

ORDINANCE NO.: 2011-31

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NUMBER 10-13, PROVIDING FOR FINDINGS OF FACT; AMENDING, CHANGING AND RESTATING THE TOURIST DEVELOPMENT PLAN TO, AMONG OTHER THINGS, AMEND THE TITLE OF THE ARTS & CULTURE CATEGORY TO INCLUDE HERITAGE, ALLOW FOR THE PAYMENT OF DIRECT AND INDIRECT ADMINISTRATIVE COSTS FROM EACH USE CATEGORY, AND CLARIFY THE APPLICATION OF FUNDS RETENTION; PROVIDING FOR STATUTORY VOTING REQUIREMENTS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF ERRORS; PROVIDING FOR THE EFFECT OF CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, St. Johns County Ordinance Number 86-72, among other things, established the original St. Johns County Tourist Development Plan (“the Plan”); and

WHEREAS, the Plan sets forth uses and allocations of tourist development tax revenues or “bed taxes” in accordance with section 125.0104 of the Florida Statutes, known as the “Local Tourist Option Tourist Development Act” (“the Act”); and

WHEREAS, from time to time, the Plan has been amended and changed; and

WHEREAS, on April 6, 2010, the Board of County Commissioners (“Board”) passed and enacted St. Johns County Ordinance Number 2010-13, which, among other things, amended and changed the Plan to include a purpose statement, include narrative descriptions of the spending categories, include an additional spending category, reallocate revenues derived from the third cent of tourist development taxes and allocate revenues derived from the fourth cent of tourist development taxes; and

WHEREAS, in accordance with paragraph (4)(e) of the Act, the St. Johns County Tourist Development Council (“TDC”) reviewed the Plan, particularly use categories, bed tax allocation and expenditures; and

WHEREAS, based upon its review, the TDC recommended that the existing Plan be amended and changed to: (1) rename the “ARTS & CULTURE” use category the “ARTS, CULTURE & HERITAGE” use category, (2) expropriate direct and indirect administrative costs exclusively from the ADMINISTRATIVE EXPENSE/SPECIAL USES/SPECIAL EVENTS use category and provide that such costs be attributed to associated activities in each use category and (3) clarify the fund retention provisions.

WHEREAS, paragraph (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 paragraph (4)(d) of the Act; and

WHEREAS, the Board has determined that amending and changing 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. Incorporation of Recitals.

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

Section 2. Amendment and Change to the Tourist Development Plan.

The St. Johns County Tourist Development Plan shall be amended and changed to read as follows (underline denotes new language, ~~strike-through~~ denotes language removed):

St. Johns County Tourist Development Plan

Section 1. Purpose.

In accordance with Section 125.0104 of the Florida Statutes (also cited as the "Local Option Tourist Development Act"), this Tourist Development Plan ("Plan") establishes, in the order of priority, the uses of the local option tourist development tax revenue by specific project or special use as authorized under applicable provisions of Section 125.0104, F.S. This Plan also includes the expense allocation by percentage for each specific project or special use.

Section 2. Use and Allocation of Tax Revenues.

The following categories of use of each individual percent of the local option tourist development tax ("bed tax") are set forth below in subsection A, with the percentage of the total amount of the yearly revenue to be expended for, or credited to, each category set forth in subsection B:

A. Categories of Use.

- (1) **DESTINATION MARKETING:** In accordance with Section 125.0104, F.S., provide for the marketing and promotion in the state, nationally, and internationally of St. Johns County as a tourist destination by means including, but not limited to, effective advertising; dissemination of editorial and promotional messages; and the use of electronic and web-based media outlets; ~~and~~ travel industry and consumer direct sales initiatives; and related administrative expenses.
- (2) **ARTS, & CULTURE & HERITAGE:** In accordance with Section 125.0104 F.S., provide for cultural, historical, literary, fine and non-fine arts entertainment; ~~;~~ festivals

that promote arts, culture and/or heritage; and programs and activities that directly promote St. Johns County tourism; and related administrative expenses.

