

ORDINANCE NO.: 92-06

AN ORDINANCE TO LEVY AND IMPOSE A TWO (2%) PERCENT TOURIST DEVELOPMENT TAX THROUGHOUT HERNANDO COUNTY PURSUANT TO THE "LOCAL OPTION TOURIST DEVELOPMENT ACT" FLORIDA STATUTES 125.0104; PROVIDING FOR THE COLLECTION OF SAID TAX; PROVIDING THAT THE REVENUE SO RAISED BE UTILIZED TO IMPLEMENT THE HERNANDO COUNTY TOURIST DEVELOPMENT PLAN; PROVIDING FOR THE ADOPTION OF, AND ADOPTING THE HERNANDO COUNTY TOURIST DEVELOPMENT PLAN; PROVIDING FOR A REFERENDUM ON THE TOURIST DEVELOPMENT TAX; RATIFYING THE CREATION OF THE HERNANDO COUNTY TOURIST DEVELOPMENT COUNCIL BY ORDINANCE; PROVIDING FOR A TOURIST DEVELOPMENT TRUST FUND; PROVIDING PENALTIES FOR FAILURE TO COLLECT THE TAX LEVIED; PROHIBITING CERTAIN TAX RELATED ADVERTISING, CREATING A LIEN ON THE PROPERTY OF THE TENANT FOR NONPAYMENT OF TAX; PROVIDING FOR SEVERABILITY CLAUSE, PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT OF CLERK
TALLAHASSEE, FLORIDA
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BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I.

Florida Statutes 125.0104, provides for the levy of a local option tourist development tax by any county.

SECTION II.

Under the provisions of Florida Statute 125.0104, the Hernando County Board of County Commissioners did on January 28, 1992, adopt a resolution establishing and appointing the members of the Hernando County Tourist Development Council.

SECTION III.

On April 28, 1992, said Tourist Development Council presented to the Hernando County Board of County Commissioners its plan for tourist development.

SECTION IV.

A. *There is hereby levied and imposed and set a tourist development tax throughout Hernando County, Florida, at the rate of two (2%) percent of each whole and major fraction of each dollar of the total rental and consideration charged every person who rents, leases or lets 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. 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.

B. The tourist development tax shall be in addition to any other tax imposed pursuant to Chapter 212, Florida Statutes, as amended, and in addition to all other taxes, fees, and the considerations for the rental or lease.

C. The tourist development tax shall be charged by the person receiving the consideration for the lease or rental, and it shall be collected by such person from the lessee, tenant, or customer at the time of payment of the consideration for such lease or rental.

D. The person receiving the consideration for such rental or lease shall receive, account for, and remit the tax to the Hernando County Tax Collector at the time and in the manner provided for by future amendment to this Ordinance.

SECTION V.

The tax revenues received pursuant to this ordinance shall be used to fund the Hernando County tourist development plan, which is attached hereto as Exhibit "A" and which is hereby adopted and incorporated into this ordinance in hac verba.

SECTION VI.

The establishment of the Hernando County Tourist Development Council, by Hernando County Resolution 92-17, is hereby ratified and confirmed and is adopted herein in hac verba. (Exhibit "B")

SECTION VII.

Notwithstanding anything to the contrary that may be contained in the plan described in Section V above, revenues received pursuant to this Ordinance shall be used by the County only for the purposes authorized by Florida Statute 125.0104, as amended from time to time.

SECTION VIII.

Pursuant to Florida Statute 125.0104, a referendum election shall be held in Hernando County and the Supervisor of Elections shall cause to be placed on the ballot for the November, 1992, general election, the question of the approval or disapproval of this Ordinance, such question to appear on the ballot as follows:

TOURIST DEVELOPMENT TAX

A tourist development tax providing for a two (2%) percent tax on motel and hotel room rentals and certain transient or short-term (six months or less) living accommodation rentals in Hernando County, Florida. The tax will not be on food or beverage, or other items for sale. The tax proceeds are to be used to promote and assist tourism for Hernando County, Florida as described in the Ordinance establishing the tax.

