

ORDINANCE NO. 18-44

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING SECTION 2-29-27 OF THE MANATEE COUNTY CODE OF ORDINANCES TO AMEND THE COUNTY'S TOURIST DEVELOPMENT PLAN TO INCREASE THE AMOUNT OF TOURIST DEVELOPMENT TAX PROCEEDS AUTHORIZED FOR FUNDING OF A SPRING TRAINING FRANCHISE FACILITY, TO AUTHORIZE FUNDING OF CAPITAL IMPROVEMENTS TO COQUINA BEACH PARK WITH TOURIST DEVELOPMENT TAX PROCEEDS, AND TO AUTHORIZE THE USE OF TOURIST DEVELOPMENT TAX PROCEEDS FOR CARE AND FEEDING OF MANATEES BY THE SOUTH FLORIDA MUSEUM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VII of the Constitution of the State of Florida and Section 125.0104, Florida Statutes (collectively, the "Act") authorize the County to levy and collect a tourist development tax for the purpose of promoting tourism and paying the cost of construction and/or operation and maintenance of certain capital facilities, and other public uses related to the promotion of tourism; and

WHEREAS, Article II of Chapter 2-29 of the Manatee County Code of Ordinances (the "Code"), provides for the County to levy and collect a tourist development tax for such purposes; and

WHEREAS, the Act provides that the County's Tourist Development Plan may not be substantially amended except by an Ordinance of Manatee County, enacted by an affirmative vote of the majority, plus one (1) additional member of the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set forth in, the Act.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. The findings contained in the recitals above are true and correct.

2. The powers conferred by this Ordinance are for public uses and purposes for which public money may be expended, and are hereby declared as a matter of legislative determination to be necessary for the public health, safety and welfare, and specifically for the promotion of tourism within the County.
3. Article II of Chapter 2-29 of the Code sets forth procedures for the levy and collection of the tourist development tax.
4. It is in the interest of the public health, safety and welfare to amend Section 2-29-27 of the Code as set forth in this Ordinance, to amend the County's Tourist Development Plan to authorize the uses of tourist development tax proceeds described herein.
5. On June 18, 2018 and October 15, 2018, the Manatee County Tourist Development Council reviewed and, by majority vote, recommended adoption of the changes to the County's Tourist Development Plan set forth herein.
6. On November 27, 2018, the Board of County Commissioners, by a vote of at least a majority plus one, adopted this Ordinance amending Section 2-29-27 of the Code, providing for the amendment to the County's Tourist Development Plan set forth herein.

Section 3. Amendment of Section 2-29-27 of the Code. Section 2-29-27 of the Code is hereby amended as set forth in Exhibit "A" to this Ordinance.

Section 4. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Code.

Section 5. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective as provided by law.


[Signature Page to Follow]

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 27th day of November, 2018.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: 
Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER**

By: 
Deputy Clerk

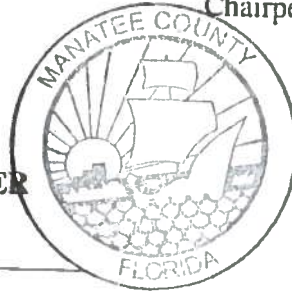


Exhibit "A"
Amendment to Section 2-29-27
Tourist Development Tax
Manatee County Code of Ordinances
(underlined text to be added, strike-through text to be deleted)

Sec. 2-29-27. - Tourist development plan.

All proceeds of the tax levied pursuant to sections 2-29-21 (a), (g) and (h) shall be used to fund the county's tourist development plan, which is hereby adopted and set forth as follows:

MANATEE COUNTY TOURIST DEVELOPMENT PLAN
AMENDED AND RESTATED
NOVEMBER, 2011

Pursuant to Section 125.0104, Florida Statutes (the "Act"), Manatee County levies its tourist development tax at the aggregate rate of five cents (\$.05) per dollar. The plan set forth below constitutes the county's tourist development plan for purposes of Section 125.0104(4)(d) of the Act.

