

RESOLUTION 25 - 38

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, APPROVING THE USE OF TOURIST DEVELOPMENT TAX TO FUND CAPITAL IMPROVEMENTS TO THE CLEARWATER BEACH MUNICIPAL MARINA, THROUGH THE FISCAL YEAR 2024 CAPITAL PROJECTS FUNDING PROGRAM (CPFP); MAKING NECESSARY LEGISLATIVE FINDINGS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 125.0104 and the Pinellas County Tourist Development Plan, § 118-32, Pinellas County Code (“TD Plan”), authorized the expenditure of tourist tax revenues for certain capital improvement projects; and

WHEREAS, recognizing that capital projects can be a major driver of tourism to the area, a Capital Project Funding Program (“CPFP”) was approved by the Tourist Development Council (“TDC”) and the Board of County Commissioners (“Board”) to establish priorities, eligibility criteria, and procedures for the funding of authorized capital projects; and

WHEREAS, the TD Plan was amended in 2024 to add to the list of eligible capital improvement projects “publicly owned and operated public facilities as defined in § 125.0104(5)(a)6 that are directly associated with or demonstrated to be tourist attractions”; and

WHEREAS, the City of Clearwater applied for funding of improvements to the Clearwater Beach Municipal Marina as a public facility that is a tourist attraction; and

WHEREAS, consistent with CPFP guidelines and staff recommendations, the BCC wishes to award up to \$7,850,000 to the City for this project; and

WHEREAS, Florida Statutes § 125.0104 establishes special requirements that must be met for “public facilities” that are not required for other types of capital projects, and such requirements include a supermajority vote and certain legislative findings;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AT A DULY ASSEMBLED MEETING HELD ON THIS 6TH DAY OF MAY 2025, AS FOLLOWS:

Section 1. The Pinellas County Board of County Commissioners (“Board”) makes the following legislative findings:

- a) The Clearwater Beach Municipal Marina project is an authorized use of tourist development tax funds as a publicly owned and operated public facility as defined in Fla. Stat. § 125.0104(5)(a)6 that is demonstrated to be tourist attraction.
- b) The Clearwater Beach Municipal Marina facility improvements are needed to increase tourist-related business activities in the county, as evidenced by the independent professional analysis by Crossroads Consulting, and the information provided in the City’s application for funds.

Section 2. The statutory requirements of Fla. Stat. § 125.0104(5)(a)6 for the funding of a public facility capital improvement have been met for the Clearwater Beach Municipal Marina project, as described below:

- a) *The TDC must recommend the funding of such project.* The TDC recommended the funding of this project at the February 19, 2025 TDC meeting.
- b) *The Board must make a legislative finding that the public facilities are needed to increase tourist-related business activities in the county.* The Board makes such legislative findings in Section 1, above.
- c) *An independent professional analysis, funded by tourist development tax, must demonstrate the positive impact of the project on tourist-related businesses in the County.* An analysis complying with this requirement and demonstrating a positive projected impact on tourism was provided by Crossroads Consulting as part of the CPFP process and is maintained in the records of Visit St. Pete Clearwater.
- d) *At least \$10 million in TDT must have been collected in the prior FY.* The gross TDT collection for FY 2023 was \$98,096,192.83, and for FY 2024 was \$96,758,114.61, each far exceeding the \$10 million requirement.
- e) *No more than 70% of the project can be paid for with TDT, and sources of funding for the remainder must be identified and confirmed by the BCC.* Pursuant to the Marina project application, the total capital project cost is \$43.5 million, meaning no more than \$30.45 million of the project can be funded by TDT. The proposed grant amount is significantly less than 70% of the total. The other funding sources are indicated in the City's application.
- f) *At least 40% of all TDT must be used to promote and advertise tourism.* The current TD Plan requires that at least 60% of all TDT be allocated to promote and advertise tourism, exceeding the 40% requirement.

Section 3. The Board awards the City up to \$7,850,000 for the Marina project. Consistent with the CPFP guidelines, all payments will be made on a reimbursement basis at the completion of project, unless a different funding process is approved in writing. This Resolution does not create a fiscal obligation for the County. Staff will negotiate an individual funding agreement with the City of Clearwater to be brought to the Board for approval; funding is not committed until a funding agreement is executed by both parties.

Section 4. Assuming a two-thirds ($\frac{2}{3}$) affirmative vote (5 Commissioners), this Resolution shall take effect immediately upon its adoption.

Commissioner _____ Latvala _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____ Flowers _____, and upon roll call the vote was:

Ayes: Scott, Eggers, Flowers, Latvala, Nowicki, and Peters.

Nays: None.

Absent not voting: Scherer.

APPROVED AS TO FORM
By: Amanda S. Coffey
Office of the County Attorney