

NOTICE OF INTENTION TO ADOPT ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Okaloosa County, Florida, on September 7, 2021, at 3:00 P.M. or soon thereafter, in the County Commission Meeting Room located at the Okaloosa County Courthouse 101 E James Lee Blvd., Crestview, FL 32536, will hold a public hearing to consider adopting an ordinance, the title and substance of said proposed ordinance being:

AN ORDINANCE AMENDING ORDINANCE NO. 86-06, AS AMENDED AND CHAPTER 20, ARTICLE II OF THE OKALOOSA COUNTY CODE OF ORDINANCES, TO AMEND THE BOUNDARIES OF THE EXISTING TOURIST DEVELOPMENT TAXING DISTRICT TO INCLUDE THE ENTIRE COUNTYWIDE AREA OF OKALOOSA COUNTY; TO SCHEDULE A REFERENDUM OF THE VOTERS WITHIN THE PROPOSED AREA TO BE ADDED; AND IF APPROVED BY THE VOTERS WITHIN THE PROPOSED AREA TO BE ADDED TO LEVY FOUR PERCENT (4%) TOURIST DEVELOPMENT TAX WITHIN THE PROPOSED AREA TO BE ADDED; ESTABLISHING A PLAN FOR TOURIST DEVELOPMENT WITHIN BOTH THE EXISTING DISTRICT AND THE PROPOSED AREA TO BE ADDED; PROVIDING FOR THE USE OF PREVIOUSLY COLLECTED TAXES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATES OF THIS ORDINANCE.

The proposed ordinance may be inspected by the public at the Offices of the County Commission located at Suite 100, Okaloosa County Administrative Building, 1250 N. Eglin Parkway, Shalimar, Florida 32579 and at Suite 302, 302 N. Wilson Street, Crestview, Florida 32536. Those offices can be contacted by telephone at 850-651-7105.

If any person decides to appeal any decision made with respect to any matter considered at these hearings, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

Okaloosa County adheres to the Americans with Disabilities Act and will make reasonable modifications for access to these hearings upon request. Requests may be made to the County Commission Offices at the above address and must be made at least 48 hours in advance of the hearings to provide the requested service.

ORDINANCE NO. 2021-__

AN ORDINANCE AMENDING ORDINANCE NO. 86-06, AS AMENDED AND CHAPTER 20, ARTICLE II OF THE OKALOOSA COUNTY CODE OF ORDINANCES, TO AMEND THE BOUNDARIES OF THE EXISTING TOURIST DEVELOPMENT TAXING DISTRICT TO INCLUDE THE ENTIRE COUNTYWIDE AREA OF OKALOOSA COUNTY; TO SCHEDULE A REFERENDUM OF THE VOTERS WITHIN THE PROPOSED AREA TO BE ADDED; AND IF APPROVED BY THE VOTERS WITHIN THE PROPOSED AREA TO BE ADDED TO LEVY FOUR PERCENT (4%) TOURIST DEVELOPMENT TAX WITHIN THE PROPOSED AREA TO BE ADDED; ESTABLISHING A PLAN FOR TOURIST DEVELOPMENT WITHIN BOTH THE EXISTING DISTRICT AND THE PROPOSED AREA TO BE ADDED; PROVIDING FOR THE USE OF PREVIOUSLY COLLECTED TAXES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATES OF THIS ORDINANCE.

WHEREAS, the Florida Local Option Tourist Development Act, section 125.0104, Florida Statutes, (the "Act") permits the Board of County Commissioners of Okaloosa County, Florida (the "County" or "Board") to levy a tourist development tax as provided in said statutes; and

WHEREAS, the County previously created a subcounty special district (the "Subdistrict") under the provisions of section 125.0104, Florida Statutes, which was approved by the voters within the boundary of that Subdistrict; and

WHEREAS, pursuant to that approval by the voters and the provisions of Florida law, the County has levied five (5) pennies of available tourist development taxes within the Subdistrict; and

WHEREAS, the expansion of the existing Subdistrict to include all areas within the County would create a single contiguous district for the imposition and collection of tourist development taxes; and

WHEREAS, the expansion of the existing Subdistrict to include all areas within the County would allow the collection of tourist development taxes throughout the County and allow the use of those proceeds to enhance all aspects of tourism and promotion of the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY:

SECTION 1. SHORT TITLE. This Ordinance shall be known as and may be referred to as the "Countywide Tourist Development Taxing District Ordinance."