_____ **FOR the Tourist Development Tax**

_____ **AGAINST the Tourist Development Tax**

SECTION IX.

After the Ordinance becomes effective and prior to the receipt by Hernando County of tax revenue obtained pursuant to this Ordinance, the County shall establish a Hernando County Tourist Development Trust Fund for receipt by the County of the tourist development tax proceeds collected by the Hernando County Tax Collector as required by Florida Statute 125.0104 and provisions of this Ordinance.

SECTION X.

Any person who is taxable hereunder who fails or refuses to charge and collect from the person paying any rental or lease the taxes herein provided, either by himself or through his agents or employees, shall be, in addition to being personally liable for the payment of the tax, guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, Section 775.083, or Section 775.084, Florida Statutes as amended.

SECTION XI.

No person shall advertise or hold out to the public in any manner, directly, or indirectly, that he or she will absorb all or any part of the tax, or that he or she will relieve the person paying the rental of the payment of all or any part of the tax, or that the tax will not be added to the rental or lease consideration, or when added, that it or any part thereof will be refunded or refused, either directly or indirectly, by any method

whatsoever. Any person who willfully violates any provision of this subsection shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, Section 775.083, or Section 775.084, Florida Statutes as amended.

SECTION XII.

The tax hereby levied shall constitute a lien on the property of the lessee, customer, or tenant in the same manner as, and shall be collectible as are, liens authorized and imposed in Sections 713.67, 713.68 and 713.69, Florida Statutes as amended.

SECTION XIII.

This ordinance shall become effective on the first day of the second month following its being approved in a referendum election, held for the purpose of approving or rejecting this ordinance, by a majority of the electors voting in such referendum election, and upon receipt of official acknowledgment by the Office of the Secretary of State to the Clerk of the Board of County Commissioners of Hernando County, Florida that same has been filed, whichever event is later. A certified copy hereof shall also be furnished by the Clerk to the State of Florida, Department of Revenue.

SECTION XIV. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION XV. SEVERABILITY

If any section, subsection, sentence, clause phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, or administrative agency, such portion shall be deemed a separate, distinct and independent provision, and except as otherwise expressly provided herein, such holding shall not affect the validity of the remaining portions thereof, all of which will remain in full force and effect, except as otherwise provided for herein.

SECTION XVI. EFFECTIVE DATE

This Ordinance shall become effective upon receipt of official acknowledgment from the Secretary of State that said Ordinance has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session
this 26th day of May, 1992.



**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest:

KAREN NICOLAI
Clerk

By:

JOHN RICHARDSON
Chairman

RBB/pv
05/21/92

EXHIBIT "A"

HERNANDO COUNTY TOURIST
DEVELOPMENT COUNCIL
RECOMMENDATIONS

SECRETARY OF STATE

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A. GOALS

1. To increase the flow of visitors from other counties in Florida, other states, and other nations to Hernando County.
2. Where the opportunity presents itself, to work in consortium with Citrus, Levy, and Pasco counties to enhance the identity of Hernando County and Florida's Nature Coast.
3. In association with private enterprise in Hernando County, to create the necessary promotions, advertisements, and marketing mechanisms to ensure the smooth flow of visitors around Hernando County.
4. To conduct marketing in such wise as to convert a portion of our day-trip visitors into weekend visitors during the next two years.
5. Hernando County should strive to attract the "right kind of tourist", i.e the visitor who appreciates nature-based tourism opportunities such outdoor activities including hiking, canoeing, boating, bicycling, camping, fishing, golf.
6. Encourage travelers to visit areas south of I-10 and west of I-75.
7. Develop the capacity to attract bus tours on a regional basis.

