

**ORDINANCE NO. 21-25**

**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 AUTHORIZE THE USE OF TOURIST DEVELOPMENT TAX PROCEEDS TO FUND CAPITAL IMPROVEMENTS TO GRASSY POINT, BRADENTON BEACH CITY PIER, AND ANNA MARIA CITY PIER, AND TO REMOVE CERTAIN AUTHORIZED USES FOR CAPITAL PROJECTS COMPLETED IN PRIOR FISCAL YEARS; AND 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 April 19, 2021, 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 June 8, 2021, 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.

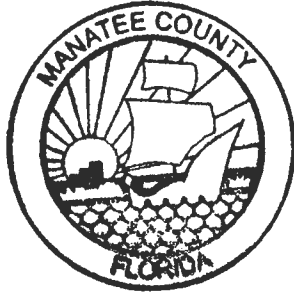
Section 4. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 3 of this Ordinance into the Code.

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 8th day of June, 2021.



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

By: \_\_\_\_\_

A large, stylized handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to be "L. B. ...".

Chairperson

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

By: \_\_\_\_\_

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to be "L. J. ...".

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 (August 2019), the county expects during the next two (2) fiscal years to derive a total of ~~fourteen million seven hundred thousand dollars~~ sixteen million four hundred thousand dollars (~~\$14,700,000.00~~ \$16,400,000.00) 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 nine hundred forty thousand dollars~~ three million two hundred eighty thousand dollars (~~\$2,940,000.00~~ \$3,280,000.00) 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 ~~eleven million seven hundred sixty thousand dollars~~ thirteen million one hundred twenty thousand dollars (~~\$11,760,000.00~~ \$13,120,000.00) 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 four hundred thousand dollars~~ one million seven hundred thousand dollars (~~\$1,400,000.00~~ \$1,700,000.00) 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 ~~five million eight hundred thousand dollars~~ seven million two hundred fifty thousand dollars (~~\$5,800,000.00~~ \$7,250,000.00) 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) 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 nine hundred thirty five thousand dollars (\$1,935,000.00).~~
- VII 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.

- VIII X. Bishop Museum of Science & Nature (formerly known as South Florida Museum). Payment to the Bishop Museum of Science & Nature South Florida Museum to fund the costs of care, feeding and maintenance of manatees and/or travelling exhibits at the Bishop Museum of Science & Nature 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).~~
- IX 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. ~~Myakka Schoolhouse Museum. Payment to the Myakka City Historical Society, Inc. of a one-time capital contribution for improvements to a museum owned and operated by not for profit organization and open to the public, in an amount not to exceed fifty thousand dollars (\$50,000.00).~~
- X. City of Holmes Beach – Grassy Point Park. Payment to the City of Holmes Beach of a one-time capital contribution for improvements to Grassy Point Park in an amount not to exceed forty-one thousand two hundred dollars (\$41,200.00).
- XI. City of Bradenton Beach - Bradenton Beach City 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 City Pier in an amount not to exceed eight hundred fifty thousand dollars (\$850,000.00).
- XII. City of Anna Maria - 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 five hundred thousand dollars (\$500,000.00).
- 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.

**From:** [Ords Admin](#)  
**To:** [Vicki Tessmer](#)  
**Subject:** RE: Manatee County, FL Code of Ordinances - 1981(10428) OrdLink/OrdBank  
**Date:** Friday, June 11, 2021 7:24:27 AM

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We have received your files.

Thank you and have a nice day.

Ords Administrator  
ords@municode.com  
1-800-262-2633  
P.O. Box 2235  
Tallahassee, FL 32316

When available, please send all documents in WORD format to Ords@municode.com. However, if WORD format is not available, we welcome any document format including PDF.

SJ

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**From:** Vicki Tessmer <[vicki.tessmer@ManateeClerk.com](mailto:vicki.tessmer@ManateeClerk.com)>  
**Sent:** Thursday, June 10, 2021 8:50 AM  
**To:** County Ordinances <[CountyOrdinances@dos.myflorida.com](mailto:CountyOrdinances@dos.myflorida.com)>; Ords Admin <[ords@municode.com](mailto:ords@municode.com)>  
**Subject:** Manatee County Ordinances

**WARNING:** This email originated from outside Municode. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.

|                      |                |
|----------------------|----------------|
| Sender               | Vicki Tessmer  |
| Sender Phone number: | 741-4081       |
| County Name:         | Manatee County |
| Ordinance Number:    | 21-025         |

Please find attached Ordinance 21-025 which was adopted by Manatee County on Jun 8, 2021. The PDF and word versions are attached.

