

Meeting Date
1/23/2018



AGENDA	
Section	Public Hearing
Item No.	TV.6.

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Public Hearing on Amendments to Sec. 102-122(a) of the Code of Ordinances of Brevard County, Florida.
DEPT/OFFICE:	County Attorney's Office

Requested Action:  
 It is requested that the Board of County Commissioners conduct a public hearing on the attached ordinance amendment to Sec. 102-122(a) of the Code of Ordinances of Brevard County, Florida and approve that amendment.

Summary Explanation & Background:

Legislative Intent: State law allows tourist development tax ("TDT") revenues to be used for a number of purposes and projects outlined in Section 125.0104, Florida Statutes, also known as the Local Option Tourist Development Act ("Act"). This Act also provides that revenues to be derived from the TDT may be pledged to secure and liquidate revenue bonds issued by counties to fund certain purposes and projects. *See*, Section 125.0104(5)(d), Florida Statutes. The proposed amendments to Sec. 102-122(a) of the Code of Ordinances of Brevard County, Florida, will correct a scrivener's error in the numbering reference to code section 102-119(3) in this section, and update the reference to section 102-119(4) in this section to conform to the current numbering used for that section in the amended Tourist Development Tax Plan found in section 102-119 of the County Code. The amendment will also conform section 102-122(a) to the authorized purposes set forth in the Section 125.0104(5)(d), Florida Statutes, by changing the reference to section 102-119(3)(a) to 102-119(3)c. which will eliminate the ability to pledge tourist development taxes to repay debt for financing the promotion of tourism currently granted by the ordinance, since that use of tourist development taxes is not permitted under section 125.0104(5)(d), Florida Statutes. The change of the current reference to section 102-119(3)a. to section 102-119(3)c. will reinstate the uses allowed under the section 102-122(a) as it existed prior to the scrivener's renumbering error relating to the section 102-119(3) references in section 102-122(a) which occurred in the 1994 re-adoption of the County Code in its entirety.

Attachment: Redlined and clean copies of Ordinance.

Fiscal impact: Cost of advertisement.

Clerk to the Board Instructions:

Exhibits Attached: Redlined and clean copies of Ordinance.

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
------------------------------------	-----------------------------	-----	--------------------------	----	--------------------------	----	--------------------------

County Manager Frank Abbate	Assistant County Manager John Denninghoff	Department Director / Extension Scott Knox, County Attorney 
	Interim Assistant County Manager Jim Liesenfelt	



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

January 26, 2018

Honorable Scott Ellis  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Ms. Christy Mulligan-Willey

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2018-01, which was filed in this office on January 26, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

January 24, 2018

MEMORANDUM

TO: Scott Knox, County Attorney

RE: Item IV.B., Ordinance Amendments to Section 102-122(a) of the Code of Ordinances of Brevard County Relating to Pledging Tourist Development Tax Revenues for Repayment of revenue Bonds

The Board of County Commissioners, in regular session on January 23, 2018, approved and adopted Ordinance No. 18-01, amending Section 102-122(a) of the Code of Ordinances of Brevard County, Florida. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: County Manager

ORDINANCE NO. 2018-01

**AN ORDINANCE OF BREVARD COUNTY, FLORIDA AMENDING SECTION 102-122 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING SECTION 102-122(a) OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, RELATING TO PLEDGING TOURIST DEVELOPMENT TAX REVENUES FOR REPAYMENT OF REVENUE BONDS; PROVIDING FOR THE CORRECTION OF A SCRIVENER'S ERROR; PROVIDING FOR THE AMENDMENT OF SECTION 102-122(a) TO CONFORM WITH THE REVISED CODE NUMBERING OF THE TOURIST DEVELOPMENT BUDGET PLAN; PROVIDING FOR THE CONFORMITY OF SECTION 102-122(a) WITH THE STATUTORILY ALLOWED PURPOSES FOR WHICH TOURIST DEVELOPMENT TAX REVENUES MAY BE PLEDGED TO SECURE AND LIQUIDATE REVENUE BONDS AS SET FORTH IN SECTION 125.0104(5)(d), FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, according to State law, the County may pledge tourist development tax revenues in order to secure and liquidate revenue bonds for designated purposes and projects; and

**WHEREAS**, the Florida Legislature has outlined certain purposes and projects in Section 125.0104, Florida Statutes, for which the revenue to be derived from the tax may be pledged to secure and liquidate revenue bonds; and

**WHEREAS**, the Board desires to update Section 102-122(a), Brevard County Code, to conform with the statutory purposes set forth in Section 125.0104(5)(d), Florida Statutes, and revisions to the numbering of sections within the County's Tourist Development Budget Plan.

