

BCC Mtg. Date: November 28, 2023

Effective Date: December 4, 2023

ORDINANCE NO. 2023-43

AN ORDINANCE PERTAINING TO TAXATION IN ORANGE COUNTY, FLORIDA; AMENDING SECTION 25-140 OF THE ORANGE COUNTY CODE (“TOURIST DEVELOPMENT PLAN”) TO UPDATE PRIORITIES UNDER THE TOURIST DEVELOPMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Chapter 25, Article IV, Section 25-140 of the Orange County Code, is hereby amended, with additions being shown by underlines and deletions being shown by strike-throughs:

Section 2. The Orange County Tourist Development Plan set forth in Section 25-140 of the Orange County Code is hereby amended to read as follows:

Sec. 25-140. Tourist development plan.

The tax revenues received pursuant to section 25-136 shall be used to fund the county tourist development plan, which is hereby adopted as follows:

TOURIST DEVELOPMENT PLAN

Under the provisions of the Local Option Tourist Development Act, a two (2) percent tourist development tax was and has been levied throughout Orange County beginning May 1, 1978. The anticipated net revenue for the twelve-month period from May 1, 1978, through April 30, 1979, was two million four hundred forty-seven thousand dollars (\$2,447,000.00). The anticipated net revenue for the twelve-month period from May 1, 1979, through April 30, 1980, was two million six hundred thirty-nine thousand dollars (\$2,639,000.00). Orange County issued bonds, that are secured and will be liquidated by revenue from the tax, the proceeds of which were used for the construction of publicly owned facilities to be known as the "Orange County Convention Center."

As required by the local option tourist development act, the following is a list, in order of priority, of the proposed uses of the funds initially and currently available from the tourist development tax levied under section 25-136, including the approximate cost or expense allocation for each specific project or special use:

(1) *Initial priority.* The initial priority for the use of the revenues derived from the tourist development tax is payment of priority expenses of operations, maintenance and promotion of the convention center in each fiscal year in an amount up to four hundred thousand dollars (\$400,000.00) or, if higher, one and seventy-four hundredths (1.74) percent of the proceeds of the tourist development tax received by or on behalf of the county during the preceding fiscal year, such amount having been found by the board to be sufficient, together with available gross operating revenues of the convention center, so that no funding from other sources will be required. From time to time, the four hundred thousand dollars (\$400,000.00) and the one and seventy-four hundredths (1.74) percent may be adjusted to an amount and a rate determined by the board to reflect the correct anticipated priority expenses of operation, maintenance and promotion of the expanded convention center prior to the issuance of any bonds or other obligations to pay for such expansion. The convention center will be constructed and expanded in phases as funds become available from the tourist development tax or from the proceeds of revenue bonds issued in anticipation thereof.

(2) *Second priority.* The second priority of the plan, shall be payment of debt service on bonds secured under and compliance with that certain Second Amended and Restated Indenture of Trust dated as of July 15, 2000, as amended or supplemented from time to time, including but not limited to the Fifteenth Supplemental Indenture of Trust to Second Amended and Restated Indenture of Trust, dated as of July 1, 2017, between the County and U.S. Bank National Association, successor in interest to certain other banking institutions, as trustee (collectively, the "indenture").

(3) *Third priority.* The third priority of the plan is to provide additional funding from legally available unallocated prior or current year revenues as approved during the county budgetary process for expenses of operation, maintenance, necessary capital improvements and renovations to, and promotion of, the convention center, including adequate transportation facilities and improvements to support the convention center and activities

therein, including but not limited to parking, access roads and other transportation related purposes.

(4) *Fourth priority.* The fourth priority of the plan is to provide, subject to the terms and limitations of a tourism promotion agreement approved by the board, to the Orlando/Orange County Convention and Visitors Bureau, Inc. (doing business as "Visit Orlando"), an amount of revenues collected under section 25-136 of the Orange County Code ("Code") which, when added to 50% of the tax collected under section 25-136.2 of the Code, equals up to 30% of total tax collections beginning in fiscal year 2019/20 and for all subsequent fiscal years (such total tax calculation being inclusive of tax collected under sections 25-136, 25-136.1 and 25-136.2 of the Code).

