RESOLUTION NO. R15 - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, MAKING LEGISLATIVE FINDINGS TO ENSURE THAT TOURIST DEVELOPMENT TAX FUNDS WHICH ARE ALLOCATED FOR THE CULTURAL GRANT PROGRAM, THE CAPITAL NEEDS MATCHING GRANTS FOR ARTS AND CULTURAL FACILITIES PROGRAM, AND COMPONENTS OF THE CAPITAL AREA CULTURAL PLAN THAT SUPPORT ECONOMIC DEVELOPMENT THROUGH TOURISM AND RELATED MARKETING, ARE UTILIZED IN ACCORDANCE WITH SECTION 125.0104, FLORIDA STATUTES.

WHEREAS, section 125.0104, Florida Statutes, provides procedures for levying a tourist development tax and for the authorized uses of the tax; and

WHEREAS, in accordance with section 125.0104, Florida Statutes, the Board has adopted ordinances imposing a tourist development tax, which ordinances are codified at Chapter 11, Article III, Sections 11-46 through 11-53 of the Leon County Code of Laws; and

WHEREAS, Section 11-47 of the Leon County Code of Laws provides that tourist development tax revenues shall be used to fund the Leon County Tourist Development Plan; and

WHEREAS, the Board has amended the Tourist Development Plan to provide for the allocation of tourist development tax funds to support the cultural grant program, the capital needs matching grants for arts and cultural facilities program, and components of the Capital Area Cultural Plan that support economic development through tourism and related marketing; and

WHEREAS, the Tourist Development Council shall make recommendations to the Board on the appropriate requirements for the capital needs matching grants for arts and cultural facilities program; and

WHEREAS, the Board does hereby make by this Resolution, legislative findings to ensure that tourist development tax revenues which are allocated for the cultural grant program, the capital needs matching grants for arts and cultural facilities program, and components of the Capital Area Cultural Plan that support economic development through tourism and related marketing, shall be utilized in accordance with the uses authorized in section 125.0104, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

Section 1. Recitals. The Recitals to this Resolution are incorporated herein and made a part hereof as if fully set forth below.

Section 2. Definitions. For purposes of this Resolution, the following definitions apply.

A. "Promotion" means marketing or advertising designed to increase tourist related business activities.

B. "Tourist" means a person who participates in trade or recreation activities outside the county of his or her permanent residence, or who rents or leases transient accommodations (such as a hotel, motel, apartment, rooming house, mobile home park, recreational vehicle park, condominium, or timeshare resort) for a term of six months or less.

C. "Tourism Marketing" means the action or business of promoting and selling products or services, including market research, advertising, public relations, promotions, social media, direct sales and visitor services.

Section 3. Components of the Capital Area Cultural Plan that support economic development through tourism and related marketing.

a. Description of program. The goal of economic development through tourism and related marketing is to position and market the arts, culture and heritage as a strategic partner of Leon County economic development efforts. This is achieved through public and private funding of arts, arts organizations and cultural assets.

b. Expenditure: relationship to promotion of tourism. Expenditures shall be consistent with the authorized uses of tourist development tax revenues set forth in section 125.0104(5)(a), Florida Statutes (2014), which include the following:

(i) To maintain, operate, or promote one or more:

(a) Publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the boundaries of the County; or

(b) Aquariums or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the County.

(ii) To promote zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public.

(iii) To promote and advertise tourism in this state and nationally and internationally. However, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event must have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

c. Allowable expenditures include: a portion of general operating expenses to support the implementation of the Capital Area Cultural Plan, which may include, but is not limited to the following: tourism marketing; promotion; exhibit costs and rentals; guest artists; printing and graphic design; sets and costumes; lumber supplies and equipment (pertaining to exhibit production); production and technical expenses; site fees/costs; rights fees; postage and freight; a percentage of facility costs as they directly relate to an activity, service, venue or event in support of the program, which has as one of its main purposes the attraction of tourists; any other expenses directly attributable to the program, with the exception of those shown as not allowable; promotion, marketing and programming expenses; and paid advertising that reaches beyond Leon County with potential to drive overnight visitation.

Section 4. Cultural grant program.

a. Description of program. The purpose of the cultural grant program shall be to provide sub-grants and marketing awards to individual local cultural and arts organizations.

b. Expenditure: relationship to promotion of tourism. Expenditures shall be consistent with the authorized uses of tourist development tax revenues set forth in section 125.0104(5)(a), Florida Statutes (2014), which include the following:

(i) To promote one or more:

(a) Publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the boundaries of the County; or

(b) Aquariums or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the County.

