

6F-1

Agenda Item #: _____

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 7/14/2020 [] Consent [x] Regular
[] Ordinance [] Public Hearing

Department

Submitted By: TOURIST DEVELOPMENT COUNCIL

Submitted For: TOURIST DEVELOPMENT COUNCIL

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and permission to advertise for public hearing on Tuesday, August 25, 2020 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 17-116 OF THE CODE OF LAWS AND ORDINANCES (ORDINANCE 95-30, AS AMENDED) KNOWN AS THE "TOURIST DEVELOPMENT TAX ORDINANCE"; ADDING SUBSECTION 17-116(b)(3) TITLED "FISCAL YEAR 2020 SPECIAL ALLOCATION FOR MARKETING" TO SECTION 17-116 OF THE TOURIST DEVELOPMENT PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary: This Ordinance amendment establishes a fiscal year 2020 stimulus fund by reducing the 18.49% fiscal year 2020 tax allocation percentage for the Category C — Beach Improvement, maintenance, renourishment, restoration and erosion control category to 10.04 % and transferring the remaining 8.45% in the amount of Two Million Dollars to the Category "E" Special Projects category. The special projects additional funds will be used to create a fiscal year 2020 Stimulus fund for marketing county tourism. The adoption of this Ordinance requires an affirmative vote of the majority of the Board plus one pursuant to Florida Statute. Countywide (LDC)

Background and Policy Issues: The "Local Option Tourist Development Act" set forth in Section 125.0104, Florida Statutes, (hereinafter the "Statute"), authorizes the Board of County Commissioners (hereinafter the "Board") to levy and impose a tourist development tax on the exercise 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, rooming house, mobile home park, recreational vehicle park or condominium for a term of six (6) months or less. Pursuant to the authority established in that statute, the Board enacted Ordinance 95-30, as amended and codified in Sections 17-113 through 17-116 of the Palm Beach County Code (hereinafter the "Ordinance"), which levied a six (6) percent tourist development tax (also known as the "bed tax") as set forth in the statute.

(Continue on Page 3)

Attachments:

- 1. Draft Amendment

Recommended by: [Signature] Date: 7/6/20
Department Director

Approved By: [Signature] Date: 7/13/2020
County Administrator

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	\$0	\$0	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	-----	-----	-----	-----	-----
In-Kind Match (County)	-----	-----	-----	-----	-----
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# ADDITIONAL FTE					
POSITIONS (Cumulative)	- 0-	0----	0----	0----	0-----

Is Item Included In Proposed Budget? Yes _____ No. X

Budget Account No.: Fund _____ Dept _____ Unit _____ Object _____
 Reporting Category _____ Various

B. Recommended Sources of Funds/Summary of Fiscal Impact:
 2nd, 3rd, 5th and 6th Tourist Tax Funds

C. Department Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

[Signature] 7/7/2020 OFMB [Signature] 7/8/2020 Contract Dev. and Control
 7-7-2020

B. Approved as to form and Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Approved as to Terms and Conditions:

[Signature]
 Department Director

This summary is not to be used as a basis for payment.

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Background and Justification: Continued

The Ordinance also established a Tourist Development Plan (hereinafter the "Plan") in Section 17-116 of the Ordinance which sets forth the specific uses and allocation of the revenues of the "bed tax". The Tourist Development Council desires to establish a 2020 fiscal stimulus fund by reducing the fiscal year 2020 tax allocation percentage for the Category C — Beach Improvement, maintenance, renourishment, restoration and erosion control category fund to 10.04% and transferring the remaining 8.45% of revenue to the Category "E" Special Projects category to fund a 2020 Stimulus fund in the amount of \$2 Million to promote County tourism. This transfer is for fiscal year 2020 only and the allocations established in the tourist development plan will revert to its current allocation of 18.49% as may be amended, in fiscal year 2021.

ORDINANCE NO. 2020-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 17-116 OF THE CODE OF LAWS AND ORDINANCES (ORDINANCE 95-30, AS AMENDED) KNOWN AS THE "TOURIST DEVELOPMENT TAX ORDINANCE"; ADDING SUBSECTION 17-116(b)(3) TITLED "FISCAL YEAR 2020 SPECIAL ALLOCATION FOR MARKETING" TO SECTION 17-116 OF THE TOURIST DEVELOPMENT PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the "Local Option Tourist Development Act" set forth in Section 125.0104, Florida Statutes, (hereinafter "statute"), authorizes the Board of County Commissioners (hereinafter "Board") to levy and impose a tourist development tax on the exercise within the County boundaries 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, rooming house, mobile home park, recreational vehicle park or condominium for a term of six (6) months or less; and

WHEREAS, pursuant to the authority established in that statute, the Board enacted Ordinance 95-30 which has been amended from time to time and codified in Sections 17-113 through 17-116 of the Code of Laws and Ordinances relating to the Palm Beach County Government (hereinafter "Ordinance"), which levied a six (6) percent tourist development tax (also known as the "bed tax") for certain permissible uses as set forth in the statute; and

WHEREAS, the Ordinance established a Tourist Development Plan (hereinafter "Plan") in Section 17-116 of the Tourist Development Tax Ordinance which sets forth the specific uses and allocation of the revenues of the "bed tax"; and

WHEREAS, the Board desires to establish a 2020 fiscal stimulus fund by reducing the 18.49% fiscal year 2020 tax allocation percentage for the Category C — Beach Improvement, maintenance, renourishment, restoration and erosion control category to 10.04% and moving the 8.45% percentage of revenue (\$2 Million Dollars) to the Category "E" Special Projects category to fund to support a 2020 stimulus marketing tourism plan; and

WHEREAS, this reallocation is for fiscal year 2020 only and the allocations established in the tourist development plan will revert to its current allocation as may be amended, beginning in fiscal year 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PLM BEACH COUNTY, FLORIDA, that:

Section 1. SECTION 17-116(b)(3) titled "Fiscal Year 2020 Special Allocation For Marketing" is hereby added to Section 17-116 of the Tourist Development Plan as follows:

17-116(b)(3) Fiscal Year 2020 Special Allocation for Marketing. Notwithstanding the fiscal year 2020 allocation of percent of yearly revenues as set forth in Section 17-116(b)(2), for category "C" (Beaches) for fiscal year 2020 only, the category "C" (beaches) allocation is reduced to 10.04 % and the balance of the yearly percentage revenue allocation of 8.45% in the amount of Two Million Dollars (\$2,000,000) is transferred to category "E" (special projects). Beginning in fiscal year 2021, the allocations are those percentages set forth in Section 17-116(b)(2) as may be amended.

Section 2. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. SAVINGS CLAUSE:

Notwithstanding anything to the contrary, all provisions of Palm Beach County Code Section 17.111 through 17.116, codifying Palm Beach County Ordinance No. 95-30, as amended, are specifically preserved and remain in full force and effect for the limited purpose of enforcing any alleged violations of said Code which occurred prior to its amendment.

Section 4. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance,

Section 5. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. 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 7. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

ATTEST:

SHARON R. BOCK,
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Dave Kerner, Mayor

APPROVED AS TO
LEGAL SUFFICIENCY

By: _____
County Attorney