SECTION 2. EXISTING TOURIST DEVELOPMENT DISTRICT AND COUNCIL. The Subdistrict and Tourist Development Council created and organized by Ordinance 86-01, as amended, shall continue in force and effect except as expressly amended herein.

SECTION 3. COUNTYWIDE TOURIST DEVELOPMENT TAXING DISTRICT. There is hereby established by Okaloosa County, an amended tourist development taxing district ("Countywide Taxing District") which shall consist of the existing Subdistrict and the remaining areas of Okaloosa County (the "Expansion Area"). The Expansion Area is contiguous to the existing Subdistrict and when combined with that Subdistrict shall consist of the following:

All of the real property within the boundaries of Okaloosa County, including all real property within the various municipalities.

SECTION 4. LEVY; IMPOSITION AND COLLECTION OF TOURIST DEVELOPMENT TAXES IN THE EXPANSION AREA.

A. There is hereby levied and imposed a tourist development tax in the Expansion Area at a rate of four percent (4%) of each dollar and major fraction of each dollar of the total consideration charged by 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, condominium, condominium hotel, timeshare resort, residential dwelling or campground for a term of six months or less, unless such person rents, leases or lets for consideration any living quarters or accommodations which are exempt according to the provisions of Chapter 212, Florida Statutes.

B. The four percent (4%) tourist development tax in the Expansion Area is levied and imposed as follows:

1. Two percent (2%) per section 125.0104(3)(c), Florida Statutes;
2. One percent (1%) per section 125.0104(3)(l), Florida Statutes; and then
3. One percent (1%) per section 125.0104(3)(n), Florida Statutes.

It is the intent of the Board that the one percent (1%) per section 125.0104(3)(n), Florida Statutes, shall be deemed imposed after the one percent (1%) per section 125.0104(3)(l), Florida Statutes.

C. There is hereby levied and imposed an additional one percent (1%) of tourist development tax in the Expansion Area pursuant to section 125.0104(3)(d), Florida Statutes, effective March 1, 2025.

SECTION 5. EXISTING REVENUES. All tourist development taxes earned from the existing Subdistrict prior to January 1, 2022, shall be separately accounted for and shall be used solely within the boundaries of the existing Subdistrict or for the benefit of that area.

SECTION 6. TOURIST DEVELOPMENT PLAN. Tourist development taxes collected in the Countywide Taxing District shall be used exclusively to fund the Tourist Development Plan, as it may be subsequently amended, which is included in Exhibit A. Upon approval of the referendum, the amendments to Chapter 20, Article II of the Okaloosa County Code of Ordinance (“County Code”), attached hereto as Exhibit A, shall become effective and be codified in the County Code.

SECTION 7. REFERENDUM.

A. This Ordinance shall not take effect until approved in a referendum election by a majority of electors voting in the Expansion Area only.

B. The Board shall place on the ballot of the special mail-in election to be held in Okaloosa County, Florida on the 5th day of October, 2021, or such subsequent date as the County may resolve.

C. The summary of the question to be placed on the ballot of the referendum shall read substantially as follows:

Expansion of Existing Tourist Development Tax District.

Shall the area subject to the Okaloosa County Tourist Development Tax be expanded to include all of the areas of Okaloosa County, including the municipalities, and with the funds to be collected through the tax on short term rental of lodgings or accommodations to be used as set forth in the adopted Okaloosa County Tourist Development Plan.

_____ YES
_____ NO

SECTION 8. SEVERABILITY. It is declared to be the intent of the County that, 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, then such determination shall not affect the validity of the remaining sections.

SECTION 9. EFFECTIVE DATES. This ordinance shall take effect as provided by law. If a majority of the electors of the Expansion Area voting in the referendum approve the imposition of tourist development taxes in the Expansion Area, then this Ordinance shall be deemed to be in effect, and the levy and collection of the Tourist Tax shall begin on March 1, 2022, with the exception of the one percent Tourist Tax under Section 4.C. above which shall begin on March 1, 2025. Should no referendum be held before December 1, 2021 or should the ballot question not be approved by the voters, then this ordinance shall become null and void.