(3) LEISURE & RECREATION: In accordance with Section 125.0104 F.S., provide for the current and future obligations, associated with or related to, acquiring, constructing, extending, enlarging, remodeling, repairing, improving, maintaining, operating, and promoting publicly-owned leisure/recreational activities and facilities, deemed tourist-related by the Board of County Commissioners ("Board"); to provide for beach park facilities, beach improvement, maintenance, renourishment, restoration and erosion control; ~~and~~ to provide for the solicitation or production of amateur or professional sporting events and activities conducted for the purpose of attracting visitors either as participants or spectators to St. Johns County; and to provide for related administrative expenses.

(4) ADMINISTRATIVE EXPENSES/SPECIAL USES/SPECIAL EVENTS: In accordance with Section 125.0104, F.S., provide for general administrative costs, operational expenses, payment on debt services, special projects and events, including, but not limited to, the following:

a. *Administrative Expenses:*

- (1) Costs and fees paid to the St. Johns County Tax Collector for the collection of the bed tax revenues;
- (2) Costs and fees paid to the St. Johns County Clerk of the Courts for auditing taxpayer accounts;
- (3) Administrative staff salaries, benefits, administrative travel, and all costs of furnishing and operating administrative offices whether paid directly or by reimbursement, except that funds for contractual services from the administrative budget may be expended upon the express approval of the Board, following consideration and recommendation by the Tourist Development Council. Such expenses shall equal an amount up to five percent (5%) above the previous annual budgeted amount;
- (4) Indirect General administrative costs;
- (5) Insurance costs;
- (6) Contractual Services as may be deemed necessary from time to time by the Tourist Development Council, and to the extent permissible under Section 125.0104, F.S.

b. *Special Uses:*

- (1) Tourist Development Fund Reserves. An amount to be determined annually by the Tourist Development Council, but not to exceed five percent (5%) of the gross anticipated fiscal year projected revenue.
- (2) Tourism Related Capital Projects. At St. Johns County's sole discretion, bed tax revenues may be used for the following payments:
 - i. The St. Augustine Amphitheatre annual bond payment of up to \$260,000;

- ii. All or a part of the St. Johns County Convention Center annual bond payment to be made by St. Johns County due to the credit given to Assessment Contributors in the calculation of the Shortfall Assessments to be paid by the Assessment Contributors (as such capitalized terms are defined in the Special Assessment Agreement, St. Johns County Taxable Convention Center Revenue Bonds, Series 1996, dated July 24, 1996, as amended and supplemented).

c. *Special Events* (for the purpose of attracting tourists to St. Johns County), including, but not limited to:

- i. Nights of Lights programs within the City of St. Augustine and St. Augustine Beach up to \$100,000;
- ii. Annual holiday fireworks displays in St. Augustine and St. Augustine Beach up to \$60,000 per year combined;
- iii. THE PLAYERS golf tournament – up to \$200,000 per year.

d. *Visitor Information Centers*. Operations of Official Visitor Information Centers within St. Johns County up to \$350,000 per year.

B. Percent of Annual Revenue.

Category	1 st Percentage Tax	2 nd Percentage Tax	3 rd Percentage Tax	4 th Percentage Tax
(1)	40%	40%	0%	100%
(2)	30%	30%	0%	0%
(3)	30%	30%	0%	0%
(4)	0%	0%	100%	0%
TOTAL	100%	100%	100%	100%

C. Remainder Of 3rd Percentage Tax Funds

Any revenue generated from the 3rd Percentage Tax remaining after expenditures for specific purposes or projects listed in Sections 2.A and 2.B of this Plan, shall be allocated among Categories (1), (2), and (3) as follows:

- (1) DESTINATION MARKETING – 40% of total remaining funds.
- (2) ARTS, & CULTURE & HERITAGE – 30% of total remaining funds.
- (3) LEISURE & RECREATION – 30% of total remaining funds.

D. Earned Interest and Category Fund Retention.

- (1) *Earned Interest Revenue*. Interest revenue shall be retained in each use category based upon the prior month's appropriation balance less encumbrances.
- (2) *Category Fund Retention*. With the exception of funds described in Section 2.C above (entitled "Remainder Of 3rd Percentage Tax Funds"), the previous fiscal year's category

use appropriations or any actual residual funds shall remain within the use category for its stated purpose.

Section 3. Availability of Funds.

Expenditures for specific projects or special uses provided in this Plan, and as authorized under applicable provisions of Section 125.0104, F.S., shall be subject to the availability of revenue funds.

Section 4. Review of the Plan.