A. *Projected Revenues.* As of the date of the most recent amendment to the plan (November, 2018), the county expects during the next two (2) fiscal years to derive a total of eleven million three hundred thirty six thousand dollars (\$11,336,000.00) per fiscal year in proceeds of the tax. Pursuant to section 2-29-21(f), the proceeds of the third cent of the tax, expected during the next two (2) fiscal years to amount to two million eight hundred thirty four thousand dollars (\$2,834,000.00) per fiscal year, have been specifically dedicated to beach renourishment projects (inclusive of public access improvements) and are not to be used to fund other uses set forth in this Plan. The remaining tax proceeds, expected during the next two (2) fiscal years to amount to eight million five hundred two thousand dollars (\$8,502,000.00) per year (hereinafter referred to as the "projected revenues") shall be used as set forth below.

B. As required by the Act, the following is a list, in order of priority, of the uses of the available revenues from the tourist development tax, including the approximate cost or expense allocation for each specific project or special use:

I. *Convention and Visitors Bureau.* Operation costs of the Bradenton Area Convention and Visitors Bureau, a tourism promotion agency within the meaning of the Act, which shall include but not be limited to rent, personnel, administration, and supplies, equipment, and building improvements, in an initial amount not to exceed one million two hundred thousand dollars (\$1,200,00.00) in each fiscal year.

II. *Advertising and Promoting Tourism.* Costs of advertising and promoting tourism within the meaning of the Act, either directly or through contractors or

subcontractors in an initial amount not to exceed three million five hundred thousand dollars (\$3,500,000.00) in each fiscal year.

- III. *Bradenton Area Convention Center.* Costs of debt service on bonds issued, and/or debt incurred, to finance the construction, reconstruction, or renovation, and costs of operation and maintenance of, and cash-funded capital outlay for, one or more publicly owned convention centers, in an initial amount not to exceed one million two hundred and fifty thousand dollars (\$1,250,000.00) in each fiscal year.
- IV. *County-Owned Beach Park Facilities—Maintenance.* Maintenance of county-owned beach park facilities not to exceed one million two hundred fifty thousand dollars (\$1,250,000.00) in each fiscal year.
- V. *City of Bradenton, Pittsburgh Pirates Spring Training Facility:* Commencing October 1, 2011 and terminating September 30, 2032, the cost of debt service on bonds issued to finance the acquisition, construction, reconstruction or renovation of a spring training facility for the Pittsburgh Pirates, a retained spring training franchise facility within the meaning of the Act, in an amount not to exceed four hundred fifty thousand dollars (~~\$450,000.00~~400,000.00) in each fiscal year.
- VI. *County-Owned Beach Park Facilities—Capital Improvements.* Capital improvements to county-owned beach park facilities in an amount not to exceed two hundred thousand dollars (\$200,000.00) in each fiscal year, and a one-time expenditure for capital improvements to the parking lot in Coquina Beach Park, in an amount not to exceed five million four hundred thousand dollars (\$5,400,000.00).
- VII. *Premier Sports Campus.* One-time expenditure for acquisition of the Premier Sports Campus in Lakewood Ranch, not to exceed four million dollars (\$4,000,000.00).
- VIII. *Anna Maria City Pier.* Payment to the City of Anna Maria of a one-time capital contribution for improvements to the publicly-owned Anna Maria City Pier in an amount not to exceed one million five hundred thousand dollars (\$1,500,000.00).
- IX. *Florida Maritime Museum.* Payment to the Florida Maritime Museum of a one-time capital contribution for improvements to a museum owned and operated by a not-for-profit organization and open to the public, in an amount not to exceed one hundred eighty-one thousand dollars (\$181,000.00), subject to the Florida Maritime Museum providing matching funds.
- X. *South Florida Museum.* Payment to the South Florida Museum to fund the costs of care, feeding and maintenance of manatees ~~associated with the~~

~~addition of a second manatee (other than the resident manatee)~~ and/or travelling exhibits at the South Florida Museum, a museum owned and operated by a not-for-profit organization and open to the public, in an amount not to exceed thirty thousand dollars (\$30,000.00) in each fiscal year, and annual capital contributions for capital improvements to expand the museum facility, not to exceed two hundred thousand dollars (\$200,000.00) per fiscal year for five (5) years commencing on October 1, 2016, subject to the South Florida Museum providing matching funds.

