

Bylaws

Highlands County Tourist Development Council

Article 1: Name

The name of the organization is the Highlands County Tourist Development Council.

Article 2: Establishment

Highlands County established the Highlands County Tourist Development Council in Ordinance 95-4. By Ordinance 01-02-20 the County imposed an additional tax on short-term accommodations. The uses of this tax are limited by law, Section 125.0104, Florida Statutes. The Tourist Development Council is charged by law with certain duties in regard to oversight of the expenditure of the funds. As required by statute, the Highlands County Tourist Development Council shall meet at least once each quarter. The Council shall continuously review expenditures and is responsible for insuring that the tax proceeds are spent appropriately. Any inappropriate expenditure or discrepancy shall be reported to the Board of County Commissioners.

Article 3: Definitions

As used herein, the underlined words and terms shall have the following meaning:

Board: Board of County Commissioners

TDC: Tourist Development Council

Involved in the Tourist Industry: The member derives a portion of their income, or is employed in a business that deals directly with tourists, has an extensive knowledge of or background in the marketing and/or sales of tourism goods or services. Examples of such businesses would include attractions, restaurants, museums, hospitality education and other businesses, which cater to tourists.

Fiscal year: Begins on October 1 of any year and ends on September 30 the following year or such other fiscal year that Highlands County may adopt.

Article 4: Board Composition

Pursuant to state law, Section 125.0104, Florida Statutes, the Tourist Development Council is made up of nine members. The chair of the Highlands County Board of County Commissioners or such other member of the Board of County Commissioners designated by the chair shall serve as chair of the Tourist Development Council who shall be appointed or elected annually and may be reelected or reappointed. Two members of the Tourist Development Council shall be elected municipal officials, at least one of whom shall be from

the most populous municipality in the county. Six members of the Council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development. Of these six members, three members of the Council shall be owners or operators of motels, hotels, or other tourist accommodations located in Highlands County and subject to the tax hereby levied. Three members of the Council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, but who are not owners or operators of motels, hotels or other tourist accommodations in Highlands County. All members of the Council shall be electors of Highlands County. The members of the Council shall serve for staggered terms of four (4) years.

Article 5: Election, Qualifications and Terms

The Highlands County Board of County Commissioners based upon recommendations of the Nominating Committee shall make all appointments to the Tourist Development Council. The Committee shall be appointed by the Chairman of the TDC and shall serve for a term of one year after their appointment. The Nominating Committee, with the assistance of staff, will solicit and accept nominations of all interested persons willing to serve on the Tourist Development Council, and make recommendations to the Board in order to fill vacancies as they occur. The Nominating Committee shall review all applications for Board positions and shall make recommendations to the Board of County Commissioners based on the statutory requirements for positions on the Board and attempting to maintain a balance to the Council which will insure that all geographical areas of the county and all segments of the tourism industry are represented on the Highlands County Tourist Development Council.

Pursuant to applicable law, each member shall serve four-year terms. Members of the Council may be reappointed provided they continue to meet the qualifications for Board positions, and may be removed by the Board of County Commissioners for cause.

Article 6: Quorum

A quorum shall consist of five members.

Article 7: Authority and Responsibility

The Tourist Development Council shall meet at least four times per year and shall make recommendations to the Board of County Commissioners for the uses of the tourist development tax revenue and effective operation of the special projects utilizing the tax revenue. The Council shall review expenditure reports and shall report any unauthorized expenditures to the Board of County Commissioners.

Article 8: Attendance

Any member who has three consecutive unexcused absences for Tourist Development Council Meetings or other required meetings during any fiscal year, unless otherwise excused by the Chairman, shall be automatically removed from membership. Anticipated absences shall be reported to the TDC staff before the meeting. The TDC staff shall be responsible for reporting/recording absences in the official meeting minutes.

Article 9: Meetings

Regular meetings shall be held at least quarterly at the places, dates, and times determined by the TDC. The date, time and place of the meetings may be changed at the discretion of the Chairman.

Special meetings may be scheduled as necessary at the request of the Chairman or upon a vote of the TDC.

TDC meetings are "public meetings" as defined in state statute and are open to the public and are otherwise subject to Florida's "Sunshine Law." Reasonable notice of the date, time, and place of all meetings shall be given to the public consistent with Highlands County policy.

Article 10: Vacancies and Removal

In addition to the basis for removal as stated in Article 7 above, any member may be removed from membership in the event their employment changes and they are no longer employed in the tourist industry in Highlands County or qualify as electors in Highlands County. No staff of the Tourist Development Council may serve as members of the TDC.

All vacancies, whether existing due to the resignation of the member or the expiration of the term of appointment shall be referred to the Nominating Committee. The Nominating Committee, with the assistance of staff, shall solicit and review applications from all interested parties desiring membership on the Council. After review, the Nominating Committee shall make recommendations to the Board of County Commissioners for their approval.

Article 11: Compensation

Members serve without compensation, but may be reimbursed for expenses as provided in state law.

Article 12: Committees

The TDC may appoint such committees as are required for the proper functioning of the Council, including, but not limited to, a Nominating Committee, a Special Events Committee, and a Marketing Committee at the beginning of the fiscal year, which will serve until the beginning of the next fiscal year, or until a successor Committee is appointed. TDC staff will provide such assistance as may be needed in carrying out the functions of the Committee. The Committees will each have a chairman and vice chairman who are appointed by the TDC Chairman for one year terms. The Chairman of each committee shall be a TDC Board Member. The primary functions of the Marketing Committee are to advise and assist staff in the area of marketing. In addition, the Special Events Committee will make recommendations as to the sponsorship of special events.

Article 13: Officers and Terms

The Chairman of the Board of County Commissioners or his or her designee will serve as Chairman of the Tourist Development Council. The Chairman of the TDC will serve until a successor is appointed by the Chairman of the Board. Based on the rotation of the Chairman of the Board, the appointment of the Chairman will generally take place in December, but may occur as deemed appropriate by the Chairman of the Board.

The Vice-Chairman of the TDC will be appointed by the Chairman at the meeting immediately following the Chairman's appointment. The Vice-Chairman will conduct meetings in the absence of the Chairman and may, at the discretion and request of the Chairman, act as the TDC's liaison to the Board.

Article 14: Additional Issues

The TDC is a function of the county government and the staff is employed by Highlands County. The staff is subject to the personnel, purchasing, budgeting and other general administrative policies of Highlands County government. The TDC is audited annually in conjunction with the county's annual audit.

Article 15: Amendments

These Bylaws may be amended by majority vote of the TDC upon ten days notice.

Adopted by TDC on 11/18/04

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