



DATE: July 21, 2015

AGENDA ITEM NO. 13

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

 County Administrator's Signature:

Subject:

Authority to Advertise a Public Hearing on a Proposed Ordinance Amending Code Section 118-31 Relating to Tourist Development Taxes.

Department:

Convention and Visitors Bureau

Staff Member Responsible:

David Downing, Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) AUTHORIZE A PUBLIC HEARING TO BE HELD ON AUGUST 4, 2015, TO CONSIDER ADOPTION OF A PROPOSED ORDINANCE AMENDING CODE SECTION 118-31(a) RELATING TO TOURIST DEVELOPMENT TAXES BY ESTABLISHING THE ADDITIONAL 6th PERCENT OF THE TOURIST DEVELOPMENT TAX (TDT).

Summary Explanation/Background:

On May 19, 2015, the Board directed the Tourist Development Council (TDC) to discuss the addition of the 6th percent of the TDT.

On June 17, 2015, the TDC approved the adoption of the additional 6th percent TDT and further established an effective date of January 1, 2016, for its commencement. The proposed ordinance reflects the TDC's action and amends Code Section 118-31(a) by increasing the TDT from a rate of 5 percent to 6 percent.

In a separate, but related motion, the TDC recommended, as part of a new Tourist Development Plan (TDP), that a minimum of 60 percent of the total TDT collection in any given year be earmarked for advertising and marketing, while a maximum of 40 percent of the total TDT collected in any given year be put toward capital projects. This is consistent with the TDC's earlier recommendation to the Board on the same subject.

The new TDP will come before the Board at a future meeting.

Until such time as the new TDP is adopted, the proceeds of the 6th percent should be used; as allowed by Florida Statute, 125.0104(5).

Fiscal Impact/Cost/Revenue Summary:

The 6th percent is estimated to generate an additional \$7 million per year.

Exhibits/Attachments Attached:

Redline Version of the Proposed Ordinance Amendment
Final Version of the Proposed Ordinance Amendment

ORDINANCE NO. 15-____

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING SECTION 118-31(a) OF THE PINELLAS COUNTY CODE, LEVYING THE SIXTH PERCENT TOURIST DEVELOPMENT TAX; PROVIDING FOR AN EFFECTIVE DATE FOR THE LEVY OF THE TAX; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, in 1978, the Board of County Commissioners adopted a two percent (2%) Tourist Development Tax for Pinellas County; and

WHEREAS, in 1988, the Board of County Commissioners levied an additional one percent (1%) of each dollar above the two percent (2%) tax rate levied as authorized by Section 125.0104(3)(d), Florida Statutes; and

WHEREAS, in 1995, the Board of County Commissioners levied an additional one percent (1%) tax in order to pay the debt service on bonds issued to finance the construction, reconstruction or renovation of Tropicana Field, a professional sports franchise facility; and

WHEREAS, in 2005, the Board of County Commissioners levied an additional one percent (1%) tourist development tax as authorized by Section 125.0104(3)(n), Florida Statutes;

WHEREAS, Section 125.0104(3)(m)1, Florida Statutes, authorized the imposition of a sixth percent tourist development tax by an extraordinary (majority plus one) vote of the Board of County Commissioners; and

WHEREAS, the Pinellas County Tourist Development Council has recommended the levy of the sixth percent to be used in accordance with the statute unless it's use is specifically further limited by a new tourist development plan; and

WHEREAS, the Board of County Commissioners hereby approves the levy of the sixth percent tourist development tax by an extraordinary (majority plus one) vote as required by Section 125.0104(3)(m)1, Florida Statutes.

NOW, THEREFORE be it Ordained by the Board of County Commissioners of Pinellas County, Florida, in a meeting duly assembled this ____ day of _____, 2015, as follows:

Section 1. Section 118-31(a) of the Pinellas County Code is hereby amended to provide as follows:

Sec. 118-31. Levied; collection and remittance; duties of county tax collector; enforcement.

