



AGENDA REPORT
January 8, 2019

**Public Hearing Re: Amendment to Section 102-120, Brevard County Code,
Establishing a term limit (two (2) consecutive terms) on members of the
Tourist Development Council**

SUBJECT:

Public Hearing, Re: Amendment to Section 102-120, Brevard County Code, establishing a term limit (two (2) consecutive terms) on members of the Tourist Development Council ("TDC"), and prohibiting the Tourist Development Office ("TDO") Executive Director, or similar position, from serving on the TDC within two (2) years of leaving such position.

DEPT/OFFICE:

County Manager

REQUESTED ACTION:

It is requested that the Board consider the adoption of an amendment to Section 102-120, Brevard County Code, imposing a term limit (two (2) consecutive terms) on TDC members and prohibiting the TDO Executive Director, or similar position, from serving on the TDC within two (2) years of leaving such position. The amendment is attached hereto as Exhibit A.

SUMMARY EXPLANATION and BACKGROUND:

On December 4, 2018, the Board of County Commissioners of Brevard County, Florida, directed staff to update Section 102-120, Brevard County Code, in order to establish a term limit for TDC members. Specifically, the term limit would prevent individuals from serving more than two (2) consecutive terms on the TDC. With this amendment, TDC members who serve two (2) consecutive terms will need to wait one (1) term before being re-appointed to the TDC, at which point they will again be subject to the two (2) consecutive term restriction. The Board also directed staff to draft an additional amendment to Section 102-120, Brevard County Code, whereby the TDO Executive Director, or similar position, would not be allowed to serve on the TDC within two (2) years of leaving such position.

LEGISLATIVE INTENT

With this amendment to Section 102-120, Brevard County Code, it is the intent of the Board to establish and implement a term limit for members of the TDC. More specifically, members of the TDC will not be permitted to serve more than two (2) consecutive terms at

a time. If a TDC member **serves** two (2) consecutive terms, then the individual must wait one (1) term before being re-**appointed** to the TDC, at which point they will again be subject to the two (2) term **restriction**. Furthermore, the Board desires to implement an appointment ban restricting **the** TDO Executive Director, or similar position, from serving on the TDC within two (2) **years** of leaving such position. The purpose of these changes is to foster an environment in **which** members of the community with broad experiences and diverse backgrounds **have** an opportunity to participate on such an influential board.

ATTACHMENTS:

Description

- ☐ **Draft Ordinance**
- ☐ **Public Notice**



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

MICHAEL ERTEL
Secretary of State

January 9, 2019

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2019-01, which was filed in this office on January 9, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

January 9, 2019

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item H.2., Public Hearing on Amendment to Section 102-120, Brevard County Code, Establishing a Term Limit (Two Consecutive Terms) on Members of the Tourist Development Council (TDC)

The Board of County Commissioners, in regular session on January 9, 2019, conducted a public hearing and adopted Ordinance No. 19-01, approving an amendment to Section 102-120, Brevard County Code, imposing a term limit (two (2) consecutive terms) on TDC members and prohibiting the Tourist Development Office Executive Director, or similiar position, from serving on the TDC within two (2) years of leaving such position. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

ORDINANCE NO. 2019- 01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA RELATING TO THE TOURIST DEVELOPMENT COUNCIL; AMENDING CHAPTER 102, ARTICLE III, SECTION 102-120, BREVARD COUNTY CODE OF ORDINANCES, ENTITLED "TOURIST DEVELOPMENT COUNCIL – ESTABLISHED; COMPOSITION; TERMS; CHAIRMAN"; AMENDING SECTION 102-120 TO INCLUDE A TERM LIMIT FOR MEMBERS OF THE TOURIST DEVELOPMENT COUNCIL; AMENDING SECTION 102-120 TO ESTABLISH AN APPOINTMENT BAN ON THE TOURIST DEVELOPMENT OFFICE'S EXECUTIVE DIRECTOR, OR SIMILAR POSITION, FROM SERVING ON THE TOURIST DEVELOPMENT COUNCIL WITHIN TWO (2) YEARS OF LEAVING EMPLOYMENT IN SUCH A POSITION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Brevard County, Florida, hereinafter referred to as the "Board," created the Brevard County Tourist Development Council, hereinafter referred to as the "TDC," in accordance with Section 125.0104, Florida Statutes, or the "Local Option Tourist Development Act," hereinafter referred to as the "Act," and

WHEREAS, among its duties and functions, the TDC is an advisory board that is responsible for making recommendations to the Board for the effective operation of special projects and for uses of the tourist development tax revenue collected in accordance with Chapter 102, Article III of the Brevard County Code of Ordinances; and

WHEREAS, the Board has determined that the Act does not prohibit or preempt the imposition of term limits on members of the TDC; and

WHEREAS, the Board further determines that the Executive Director, or similar position, of the Tourist Development Office shall not be eligible to serve as a member of the TDC within two (2) years of leaving employment in such a position; and

WHEREAS, the Board wants to foster an environment in which members of the community with broad experiences and diverse backgrounds have an opportunity to participate on such an influential board.