B. TARGET AND SECONDARY MARKETS

1. The HDTC recommends that Hernando County's primary focus be on the in-state tourism.

2. Our primary customer will be the weekend visitor and the day-tripper.

3. Primary markets are identified as Tampa Bay, Orlando, South Florida urban areas.

4. Out-of-State visitors who travel I-75 and I-10 by automobile are primary target.

5. National and international tourists are secondary markets and should be explored when the opportunity presents itself.

C. STRATEGIC CONCERNS

1. Strategic emphasis during the first two years should be on advertising and promotion of Hernando's natural attractions, recreational attractions, and hospitality centers. Fishing and boating opportunities, golf courses, natural scenery, Weeki Wachee Spring are identified as major tourism assets. Hospitality centers are areas with motels and restaurants.

2. An initial emphasis in advertising and promotional materials will give high profile to natural attractions, motels, and restaurants in eastern Hernando County and Brooksville. A Hernando County tourist map and/or pamphlet should be designed and produced during first year depicting:

a. Historical highlights, tourist attractions, and scenic routes.

b. Restaurant areas, motel areas, campgrounds, boat ramps, hiking areas, fishing areas, swimming areas, golf courses, tennis courts, and major shopping areas.

c. Croom tract which caters to off-road recreational vehicle enthusiasts.

d. Hernando County welcome centers.

3. Improved signage along Hernando roadways for visitors is a top priority. This should include "Welcome to Hernando County" signs on all major arteries entering county (SR50E, US 19, 41, and 301 N&S.)

a. Plans should be made to obtain better promotional signage on I-75 at or near I-75 and SR 50 interchange. Signage on major routes should identify location of Hernando welcome centers on US 19 and SR 50. "Welcome" signs on US 19 N&S, SR 50 East, US 41 N&S should be designed and put in place.

b. Within the county, a system of "scenic route" signs should be planned and installed to enable visitors to move easily from one interest point to another and to identify what services are available in each area.

c. Plans should be made now to move toward electronic media and/or billboard ad campaigns in Tampa Bay and/or Orlando market(s).

4. Local businesses should be encouraged to make use of tourist images and slogans (Florida's Nature Coast) in their advertsing.

5. Offices currently operated by the Greater West Hernando Chamber on US 19 and by the Hernando County Chamber on SR 50 should be further enhanced as "Welcome Centers" and further enabled to provide a broad range of new visitor services. Road signage will enable visitors to find these offices easily.

6. Space for Hernando County should be obtained at welcome centers on I-75 and in Disney World area.

D. LOCAL COLLECTION OF TAX

1. The HTDC recommends that the Hernando County Commission include a clause in the proposed ordinance opting for local collection of the Tourist Development Tax.

E. 24-MONTH REVENUE PROJECTION

At its second meeting, the HTDC adopted the following projection of revenues from a two (2) percent Tourist Development Tax over a 24 month period as required by statute. Computation is made on the basis of the number of motel rooms at \$50 per night with an average 60% capacity. Under the statute, other short term rental facilities including camps, RV parks, and apartments rented

for six months or less are subject to the tax, but the HTDC currently lacks the data to project revenues from these sources with confidence.

1. During the first year, anticipated revenues are projected to range between \$120,000 and \$140,000. Over a 24 month period, the revenues are projected at \$240,000 to \$280,000.

2. For budget purposes, based on an evaluation of the experience in Citrus County where collections have consistently run below projections, the HTDC decided to base the first year's recommended budget projection on \$100,000 in revenue collection.

3. The HTDC recommends that revenues collected in excess of \$100,000 during the first year be placed in reserve for the following budget year or be used at the end of the year to fund a special project not previously budgeted.

F. BUDGET RECOMMENDATIONS:

- ADMINISTRATION AND INFRASTRUCTURE.