Vicki Tessmer  
Supervisor, Board Records, Tax Deeds, and VAB  
For Angelina "Angel" Colonnese  
Clerk of the Circuit Court and Comptroller of Manatee County  
[www.manateeclerk.com](http://www.manateeclerk.com)  
[vicki.tessmer@manateeclerk.com](mailto:vicki.tessmer@manateeclerk.com)  
941-741-4081





***"Pride in Service, with a Vision to the Future"***

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

June 10, 2021

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

Attention: Vicki Tessmer

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 No. 21-25, which was filed in this office on June 10, 2021.

Sincerely,

Anya Grosenbaugh  
Program Administrator

AG/lb

**From:** [ords@municode.com](mailto:ords@municode.com)  
**To:** [Robin Toth](mailto:Robin.Toth@mymanatee.org); [pamala.roberts@mymanatee.org](mailto:pamala.roberts@mymanatee.org)  
**Subject:** Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 115  
**Date:** Tuesday, August 3, 2021 1:30:36 PM

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\*\*\*\*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 115

| Document   | Adopted Date              | Recorded                  | Recorded Format |
|--|---------------------------|---------------------------|-----------------|
| <a href="#">Ordinance No. 20-46 (Corrective)</a> | <a href="#">7/27/2021</a> | <a href="#">8/3/2021</a>  | PDF             |
| <a href="#">Ordinance No. 21-25</a>              | <a href="#">6/8/2021</a>  | <a href="#">6/16/2021</a> | Word            |
| <a href="#">Ordinance No. 21-33</a>              | <a href="#">7/27/2021</a> | <a href="#">8/3/2021</a>  | PDF             |



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.

**APPROVED** in Open Session  
**6/8/2021**  
Manatee County Board of County  
Commissioners



**Board of County Commissioners**  
June 8, 2021 - Regular Meeting

**SUBJECT**

ADOPTION OF ORDINANCE 21-25 AMENDING SECTION 2-29-27 OF THE MANATEE COUNTY CODE OF ORDINANCES TO AMEND THE COUNTY'S TOURIST DEVELOPMENT PLAN

**Category**

ADVERTISED PUBLIC HEARINGS (Presentation Scheduled)

**Briefings**

None

**Contact and/or Presenter Information**

Elliott Falcione, Convention & Visitors Bureau Executive Director, x3940

**Action Requested**

Adopt Ordinance 21-25 amending the County's Tourist Development Plan.

**Enabling/Regulating Authority**

Manatee County Code of Laws 2-29-27 Tourist Development Plan  
Florida Statutes, Section 125.0104 Authorized Uses of Resort Tax Funds

**Background Discussion**

Each island municipality approached the Convention & Visitors Bureau (CVB) requesting use of Tourist Development Tax (TDT) Funds to partner with the below requests for expenditures.

On April 19, 2021 the Tourist Development Council unanimously recommended approval of using TDT funds for the below projects/partnerships.

Amendments to Section 2-29-27 of the Manatee County Code of Ordinances include:

1. Partnership with City of Holmes Beach to use TDT funds to pay a one-time capital contribution for improvements to erosion control seawall, in an amount not to exceed \$282,910.00

The expenditures will be used to reimburse the City of Holmes Beach for capital improvements to erosion control seawall on Marina Drive on Holmes Beach, freeing monies for Holmes Beach to invest in other improvements to the City such as bike lanes, sidewalks, and landscaping.

2. Partnership with City of Holmes Beach to use TDT funds to pay a one-time capital contribution for improvements to Grassy Point Park in an amount not to exceed \$41,200.00

The expenditures will be used to reimburse City of Holmes Beach for capital improvements to Grassy Point such as boardwalks, information signs, and an additional entrance from East Bay Drive.

3. Partnership with the City of Bradenton Beach to use TDT funds to pay a one-time capital contribution for cost of the remodeling, repair, and improvement of the publicly owned Bradenton Beach City Pier (on a dollar-for-dollar match basis) in an amount not to exceed \$850,000.00

The expenditures will be used for design and engineering costs and all other professional and related costs required to develop the public facilities at the Bradenton Beach City Pier into service; add finger piers to accommodate up to 18 vessels and a water taxi service onto an existing floating dock anchored to the Bradenton Beach City Pier; replace the pier's adjacent dinghy dock, lighting and safety improvements to pier, floating docks, and dinghy dock; dedicated access point/terminal and signage for existing municipal trolley to service boating day trippers and water taxi users; develop an environmental living shoreline; and purchase and install tourist-friendly accessories to the pier such as underwater cameras, fish stations, trash cans, tourist binoculars or telescopes, etc.