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

Section 1. Amendment to Section 102-120, Brevard County Code. Section 102-120, Brevard County Code, is hereby amended to include the following provisions:

Officially filed with the Secretary of State on January 9, 2019

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

(d) No member of the TDC shall serve more than two (2) consecutive terms. An individual who serves two (2) consecutive terms on the TDC must wait one (1) term in order to become eligible for re-appointment on the TDC. Upon re-appointment, said individual will again be subject to the two (2) 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 (2) years after the last date of employment in such position.

Section 2. Inclusion in Code. It is the intention of the Board that the provisions of this Ordinance shall become and be made part of the Brevard County Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "chapter," "Section," "Article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict. In the case of a direct conflict between any provision of this Ordinance and a provision of County law, rule, or regulation, the more restrictive shall apply.

Section 4. Severability. If any provision of this Ordinance or application thereof to any person or circumstance 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 this end the provisions of this Ordinance are declared severable.

Section 5. Effective Date. This Ordinance shall become effective upon filing with the Office of Secretary of State of Florida

DONE, ORDERED, AND ADOPTED in Regular Session, this 8 day of JANUARY, 2019.

ATTEST:

By: 

Scott Ellis, Clerk of Court

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Kristine Isnardi, Chair

(as approved by the Board on 1 / 8 / 19)

**NOTICE OF PUBLIC HEARING
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

Pursuant to the provisions of Section 125.66, Florida Statutes, notice is hereby given that the Brevard County Board of County Commissioners shall hold a public hearing at 5:00 PM or as soon thereafter as the item may come up, on January 8, 2019, to consider adoption of an ordinance amending Chapter 102, Article III of the Brevard County Code of Ordinances. The title of the Ordinance to be considered by the Board of County Commissioners of Brevard County, Florida, on that date reads as follows:

ORDINANCE NO. 2019- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA RELATING TO THE TOURIST DEVELOPMENT COUNCIL; AMENDING CHAPTER 102, ARTICLE III, SECTION 102-120, BREVARD COUNTY CODE OF ORDINANCES, ENTITLED "TOURIST DEVELOPMENT COUNCIL – ESTABLISHED; COMPOSITION; TERMS; CHAIRMAN"; AMENDING SECTION 102-120 TO INCLUDE A TERM LIMIT FOR MEMBERS OF THE TOURIST DEVELOPMENT COUNCIL; AMENDING SECTION 102-120 TO ESTABLISH AN APPOINTMENT BAN ON THE TOURIST DEVELOPMENT OFFICE'S EXECUTIVE DIRECTOR, OR SIMILAR POSITION, FROM SERVING ON THE TOURIST DEVELOPMENT COUNCIL WITHIN TWO (2) YEARS OF LEAVING EMPLOYMENT IN SUCH A POSITION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the January 23, 2018, meeting and be heard with respect to the proposed ordinance.

A copy of the ordinance may be inspected at the following locations:

Office of Clerk to the Board of County Commissioners, Titusville, Florida
North Brevard Library, Titusville, Florida
Central Brevard Library, Cocoa, Florida
Melbourne Library, Melbourne, Florida
Micco Library, Micco, Florida

A copy of the ordinance may also be viewed online
at: <http://www.brevardcounty.us/CountyManager/DraftOrdinances>.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will need to ensure that a verbatim record of the proceedings is made, at his or her own expense, which record includes the testimony and evidence upon which any such appeal is to be based.

Such person may provide a court reporter, stenographer, or a tape recorder for such verbatim record.

In accordance with the Americans Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings, please notify the department sponsoring the meeting/hearing, or the County Manager's Office, (321) 633-2010, at least 48 hours in advance. TDD: 1-800-955-8771. Assisted Listening System receivers are available for the hearing impaired, & can be obtained from the Sound Technician at the meeting.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks channel 499, Comcast Cable Communications channel 51 in North Brevard and channel 13 in South Brevard, and AT&T U-verse channel 99. SCGTV will also replay this meeting during the coming month. Check the SCGTV website for daily program updates <http://www.scgtv.org>.