1. No more than 10 percent or \$10,000 shall be allocated to administration. ("Administration" is defined as cost of local collection and general administration of the fund and the HTDC.)

a. Collection shall be by the Hernando County Tax collector. No more than 3 percent may be allocated for collection under the statute.

b. General administration of the HTDC and the Tourist Development fund shall be through the Hernando Economic Development Department. Up to 7% percent may be budgeted for staff support and direct costs of communications.

c. If less than 10 percent of the fund is required for collection and administration during the first or any subsequent year, the balance will be moved to the infrastructure budget so long as the amount budgeted for infrastructure does not exceed more than 25% of the year's total budget.

2. During the first two years, no more than 25% of the revenues collected shall be budgeted for infrastructure improvement of maintenance. The HTDC recommends that the following parks and projects be considered as eligible for HTD funds:

a. Tourist destination parks including Bayport, Pine Island, Jenkins Creek, Silver Lake Recreation Complex.

b. Any county park, canoe port, or trailhead developed in conjunction with the Rails-To-Trail project known as the Withalacoochee Trail.

c. Special projects regarding boat ramps and bicycle paths with provable tourist-destination potential shall be eligible.

d. Special infrastructure improvements to proven tourist districts such as the square in Brooksville and historical landmarks shall be considered eligible for HTD funding.

3. Infrastructure funds may be used to enhance access to state-own parks and reserves.

4. During the first year, 20% or \$ 20,000 shall be allocated for infrastructure maintenance or improvement.

G. BUDGET RECOMMENDATIONS:

-MARKETING, ADVERTISING, AND PROMOTION

The HTDC recommends that for the first two years, 70% of the Tourist Development Tax revenues be allocated for the marketing, advertising, and promotion of Hernando County in the previously identified target markets.

1. Funds will be allocated according to the following principles:

a. All advertising, promotion, and marketing contracts be consistent with the priorities and goals with Hernando County approved strategic guidelines for tourist development.

b. Contracts for work or projects be granted on a competitive bid basis.

c. All contractors will be accountable to the HTDC on a quarterly basis and ultimately to the Hernando County Commission.

d. The HTDC will establish objective guidelines for evaluation for every approved and will report evaluations annually to the HCC.

2. The HTDC recommends the following priorities serve as a guideline for Advertising, Marketing, and Promotional allocation during the first two years:

a. Signage on I-75 and within Hernando County.

b. A four-color map and/or pamphlet depicting accommodations and restaurant areas; natural, recreational, and leisure time points of interests; welcome centers. Distribution will be through chamber welcome centers, by direct mail, trade shows, at state welcome centers.

c. For economy and efficiency, marketing and promotional efforts should be co-op with Florida Nature Coast partners when possible.

3. The HTDC recommends that \$10,000 per year be budgeted for the map/pamphlet project.

4. The HTDC recommends that \$40,000 per year be allocated for advertising, promotional signage, promotions, and structured marketing opportunities such (traveler writer tours, booths at trade conventions, state welcome center exhibits, etc).

5. The HTDC recommends that \$20,000 per year be allocated for local welcome center operations and new visitor services as operated by Hernando County's chambers on SR 50 East and US 19.

6. Revenues collected in excess of \$100,00 during the first year may be granted for special projects within the parameters described in this strategic plan on recommendation of the HTDC and approval of the Hernando County Commission.

**H. HTDC RECOMMENDED BUDGET
SUMMARY (4/20/92)**

	12 Month	24 Month
1. PROJECTED REVENUES	\$110,000	\$230,000
2. EXPENSES		
1. Administration and Collection	\$ 10,000	\$ 20,000
2. Infrastructure Maintenance & Improvement	20,000	40,000
3. Advertising, Marketing, & Promotion		
a. Map/ Pamphlet	10,000	10,000
b. Marketing, advertising, promotions	40,000	80,000
c. New Visitor Service & Welcome Center	20,000	40,000
d. Special Projects		10,000
Totals	<u>\$100,000</u>	<u>\$200,000</u>
Anticipated Reserve	10,000	30,000

RESOLUTION NO.: 92-17

A RESOLUTION ESTABLISHING A TOURIST DEVELOPMENT COUNCIL

BE IT RESOLVED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

1. Pursuant to Section 125.0104(4)(b), Florida Statutes, there is hereby created and established within Hernando County a County Tourist Development Council to be known as the **HERNANDO COUNTY TOURIST DEVELOPMENT COUNCIL (THE COUNCIL)**.

