is held invalid, the remainder of this ordinance [s]hall not be affected by such invalidity.

Section 9. Inclusion o[f] Code. -- It is the intention of the Board of County Commission[ers], and it is hereby ordained that the provisions of this ordinance s[hal]l become and be made a part of the Code of Metropolitan Dade Coun[ty], Florida. The sections of this ordinance may be renumbered or [le]ettered to accomplish such intention, and the word "ordinan[ce]" may be changed to "section", "article", or other appropriat[e] word.

Section 10. Effective [Da]te. -- This ordinance shall become effective ten (10) days after [the] date of its enactment.

PASSED AND ADOPTED: APR 4 1978

Prepared by: CA Citrin

Approved by County Attorney as to form and legal sufficiency. RKS

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STATE OF FLORIDA)
)
COUNTY OF DADE)

I, RICHARD P. BRINKER, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of following denoted ORDINANCE of Dade County, Florida, as appears of record.

ORDINANCE NO. 78-28, adopted by the said Board of County Commissioners at its meeting held on April 4, 1978

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on May 2 A.D. 1980

RICHARD P. BRINKER, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By _____
Deputy Clerk

SEAL

BOARD OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

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MENT AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS, AND THAT THE PHOTOGRAPHIC
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