DULY ADOPTED by the Board of County Commissioners this 7th day of September, 2021.

BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA

ATTEST:

BY: _____
Carolyn N. Ketchel, Chairman

J. D. Peacock, II, Clerk of the Court

APPROVED AS TO FORM:

Lynn M. Hoshihara, County Attorney

EXHIBIT A
TOURIST DEVELOPMENT PLAN

EXHIBIT A

AMENDMENTS TO CHAPTER 20, ARTICLE II OF THE OKALOOSA COUNTY CODE OF ORDINANCES

Upon approval of the referendum, Ordinance 86-06, as subsequently amended, and Chapter 20, Article II of the Okaloosa County Code of Ordinances, are hereby amended as follows:

(~~stricken~~ words indicate deletions, underlined words indicate additions)

Sec. 20-71. Tax levied; collection; remittance.

- (a) There is hereby levied and imposed a tourist development tax countywide in ~~the hereinafter described sub-district of~~ Okaloosa County, Florida. The tourist development tax is will continue to be levied and imposed within the previously created subcounty special district ("Subdistrict"), which is depicted on Attachment A at the rate of five percent, and within the remaining areas of Okaloosa County ("Expansion Area") at the rate of four percent, of each whole and major fraction of each dollar of the total rental 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, condominium, condominium hotel, timeshare resort, residential dwelling or campground for a term of six months or less (the "dealer"). 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 the non-monetary consideration.
- (b) The tourist development tax shall be in addition to any other tax imposed pursuant to Chapter 212, Florida Statutes, 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 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 ~~board of county commissioners (the "board")~~ Florida Department of Revenue at the same time and in the manner provided for persons who collect and remit taxes under Section 212.03, Florida Statutes. The same duties and privileges imposed by Chapter 212, Florida Statutes, upon dealers in tangible property, respecting the collection and remission of tax, the making of returns, the keeping of books, records and accounts, the payment of a dealer's credit, and compliance with the rules of the Florida Department of Revenue in the administration of said chapter shall apply to and be binding on all persons who are subject to the provisions of this article; provided, however, the Florida Department of Revenue may authorize a quarterly payment when the tax remitted by the dealer for the preceding quarter did not exceed \$25.00.
- (e) The Florida Department of Revenue shall keep records showing the amount of taxes collected, which records shall be open to the public during the regular office hours of the

Florida Department of Revenue, subject to the provisions of Section 213.053, Florida Statutes.

- (f) Collections received by the Florida Department of Revenue, less costs of administration of this article, shall be paid on a monthly basis, to the Okaloosa Board of County Commissioners (“Board”) for use by the county in accordance with the provisions of this article and shall be placed in the county tourist development trust fund.
- (g) The Florida Department of Revenue shall perform the enforcement and audit functions associated with the collection and remission of this tax, in accordance with the Laws of the State of Florida. The Florida Department of Revenue shall have such powers and authority, including enforcement authority, as provided by Florida Law.
 - (1) a. For the purpose of enforcing the collection of the tax levied by this article, the Florida Department of Revenue is hereby specifically authorized and empowered to examine at all reasonable hours the books, records, and other documents of all dealers, or other persons charged with the duty to report or pay a tax under this article, in order to determine whether they are collecting the tax or otherwise complying with this article.
 - b. In the event such dealer refuses to permit such examination of its books, records, or other documents by the Florida Department of Revenue as aforesaid, such dealer is guilty of a misdemeanor of the first degree, punishable as provided in Sections 775.082, or 775.083, ~~or 775.084~~, Florida Statutes. The Florida Department of Revenue shall have all rights and authority to enforce its responsibilities under Florida Law and to seek such appropriate remedies or relief against the offender, as granted by Florida Law, to require an examination of the books and records of such dealer.
- (2) a. Each dealer, as defined in this article, shall secure, maintain, and keep for a period of three years, a complete record of rooms or other lodging, leased or rented by the dealer, together with gross receipts from such sales, and other pertinent records and papers as may be required by the Florida Department of Revenue for the reasonable administration of this article; and all such records which are maintained in this state shall be open for inspection by the Florida Department of Revenue at all reasonable hours at such dealer's place of business located in the county.
- b. Any dealer who maintains such books and records at a point outside the county must make such books and records available for inspection by the Florida Department of Revenue. Any dealer subject to the provisions of this article who violates these provisions is guilty of a misdemeanor of the first degree, punishable as provided in Sections 775.082, or 775.083, ~~or 775.084~~, Florida Statutes.
- (3) The Florida Department of Revenue shall be authorized to perform audits in accordance with the requirements and procedures as set forth in Florida Law.
- (4) All taxes collected under this article shall be remitted to the Okaloosa Board of County Commissioners, attention: Finance officer.