4. Partnership with the City of Anna Maria to use TDT funds to pay a one-time capital contribution for improvements (installation of Mote Marine Education Outreach Center) to the publicly owned Anna Maria City Pier in an amount not to exceed \$500,000.00

The expenditures will be used to reimburse City of Anna Maria for capital improvements to Anna Maria City Pier to accommodate the installation of Mote Marine Education Outreach Center, including the possibility of a water taxi pilot program from downtown Bradenton to the Anna Maria Pier. Mote will then invest \$444,134 annually to maintain the facility. City of Anna Maria is contributing the building rent free to Mote to bring the attraction to Manatee County.

5. Removal of certain authorized uses for capital projects completed in prior fiscal years.
6. Update of budget numbers for Projected Revenues, CVB operation costs, and Advertising and Promotion of Tourism costs.

Individual Interlocal Agreements with each municipality will be forthcoming for consideration.

Public Hearing Notice in local newspaper May 28, 2021.

**Attorney Review**

Formal Written Review (Opinion memo must be attached)

**Reviewing Attorney**

Nicodemi

[sent to sec of state and emailed 6/10/2021](#)

**Instructions to Board Records**

Copy of signed Ordinance 21-25 and approved agenda memo to: [Monica.Luff@mymanatee.org](mailto:Monica.Luff@mymanatee.org)  
and [Eva.galler@mymanatee.org](mailto:Eva.galler@mymanatee.org)

**Cost and Funds Source Account Number and Name**

1030002400582000 Tourist Development Tax Other Civic Enterprises - CVB; Aid to  
Governmental Agencies

**Amount and Frequency of Recurring Costs**

Grand Total of \$1,674,110 in one time expenditures: (Holmes Beach: up to \$282,910; Holmes  
Beach: up to \$41,200; Bradenton Beach: up to \$850,000; Anna Maria: up to \$500,000)

## 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 (Board) will conduct a public hearing on the **8<sup>th</sup> day of June, 2021 at 9:00 a.m.**, or as soon thereafter in the Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, to consider, act upon, enact or reject the following Ordinance:

### ORDINANCE NO. 21-25

**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 AUTHORIZE THE USE OF TOURIST DEVELOPMENT TAX PROCEEDS TO FUND CAPITAL IMPROVEMENTS TO THE CITY OF HOLMES BEACH, GRASSY POINT, BRADENTON BEACH CITY PIER, AND ANNA MARIA CITY PIER, AND TO REMOVE CERTAIN AUTHORIZED USES FOR CAPITAL PROJECTS COMPLETED IN PRIOR FISCAL YEARS; AND PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Copies of proposed **ORDINANCE 21-25** may be inspected by the public during normal business hours 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. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

According 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/she will need a record of the proceedings and for such purpose, he/she 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 Board does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act (ADA), should contact Carmine DeMilio at (941) 792-8784, Extension 8203 or [carmine.demilio@mymanatee.org](mailto:carmine.demilio@mymanatee.org).

**Date to be published: May 28, 2021**

**ORDINANCE NO. 21-25**

**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 AUTHORIZE THE USE OF TOURIST DEVELOPMENT TAX PROCEEDS TO FUND CAPITAL IMPROVEMENTS TO THE CITY OF HOLMES BEACH, GRASSY POINT, BRADENTON BEACH CITY PIER, AND ANNA MARIA CITY PIER, AND TO REMOVE CERTAIN AUTHORIZED USES FOR CAPITAL PROJECTS COMPLETED IN PRIOR FISCAL YEARS; AND 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 April 19, 2021, 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 June 8, 2021, 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 8th day of June, 2021.

**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 (August 2019), the county expects during the next two (2) fiscal years to derive a total of ~~fourteen million seven hundred thousand dollars~~ sixteen million four hundred thousand dollars (~~\$14,700,000.00~~ \$16,400,000.00) 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 nine hundred forty thousand dollars~~ three million two hundred eighty thousand dollars (~~\$2,940,000.00~~ \$3,280,000.00) 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 ~~eleven million seven hundred sixty thousand dollars~~ thirteen million one hundred twenty thousand dollars (~~\$11,760,000.00~~ \$13,120,000.00) 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 four hundred thousand dollars~~ one million seven hundred thousand dollars (~~\$1,400,000.00~~ \$1,700,000.00) 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 ~~five million eight hundred thousand dollars~~ seven million two hundred fifty thousand dollars (~~\$5,800,000.00~~ \$7,250,000.00) 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) 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 nine hundred thirty five thousand dollars (\$1,935,000.00).~~
- VII 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.

