

ORDINANCE NO. 15- 47

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING SECTION 118-32 OF THE PINELLAS COUNTY CODE RELATING TO THE TOURIST DEVELOPMENT PLAN INCLUDING PROVIDING FOR BOTH CATEGORIES OF THE ALLOWABLE USES OF TAX REVENUES AND ALLOCATION OF THOSE REVENUES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Section 125.0104, the Board of County Commissioners (“Board”), has previously adopted a Tourist Development Plan governing the use and allocation of tourist tax revenues; and

WHEREAS, given the changing needs of the tourism industry, the Plan has been amended over the years in response thereto; and

WHEREAS, the Board has requested the Tourist Development Council (“Council”) reassess the current Tourist Development Plan and develop for the Board’s review and approval a simpler, more flexible Tourist Development Plan; and

WHEREAS, the Council has prepared and approved for the Board’s consideration a simpler, more flexible proposed Tourist Development Plan which would govern the use and allocation of tourist tax dollar revenues while simultaneously recognizing existing financial pledges and/or commitments of those tourist tax revenues; and

WHEREAS, the Board’s approval and adoption of this amended Tourist Development Plan would require a majority plus one vote, as required by Section 125.0104(4)(d), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS of Pinellas County, Florida:

SECTION 1. Section 118-32 of the Pinellas County Code is hereby amended to provide as follows:

Sec. 118-32. - Use of revenues; tourist development plan.

(a) *Tourist Development plan.* The tax revenues received pursuant to this article shall be used to fund the Pinellas County tourist development plan hereby adopted as follows; however, the Board may, by a majority-plus-one vote, authorize other allocations in accordance with statutory uses in instances when the Board of County Commissioners or the Governor of the State of Florida has declared a state of emergency.

(1) Categories of allowable uses of tax revenues:

- a. Category A (Promotions, Advertising/Marketing): Promoting and advertising tourism in the state, nationally and internationally, and funding for the following : (i) marketing special events and programs; (ii) providing promotional or operating support for exhibits or programs provided by museums owned and operated by not-for-profit organizations and open to the public; (iii) providing promotional support for zoological parks that are owned and operated by not-for-profit organizations and open to the public; and (iv) event and program sponsorships; however, funding of not more than \$2 million annually for subsection (i), herein. Grant guidelines shall be established by the tourist development council, which shall be subject to approval by the board of county commissioners, to determine eligibility, the application process, and award criteria and priorities for subsection (i), (ii), and (iii) funding herein.
- b. Category B (CVB, Promotions, Advertising/Marketing): Funding the St. Petersburg/Clearwater Convention & Visitors Bureau; funding budget reserves as authorized by law; and funding convention bureaus, tourist bureaus, tourist information centers and news bureaus by contract with the chambers of commerce or similar associations in Pinellas County.
- c. Category C (Beach Improvement/Nourishment): Funding beach improvement, maintenance, renourishment, restoration and erosion control.
- d. Category D (Capital Funding/Debt Service Other): Funding annually as matching funds (applicants must have at least \$1.00 for every \$1.00 of Category D tourist tax funding) to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, or provide debt service on one or more publicly owned and operated convention centers, coliseums, or auditoriums as well as aquariums or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, and sports and recreation facilities not eligible for Category E funding below (hereinafter referred to as "Eligible Facilities"). Eligible Facilities must be located within Pinellas County and demonstrate the ability to attract tourists from the State of Florida, nationally or internationally. Funding guidelines shall be established by the Tourist Development Council, which shall be subject to approval by the Board of County Commissioners. These purposes may be implemented through service contracts and leases with parties with sufficient expertise or financial capabilities to operate such Eligible Facilities.
- e. Category E (Debt Service/Professional Sports and Convention Center Capital Costs): Funding for debt service payments for bonds issued to finance the construction, reconstruction, or renovation of any of the following facilities: (i) a professional sports franchise facility located within Pinellas County either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds; (ii) a retained spring training facility located within Pinellas County either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds; or (iii) a convention center located within Pinellas County, and to pay the planning and design costs prior to the issuance of such bonds.

Funding guidelines shall be established by the Tourist Development Council, which shall be subject to approval by the Board of County Commissioners.

- (2) It is the intent of the Board of County Commissioners that the total tourist development tax revenue shall be allocated as follows for the fiscal year in which it is collected:
 - a. Sixty percent (60%) of the total tourist development tax revenue may be used for Categories A and/or B and any monies not utilized accordingly shall become reserves to be used for future category A and/or B uses.
 - b. Forty percent (40%) of the total tourist development tax revenue may be used for Categories C, D and E and any monies not utilized accordingly shall become reserves to be used for future Categories C, D and/or E uses.
- (3) Notwithstanding the allocations in (2) above, there currently exist ongoing financial commitments which, until such time as satisfied and no longer outstanding, shall be funded as follows:
 - a. Payment of debt service on bonds issued by the City of Dunedin to finance the construction, reconstruction or renovation of a retained spring training facility, which shall be paid as necessary out of the fifth percent tourist development tax through February 15, 2016, at which time this obligation will be fully satisfied, and the fifth percent may then be used as otherwise provided for in the tourist development plan.
 - b. Payment of capital project funds for the Dali Museum which shall be paid out of the second percent tourist development tax in equal quarterly installments of \$125,000 commencing on October 15, 2015 and continuing through July 15, 2020, at which time this obligation will be fully satisfied, and the second percent may then be used as otherwise provided for in the tourist development plan.
 - c. Payment of debt service on bonds issued by the City of Clearwater to finance the construction, reconstruction or renovation of a retained spring training facility, which shall be paid out of the fifth percent tourist development tax through February 15, 2021, at which time this obligation will be fully satisfied, and the fifth percent may then be used as otherwise provided for in the tourist development plan.

(b) Review of the plan. The tourist development council shall review the tourist development plan at least every five years and forward its recommendations for revisions, if any, to the plan to the board of county commissioners for consideration. The board of county commissioners shall review the tourist development plan recommendations and determine the most effective use of the revenues derived from the tax.

(c) Amendment of the plan. The tourist development plan provided for in this section may not be amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the board of county commissioners.

SECTION 2. Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3. Areas Embraced.

SECTION 4. 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 Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

APPROVED AS TO FORM

OFFICE OF THE COUNTY ATTORNEY

By: M Zas

Managing Assistant County Attorney