

ORDINANCE NO. 2017-03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, LEVYING AN ADDITIONAL 1% (ONE PERCENT) TOURIST DEVELOPMENT TAX AS AUTHORIZED BY SECTION 125.0104(3)(n), FLORIDA STATUTES; PROVIDING FOR COLLECTION AND USE OF SAID TAX; PROVIDING FOR READJUSTMENT OF THE ALLOCATIONS OF THE TAX REVENUES IN THE TOURIST DEVELOPMENT PLAN; PROVIDING AN UPDATE OF THE TOURIST DEVELOPMENT PLAN; PROVIDING FOR INCORPORATION INTO THE FLAGLER COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Flagler County relies on tourism as one of its economic drivers, providing substantial employment opportunities to its citizens and revenues to its businesses; and

WHEREAS, tourism in Flagler County generates local revenues in the form of lodging, meals and beverage service, gasoline sales and other service and commodity sales to tourists; and

WHEREAS, such commercial transactions generate sales, use and gas tax revenues benefitting the County; and

WHEREAS, the Flagler County Board of County Commissioners ("the Board") has levied tourist development taxes pursuant to state law, beginning in 1986, adding additional levies in 2004 and 2010, for a total four (4) percent levy; and

WHEREAS, revenues from the levies have supported tourism promotion and advertising of Flagler County as a destination; and

WHEREAS, revenues from the tourist development tax levies also have supported capital projects related to tourism and projects related to beach restoration and maintenance; and

WHEREAS, due to Hurricane Matthew's damaging impact on the beaches and its potential impact on tourism, revenues from the levies are more critical for obtaining matching funds for beach repair and restoration and for carrying on promotion and advertising efforts to maintain and grow the County's tourism economy; and

WHEREAS, the beaches of Flagler County are its number one visitor asset and attraction; and

WHEREAS, the vast majority of Florida's counties with the most recognizable tourism destinations are levying at the maximum allowable amount of tourist development taxes; and

WHEREAS, Flagler County has not levied its maximum allowable amount of tourism development taxes; and

WHEREAS, Flagler County needs to expand its resources for beach restoration and maintenance by amending its Tourism Development Plan to increase revenues into that category of the Plan; and

WHEREAS, Flagler County likewise needs to expand its resources for tourism promotion and advertising by increasing revenues into that category of its Plan; and

WHEREAS, the County Administrator and Tourism Director have presented a proposal to increase the tourist development tax by 1-percent and to phase in increases, over a three-year time period, to the categories of beach restoration and maintenance and promotion and advertising; and

WHEREAS, the Board has levied the 2-percent tax authorized under Section 125.0104(3)(c), Florida Statutes, and the 1-percent tax authorized under Section 125.0104(3)(d), Florida Statutes, and the 1-percent tax authorized under Section 125.0104(3)(l), Florida Statutes; and

WHEREAS, Section 125.0104(3)(n), Florida Statutes, provides that a governing board of a county may levy, impose, and set an additional 1% (one percent) tax if it has levied the 1-percent tax of Section 125.0104(3)(l), Florida Statutes, and if it approves such additional levy by majority plus one vote of the membership of the Board; and

WHEREAS, the Board may amend the Tourist Development Plan of Flagler County by a majority plus one vote of the membership of the Board in accordance with Section 125.0104(4)(d); and

WHEREAS, the Tourism Development Council of Flagler County ("the TDC") unanimously recommended adoption of the additional one (1) percent levy under Section 125.0104(3)(n), Florida Statutes; and

WHEREAS, the consideration of this Ordinance by the Board was properly advertised in accordance with law; and

WHEREAS, after considering the foregoing reasons, the recommendation of the TDC, and the input of the public, the Board has determined to levy the additional one (1) percent levy under Section 125.0104(3)(n), Florida Statutes, and to revise the Tourist Development Plan of Flagler County by a unanimous vote of the Board.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Flagler County, Florida:

Section 1. Flagler County hereby levies an additional one (1) percent tourism development tax under Section 125.0104(3)(n), Florida Statutes, and revises and updates its Tourist Development Plan accordingly.

Section 2. Article 19, Section 19-48 of the Flagler County Code shall be amended to read as follows (coding: words ~~stricken~~ are deletions; words underlined are additions; new table replaces former table):

Sec. 19-48. - Tourist development plan.

(a) The tax revenues received pursuant to Ordinance Nos. 86-14, 04-02, 2010-11, and 2017-02 shall be used to fund the county tourist development plan, as follows:

TOURIST DEVELOPMENT PLAN

(1)

Under the provisions of the Local Option Tourist Development Tax Act, as amended, the county has levied a two (2) percent tourist development tax ~~will be levied~~ throughout the county ~~beginning on the first day of the month~~ following approval of Ordinance No. 86-14 by referendum, and levied additional one (1) percent increases by ordinance in 2004 (Ord. 04-02), 2010 (Ord. 2010-11), and 2017 (Ord. 2017-02). ~~The anticipated net revenue for the twenty-four month period beginning on the date of levy is one hundred thousand dollars (\$100,000.00).~~

(2)

The following categories of use of the tax are hereby set forth together with the percentage of the total amount of yearly revenues to be expended for or credited to each category under ~~Ordinance 86-14 as amended by Ordinance 2003-09~~ the ordinances enacted by the county:

