

ORDINANCE NO. 19-24

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 A MUSEUM OWNED BY A NOT-FOR-PROFIT ORGANIZATION AND OPEN TO THE PUBLIC; 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 20, 2016, 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 April 23, 2019, 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 23rd day of April, 2019.

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

By: Stephen R. Jansson
Chairperson

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

By: Robin Roth DC
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) 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 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. *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).

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.

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

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
663151	0004168356	NOTICE OF PUBLIC HEARING NOTICE IS HER	ance 19-24; Tourist Development	\$93.60	1	8.00 In

Attention: Monica Luff

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 April 23, 2019, at 9:00 a.m., or soon thereafter, to consider, act upon, enact or reject the following Ordinance:

**ORDINANCE NO. 19-24
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 A MUSEUM OWNED BY A NOT-FOR-PROFIT ORGANIZATION AND OPEN TO THE PUBLIC; 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 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 is provided for in the ADA

THE STATE OF FLORIDA COUNTY OF MANATEE

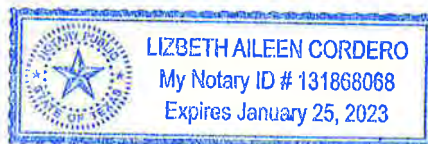
Before the undersigned authority personally appeared VICTORIA RODELA, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement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

1 Insertion(s)

Published On:

April 12, 2019

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



[Signature]

(Signature of Affiant)

Sown to and subscribed before me this
17th day of April in the year of 2019

[Signature]

SEAL & Notary Public

As provided for in the ADA,
should contact Kaycee Ellis at
742-5800; TDD ONLY 742-5802
and wait 60 seconds; FAX 745-
3790.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 25, 2019

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 19-24, which was filed in this office on April 25, 2019.**

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 107
Date: Tuesday, April 30, 2019 8:00:57 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 107

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 18-12	7/24/2018	3/27/2019	PDF
Ordinance No. 19-10	2/26/2019	3/7/2019	Word
Ordinance No. 19-24	4/23/2019	4/30/2019	Word
Ordinance No. 19-25	4/23/2019	4/30/2019	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.