(a) There is hereby levied and imposed and set a tourist development tax throughout the county at a rate of ~~five~~six percent of each whole and major

fraction of each dollar of the total rental charged every person who rents, leases, or lets for consideration and living quarters or accommodations in any hotel, apartment hotel, motel, resort hotel, apartment, apartment motel, roominghouse, tourist or trailer camp, mobile home park, recreational vehicle park, timeshare accommodation, or condominium for a term of six months or less. When receipt of consideration is by way of property other than money, the tax shall be levied and imposed on the fair market value of such nonmonetary considerations. The ~~five-six~~ percent tourist development tax levied herein shall be used for the following purposes:

- (1) The levy and the imposition of the first and second percent commenced on the first day of the month following referendum approval in 1978, pursuant to Ordinance No. 78-20. The first percent is pledged to the payment of debt service on bonds issued to finance the construction, reconstruction or renovation of Tropicana Field, a professional sports franchise facility; however, as provided in subsection (3) herein, the fourth percent has been committed to the payment of Tropicana Field debt, and those sums replace the first percent on a monthly basis when received. The first and second percent shall be utilized as provided in the tourist development plan set out in section 118-32.
- (2) The levy of the third percent commenced on July 1, 1988, pursuant to Ordinance No. 88-14. The first 50 percent of the third percent is pledged to the payment of debt service on bonds issued to finance the construction, reconstruction or renovation of Tropicana Field, a professional sport franchise facility; however, as provided in subsection (3) herein, the fourth percent has been committed to the payment of Tropicana Field debt, and those sums replace the first 50 percent of the third percent on a monthly basis when received. The third percent shall be utilized as provided in the tourist development plan set out in section 118-32.
- (3) The levy and imposition of the fourth percent commenced on January 1, 1996, and expires on September 30, 2015, pursuant to Ordinance No. 95-35. The fourth percent is committed to the payment of debt service on bonds issued to finance the construction, reconstruction or renovation of Tropicana Field, a professional sports franchise facility, or payment of indebtedness issued to refund obligations issued for such purposes. The expiration date of September 30, 2015, for the levy of the fourth percent as provided in Section 3 of Ordinance No. 95-35 is hereby repealed, and the levy of the fourth percent is extended, reenacted and reestablished effective October 1, 2015, through September 30, 2021, inclusive, at which time the fourth percent levy shall

expire and be of no further force and effect. The revised expiration date of September 30, 2021, for the levy of the fourth percent as previously extended in Ordinance 10-67, is hereby repealed, and the levy of the fourth percent is extended, reenacted, and reestablished until such time, if any, as repealed. The fourth percent shall be utilized as provided in the tourist development plan set out in section 118-32.

- (4) The levy and imposition of the fifth percent commenced on December 1, 2005, pursuant to Ordinance No. 05-47. The fifth percent shall be utilized as provided in the tourist development plan set out in section 118-32.

- (5) The sixth percent shall commence on January 1, 2016 and shall be used in accordance with Florida Statutes, § 125.0104(5), unless its use is specifically further limited by the tourist development plan.

Section 2. Effective Date of the Sixth Cent Tourist Development Tax.

The increase in the rate of the Tourist Development Tax as authorized in Section 1 hereof shall be effective January 1, 2016.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 4. Inclusion in the Pinellas County Code.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 5. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State. Additionally, pursuant to Section 125.0104(3)(l), Florida Statutes, a certified copy of this Ordinance, which levies the sixth percent, shall be furnished to the Department of Revenue by the Clerk of the Board of County Commissioners within ten (10) days after the enactment of the Board of County Commissioners.

APPROVED AS TO FORM:

MZas

County Attorney

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WHEREAS, in 1995, the Board of County Commissioners levied an additional one percent (1%) tax in order to pay the debt service on bonds issued to finance the construction, reconstruction or renovation of Tropicana Field, a professional sports franchise facility; and

WHEREAS, in 2005, the Board of County Commissioners levied an additional one percent (1%) tourist development tax as authorized by Section 125.0104(3)(n), Florida Statutes;

WHEREAS, Section 125.0104(3)(m)1, Florida Statutes, authorized the imposition of a sixth percent tourist development tax by an extraordinary (majority plus one) vote of the Board of County Commissioners; and

WHEREAS, the Pinellas County Tourist Development Council has recommended the levy of the sixth percent to be used in accordance with the statute unless it's use is specifically further limited by a new tourist development plan; and

WHEREAS, the Board of County Commissioners hereby approves the levy of the sixth percent tourist development tax by an extraordinary (majority plus one) vote as required by Section 125.0104(3)(m)1, Florida Statutes.

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fraction of each dollar of the total rental charged every person who rents, leases, or lets for consideration and living quarters or accommodations in any hotel, apartment hotel, motel, resort hotel, apartment, apartment motel, roominghouse, tourist or trailer camp, mobile home park, recreational vehicle park, timeshare accommodation, or condominium for a term of six months or less. When receipt of consideration is by way of property other than money, the tax shall be levied and imposed on the fair market value of such nonmonetary considerations. The six percent tourist development tax levied herein shall be used for the following purposes:

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County Attorney