	Percentage
Category A: Capital projects	<u>30</u>
Category B: Promotion and advertising	55
Category C: Beach restoration and maintenance	<u>15</u>

	Effective Date	12-1-86	7-3-03	12-1-10	6-1-17	6-1-18	6-1-19
Category	Category A: Capital Projects	50%	30%	22.5%	0%	10%	20%
	Category B: Promotion & Advertising	35%	55%	66.25%	40%	60%	60%
	Category C: Beach Restoration & Maintenance	15%	15%	11.25%	60%	30%	20%

(b)

The Board finds that the County's beaches are a major asset in promoting tourism in Flagler County. On and after June 1, 2019, the 2-percent of the tourist tax levy enacted by Ordinance 86-14 shall be divided with 1-percent solely for Category A and 1-percent solely for Category C. On and after June 1, 2019, the tourist tax levies enacted by Ordinance Nos. 04-02, 2010-11, and 2017-2 shall be allocated solely to Category B.

(c)

The tourist development plan set out in this section as authorized by Section 125.0104(4), Florida Statutes, may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one (1) additional member of the board of county commissioners.

Section 3. Article 19, Section 19-51 of the Flagler County Code shall be amended to read as follows (coding: words ~~stricken~~ are deletions; words underlined are additions; former table deleted):

Sec. 19-51. - Levy of ~~second~~ the fourth, additional one percent tourist development tax.

(a)

There is hereby levied and imposed an additional one (1) percent tourist development tax throughout Flagler County, Florida, in accordance with Section 125.0104(3)(l), Florida Statutes.

(b)

The additional one (1) percent tax authorized by this article shall be used solely as authorized by Section 125.0104(3)(l), Florida Statutes. The revenue from this one (1) percent shall be allocated to Category B, Promotion and Advertising. Any changes to this allocation shall require a majority vote of the board of county commissioners in accordance with Section 125.0104(3)(l)-(4)(d), Florida Statutes.

(c)

The effective date of the levy and imposition of the foregoing one (1) percent tourist development tax shall be December 1, 2010. As of December 1, 2010, there will be a total of four (4) percent tourist development tax representing one (1) percent from this section, in addition to the two (2) percent tax authorized by Ordinance 86-14 and the one (1) percent tax authorized by Ordinance 2004-02.

(d)

~~Based on the categories adopted in the tourist development plan and the cumulative revenues to be derived from the four (4) percent tax, the revised percentages for the gross revenue are as follows:~~

	Percentage
Category A: Capital projects	22.50
Category B: Promotion and advertising	66.25
Category C: Beach restoration and maintenance	11.25

Section 4. Article 19, Section 19-52 of the Flagler County Code is hereby created to read:

Sec. 19-52. - Levy of the fifth, additional one percent tourist development tax.

(a)

There is hereby levied and imposed an additional one (1) percent tourist development tax throughout Flagler County, Florida, in accordance with Section 125.0104(3)(n), Florida Statutes.

(b)

The additional one (1) percent tax authorized by this article shall be used solely as authorized by Section 125.0104(3)(n), Florida Statutes. The revenue from this one (1) percent shall be allocated to Category B, Promotion and Advertising. Any changes to this allocation shall require a majority vote of the Board of County Commissioners in accordance with Section 125.0104(4)(d), Florida Statutes.

(c)

The effective date of the levy and imposition of the foregoing one (1) percent tourist development tax shall be June 1, 2017. As of June 1, 2017, there will be a

total of five (5) percent tourist development tax representing one (1) percent from this section, in addition to the two (2) percent tax authorized by Ordinance 86-14 and the one (1) percent tax authorized by Ordinance 2004-02 and the one (1) percent authorized by Ordinance 2010-11.

Section 5. The provisions of this Ordinance shall be made a part of the Flagler County Code. The codifier of the Code shall change headings and re-letter and renumber sections hereof as necessary for that purpose. In the event this Ordinance conflicts with any provisions of the Code, the provisions of this Ordinance shall control to the extent of any such conflict.

Section 6. If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of this Ordinance.


Section 7. This Ordinance shall take effect upon filing with the Department of State, per Section 125.66, Florida Statutes, and shall be furnished to the Florida Department of Revenue with an implementing date of June 1, 2017 for the tourist development taxes enacted herein and for the modification of the Tourism Development Plan approved herein.

ADOPTED this ^{20TH} ~~6th~~ day of March 2017 by the Board of County Commissioners, Flagler County, Florida.

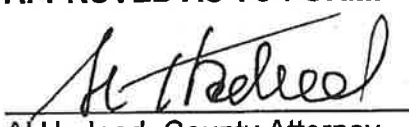
**FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS**

ATTEST:


Tom Bexley, Clerk of the Circuit
Court and Comptroller of Flagler County


Nate McLaughlin, Chair

APPROVED AS TO FORM:


Al Hadeed, County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 23, 2017

Honorable Gail Wadsworth
Clerk of the Circuit Court
Flagler County
1769 East Moody Boulevard, Building 1
Bunnell, Florida 32110

Attention: Ms. Lisa Funicello

Dear Ms. Wadsworth:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your revised electronic copy of Flagler County Ordinance No. 2017-03, which was filed in this office on March 23, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