In accordance with Section 125.0104, F.S., the Tourist Development Council shall, from time to time, make recommendations to the Board for the effective operation of the special projects or for uses of the bed tax revenue. The Tourist Development Council shall continuously review expenditures of bed tax revenues, and shall receive, at least quarterly, expenditure reports from the Tourist Development Council Executive Director. The Tourist Development Council shall report to the Board any unauthorized expenditures of tax revenues. The Board shall review the Tourist Development Council's findings regarding such expenditures, and take appropriate administrative or judicial action to ensure compliance with Section 125.0104, F.S.

Section 5. Amendment of the Plan.

In accordance with Section 125.0104, F.S., this Plan may not be substantially amended except by ordinance, enacted by an affirmative vote of a majority plus one additional member of the Board.

Section 3. Statutory Voting Requirement.

In accordance with paragraph (4)(d) of the Act, the Plan may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the Board.

Section 4. Repeal of Inconsistent Provisions.

All provisions contained in or associated with any prior ordinances or resolutions, which are deemed inconsistent or in conflict with the provisions set forth above, are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Savings Clause.

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

Section 6. 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 7. Correction of Errors.

To the extent that there are scrivener, typographical or administrative errors and/or omissions that do not change the tone, tenor, or context of this Ordinance and do not substantially amend the Plan, then this Ordinance may be revised without subsequent approval of the Board of County Commissioners.

Section 8. Captions.

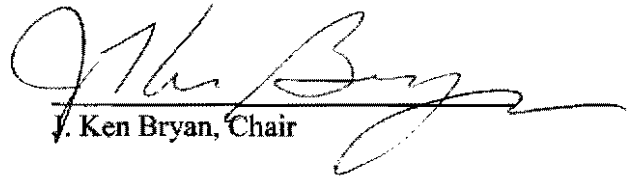
The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 9. 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 September 2011.

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

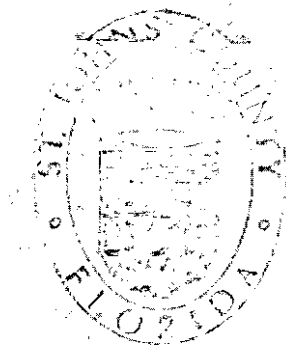

J. Ken Bryan, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

Rendition Date: September 12, 2011

Effective Date: September 13, 2011



SJC MINUTES & RECORDS C/O CLERK
ATTN MS.P DEGRANDE
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: L2200-11
P.O.#: L2200-11

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 **HEATHER L SHUGART**

who on oath says that he/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 **AMEND ORD 10-13 - HEARING SEPTEMBER 6, 2011**

was published in said newspaper on **08/26/2011**

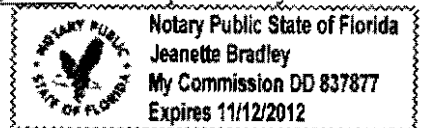
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 he/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 26th day of August 2011

by Heather L Shugart who is personally known to me
or who has produced as identification

Jeanette Bradley

(Signature of Notary Public)



(Seal)

**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, September 6, 2011 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, AMENDING ST. JOHNS COUNTY ORDINANCE NUMBER 10-13, PROVIDING FOR FINDINGS OF FACT, AMENDING, CHANGING AND RESTATING THE TOURIST DEVELOPMENT PLAN TO, AMONG OTHER THINGS, AMEND THE TITLE OF THE ARTS & CULTURE CATEGORY TO INCLUDE HERITAGE, ALLOW FOR THE PAYMENT OF DIRECT AND INDIRECT ADMINISTRATIVE COSTS FROM EACH USE CATEGORY, AND CLARIFY THE APPLICATION FUND RETENTION; 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 HEARING 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) 209-2850 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: 1-800-955-8775; no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk
L2200-11 Aug 26, 2011



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

September 16, 2011

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Vertical stamp: DIVISION OF LIBRARY AND INFORMATION SERVICES

2011 SEP 19 PM 2:37

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

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 12, 2011 and certified copy of Ordinance No. 2011-31, which was filed in this office on September 13, 2011.

Sincerely,

Handwritten signature: Liz Cloud

Liz Cloud
Program Administrator

LC/vm



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: 850.245.6600 • Facsimile: 850.245.6282 • http://info.florida.gov
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