

ORDINANCE NO.: 2019-24

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NUMBER 2011-31, AS AMENDED, PROVIDING FOR FINDINGS OF FACT; AMENDING, CHANGING AND RESTATING (IN WHOLE OR IN PART) THE ST. JOHNS COUNTY TOURIST DEVELOPMENT PLAN TO, AMONG OTHER THINGS, INCLUDE AN ADDITIONAL CATEGORY OF USE, A REALLOCATION OF TOURIST DEVELOPMENT TAX REVENUES, APPROPRIATION OF FUNDING FOR CERTAIN SPECIAL EVENTS AND USES, AND CATEGORY FUND RETENTION; PROVIDING FOR CORRECTION OF ERRORS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section 125.0104 of the Florida Statutes (F.S.), as amended (“the Local Option Tourist Development Act” or “Act”), authorizes the St. Johns County Board of Commissioners (“the Board”) to levy and impose a tourist development tax on the exercise, within the boundaries of St. Johns County, Florida, of the privilege of renting, leasing or letting for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, roominghouse, mobile home park, recreational vehicle park, vacation rental home (or any part thereof), condominium, or timeshare resort for a term of six (6) month or less; and

WHEREAS, the Act further authorizes the Board to establish and, from time to time, amend a tourist development plan that sets forth the specific uses and allocation of tourist development tax revenues; and

WHEREAS, St. Johns County Ordinance No. 86-72, among other things, established the original St. Johns County Tourist Development Plan (“Plan”); and

WHEREAS, in accordance with the Act, from time to time, the Plan has been amended and changed to include a purpose statement, to provide narrative descriptions of the spending categories and to allocate/reallocate revenues (*see* Ordinance Nos. 2009-62, 2010-12, 2010-13, and 2011-31); and

WHEREAS, the Board seeks to further amend the Plan as provided herein; and

WHEREAS, the Board has determined that amending and changing the Plan as provided herein will further advance tourism in St. Johns County as well as promote St. Johns County as a tourist destination and serve the best interests of local citizens.

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

Section 1. Effect 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. Additional Findings

(a) The Board finds that local beaches are a major asset in promoting and advertising tourism in the State of Florida, nationally and internationally in order to attract tourists to St. Johns County.

(b) The Board further finds that amending and changing the Plan as described herein will advance further and promote tourism in St. Johns County.

Section 3. Amendments and Changes to the Tourist Development Plan

(a) In accordance with section 125.0104(4), F.S., the Plan may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one (1) additional member of the Board.

(b) By such affirmative vote, the Plan shall be amended and changed by this Ordinance as follows (underline denotes new language, ~~strike through~~ denotes language removed):

1. Section 2, entitled "Uses and Allocation of Tax Revenues" shall be amended to read as follows:

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; 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, 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; 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) 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~~ \$460,000;
 - 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~~ \$250,000 per year.

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

(5) TOURISM ASSETS: 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 assets as deemed tourist-related by the Board; creating, developing, administering and managing activities, programs and projects deemed tourist-related by the Board; and to provide for related administrative expenses.

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%

Category	1 st Percentage Tax	2 nd Percentage Tax	3 rd Percentage Tax	4 th Percentage Tax
(1)	25%	25%		100%
(2)	25%	25%		0%
(3)	25%	25%		0%
(4)			80%	0%
(5)	25%	25%	20%	
TOTAL	100%	100%	100%	100%

C. Remainder Of 3rd Percentage Tax Funds Residual 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.~~

The balance of any tourist tax revenues remaining after expenditures for specific purposes or projects listed in Sections 2.A and 2.B of this Plan, may be reallocated at the direction of the Board for any use consistent with the provisions of section 125.0104, F.S.

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.* ~~Subject to With the exception of funds described in Section 2.C,(2) above,~~ the previous fiscal year's category use appropriations or any actual residual funds shall will remain within the use category for its stated purpose.

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 repeals to the extent of such inconsistency or conflict.

Section 5. Savings Clause.

Notwithstanding anything to the contrary, and for purposes of this Ordinances, all other provisions contained in prior ordinances or resolutions associated with Ordinance No. 86-72 (*as previously 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, it 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 thereof.