- VIII ~~X~~. *Bishop Museum of Science & Nature (formerly known as South Florida Museum)*. Payment to the Bishop Museum of Science & Nature ~~South Florida Museum~~ to fund the costs of care, feeding and maintenance of manatees and/or travelling exhibits at the Bishop Museum of Science & Nature ~~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).~~
- IX ~~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.~~ ~~*Myakka Schoolhouse Museum*~~. ~~Payment to the Myakka City Historical Society, Inc. of a one-time capital contribution for improvements to a museum owned and operated by not for profit organization and open to the public, in an amount not to exceed fifty thousand dollars (\$50,000.00).~~
- X. *City of Holmes Beach – Seawall*. Payment to City of Holmes Beach of a one-time capital contribution for improvements to erosion control seawall, in an amount not to exceed two hundred eighty-two thousand nine hundred ten dollars (\$282,910.00)
- XI. *City of Holmes Beach – Grassy Point Park*. Payment to the City of Holmes Beach of a one-time capital contribution for improvements to Grassy Point Park in an amount not to exceed forty-one thousand two hundred dollars (\$41,200.00).
- XII. *City of Bradenton Beach - Bradenton Beach City 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 City Pier in an amount not to exceed eight hundred fifty thousand dollars (\$850,000.00).
- XIII. *City of Anna Maria - 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 five hundred thousand dollars (\$500,000.00).

- XIV. *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.
  - XV. *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**

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**From:** Alex Nicodemi  
**Sent:** Tuesday, May 18, 2021 2:24 PM  
**To:** Monica Luff  
**Cc:** Scott Hopes; William Clague; Elliott Falcione; Pamala Roberts  
**Subject:** RLS Response: Ordinance to Amend TDT Plan CAO MATTER NO. 2021-0201  
**Attachments:** Ord 21-TDT PLAN CAO\_051821.doc

Monica:

Pursuant to the above Request for Legal Services you have asked this Office to review a draft ordinance amending the County's Tourist Development Plan to implement the funding for certain capital improvements. I provide the following in response:

1. Attached is a redlined revision of the draft ordinance reflecting my suggested changes.
2. I have provided an ordinance number for the ordinance and made minor changes for clarification.

Subject to the inclusion of my suggested changes, I have no objection from a legal standpoint to the ordinance being scheduled for consideration by the Board. I express no opinion as to the policy or business decision to approve the amendment or the ordinance.

This concludes my response to the RLS. Please let me know if you have any questions or concerns.

*Alexandria C. Nicodemi*  
Assistant County Attorney  
Manatee County Attorney's Office  
1112 Manatee Avenue West – Suite 969  
Bradenton, Florida 34205  
Email: [alex.nicodemi@mymanatee.org](mailto:alex.nicodemi@mymanatee.org)  
Phone: 941-745-3750 x3746  
Fax: 941-745-3089

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**PLEASE NOTE:** Florida has very broad public records laws. Many written communications to or from this office may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

**ORDINANCE NO. 21-25\_\_**

**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 AUTHORIZE THE USE OF TOURIST DEVELOPMENT TAX PROCEEDS TO FUND CAPITAL IMPROVEMENTS TO THE CITY OF HOLMES BEACH, GRASSY POINT, BRADENTON BEACH CITY PIER, AND ANNA MARIA CITY PIER, AND TO REMOVE CERTAIN AUTHORIZED USES FOR CAPITAL PROJECTS COMPLETED IN PRIOR FISCAL YEARS; AND 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 April 19, 2021, 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 \_\_\_\_\_, 2021, 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 \_\_\_\_ day of \_\_\_\_\_, 2021.

**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.

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or subcontractors in an initial amount not to exceed ~~five million eight hundred thousand dollars~~ seven million two hundred fifty thousand dollars (~~\$5,800,000.00~~ \$7,250,000.00) in each fiscal year.

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- 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.
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**CITIZENS' COMMENTS**  
**(Agenda Items)**

Item #: # 9

CONSENT:  NO  YES

The Board of County Commissioners welcomes your comments. Your presentation must be limited to three (3) minutes per item or matter, with a total limit of ten (10) minutes. If appropriate, the matter(s) you present will be placed on a future commission agenda.

It is requested that you complete this form and return it to the receptionist prior to the beginning of the Citizens' Comments portion of the agenda.

Name: Andra L Griffin  
Address: 5822 2nd St W, Bradenton, FL 34207  
Phone: (Home) 941-237-4465 (Work) \_\_\_\_\_  
Email: \_\_\_\_\_

Brief description of problem or concern:

OPEN UP PARKING FIRST!!!