

ORDINANCE # 2024-69

AN ORDINANCE OF THE OSCEOLA COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 13, ARTICLE III, OSCEOLA COUNTY CODE OF ORDINANCES RELATING TO TOURIST DEVELOPMENT TAX; AMENDING SECTION 13-67 OF THE OSCEOLA COUNTY CODE TO REVISE THE APPOINTMENT OF THE COUNCIL CHAIR AND DELETE CERTAIN NOTICE REQUIREMENTS PRIOR TO ACTION ON MATTERS RELATED TO THE USE OF TOURIST DEVELOPMENT TAX REVENUE AND OPERATION OF THE CONVENTION AND VISITORS BUREAU; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDMENT TO SECTION 13-67.

Section 13-67 of the Osceola County Code of Ordinances, "Tourist development council established; composition; term of membership; duties", is hereby amended (underscore indicates addition; ~~strike through~~ indicates deletion) to read as follows:

CHAPTER 13

LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE III. – TOURIST DEVELOPMENT TAX

Sec. 13-67 – Tourist development council established; composition; term of membership; duties.

- (a) There is hereby established an advisory council to be known as the "Osceola County Tourist Development Council." The council shall be composed of nine (9) members who shall be appointed by the board of county commissioners. The chairman of the board of county commissioners, or any other member of the board of county commissioners as designated by the chairman, shall serve on the council. Two (2) members of the council shall be elected municipal officials with one (1) of such members to be from the City of St. Cloud and one (1) from the City of Kissimmee. Four (4) members of the council (Collectors) shall be owners or operators of motels, hotels, recreational vehicle parks or other tourist accommodations located in the county and subject to the tax levied by this article. For purposes of the foregoing, an agent of the owner of a motel, hotel, recreational vehicle park, or other tourist accommodation shall be deemed an operator of the tourist accommodation only if the primary purpose of the agency relationship is the actual, active operation and management of the tourist accommodation, or parent company, by the agent.

Two (2) members of the council (Non-Collectors) shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, that are not owners or operators of motels, hotels, recreational vehicle parks or other tourist accommodations in the county and subject to the tax hereby levied. No member of the Experience Kissimmee board shall be a member of the tourist development council. Each council member shall occupy one (1) of the following seats:

- Seat 1—County Commissioners
- Seat 2—Kissimmee City Commissioner
- Seat 3—St. Cloud Councilperson
- Seat 4—Collector
- Seat 5—Collector
- Seat 6—Collector
- Seat 7—Collector
- Seat 8—Non-Collector
- Seat 9—Non-Collector

A member of the Board of County Commissioners shall be appointed to serve on the council and upon appointment shall serve as the chairperson of the council. The council shall elect from among its members ~~a chairman and a vice-chair~~ at the first regular meeting of the fiscal year in October each year or as soon thereafter. ~~No chairman shall serve more than two (2) consecutive one-year terms.~~ All members of the council shall be electors of the county. The members of the council shall serve four (4) staggered terms of four (4) years. No council member shall serve more than two (2) consecutive four-year terms; provided however, that this restriction shall not prohibit any member serving on the effective date hereof from completing his or her current term and one (1) additional four-year term.

- (b) A council member's seat shall become vacant upon death, resignation, forfeiture or removal by the board of county commissioners. A council member's seat shall be forfeited if the appointee no longer meets the qualifications set forth above. Any council member missing three (3) meetings during any twelve-month period may be removed by the board of county commissioners. All vacancies shall be filled for the remaining portion of the unexpired term.
- (c) The council hereby established shall, from time to time, make recommendations to the board of county commissioners for effective use of the tourist development tax revenue raised by the tax hereby levied. ~~The board of county commissioners shall not take final action on (1) "policy level issues" related to the convention and visitors bureau, or (2) nonbudgeted expenditures of tourist development tax revenue that exceed the county~~

~~manager's signature authority, unless the county manager has notified all council members, in writing (which may include electronic mail), at least thirty (30) days in advance, to permit the council to schedule a special meeting, if necessary; for the purpose of hearing staff presentations and making recommendations to the board of county commissioners on such items. The notice provided by the county manager shall include a summary of the proposed action, but not necessarily final, detailed documents. Staff presentations to both the council and the board of county commissioners relating to the expenditure of tourist development taxes shall include an analysis of the return on investment and the value of such expenditure to the tourism industry. Any recommendation or other action of the council on such matters shall be included in the agenda package when such items are presented to the board of county commissioners. The board of county commissioners may vote separately to bypass the notice requirement for items purportedly described under clause (1) if it determines that the topic does not constitute a "policy level issue." In addition, the board of county commissioners may vote separately to bypass the notice requirement for items described in clause (2) if necessary to avoid violating a confidentiality agreement or if the matter is time sensitive and requires immediate action. Any such determination shall be within the sole discretion of the board of county commissioners and shall be final and binding for all purposes. The council may perform such other duties or functions as hereinafter may be prescribed by ordinance or resolution. The county manager or designee, at their discretion, may take proposed TDT funded projects to the Experience Kissimmee CEO or board for review and input prior to bringing the proposed project to the tourist development council.~~

- (d) The council shall continuously review expenditures of revenue raised by the tax hereby levied and shall receive, at least quarterly, expenditure reports from the county manager or such person's designee. Expenditures which the council believes to be unauthorized shall be reported to the board of county commissioners and the department of revenue. The board of county commissioners shall review the findings of the council and take appropriate administrative or judicial action to ensure compliance with this article and F.S. § 125.0104.

SECTION 2. SEVERABILITY.

If any portion of this Ordinance, or application thereof, is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application and, to that end, the provisions of this Ordinance are deemed and declared severable.

SECTION 3. CONFLICT.

All Ordinances, or parts of Ordinances, in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

SECTION 4. EFFECTIVE DATE.

The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

DONE AND ADOPTED this 4th day of November, 2024.

**BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA**

By: _____
Chair/Vice Chair

**ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD**

By: Frances Y. Mason
Clerk/Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

11/04/2024

