

ORDINANCE NO.: 2010 - 12

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 92-32, WHICH PROVIDES THAT THE 40-30-30 SPENDING CATEGORIES ESTABLISHED BY THE COUNTY'S ORIGINAL TOURIST DEVELOPMENT PLAN CAN NOT BE CHANGED WITHOUT A REFERENDUM ELECTION THAT APPROVES THE CHANGE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ST. JOHNS COUNTY ORDINANCE NUMBERS 86-72, (AS PREVIOUSLY AMENDED) AND 91-44, (AS PREVIOUSLY AMENDED); PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, pursuant to Section 125.0104 of the Florida Statutes, known as the "Local Option Tourist Development Act" ("the Act"), the Board of County Commissioners ("Board") passed and enacted St. Johns County Ordinance Number 86-72 on September 16, 1986; and

WHEREAS, among other things, Ordinance Number 86-72 levied, imposed and set a tourist development tax throughout St. Johns County at a rate of two percent (2%) of each whole and major fraction of each dollar of the total rental and consideration charged every person who rents, leases or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home park, recreational vehicle park or condominium for a term of six (6) months or less; and

WHEREAS, Ordinance Number 86-72 established the original St. Johns County Tourist Development Plan ("the Plan"), and further provided that tax revenues received pursuant to the Ordinance be used to fund the Plan; and

WHEREAS, the Plan sets forth uses of the tax revenue and allocates the percentages of total tax revenue dollars derived by the County among three general categories as follows: forty percent (40%) to Tourism Promotion, thirty percent (30%) to Cultural Development and thirty percent (30%) to Leisure/Recreational Development (hereafter collectively referred to as “the 40-30-30 spending categories”); and

WHEREAS, on November 12, 1991, the Board passed and enacted St. Johns County Ordinance Number 91-44, which levied and imposed an additional one percent (1%) tourist development tax above the rate set under St. Johns County Ordinance Number 86-72 for a total cumulative rate of three percent (3%); and

WHEREAS, on October 13, 1992, the Board passed and enacted St. Johns County Ordinance Number 92-32, which amends and supplements St. Johns County Ordinance Numbers 86-72 (*as previously amended*) and 91-44 (*as previously amended*) to include the following language:

The 40-30-30 spending categories that were established by the original tourist development plan adopted by St. Johns County can not [*sic*] be changed without a referendum election that approves the change. The preceding sentence does not apply to changes to the sub categories and spending options within each of the three spending categories;

and

WHEREAS, on December 17, 2009, the Board passed and enacted St. Johns County Ordinance Number 09-62, which levied and imposed an additional one percent (1%) tourist development tax above the rate set under St. Johns County Ordinance Numbers 86-72 (*as previously amended*) and 91-44 (*as previously amended*) for a total cumulative rate of four percent (4%); and

WHEREAS, in accordance with Section 125.0104(4)(e) of the Act, on March 15, 2010, the Tourist Development Council (“TDC”) reviewed the existing Plan, and based upon its review, recommended that striking the language contained in Ordinance 92-32 from the Plan would further advance and promote tourism in St. Johns County; and

WHEREAS, Section 125.0104(4)(d) of the Act provides for amendment and change to the Plan by an affirmative vote of a majority plus one additional member of the Board; and

WHEREAS, the Board desires to act positively and favorably to the TDC’s recommendation, and consistent with Section 125.0104(4)(d) of the Act; and

WHEREAS, the Board has determined that striking the language contained in Ordinance 92-32 from the Plan would serve the best interests of the citizens of St. Johns County by further advancing and promoting tourism within the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, that:

Section 1. Findings of Fact.

The above Recitals are incorporated by reference into the body of this Ordinance and such Recitals are adopted as Findings of Fact.

Section 2. Repeal of St. Johns County Ordinance Number 92-32; Amendment of Ordinance Numbers 86-72 (as previously amended) and 91-44 (as previously amended).

St. Johns County Ordinance Number 92-32, which amends and supplements St. Johns County Ordinance Numbers 86-72 (*as previously amended*) and 91-44 (*as previously amended*) is hereby repealed. St. Johns County Ordinance Numbers 86-72 and 91-44 shall be amended to strike the following language:

The 40-30-30 spending categories that were established by the original tourist development plan adopted by St. Johns County can not [*sic*] be changed without a referendum election that approves the change. The preceding sentence does not apply to changes to the sub categories and spending options within each of the three spending categories.

Section 3. Repeal of Inconsistent Provisions.

Any provisions contained in prior ordinances or resolutions inconsistent or in conflict with the provisions set forth above are hereby repealed to the extent of such inconsistency or conflict.

Section 4. Savings Clause.

Notwithstanding anything to the contrary, and for purposes of this Ordinance, all other provisions contained in ordinances or resolutions relevant to Ordinance Number 86-72 (*as previously amended*) are specifically preserved and remain in full force and effect.

Section 5. Severability.

It is the intent of the Board, and it is hereby provided that if any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such word, phrase, clause, section or portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining words, phrases, clauses, sections, or portions hereof.

Section 6. Effective Date.

This Ordinance shall take effect upon its filing in the Office of the Secretary of State, State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County,
Florida, this 6th day of April, 2010.

**ST. JOHNS COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: 
Ron Sanchez, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

Rendition Date: April 7, 2010

Effective Date: April 8, 2010



The St. Augustine Record

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **KAREN J. BRANNON**

who on oath says that she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF HEARING**

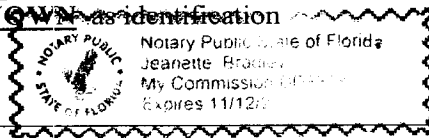
In/the matter of **HEARING APRIL 6, 2010 – REPEAL ORD 86-72 TDC**

L1186-10 was published in said newspaper **MARCH 25, 2010**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the 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 the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **31st day of MARCH, 2010**

by *Karen J. Brannon* who is personally known to me
or who has produced **PERSONALLY KNOWN** identification



Jeanette Brannan
(Signature of Notary Public)

(Seal)

COPY OF AD

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, April 6, 2010 at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 92-32, WHICH PROVIDES THAT THE 40-30 SPENDING CATEGORIES ESTABLISHED BY THE COUNTY'S ORIGINAL TOURIST DEVELOPMENT PLAN CAN NOT BE CHANGED WITHOUT A REFERENDUM ELECTION THAT APPROVES THE CHANGE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ST. JOHNS COUNTY ORDINANCE NUMBERS 86-72, (AS PREVIOUSLY AMENDED) AND 91-44, (AS PREVIOUSLY AMENDED); PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEAR-

ING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,
CHERYL STRICKLAND,
ITS CLERK
By: Patricia DeGrande,
Deputy Clerk
L1186-10 Mar 25, 2010



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

April 8, 2010

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 7, 2010 and certified copies for St. Johns County Ordinance Nos. 2010-12 through 2010-14, which were filed in this office on April 8, 2010.

FILED
2010 APR 13 AM 11:13
CLERK OF THE CIRCUIT COURT
ST. JOHNS COUNTY FL

Sincerely,

Liz Cloud
Program Administrator

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

May 28, 2010

Ms. Cheryl Strickland
Secretary
St. Johns County Board of County Commissioners
500 Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk, Minutes and Record Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 24, 2010 and corrected copies of St. Johns County Ordinance Nos. 2010-12 and 2010-13, which were received in this office on May 27, 2010.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

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