



**COUNTY ATTORNEY'S OFFICE**  
**JEFFREY J. NEWTON, County Attorney**

201 South Rosalind Avenue ■ 3rd Floor  
Reply To: Post Office Box 1393  
Orlando, FL 32802-1393  
407-836-7320 ■ Fax 407-836-5888  
<http://www.ocfl.net>

10-31-16 P04:07 IN  
10-31-16 P04:00 RCVD

**Public Hearing**

**MEMORANDUM**

**DATE:** October 31, 2016

**TO:** Katie Smith, Deputy Clerk of the  
Board of County Commissioners,  
Comptroller Clerk's Office

**THRU:** Cheryl Gillespie, Supervisor  
Agenda Development Office

**FROM:** Lila McHenry, Senior Assistant County Attorney  
Contact: (407) 836-5469 / Email to: [lila.mchenry@ocfl.net](mailto:lila.mchenry@ocfl.net)

**RE:** **Request for Public Hearing on November 29, 2016**  
before the Board of County Commissioners to Consider an Ordinance  
Pertaining to Taxation in Orange County, Florida; Amending Article IV  
of Chapter 25 of the Orange County Code Section 25-140, Tourist  
Development Plan; Enacting a new section 25-147; Providing for an  
Effective Date

**Title of Ordinance: AN ORDINANCE PERTAINING TO  
TAXATION IN ORANGE COUNTY,  
FLORIDA; AMENDING ARTICLE IV OF  
CHAPTER 25 OF THE ORANGE COUNTY  
CODE; AMENDING SECTION 25-140,  
TOURIST DEVELOPMENT PLAN;  
ENACTING A NEW SECTION 25-147,  
TOURIST DEVELOPMENT TAX GRANT  
APPLICATION AND EVALUATION  
PROCESS PROVIDING FOR AN  
EFFECTIVE DATE.**

**Applicant:** Staff

**Location:** All Districts

**LEGISLATIVE FILE #** 16-240

November 29, 2016  
@ 2pm

*Deputy County Attorney*  
Joel D. Prinsell

*Senior Assistant County Attorneys*  
Elaine Asad  
Lila McHenry

*Assistant County Attorneys*

Andrea Adibe  
Roberta Alfonso  
Anthony Cotter  
Whitney E. Evers  
Wanzo Galloway, Jr.  
Erin E. Hartigan  
Georgiana Holmes  
Katherine W. Latorre  
Scott McHenry  
Sawsan Mohiuddin  
Scott Shevenell  
William Turner

*Legal Administrative Supervisor*

Anna M. Caban

*Senior Paralegal*  
Kimberly Cundiff

*Paralegals*  
Melessia Lofgren  
Maria Vargas, ACP

Estimated time  
required for  
public hearing: Two minutes

Hearing controversial: No

Advertising  
requirement: Publish once in the legal notices section of a local  
newspaper of general circulation.

Advertising timeframe: At least 10 days prior to the public hearing.

Hearing required by  
Fla. Statute # or code: Section 125.66(2)(a), Florida Statutes (regular enactment  
procedure)

Spanish Contact Person: Para más información en español acerca de estas  
reuniones públicas o de cambios por ser efectuados, favor  
de llamar a la Oficina de los Abogados del Condado,  
Roberta Alfonso, at 407-836-7320.

The following materials will be submitted as backup for this public hearing request:

1. Ordinance
2. Memo to the Mayor and Board of County Commissioners

***SPECIAL INSTRUCTIONS TO CLERK:***

1. Please return one executed copy of the Ordinance to Lila McHenry via email  
attachment: [lila.mchenry@ocfl.net](mailto:lila.mchenry@ocfl.net).

c: Ajit Lalchandani, County Administrator  
Jeffrey J. Newton, County Attorney  
Eric Gassman, Deputy County Administrator  
Fred Winterkamp, Manager, Fiscal and Business Services Division