**NOW, THEREFORE**, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that Section 102-122 of Chapter 102 of the Code of Ordinances of Brevard County, Florida is hereby amended to read as follows:

**SECTION 1.** Section 102-122(a), Code of Ordinance of Brevard County, Florida is hereby amended to read as follows:

Sec. 102-122. Bonds.

(a) To the extent allowable under Sec. 125.0104(5)(d), Florida Statutes (2017), as may be amended from time to time, the revenue to be derived from the tax may be pledged to secure and liquidate revenue bonds issued by the county for the purposes set forth in Officially filed with the Secretary of State on January 26, 2018

subsections 102-119(3)b., c., and 102-119(4)a., or for the purpose of refunding bonds previously issued for such purposes, or both; however, no more than 50 percent of the revenues from the tax may be pledged to secure and liquidate revenue bonds or revenue refunding bonds issued for the purposes set forth in subsections 102-119(3)b. and 102-119(4)a. Such revenue bonds and revenue refunding bonds may be authorized and issued in such principal amounts, with such interest rates and maturity dates, and subject to such other terms, conditions and covenants as the board of county commissioners shall provide.

**Section 2. Inclusion in Code.** It is the intention of the Board that the provisions of this Ordinance shall become and be made part of the Brevard County Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "Chapter," "Section," "Article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 3. Severability.** If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 4. Effective Date.** This Ordinance shall become effective upon filing with the Office of Secretary of State of Florida.

**DONE, ORDERED, AND ADOPTED** in Regular Session, this 23 day of January, 2018.

ATTEST:



By: Scott Ellis, Clerk of Court

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



By: Rita Pritchett, Chair  
(as approved by the Board on 1/23/18)

**NOTICE OF PUBLIC HEARING  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

Pursuant to the provisions of Section 125.66, Florida Statutes, notice is hereby given that the Brevard County Board of County Commissioners shall hold a public hearing at 9:00AM or as soon thereafter as the item may come up, on January 23, 2018, to consider adoption of an ordinance amending Section 102-122 of the Brevard County Code of Ordinances. The title of the Ordinance to be considered by the Board of County Commissioners of Brevard County, Florida, on that date reads as follows:

**ORDINANCE NO. 2018 - \_\_\_\_\_**

AN ORDINANCE OF BREVARD COUNTY, FLORIDA AMENDING SECTION 102-122 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING SECTION 102-122(a) OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, RELATING TO PLEDGING TOURIST DEVELOPMENT TAX REVENUES FOR REPAYMENT OF REVENUE BONDS; PROVIDING FOR THE CORRECTION OF A SCRIVENER'S ERROR; PROVIDING FOR THE AMENDMENT OF SECTION 102-122(a) TO CONFORM WITH THE REVISED CODE NUMBERING OF THE TOURIST DEVELOPMENT BUDGET PLAN; PROVIDING FOR THE CONFORMITY OF SECTION 102-122(a) WITH THE STATUTORILY ALLOWED PURPOSES FOR WHICH TOURIST DEVELOPMENT TAX REVENUES MAY BE PLEDGED TO SECURE AND LIQUIDATE REVENUE BONDS AS SET FORTH IN SECTION 125.0104(5)(d), FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**Interested parties may appear at the January 23, 2018, meeting and be heard with respect to the proposed ordinance.**

A copy of the ordinance may be inspected at the following locations:

Office of Clerk to the Board of County Commissioners, Titusville, Florida  
North Brevard Library, Titusville, Florida  
Central Brevard Library, Cocoa, Florida  
Melbourne Library, Melbourne, Florida  
Micco Library, Micco, Florida

A copy of the ordinance may also be viewed online at:

<http://www.brevardcounty.us/CountyManager/DraftOrdinances>.

Pursuant to Section 286.0105 Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will need to ensure that a verbatim record of the proceedings is made, at his or her own expense, which record includes the testimony and evidence upon which any such appeal is to be based.

Such person may provide a court reporter, stenographer, or a tape recorder for such verbatim record.

**In accordance with the Americans Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings, please notify the department sponsoring the meeting/hearing, or the County Manager's Office, (321) 633-2010, at least 48 hours in advance. TDD: 1-800-955-8771. Assisted Listening System receivers are available for the hearing impaired, & can be obtained from the Sound Technician at the meeting.**

**This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks channel 499, Comcast Cable Communications channel 51 in North Brevard and channel 13 in South Brevard, and AT&T U-verse channel 99. SCGTV will also replay this meeting during the coming month. Check the SCGTV website for daily program updates <http://www.scgtv.org>.**