- XI. *Bradenton Beach Fishing Pier.* Payment to the City of Bradenton Beach of a one-time capital contribution for cost of the remodeling, repair and improvement of the publicly-owned Bradenton Beach Bridge Street Pier in an amount not to exceed one million dollars (\$1,000,000.00).
 - XII. *Florida Railroad Museum.* Payment to Florida Railroad Museum, Inc. of a one-time capital contribution for improvements to a museum owned and operated by a not-for-profit organization and open to the public, in an amount not to exceed one million five hundred thousand dollars (\$1,500,000.00), subject to Florida Railroad Museum, Inc. providing matching funds.
 - XIII. *Emergency Marketing Fund.* Such remaining amounts as are necessary to maintain an Emergency Marketing Fund of one million dollars (\$1,000,000.00) for "Act of God" occurrences.
 - XIV. *Surplus Revenues; Reserve for Contingency.* Such remaining amounts (including unspent balances carried forward from prior fiscal years) after all above priorities have been fully funded to be allocated as additional funds for the uses set forth in priorities I, II and III (over and above the initial revenue limitations set forth therein), and to fund reserves in the Tourist Development Tax Trust Fund, as the Board of County Commissioners shall determine in its fiscal discretion.
- C. The specific allocation of funds for expenditures authorized by this Plan shall be included in the County's official budget adopted prior to the commencement of each fiscal year. Changes in such amounts included in the county budget for authorized uses under this Plan shall be brought to the Tourist Development Council for review and recommendation prior to any change, which shall be authorized by the Board of County Commissioners in the manner provided by law for amending the county's budget. The allocation of Tourist Development Tax Revenues established under this Plan or any budget, resolution or action of the Board of County Commissioners shall not constitute a right, entitlement or benefit to any individual or entity but shall remain subject to the authority of the Board of County Commissioners to amend this Plan and the county's budget. Funding authorized under this Plan shall be disbursed in accordance with such rules, procedure and such agreements as may be adopted, approved and/or authorized by the Board of County Commissioners.

D. All uses of tourist development tax proceeds governed by this Plan shall be subject to the requirements of, and carried out in accordance with, the Act. This Amended and Restated Tourist Development Plan was approved by the Manatee County Tourist Development Council, by majority vote, on November 14, 2011, prior to adoption by ordinance by the Board of County Commissioners by a vote of at least a majority plus one, on November 21, 2011, as required by the Act. All subsequent amendments to this Amended and Restated Tourist Development Plan were approved by the Manatee County Tourist Development Council, by majority vote, prior to adoption by ordinance by the Board of County Commissioners by a vote of at least a majority plus one, as required by the Act.

BRADENTON HERALD

Bradenton.com

AFFID

Account #	Ad Number	
663151	0003954021	NOTICE OF PUBL

Attention:

BRADENTON AREA CONVENTION CNTR
1 HABEN BLVD
PALMETTO, FL 34221

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida will conduct a public hearing in the Chambers of the Board of Manatee County Administrative Complex, 1112 Manatee Avenue West, first floor, Bradenton, Florida, during its regular meeting of November 27, 2018, at 9:00 a.m., or soon thereafter, to consider, act upon, enact or reject the following Ordinance:

ORDINANCE NO. 18.44

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING SECTION 29-27 OF THE MANATEE COUNTY CODE OF ORDINANCES TO AMEND THE COUNTY'S TOURIST DEVELOPMENT PLAN TO INCREASE THE AMOUNT OF TOURIST DEVELOPMENT TAX PROCEEDS AUTHORIZED FOR FUNDING OF A SPRING TRAINING FRANCHISE FACILITY, TO AUTHORIZE FUNDING OF CAPITAL IMPROVEMENTS TO COQUINA BEACH PARK WITH TOURIST DEVELOPMENT TAX PROCEEDS, AND TO AUTHORIZE THE USE OF TOURIST DEVELOPMENT TAX PROCEEDS FOR CARE AND FEEDING OF MANATEES BY THE SOUTH FLORIDA MUSEUM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance. Pursuant to Section 286.0105 of Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he or she will need a record of the proceedings and for such purpose, she or he may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