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, sections, headings and section designation used in this Ordinance are for convenience only and shall 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 Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 19th day of March, 2019.

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

Paul M. Waldron

Chair

ATTEST: Hunter S. Conrad, Clerk

By: *Yvonne King*
Deputy Clerk

RENDITION DATE MAR 21 2019

Effective Date: MAR 26 2019



DRAFT DRAFT DRAFT

TDT Revenue Distribution Table
(In \$ millions)

	Category I Destination Marketing	Category II Arts, Culture, Heritage	Category III Leisure and Recreation	Category IV Admin and Special Uses	Category V Tourism Asset Improvement and Management
Current distribution of 4 cent bed tax	1.8 cents	0.6 cents	0.6 cents	1.0 cents	0.0 cents
FY 2019 projected gross revenue allocation as reflected in the budget	\$5.0	\$1.7	\$1.7	\$2.8	\$0
FY 2020 anticipated gross revenue allocation with current 4 cent distribution*	\$6.0	\$2.0	\$2.0	\$3.3	\$0
Potential revised distribution of 4 cent bed tax	1.5 cents	0.5 cents	0.5 cents	0.8 cents	0.7 cents
FY 2020 anticipated gross revenue allocation with revised 4 cent distribution*	\$5.0	\$1.7	\$1.7	\$2.7	\$2.3

* Applying a 9% annual increase (the average annual increase since FY12) to FY18 TDT collections

Potential Category V Tourism Asset Improvement and Management Projects

- Beach renourishment & improvements
- Beach access improvements
- Boat ramp improvements/construction
- Sports facility improvements/construction
- Recreation facility improvements/construction
- Arts and cultural facility improvements/construction
- Land acquisition for tourism amenities

FY 2020 TDC Budget Timeline: To allow adequate time for the development of the FY20 tourism promotion plan, the contracted tourism promotion organizations (i.e. the Visitor and Convention Bureau and the Cultural Council) need to be given an indication of anticipated FY20 budget allocations in March.

DRAFT DRAFT DRAFT

THE ST. AUGUSTINE RECORD
Affidavit of Publication

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW

SAINT AUGUSTINE, FL 32084

ACCT: 15634
AD# 0003153073-01

PO#

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

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared JAMIE WILLIAMS who on oath says 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 TOURIST DEVELOP PLAN ORD was published in said newspaper on 03/09/2019.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in 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, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/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 publication in said newspaper.

Sworn to and subscribed before me this _____ day of **MAR 11 2019**

by Jamie Williams who is personally known to me or who has produced as identification

Tiffany M. Lowe
(Signature of Notary Public)

NOTICE OF PUBLIC HEARING OF 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 to consider adoption of the following ordinance at a regular meeting on **Tuesday, March 19, 2019, at 9:00 a.m.** in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NUMBER 2011-31, AS AMENDED, PROVIDING FOR FINDINGS OF FACT; AMENDING, CHANGING AND RESTATING (IN WHOLE OR IN PART) THE ST. JOHNS COUNTY TOURIST DEVELOPMENT PLAN TO, AMONG OTHER THINGS, INCLUDE AN ADDITIONAL CATEGORY OF USE, A REALLOCATION OF TOURIST DEVELOPMENT TAX REVENUES, APPROPRIATION OF FUNDING FOR CERTAIN SPECIAL EVENTS AND USES, AND CATEGORY FUND RETENTION; PROVIDING FOR CORRECTION OF ERRORS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

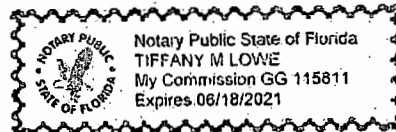
The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by interested parties prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person 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 the ADA Coordinator at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida 32084. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
HUNTER S. CONRAD, ITS CLERK
By: Yvonne King, Deputy Clerk

0003153073 March 9, 2019





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 26, 2019

Honorable Hunter S. Conrad
Clerk of Court
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King

Dear Mr. Conrad:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2019-24, which was filed in this office on March 26, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FILED **MAR 26 2019**
ST. JOHNS COUNTY
CLERK OF COURT
BY: *Yvonne King*
DEPUTY CLERK