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**JEFFREY J. NEWTON, County Attorney**

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11-10-16A11:46 RCVD

**MEMORANDUM**

**TO:** Katie Smith, Deputy Clerk, Comptroller Clerk of the BCC  
**FROM:** Lila I. McHenry, Senior Assistant County Attorney  
**DATE:** November 10, 2016  
**RE:** **Public Hearing on November 29, 2016**  
Ordinance Pertaining to Taxation in Orange County, Florida

Attached hereto, please find the draft copy of the above-referenced Ordinance to be considered at the public hearing on November 29, 2016. The request for public hearing on this Ordinance was sent to your office on October 31, 2016.

Please contact me at (407) 836-5469 if you have any questions. Thank you for your assistance.

LIM/eh  
Enclosure

s:\lmchenry\tdt\tdt plan ords\tdt evaluation ord\agenda memos\cvr\memo to clerk submitting\tdt evaluator\tdt public viewing.doc

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ORDINANCE NO. 2016-\_\_

AN ORDINANCE PERTAINING TO TAXATION IN  
ORANGE COUNTY, FLORIDA; AMENDING ARTICLE IV  
OF CHAPTER 25 OF THE ORANGE COUNTY CODE;  
AMENDING SECTION 25-140, TOURIST DEVELOPMENT  
PLAN; ENACTING A NEW SECTION 25-147, TOURIST  
DEVELOPMENT TAX GRANT APPLICATION AND  
EVALUATION PROCESS PROVIDING FOR AN  
EFFECTIVE DATE.

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

*Section 1.* Chapter 25, Article IV of the Orange County Code, is hereby amended,  
with such amendments being indicated below with the new text being underlined and the deleted  
text being struck through.

*Section 2. Amendments to Section 25-140, Chapter 25, Article IV.* Section 25-140,  
Tourist Development Plan, Chapter 25, Article IV of the Orange County Code, is hereby  
amended to read as follows:

**Sec. 25-140. Tourist development plan.**

.....

(27) Twenty-seventh priority. The twenty seventh priority of  
the plan is to provide funding from legally available unallocated  
revenue in an amount determined by the board of county  
commissioners to be available for capital projects and events  
which shall be authorized pursuant to the application and  
evaluation process set forth in this article.

(26-28) 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 of county commissioners.

**Section 3.      *Creation of Section 25-147, Tourist Development Tax Grant Application***

***and Evaluation Process.***      Section 25-147, codified in Chapter 25, Article IV of the Orange County Code of Ordinances and entitled “Tourist Development Tax Grant Application and Evaluation Process,” is hereby enacted to read as follows:

**Section 25-147. – Tourist Development Tax Grant Application and Evaluation Process.**

(a)      *Purpose and Intent.*      The purpose of this section is to provide a process by which the County may evaluate requests for funding eligible projects utilizing excess tourist development tax revenue received pursuant to this Article.      Excess tourist development tax revenue is that amount of tourist development tax revenue annually determined by the board of county commissioners pursuant to Section 25-140 of this Article, to be available for cash funding legally authorized uses of tourist development tax revenue not earmarked, bonded, contractually committed, or otherwise authorized in the County’s tourist development plan.      This section is intended to set forth an application procedure and to identify specific review criteria with which an application review committee established by the board of county commissioners shall evaluate applications for funding.      Any use of excess tourist development tax revenue under this section shall be consistent with section 125.0104, Florida Statutes, as it may be amended from time to time.      Nothing herein shall be construed to require the board of county commissioners to approve a request for funding using excess tourist development tax revenue.      Funds made available pursuant to this section shall be currently available cash excess tourist development tax revenues and shall not be pledged as security for any debt financing.

(b)      *Funding Availability.*      Applications will be accepted in those years in which the board of county commissioners has determined that excess tourist development tax revenue is available.      Such determination shall be made during the annual budgetary process and notice of availability of any such funds shall be provided on the county website.