The proposed Ordinance is available for public inspection at the Bradenton Area Convention & Visitors Bureau, 1 Haben Blvd, Palmetto, FL 34221, during regular business hours. A reasonable charge may be made

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The proposed Ordinance is available for public inspection at the Bradenton Area Convention & Visitors Bureau, 1 Haben Blvd, Palmetto, FL 34221, during regular business hours. A reasonable charge may be made for the provision of copies.

Americans with Disabilities: The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 second; FAX 745-3790.
11/16/2018

ON

Amount	Cols	Depth
\$111.15	1	9.50 In

THE STATE OF FLORIDA COUNTY OF MANATEE

Before the undersigned authority personally appeared CHRISTY HABONY, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Public Notice**, was published in said newspaper in the issue(s) of:

1 Insertion(s)

Published On:

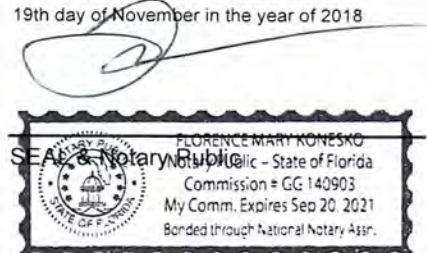
November 16, 2018

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for

Christy Habony

(Signature of Affiant)

Sown to and subscribed before me this 19th day of November in the year of 2018





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 29, 2018

Honorable Angelina Coloneso
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Robin Toth

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of **Manatee County Ordinance 18-44, which was filed in this office on November 29, 2018.**

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

From: ords@municode.com
To: tammy.larsen@mymanatee.org; [Robin Toth](#)
Subject: Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 106
Date: Monday, December 03, 2018 8:49:39 AM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 106

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 18-44	11/27/2018	12/3/2018	Word
Ordinance No. 18-45	11/27/2018	12/3/2018	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

November 27, 2018 - Regular Meeting
Agenda Item #88

Approved in Open Session 11/27/18
Manatee County
Board of County Commissioners

Subject

Ordinance 18-44 Amending Section 2-29-27 of the Manatee County Code of Ordinances to Amend the County's Tourist Development Plan

Briefings

All

Contact and/or Presenter Information

Presenter: Elliott Falcione, Exec Director, CVB, x3940

Contact: Monica Luff, Sr. Admin. Spec., CVB, x3944

Action Requested

Adopt Ordinance 18-44, amending the Manatee County Tourist Development Plan.

Enabling/Regulating Authority

Manatee County Code of Laws 2-29-27 Tourist Development Plan

F.S.S. 125.0104 Authorized Uses of Resort Tax Funds

Background Discussion

- On February 7, 2012, the County Commissioners approved a 20 year interlocal agreement with the City of Bradenton to expend up to \$400,000 per year from Tourist Development Tax Proceeds to fund the acquisition, construction, reconstruction, or renovation of LECOM Park (formerly known as McKechnie Field) spring training facilities.
- On June 18, 2018, the Tourist Development Council unanimously recommended approval of increasing the amount of Tourist Development Tax Proceeds authorized for funding of the spring training franchise facility (LECOM Park) to up to \$450,000 per year instead of up to \$400,000 per year.
- The increase in funding is to reimburse the City of Bradenton (up to \$50,000 per year) for their ad valorem tax payment to the County.
- On October 15, 2018, the Tourist Development Council unanimously recommended approval of a one-time expenditure up to \$5 million for capital improvements to Coquina Beach Park.
- The expenditures will be used for storm water improvements and resurfacing parking lots at Coquina Beach Park.
- Amendments to the Tourist Development Plan include:
 - authorizing the increase in the annual funding of LECOM to \$450,000 per year; and
 - authorizing the expenditures of up to \$5 million for storm water improvements to Coquina Beach Parking Lot; and
 - removing reference to "second or resident manatee" with regards to funding the care and feeding of manatees at the South Florida Museum, so we can continue to fund the feeding/care of any manatees housed there, and/or traveling exhibits.
- Public Hearing Notice was placed in local newspaper on November 16, 2018.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney

Clague

Instructions to Board Records

Copy of signed Ordinance 18-44 and approved agenda memo to:

- Monica Luff, CVB monica.luff@mymanatee.org
- Eva Galler, CVB eva.galler@mymanatee.org
- Claudia Campos, FMD claudia.campos@mymanatee.org

Distributed 11/29/18, RT

Cost and Funds Source Account Number and Name

TBD

Amount and Frequency of Recurring Costs

up to \$450,000 per year for LECOM Park; and one time expenditure up to \$5 million for Coquina Beach Park

Attachment: [Ord 18-44.pdf](#)

Attachment: [Co Atty Memo Ord 18-44.pdf](#)

Attachment: [Affidavit - Public Hearing Notice - Ord 18-44.pdf](#)

November 27, 2018 - Regular Meeting

Agenda Item #4

Subject

1:30 P.M. - ITEM #88 - Ordinance 18-44 Amending Section 2-29-27 of the Manatee County Code of Ordinances to Amend the County's Tourist Development Plan AND Item #91 - Amended and Restated Interlocal Agreement with City of Bradenton (Tax Payments)

Briefings

None

Contact and/or Presenter Information

Action Requested

Enabling/Regulating Authority

Background Discussion

See Items 88 and 91 for supporting materials.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Cost and Funds Source Account Number and Name

Amount and Frequency of Recurring Costs

ORDINANCE NO. 18-44

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING SECTION 2-29-27 OF THE MANATEE COUNTY CODE OF ORDINANCES TO AMEND THE COUNTY'S TOURIST DEVELOPMENT PLAN TO INCREASE THE AMOUNT OF TOURIST DEVELOPMENT TAX PROCEEDS AUTHORIZED FOR FUNDING OF A SPRING TRAINING FRANCHISE FACILITY, TO AUTHORIZE FUNDING OF CAPITAL IMPROVEMENTS TO COQUINA BEACH PARK WITH TOURIST DEVELOPMENT TAX PROCEEDS, AND TO AUTHORIZE THE USE OF TOURIST DEVELOPMENT TAX PROCEEDS FOR CARE AND FEEDING OF MANATEES BY THE SOUTH FLORIDA MUSEUM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VII of the Constitution of the State of Florida and Section 125.0104, Florida Statutes (collectively, the "Act") authorize the County to levy and collect a tourist development tax for the purpose of promoting tourism and paying the cost of construction and/or operation and maintenance of certain capital facilities, and other public uses related to the promotion of tourism; and

WHEREAS, Article II of Chapter 2-29 of the Manatee County Code of Ordinances (the "Code"), provides for the County to levy and collect a tourist development tax for such purposes; and

WHEREAS, the Act provides that the County's Tourist Development Plan may not be substantially amended except by an Ordinance of Manatee County, enacted by an affirmative vote of the majority, plus one (1) additional member of the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set forth in, the Act.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. The findings contained in the recitals above are true and correct.

2. The powers conferred by this Ordinance are for public uses and purposes for which public money may be expended, and are hereby declared as a matter of legislative determination to be necessary for the public health, safety and welfare, and specifically for the promotion of tourism within the County.
3. Article II of Chapter 2-29 of the Code sets forth procedures for the levy and collection of the tourist development tax.
4. It is in the interest of the public health, safety and welfare to amend Section 2-29-27 of the Code as set forth in this Ordinance, to amend the County's Tourist Development Plan to authorize the uses of tourist development tax proceeds described herein.
5. On June 18, 2018 and October 15, 2018, the Manatee County Tourist Development Council reviewed and, by majority vote, recommended adoption of the changes to the County's Tourist Development Plan set forth herein.
6. On November 27, 2018, the Board of County Commissioners, by a vote of at least a majority plus one, adopted this Ordinance amending Section 2-29-27 of the Code, providing for the amendment to the County's Tourist Development Plan set forth herein.