(5) *Fifth priority.* The fifth priority of the plan is to provide funding each year, beginning in fiscal year ~~2001/02~~2023/24 and thereafter, in an amount equal to ~~three (3)~~five (5) percent of tourist development tax revenues collected for such year under subsections 25-136(a) through (d) and, beginning in fiscal year ~~2019/20~~2023/24 and thereafter, subject to the terms and limitations set forth in an agreement with United Arts of Central Florida, Inc., up to an additional two million five hundred thousand dollars (\$2,500,000), to the extent permitted by F.S. § 125.0104, for: 1) arts and cultural activities, venues, services and events when one (1) of the main purposes of such activities, venues, services and events is to attract tourists; and 2) the acquisition, construction, extension, enlargement, remodeling, repair, improvement, maintenance, operation or promotion of auditoriums or museums to be used primarily for arts and culture. The expenditure of all revenues apportioned to this priority shall be governed by a resolution to be adopted by the board that will, at a minimum, provide or set forth the following:

a. The establishment of an advisory council to be named the "arts and cultural affairs advisory council" (or otherwise as the board may determine in the resolution);

b. A direction to the council to study the potential uses of the revenues apportioned hereunder, to review requests for funding from the revenues apportioned hereunder, and to make recommendations each year to the board with respect to budgeting the revenues apportioned hereunder; and

c. Such other procedures, requirements, restrictions, and directions as the board may determine to be necessary or useful to the lawful and prudent use of the revenues apportioned hereunder.

(6) *Sixth priority.* The sixth funding priority of the plan is to provide funding annually from legally available unallocated prior or current year revenues as approved during the county budgetary process for expenses of operation, maintenance, necessary capital improvements and renovations to, the Orange County Regional History Center.

(7) *Seventh priority.* The seventh priority of the plan is to provide funding, as set forth in an interlocal agreement between the county, the City of Orlando and the City of Orlando Community Redevelopment Agency (the "interlocal agreement") for certain costs associated with the construction of a new performing arts center and with the renovation and expansion of the Citrus Bowl, in order to finance and estimate three hundred fifty-two million dollars (\$352,000,000.00) in project costs plus certain adjustments as further provided for and pursuant to the terms and limitations of such interlocal agreement and to provide additional funding in an amount not to exceed nineteen million dollars (\$19,000,000.00) for project costs associated with the completion of the performing arts center pursuant to the terms of a funding agreement approved by the board.

(8) *Eighth priority.* The eighth priority of the plan is the promotion of tourism through the staging of significant sporting events in publicly-owned Orange County venues with major economic impact as recommended for funding by the tourist development council and subject to the amounts, terms and conditions of funding agreements approved by the board.

(9) *Ninth priority.* The ninth priority of the plan is to provide funding to Visit Orlando, subject to the terms and limitations set forth in a funding agreement with Visit Orlando, from legally available unallocated revenue in an annual amount not to exceed four million dollars (\$4,000,000.00) for expenses associated with promoting or incentivizing significant athletic events in Orange County.

(10) *Tenth priority.* The tenth priority of the plan is to provide funding in an amount not to exceed sixty million dollars (\$60,000,000) for project costs associated with the construction of

improvements to the Camping World football stadium, as set forth in a funding agreement approved by the board.

(11) *Eleventh priority.* The eleventh priority of the plan is to provide funding from legally available unallocated revenue in an amount determined by the board to be available for capital projects and events which shall be authorized pursuant to the application and evaluation process set forth in section 25-147 of the Code.

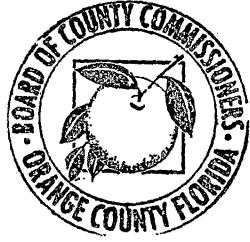
(12) *Twelfth priority.* The twelfth priority of the plan is to provide annual funding beginning in fiscal year 2024/25, in an amount not to exceed ninety million dollars (\$90,000,000) total, to the University of Central Florida for project costs associated with the construction of a new stadium tower, provided, however, such funds shall only be paid from excess revenues in any applicable year as confirmed by the board, or its designee, all as set forth in a funding agreement between the county and the University of Central Florida.

(12~~3~~) *Amendments to plan.* The above and foregoing tourist development plan may not be amended except by ordinance enacted by an affirmative vote of a majority plus one (1) additional member of the board.

Section 3. Codification. The amendments to the Orange County Code set forth in Section 2 shall be codified. No other sections or parts of sections of this ordinance shall be codified.

Section 4. Effective date. This ordinance shall become effective pursuant to general law.

ADOPTED THIS 28th DAY OF November 2023.



ORANGE COUNTY, FLORIDA

By: Board of Orange County Commissioners

BY: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA County Comptroller
As Clerk of the Board of County Commissioners

By: *Jennifer Ann-Kline*
Deputy Clerk