(c)      *Application required.*      Applicants for tourist development tax revenue funding shall complete application forms appropriate to the nature and type of the request as shall be set forth in county administrative regulations.      Applications may be required to be accompanied by an application fee established pursuant to County policy.

(d) Application review committee. Complete applications shall be scheduled for consideration by an application review committee ("ARC") comprised of eleven (11) members appointed by the board of county commissioners including three (3) representatives recommended by the tourist development council, two of whom shall represent owners or operators of tourist accommodations in the county and one of whom shall represent a community arts organizations in the county and eight (8) representatives selected by the board of county commissioners including one representative recommended by each district commissioner and two representatives recommended by the Mayor. The ARC shall be established by county resolution and shall receive administrative and legal support from county staff. The ARC shall (i) recommend a funding allocation between capital and events grant funding; (ii) develop an application cycle and process for capital and events grants; and (iii) rank applications and make written funding recommendations to the tourist development council and board of county commissioners. The ARC shall evaluate applications using the criteria set forth in subsection (g) below. Applicants may be required to present their funding proposals to the ARC.

(e) Tourist Development Council. Written recommendations from the ARC shall be submitted to the tourist development council and the board of county commissioners and placed in the tourist development council agenda packages for consideration during the next available tourist development council meeting. Applicants may be required to present their proposals to the tourist development council. The tourist development council shall review the recommendations from the ARC and make a recommendation to the board of county commissioners regarding applications for funding.

(f) Board of County Commissioners. Following the tourist development council's recommendation, the ARC's recommendation shall be scheduled for consideration by the board of county commissioners. The board of county commissioners shall review the recommendation of the ARC, the application and the recommendation of the tourist development council and shall either approve or deny the requests for funding by an affirmative vote of a majority of the board of county commissioners.

(g) Application review criteria. The ARC shall evaluate all applications for funding using excess tourist development tax revenue based on the following criteria, as applicable:

(1) Commitment to expansion of tourism in Orange County – whether the application demonstrates how the proposed event or capital project will attract tourists to Orange County; to what extent the proposed event or capital project will be advertised (local, regional, national, international); and the collaborative efforts that will be undertaken to work with the tourism industry to promote the event or project.

(2) Soundness of proposed event or capital project – whether the application includes clearly articulated objectives; contains a realistic timetable for implementation; identifies any additional funding sources that will be utilized for the event or capital project; demonstrates that the applicant has a proven record to develop resources and effectively plan, organize, and implement the proposed event or capital project; evidences the applicant can administer public grants and prepare and deliver any necessary reports.

(3) Anticipated return on investment – whether the application demonstrates that the proposed event or capital project will economically benefit Orange County, including, but not limited to creating jobs, increasing wages, increasing property, sales and/or tourist development tax revenues, and increasing development.

(h) Funding agreements; reporting and audit provisions. All funding recommendations approved by the board of county commissioners pursuant to this section shall be documented in funding agreements between the applicant and Orange County, Florida which agreements shall set forth the terms and conditions under which payment may be made, including requirements to ensure accountability for the appropriate use of tourist development tax revenue, attendance, revenue generated, tickets sold or such other data as may be required by the county or tourist development council, and such reporting and auditing provisions as will enable the tourist development council, the board of county commissioners and the county comptroller to determine compliance with Florida law and the terms of the applicable funding agreement.

(i) No effect on existing tourist development plan priorities. This section shall not be construed to impact the expenditure of

tourist development tax revenue pursuant to other authorizations in  
the County's tourist development plan.

**Section 4. Codification.** The amendments to the Orange County code set forth in

Sections 2 and 3 shall be codified. No other sections or parts of sections of this ordinance shall be codified.

**Section 5. Effective date.** This ordinance shall become effective pursuant to general law.

ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: \_\_\_\_\_  
Teresa Jacobs  
Orange County Mayor

**ATTEST:** Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

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