

RESOLUTION NO. R-21-029

A RESOLUTION OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; ESTABLISHING GUIDELINES FOR THE DEPOSIT AND USE OF THE PROCEEDS OF FEES CHARGED AT THE COUNTY'S FLORIDA MARITIME MUSEUM; PROVIDING FOR RESERVATION OF RIGHTS AND DISCRETION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the County operates the Florida Maritime Museum through the Historical Resources Department maintained by the Manatee County Clerk of the Circuit Court (the "Clerk"); and

**WHEREAS**, from time to time, the Clerk receives revenues from various fees charged for the use of space or programs at the Florida Maritime Museum, in support of the museum's purpose (the "Fee Proceeds"); and

**WHEREAS**, it is in the best interest of the public health, safety and welfare of the County to establish guidelines for the deposit and use of the Fee Proceeds as provided in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, THAT:**

**SECTION 1. GUIDELINES FOR DEPOSIT AND USE OF FEE PROCEEDS.**

The Board hereby establishes the following guidelines for the deposit and use of Fee Proceeds.

- a. *Collection of Fee Proceeds.* For purposes of this Resolution, Fee Proceeds shall include the proceeds of all fees charged to persons or organizations for the use of space at the Florida Maritime Museum, including but not limited to:
  - (i) Fees for classes and programs
  - (ii) Gift shop sales
  - (iii) Private rentals

All Fee Proceeds collected by, or remitted to, the Clerk shall be deposited and used in accordance with this Resolution.

- b. *Deposit of Fee Proceeds.* The Clerk shall establish a separate account (the "Historic Parks Fee Account") in the County's funds and accounts, and shall deposit all Fee Proceeds into such Historic Parks Fee Account. The Clerk shall manage and invest all revenues in the Historic Parks Fee Account in

shall manage and invest all revenues in the Historic Parks Fee Account in accordance with all policies and practices applicable to County revenues. Proceeds of investments of revenues in the Historic Parks Fee Account shall be retained in such account. All revenues in the Historic Parks Fee Account shall be used in accordance with this Resolution.

- c. *Use of Fee Proceeds.* Subject to annual budgeting and appropriation by the Board of County Commissioners in accordance with applicable law, revenues in the Historic Parks Fee Account shall be used as follows:
- (i) Budgeted revenues shall be used to pay for the operation, maintenance or improvement of the Florida Maritime Museum, or for programs at the Florida Maritime Museum; and
  - (ii) Unexpended revenues held in the Historic Parks Fee Account at the end of any fiscal year may be retained in the Historic Parks Fee Account and carried over to be used for expenditures the next fiscal year in accordance with paragraph (i).

**SECTION 2. RESERVATION OF RIGHTS AND DISCRETION.** This Resolution sets forth guidelines as to how the Board intends to use Fee Proceeds. In accordance with applicable law, the expenditure of revenues, and the carry-over of revenues from fiscal year to fiscal year, are subject to the Board's annual budgeting and appropriation. The Board reserves its right and budgetary discretion to transfer revenues from the Historic Parks Fee Account to any other County fund or account, and to use such revenues for any valid public purpose. The Historic Parks Fee Account, and the revenues therein, shall not constitute "trust funds" under any provision of law or decisional case law. This Resolution does not constitute a contract with the Clerk or any other party for the use of Fee Proceeds or relating to the other matters addressed in this Resolution.

**SECTION 3. SEVERABILITY.** If any section, sentence, clause, or other provision of this Resolution 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 Resolution.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

ADOPTED WITH A QUORUM PRESENT AND VOTING THIS THE 8<sup>th</sup> DAY OF June, 2021.



MANATEE COUNTY, FLORIDA  
BOARD OF COUNTY  
COMMISSIONERS

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

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: Wabi Issner  
Deputy Clerk