Section 3. Amendment of Section 2-29-27 of the Code. Section 2-29-27 of the Code is hereby amended as set forth in Exhibit "A" to this Ordinance.

Section 4. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Code.

Section 5. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective as provided by law.

[Signature Page to Follow]

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 27th day of November, 2018.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER**

By: _____
Deputy Clerk

Exhibit "A"
Amendment to Section 2-29-27
Tourist Development Tax
Manatee County Code of Ordinances
(underlined text to be added, strike-through text to be deleted)

Sec. 2-29-27. - Tourist development plan.

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NOVEMBER, 2011

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- A. *Projected Revenues.* As of the date of the most recent amendment to the plan (November, 2018), the county expects during the next two (2) fiscal years to derive a total of eleven million three hundred thirty six thousand dollars (\$11,336,000.00) per fiscal year in proceeds of the tax. Pursuant to section 2-29-21(f), the proceeds of the third cent of the tax, expected during the next two (2) fiscal years to amount to two million eight hundred thirty four thousand dollars (\$2,834,000.00) per fiscal year, have been specifically dedicated to beach renourishment projects (inclusive of public access improvements) and are not to be used to fund other uses set forth in this Plan. The remaining tax proceeds, expected during the next two (2) fiscal years to amount to eight million five hundred two thousand dollars (\$8,502,000.00) per year (hereinafter referred to as the "projected revenues") shall be used as set forth below.
- B. As required by the Act, the following is a list, in order of priority, of the uses of the available revenues from the tourist development tax, including the approximate cost or expense allocation for each specific project or special use:
- I. *Convention and ~~V~~isitors ~~B~~ureau.* Operation costs of the Bradenton Area Convention and Visitors Bureau, a tourism promotion agency within the meaning of the Act, which shall include but not be limited to rent, personnel, administration, and supplies, equipment, and building improvements, in an initial amount not to exceed one million two hundred thousand dollars (\$1,200,00.00) in each fiscal year.
 - II. *Advertising and ~~P~~romoting ~~T~~ourism.* Costs of advertising and promoting tourism within the meaning of the Act, either directly or through contractors or

subcontractors in an initial amount not to exceed three million five hundred thousand dollars (\$3,500,000.00) in each fiscal year.

- III. *Bradenton Area Convention Center.* Costs of debt service on bonds issued, and/or debt incurred, to finance the construction, reconstruction, or renovation, and costs of operation and maintenance of, and cash-funded capital outlay for, one or more publicly owned convention centers, in an initial amount not to exceed one million two hundred and fifty thousand dollars (\$1,250,000.00) in each fiscal year.
- IV. *County-Owned Beach Park Facilities—Maintenance.* Maintenance of county-owned beach park facilities not to exceed one million two hundred fifty thousand dollars (\$1,250,000.00) in each fiscal year.
- V. *City of Bradenton, Pittsburgh Pirates Spring Training Facility:* Commencing October 1, 2011 and terminating September 30, 2032, the cost of debt service on bonds issued to finance the acquisition, construction, reconstruction or renovation of a spring training facility for the Pittsburgh Pirates, a retained spring training franchise facility within the meaning of the Act, in an amount not to exceed four hundred fifty thousand dollars (~~\$450,000.00~~400,000.00) in each fiscal year.
- VI. *County-Owned Beach Park Facilities—Capital Improvements.* Capital improvements to county-owned beach park facilities in an amount not to exceed two hundred thousand dollars (\$200,000.00) in each fiscal year, and a one-time expenditure for capital improvements to the parking lot in Coquina Beach Park, in an amount not to exceed five million four hundred thousand dollars (\$5,400,000.00).
- VII. *Premier Sports Campus.* One-time expenditure for acquisition of the Premier Sports Campus in Lakewood Ranch, not to exceed four million dollars (\$4,000,000.00).
- VIII. *Anna Maria City Pier.* Payment to the City of Anna Maria of a one-time capital contribution for improvements to the publicly-owned Anna Maria City Pier in an amount not to exceed one million five hundred thousand dollars (\$1,500,000.00).
- IX. *Florida Maritime Museum.* Payment to the Florida Maritime Museum of a one-time capital contribution for improvements to a museum owned and operated by a not-for-profit organization and open to the public, in an amount not to exceed one hundred eighty-one thousand dollars (\$181,000.00), subject to the Florida Maritime Museum providing matching funds.
- X. *South Florida Museum.* Payment to the South Florida Museum to fund the costs of care, feeding and maintenance of manatees ~~associated with the~~