(ii) To promote zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public.

(iii) To promote and advertise tourism in this state and nationally and internationally. However, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event must have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

c. Allowable expenditures include but are not limited to: tourism marketing; promotion; exhibit costs and rentals; guest artists; printing and graphic design; sets and costumes; lumber supplies and equipment (pertaining to exhibit production); production and technical expenses; site fees/costs; rights fees; postage and freight; a percentage of facility costs as they directly relate to an activity, service, venue or event in support of the grant program, which has as one of its main purposes the attraction of tourists; other expenses directly attributable to the grant program, with the exception of those shown as not allowable; promotion, marketing and programming expenses; and paid advertising that reaches beyond Leon County with potential to drive overnight visitation.

d. Non-allowable expenditures include: feasibility studies; architectural drawings; operational support and general operating expenses (administrative costs for running the organization, including but not limited to, salaries, travel, personnel, office supplies, mortgage, rent, operating overhead or indirect costs); costs associated with representation, proposal, or grant application preparation; lobbying; costs for bad debts, contingencies, fines, penalties, interest and other financial costs; costs for travel, private entertainment, food, beverages, plaques, awards, or scholarships; programs restricted to private or exclusive participation, including restriction of access to programs on the basis of sex, race, religion, creed, national origin, disability, age, or marital status; re-granting, contributions, and donations; reimbursement of costs that are paid prior to the execution of any grant agreement; capital expenses, including building projects, acquisitions, renovations, land acquisition, and other permanent improvements to physical plant (i.e. new roof, air conditioning systems, security fence, lighting grid). Capital expenses also include the purchase of equipment that is not directly related to the production of events or exhibits, and general overhead that is unrelated to programming and/or promotion (i.e. financial audit, board retreats, etc.).

Section 5. Capital needs matching grants for arts and cultural facilities program.

a. Description of program. The purpose of this program is to provide funding for renovation, new construction, or acquisition of cultural facilities located in Leon County. A cultural facility is a building that is to be used primarily for the programming, production, presentation, and/or exhibition, of arts and cultural disciplines, including but limited to, music, dance, theater, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, programs of museums, historical sites, and heritage experiences. Capital improvement to a cultural facility would be an addition or renovation of a permanent structural improvement or the restoration of some aspect of the facility that will either enhance the overall value of the property or increase the useful life of the facility.

b. Expenditure: relationship to promotion of tourism. Expenditures shall be consistent with the authorized uses of tourist development tax revenues set forth in section 125.0104(5)(a), Florida Statutes (2014), which include the following:

(i) To acquire, construct, extend, enlarge, remodel, repair, improve, or maintain one or more:

(a) Publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the boundaries of the County; or

(b) Aquariums or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the County.

c. Allowable expenditures include: building construction projects, acquisitions, renovations, land acquisition, and other permanent improvements to the subject site (i.e. new roof, air conditioning systems, security fence, lighting grid). Capital expenses also include the purchase of equipment; architectural drawings; and costs for planning, including preliminary and schematic

drawings and design development documents necessary to carry out any such improvements to the site.

d. Non-allowable expenditures include: feasibility studies; general operating expenses (administrative costs for running the organization, including but not limited to, salaries, travel, personnel, office supplies, mortgage, rent, operating overhead or indirect costs); costs associated with representation, proposal, or grant application preparation; lobbying; costs incurred or obligated before the project timeline approved is in the grant process; costs for bad debts, contingencies, fines, penalties, interest and other financial costs; costs for travel, private entertainment, food, beverages, plaques, awards, or scholarships; projects restricted to private or exclusive participation, including restriction of access to programs on the basis of sex, race, creed, religion, national origin, disability, age, or marital status; re-granting, contributions, and donations; reimbursement of costs that are paid prior to the execution of the grant agreement; private or exclusive entertainment (i.e. parties, receptions or benefits that are not open and accessible to the general public).

Section 6. Effective date. This Resolution shall become effective upon adoption.

DONE AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this 27th day of January, 2015.

LEON COUNTY, FLORIDA

By:_____
Mary Ann Lindley, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
AND COMPTROLLER

By:_____
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By:_____
HERBERT W.A. THIELE
COUNTY ATTORNEY