

FILED FOR RECORD
R. B. SHORE

ORDINANCE NO. 08-74

2008 SEP 22 AM 10:16

CLERK OF THE COUNTY COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA AMENDING
ORDINANCE 03-54 THAT ESTABLISHED A ONE PERCENT (1%)
TOURIST DEVELOPMENT TAX (THE 4TH CENT) PURSUANT TO
SECTION 125.0104 (3) (I) TO DELETE THE PORTION OF SECTION
2, PROVIDING FOR THE TERMINATION OF THE TAX
PROVIDING FOR AMENDMENT OF THE TOURIST
DEVELOPMENT PLAN ADOPTED PURSUANT TO ORDINANCE
01 AND CODIFICATION AS SECTION 2-29-25 OF THE CODE
LAWS OF MANATEE COUNTY; PROVIDING FOR SEVERABILITY
PROVIDING FOR CODIFICATION AND PROVIDING
EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE
FLORIDA
2008 SEP 12 AM 9:16
FILED

WHEREAS, Pursuant to Section 125.0104 (3)(I) the Board of County Commissioners of Manatee County adopted Ordinance 03-54 on October 7, 2003, establishing an additional one percent (1%) Tourist Development Tax, and

WHEREAS, Section 2 of Ordinance 03-54 provides that the tax authorized therein shall terminate on November 30, 2008; and

WHEREAS, the Board of County Commissioners has determined that it is necessary and in the best interest of the County to provide for the continuation of the tax; and

WHEREAS, the Manatee County Tourist Development Plan as provided in Ordinance 96-01 and 03-54 has not been codified in the Code of Laws of Manatee County and needs to be modified and codified therein.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners Manatee County, Florida as follows:

Section 1. Section 2 of Ordinance 03-54 is amended to delete the clause "and shall terminate on November 30, 2008" so that the section now provides:

Section 2. The effective date of the levy and imposition of the tax authorization herein shall be December 1, 2003.

Section 2. Section 3 of Ordinance 96-01 shall be amended and added as Section 2-29-25 of the Manatee County Code of Laws and shall provide as follows:

Section 2-29-25 Tourist Development Plan.

The tax revenues and funds received by Manatee County less administrative costs for collection and administration, as authorized by Section 125.0104, Florida Statutes, as

amended, pursuant to section 2-29-21(a) shall be expended according to the County's Tourist Development Plan, which is hereby adopted and set forth as follows:

- A. It is estimated that Tourist Development Tax Revenues from the two percent (2%) tax imposed under Paragraph A, Section 1 (hereinafter the "2% Tax") will be Two Million Four Hundred Seventy Six Thousand (\$2,476,000.00) Dollars per year. The allocation, in order of priority, of the 2% Tax for the Fiscal Year commencing October 1, 1995, shall be authorized as follows:
- I. CONVENTION AND VISITORS BUREAU: The expenses associated with the activities of the Bradenton Area Convention and Visitors Bureau which shall include but not be limited to rent, personnel, administration, and supplies, equipment, and building improvements.
 - II. ADVERTISING AND PROMOTING TOURISM: May include costs and expenses associated with marketing Manatee County, its facilities and amenities, but shall not be limited to print and broadcast media, direct mail and response and all market research, promotion, production and printing costs, promotional products, entertaining, appropriate travel-related and entertainment expenses, and all costs associated with trade show participation.
 - III. CIVIC CENTER: Civic Center shall mean the Manatee County Civic Center developed pursuant to Chapter 78-556, Laws of Florida, as amended, now known as the Manatee Convention and Civic Center, and this allocation may include but shall not be limited to expenses associated with promotion, repair, maintenance, equipment and building improvements, administration and operation of the Manatee County Convention and Civic Center.
 - IV. TOURIST INFORMATION CENTER: May include but shall not be limited to costs and expenses required for construction, maintenance, equipment and operation expenses of the Manatee County Tourist Information Center.
 - V. CITY OF BRADENTON SPECIAL PROJECTS AND USES: Beginning October 1, 1991, ten and one-half

percent (10.5%) of the two percent (2%) Tax actually collected shall be allocated to the City of Bradenton to fund specific projects or uses as may be authorized by the Bradenton City Council in accordance with the limitations provided by Subsection 5 of Section 125.0104, Florida Statutes (1989). The revenues to be derived by the City of Bradenton pursuant to this paragraph may be pledged to secure and liquidate revenue bonds issued by the City of Bradenton for the purposes set forth in subparagraphs (a)1 and (a)4 of Section 125.0104, Florida Statutes (1989) and if so pledged, this ordinance shall not be amended in derogation of such a pledge. Such revenue bonds may be authorized and issued in such principal amounts, with such interest rates and maturity dates, and subject to such other terms, conditions and covenants as the Bradenton City Council shall provide; however, such covenants shall not pledge the Tourist Development Tax Revenues allocated pursuant to this paragraph for any period beyond October 1, 2016. It is the intent of the Board of County Commissioners that this paragraph shall be full and complete authority for accomplishing such purposes, but such authority shall be supplemental to, in addition to and not in derogation of, any power now existing under law.