2. **THE COUNCIL** shall be composed of nine (9) members who shall be appointed by the **HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS (THE COUNTY)**. The membership of **THE COUNCIL** shall be composed as follows:

a. The Chairman of **THE COUNTY**, or a Commissioner appointed by the Chairman.

b. Two elected officials from municipalities within Hernando County; one of whom must be from the most populous municipality (Brooksville).

c. Three members shall represent owners or operators of hotels, motels, or accommodations subject to the proposed tax §125.0104(e)(a), Florida Statutes.

d. Three members shall be persons involved in the tourist industry who have a demonstrated interest in tourist development, but who are not owners or operators of tourist accommodation facilities.

THE COUNTY may designate the chairperson of this **COUNCIL** or designate that **THE COUNCIL** elect its own Chairman. The members of this **COUNCIL** must be electors of **THE COUNTY** and will serve staggered terms of four (4) years. In order for the terms to be staggered; three of the appointments shall be initially for two (2) years; three of the appointments shall be initially for three (3) years; and three of the appointments shall be initially four (4) years.

3. **THE COUNCIL** is charged by the Commission to prepare a plan for tourist development, pursuant to §125.0104(5), Florida statutes, including:

a. a projection of the net tourist development tax revenues to be derived by **THE COUNTY** during the twenty-four (24) months following enactment of the tourist development tax.

b. a prioritized list of the proposed uses of the revenues by specific project or special uses as defined under subsection (5). The plan shall include approximate expense allocation to each project or special use.

4. **THE COUNCIL** will return its proposed plan and guidelines to **THE COUNTY** for consideration as part of the proposed tourist development tax ordinance no later than March 3, 1992.

5. The Plan for tourist development in Hernando County as approved by the **THE COUNTY** will become part of the ordinance for the two (2%) percent tourist development tax, pursuant to §125.0104(4)(d), Florida Statutes.

6. **THE COUNTY** hereby signifies its intention to consider the enactment of an ordinance levying and imposing the tourist development tax and providing for the levy of a two (2%) percent

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tourist development tax, pursuant to §125.0104, Florida Statutes.

7. THE COUNTY hereby expresses its intention to adopt an ordinance imposing the levy of two (2%) percent tourist development tax which said ordinance shall be subject to the approval of a referendum election to be held within Hernando County.

8. THE COUNCIL shall prepare and submit to THE COUNTY for its approval a plan for tourist development which said plan shall be submitted on or before March 3, 1992.

9. Upon receipt of the tourist development plan THE COUNTY shall adopt an ordinance, which said ordinance shall:

a. levy and impose a tourist development tax of two (2%) percent of each dollar of total consideration charged for lease or rental of living quarters or accommodations for a term of six (6) months or less;

b. adopt THE COUNTY plan for tourist development;

c. establish an advisory council to be known as THE COUNCIL; and

d. provide for a referendum within Hernando County to approve the Tourist Development Tax.

The adoption of the Ordinance, vel non, shall be considered after March 28, 1992.

10. The attached Timetable is hereby adopted by reference.

ADOPTED this 28th day of January, 1992, A.D.

(SEAL)

Attest:


KAREN NICOLAI
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By:


JOHN RICHARDSON
Chairman

**TOURIST DEVELOPMENT TAX
TIMETABLE**

January 28, 1992	Adopt Resolution Creating Tourist Development Council
February 3, 1992	Appointment of Members of Tourist Development Council
March 3, 1992	Tourist Development Plan Submitted to County
March 10, 1992	Advertising of Ordinance Authorized
April 10, 1992	Public Hearing on Adopting Ordinance
November 3, 1992	REFERENDUM