(5) The Florida Department of Revenue shall have all enforcement authority as provided for by Florida Law.

(h) Tax revenues may be used only in accordance with the provisions of Section 125.0104, Florida Statutes.

(i) The Florida Department of Revenue is authorized to retain the costs of administration from the proceeds collected. However, as of the effective date of this amendment, the Department does not charge for cost of administration. In the event the Department implements a charge, they shall withhold the cost of administration from the amount collected and the remainder of the tax shall be deposited in the county tourist development trust fund on a monthly basis. The cost of administration shall be determined as set forth in section 125.0104(10)(c), Florida Statutes.

~~(j) It is the Board's intent to transfer the duties and responsibilities related to the collection of tourist development taxes from Florida Department of Revenue to the Okaloosa County Clerk of Court (the "Clerk"). The Clerk shall assume the responsibility for the collection of tourist development tax revenues under the provisions of section 125.0104, Florida Statutes, effective Feb 1, 2022. It shall be the stated goal, intent, and direction of the Okaloosa Board of County Commissioners, pending a Force Majeure event (for the duration and recovery from such event), to undertake local collection commencing no later than March 1, 2023. A Force Majeure event shall include but not be limited to: natural disasters such as hurricane, tornado, wildfire, flood, or earthquake, pandemics, war, terrorist acts, governmental regulation changes, riots, strikes, labor disputes, or other material causes beyond the control of Okaloosa County.~~

Sec. 20-72. Tourist development plan.

~~(a) *Revenue projections and allocations.* The tax revenues pursuant to this section for the next fiscal year and thereafter until amended by the board shall be used to fund the Okaloosa County Tourist Development Plan, which is hereby adopted as follows: Pursuant to the requirements of sSection 125.0104(4), Florida Statutes, the tax revenues collected pursuant to this section shall be used to fund the uses identified in the Tourist Development Plan as set forth below.~~

~~Revenues generated by the first three percent on each dollar in the existing Subdistrict and the first two percent on each dollar in the Expansion Area shall be used pursuant to Section 20-72(d) below. Upon implementation of the additional one percent in the Expansion Area pursuant to section 125.0104(3)(d), Florida Statutes it shall be used pursuant to Section 20-72(d) below. To the extent that such proceeds are not required for those uses, the Board may direct that such proceeds may be used for any other purposes authorized under sSection 125.0104(5), Florida Statutes.~~

~~Revenues generated by the fourth and fifth percent on each dollar in the existing Subdistrict and third and fourth percent on each dollar in the Expansion Area shall be used pursuant to Section 20-72(d)(1) below. Upon implementation of the additional one percent in the Expansion Area pursuant to section 125.0104(3)(d), Florida Statutes, it shall be the fourth~~

and fifth percent of each dollar in the Expansion Area that shall be used pursuant to Section 20-72(d)(1) below. To the extent that such proceeds are not required for those uses, the Board may direct that such proceeds may be used for any other purposes authorized under sSection 125.0104(3)(l) and (3)(n), Florida Statutes.

The anticipated annual revenues to be produced by the ~~tourist development tax~~levy as identified herein ~~in parenthesis~~for each ~~budget category~~special use is provided as an ~~annual total percentage~~ based on past collection trends ~~projected forward of the former sub-county~~existing Subdistrict of \$22.5 million and the addition of \$2.0 million for the ~~expanded area~~Expansion Area, for a total of \$24.5 million countywide annually. The projected revenues are estimates and may vary from those identified herein.

The approximations are based on no Force Majeure events occurring during the 24-month period that substantially affect tourism which ultimately could affect the allocations towards special uses, and do not include any expenditure of existing ~~sub-county~~Subdistrict funds earned prior to March 1, 2022.