- B. It is estimated that Tourist Development Revenues from the additional one percent (1%) tax imposed under section 2-29-21(f) (hereinafter the "the Beach Penny") will be One Million Two Hundred Thirty Eight Thousand (\$1,238,000.00) Dollars per year, The entire one percent (1%) Tax shall be allocated as follows until such time as this Tourist Development Plan has been amended:
 - I. Except as provided in V below, all revenues accrued as of October 1, 1990, and all future revenues collected as the result of the imposition of the additional Beach Penny levied and imposed under section 2-29-21(f) shall be held in a fund designated as the Beach Renourishment Fund and used only to finance beach restoration and erosion management projects, beach maintenance, and other beach improvements as defined in 125.0104(5)(a)4, Florida Statutes.
 - II. The Clerk of the Circuit Court is hereby authorized to invest any unencumbered and available proceeds of the Beach

Renourishment Fund in interest-bearing accounts and securities in a manner consistent with other County investments.

- III. All interest previously accrued on the additional Beach Penny shall be a part of the Beach Renourishment Fund and all additional interest earned on such amounts shall be credited to the Beach Renourishment Fund.
 - IV. Nothing herein shall be deemed to prohibit the pledging of the proceeds of the Beach Renourishment Fund to servicing any bonded indebtedness incurred pursuant to law to provide for the financing of beach renourishment, restoration and erosion control, including shoreline protection for Manatee County beaches.
 - V. Notwithstanding any provision of this Section 3. B. to the contrary, the Board of County Commissioners may appropriate unpledged or unencumbered funds held in the Beach Renourishment Fund or from revenues collected as the result of the imposition of the Beach Penny in such amounts as may be determined to be necessary to fund or reimburse such other accounts or funds for all costs associated with marketing or advertising plans undertaken in the wake of an actual or perceived emergency or disaster affecting the beaches or other tourism assets within the County.
- C. It is estimated that the Tourist Development Tax Revenues from the 1% tax imposed, pursuant to section 2-29-21(g) (hereinafter the "4th Cent"), will be One Million Two Hundred Thirty Eight Thousand (\$1,238,000.00) Dollars and shall be used only to promote and advertise tourism in the state of Florida and nationally and internationally; however, if any tax revenues are expended for an activity, service, venue, or event, the activity, service, venue or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue or event to tourists.
- D. The specific allocation of funds for expenditures authorized by this Ordinance 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 proposed uses under this Tourist Development 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 Ordinance 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 Ordinance and the County's budget. Funding authorized under this Ordinance shall be disbursed in accordance with such rules, procedures and agreements as may be adopted and authorized by the Board of County Commissioners.

Section 3. It is the intention of the Board of County Commissioners of Manatee County to continue the tax imposed under Section 2 of Ordinance 03-54 (the 4th Cent) until terminated by Ordinance or as otherwise provided by law.

Section 4.

Severability: In the event any provisions or portions of this Ordinance are declared by a court of competent jurisdiction to be invalid, unconstitutional or unenforceable, all remaining provisions and portions of this Ordinance shall remain in full force and effect. All of the provisions of the Ordinance are severable, and the legality and enforceability of any one or more of them are not contingent or dependant upon the validity or enforceability of any other provision.

Section 4.

Codification: The provisions of the newly created section 2-29-25 shall be codified as provided herein.

Section 5.

Effective Date: This ordinance shall take effect immediately upon filing with the Department of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED in open session by an affirmative vote of a majority plus one of the Board of County Commissioners this 9th day of SEPTEMBER, 2008.

ATTEST: R.B. SHORE
Clerk of the Circuit Court

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Janae Romine
Deputy Clerk

By: Jane von Hahmann
Jane von Hahmann, Chairman



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 10th day of SEPTEMBER, 2008
R.B. SHORE
Clerk of Circuit Court
By: Nancy Harris D.C.

FILED FOR RECORD
R. B. SHORE

2008 SEP 22 AM 10:16



CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

September 16, 2008

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-74, 080-73, PDEZ-08-19 (Z)(G), PDEZ-08-20 (Z)(P), PDEZ-08-21 (Z)(G) and PDEZ-08-22 (Z)(G), which were filed in this office on September 16, 2008.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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