~~addition of a second manatee (other than the resident manatee)~~ and/or travelling exhibits at the South Florida Museum, a museum owned and operated by a not-for-profit organization and open to the public, in an amount not to exceed thirty thousand dollars (\$30,000.00) in each fiscal year, and annual capital contributions for capital improvements to expand the museum facility, not to exceed two hundred thousand dollars (\$200,000.00) per fiscal year for five (5) years commencing on October 1, 2016, subject to the South Florida Museum providing matching funds.

- XI. *Bradenton Beach Fishing Pier.* Payment to the City of Bradenton Beach of a one-time capital contribution for cost of the remodeling, repair and improvement of the publicly-owned Bradenton Beach Bridge Street Pier in an amount not to exceed one million dollars (\$1,000,000.00).
 - XII. *Florida Railroad Museum.* Payment to Florida Railroad Museum, Inc. of a one-time capital contribution for improvements to a museum owned and operated by a not-for-profit organization and open to the public, in an amount not to exceed one million five hundred thousand dollars (\$1,500,000.00), subject to Florida Railroad Museum, Inc. providing matching funds.
 - XIII. *Emergency Marketing Fund.* Such remaining amounts as are necessary to maintain an Emergency Marketing Fund of one million dollars (\$1,000,000.00) for "Act of God" occurrences.
 - XIV. *Surplus Revenues; Reserve for Contingency.* Such remaining amounts (including unspent balances carried forward from prior fiscal years) after all above priorities have been fully funded to be allocated as additional funds for the uses set forth in priorities I, II and III (over and above the initial revenue limitations set forth therein), and to fund reserves in the Tourist Development Tax Trust Fund, as the Board of County Commissioners shall determine in its fiscal discretion.
- C. The specific allocation of funds for expenditures authorized by this Plan shall be included in the County's official budget adopted prior to the commencement of each fiscal year. Changes in such amounts included in the county budget for authorized uses under this Plan shall be brought to the Tourist Development Council for review and recommendation prior to any change, which shall be authorized by the Board of County Commissioners in the manner provided by law for amending the county's budget. The allocation of Tourist Development Tax Revenues established under this Plan or any budget, resolution or action of the Board of County Commissioners shall not constitute a right, entitlement or benefit to any individual or entity but shall remain subject to the authority of the Board of County Commissioners to amend this Plan and the county's budget. Funding authorized under this Plan shall be disbursed in accordance with such rules, procedure and such agreements as may be adopted, approved and/or authorized by the Board of County Commissioners.

- D. All uses of tourist development tax proceeds governed by this Plan shall be subject to the requirements of, and carried out in accordance with, the Act. This Amended and Restated Tourist Development Plan was approved by the Manatee County Tourist Development Council, by majority vote, on November 14, 2011, prior to adoption by ordinance by the Board of County Commissioners by a vote of at least a majority plus one, on November 21, 2011, as required by the Act. All subsequent amendments to this Amended and Restated Tourist Development Plan were approved by the Manatee County Tourist Development Council, by majority vote, prior to adoption by ordinance by the Board of County Commissioners by a vote of at least a majority plus one, as required by the Act.

Monica Luff

From: William Clague
Sent: Friday, September 28, 2018 3:30 PM
To: Monica Luff
Cc: Alex Nicodemi; Juliet Shepard; Eva Galler; Elliott Falcione
Subject: RE: 2018 TDP Amendment Ordinance & 2018 Pirates Amended and Restated ILA - REVISED by CVB 9-11-2018, CAO Matter No. 2018-0435

Monica:

I have reviewed the revisions to the draft documents reviewed pursuant to the above Request for Legal Service and the responses set forth below, and have no legal objection to their being scheduled for approval by the Board.

William Clague, Assistant County Attorney
Manatee County Attorney's Office
1112 Manatee Avenue West
Bradenton, FL 34205
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william.clague@mymanatee.org

From: William Clague
Sent: Thursday, September 27, 2018 9:23 AM
To: Monica Luff <monica.luff@bacvb.com>
Cc: Alex Nicodemi <alex.nicodemi@mymanatee.org>; Juliet Shepard <juliet.shepard@mymanatee.org>; Eva Galler <eva.galler@bacvb.com>; Elliott Falcione <elliott.falcione@bacvb.com>
Subject: RE: 2018 TDP Amendment Ordinance & 2018 Pirates Amended and Restated ILA - REVISED by CVB 9-11-2018, CAO Matter No. 2018-0435

Monica:

In follow up to my 09/05/18 response to the above RLS, and the comments received back from you, attached is a redlined revision of the ILA reflecting your requested changes. A couple of minor points:

1. I changed the name of McKechnie Field to "LECOM Park", as that appears to be its proper name according to the website. I also put an f/k/a parenthetical in the first reference to it in the 2nd recital.
2. I do want to keep the reference to the franchise agreement on p. 4 in case we ever run unto another problem with the Pirates about it, so that it is clear that our funding is conditioned on their continued performance.

Everything else is self-explanatory.

William Clague, Assistant County Attorney
Manatee County Attorney's Office
1112 Manatee Avenue West
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From: Monica Luff
Sent: Friday, September 21, 2018 8:41 AM
To: William Clague <william.clague@mymanatee.org>
Cc: Alex Nicodemi <alex.nicodemi@mymanatee.org>; Juliet Shepard <juliet.shepard@mymanatee.org>; Eva Galler <eva.galler@bacvb.com>; Elliott Falcione <elliott.falcione@bacvb.com>
Subject: FW: 2018 TDP Amendment Ordinance & 2018 Pirates Amended and Restated ILA - REVISED by CVB 9-11-2018

Hi Bill:

I had sent you the below e-mail on 9/11/2018 regarding the above subject; however, we have decided to remove the Premier Sports Campus portion at this time and take that amendment to the BCC in January, 2019.

We do intend to take the rest of the amendments to the Ordinance to the BCC for approval on October 23. I will need to place the Public Hearing Notice in the paper on October 1.

Please call me at x3944 if you have any questions.


Monica Luff

Sr. Admin. Specialist



Bradenton Area CVB / Film Commission
One Haben Blvd. Palmetto, FL 34221
(941) 729-9177 Ext. 3944
Monica.Luff@BACVB.com



 Please consider your environmental responsibility before printing this e-mail

From: Monica Luff
Sent: Tuesday, September 11, 2018 12:42 PM
To: William Clague <william.clague@mymanatee.org>
Cc: Alex Nicodemi <alex.nicodemi@mymanatee.org>; Juliet Shepard <juliet.shepard@mymanatee.org>; Elliott Falcione <elliott.falcione@bacvb.com>; Eva Galler <eva.galler@bacvb.com>
Subject: 2018 TDP Amendment Ordinance & 2018 Pirates Amended and Restated ILA - REVISED by CVB 9-11-2018

Hi Bill:

We've reviewed the 2018 TDP Amendment Ordinance and have no changes to it.

We also reviewed the draft 2018 Pirates Amended and Restated ILA and have changes/comments. See attachment with our handwritten comments.

Also, you had mentioned in your Co Atty Memo that "the draft ILA for Pirate City and McKechnie Field differs from the past agreement regarding Pirate City in that it does not require annual renewal of the County's obligation". We can't find that language, nor remember it ever being a stipulation, in the current ILA. The current ILA terminates in 2032 and doesn't require annual renewal. Can you clarify what you meant by this statement?

Thanks.

Monica Luff

Sr. Admin. Specialist



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