The following is a list, in order of priority, of the proposed uses of revenues anticipated to be available for the twenty-four (24) months beginning March 1, 2022. Thereafter, allocations shall occur annually as part of the annual budget process. The proposed use of the revenue is shown in two parts: the approximate allocation for each special use based on the ~~current sub-county~~existing Subdistrict, plus the approximate allocation for each special use from the ~~expanded area~~Expansion Area.

<u>Special Use</u>	<u>Approximate Allocation</u>	
	<u>Subdistrict</u>	<u>Expanded</u>
<u>Tourism Promotion and Advertising</u>	<u>45%</u>	<u>25%</u>
<u>Public Safety</u>	<u>10%</u>	<u>10%</u>
<u>Beach Cleaning/Renourishment & Marine</u>	<u>8%</u>	<u>0%</u>
<u>Tourist Parks Maintenance & Beautification</u>	<u>8%</u>	<u>3%</u>
<u>Product Improvement - Stewardship</u>	<u>7%</u>	<u>10%</u>
<u>Product Improvement - Other</u>	<u>10%</u>	<u>40%</u>
<u>Convention Center Operations</u>	<u>7%</u>	<u>0%</u>
<u>Infrastructure Improvement</u>	<u>0%</u>	<u>0%</u>
<u>Economic & Cultural Support</u>	<u>1%</u>	<u>7%</u>
<u>Administration & Local Collection</u>	<u>4%</u>	<u>1%</u>
<u>Emergency Response - Operations</u>	<u>0%</u>	<u>1%</u>
<u>Emergency Response - Promotions</u>	<u>0%</u>	<u>3%</u>
<u>Approximate Total</u>	<u>100%</u>	<u>100%</u>

(b) Revenue allocations. Sub-county district revenues earned prior to March 1, 2022 shall be separately accounted for and shall be used solely within the boundaries of the ~~previous sub-county~~existing Subdistrict and for the benefit of that area. Further, City of Destin and City of Fort Walton Beach designated projects listed in the currently adopted 5-Year TDT Capital Plan (FY 2021 – FY 2025) shall remain funded up to the amounts designated in the plan at a minimum, less any funding already expended on ~~those items~~such projects:

City of Destin (\$17.8 million total): \$3.3 million for Crosstown Connector; \$13 million for Beachfront Property Acquisition; \$1.5 million for Beachfront Park Development.

Fort Walton Beach: \$1 million for Waterfront Accessibility

The City-related components of the currently adopted 5-Year TDT Capital Plan may be amended by mutual agreement of the Board and affected City, provided that the total amount allocated is not reduced.

Revenues earned subsequent to the March 1, 2022 effective date of the countywide levy shall be allocated with the following considerations:

(1) For the optimal, logical and systematic countywide benefit for the promotion and development of tourism, public infrastructure and public safety to offset the impacts of tourism, and the operation, maintenance and construction of tourism related amenities/facilities.

(2) The proportionate contribution of revenues from various areas, after local collection and an accurate contribution of revenues by area can be determined.

(3) For the six fiscal years after the currently adopted 5-Year TDT Capital Plan (i.e. FY 2026 – FY 2031), the County shall allocate, at a minimum, \$1.5 million per year (\$9 million total) for beach property acquisition and beach park development within the City of Destin, and \$250,000 per year (\$1,500,000 total) for tourism-related capital improvements within the City of Fort Walton Beach.

~~(b)(c)~~ Taxing district boundaries. The countywide tourism development district shall consist of all real property within the boundaries of Okaloosa County, including all real property within the various municipalities geographic area included within the county's sub-district is depicted on Exhibit A, as attached hereto and incorporated herein.

~~(e)(d)~~ County tTourist development plan. The county hereby determines that the tTourist dDevelopment pPlan for the sub-district shall be comprised of the following broad goals and objectives and the Board determines revenues may be allocated to these purposes makes the following findings of fact:

(1) *Tourism promotion.* The tourism related economy within Okaloosa County generates significant direct and indirect revenue to businesses within the community. Accordingly, tourism is essential to a healthy economy and is a driving force in the growth of business development and increased employment opportunities for county residents. The county ~~has~~ worked diligently on the development and maintenance of quality advertising, sales, marketing and public relations initiatives ~~for the sub-district~~ which presents a consistent and positive brand for the area. This branding is essential to the development of this section of the economy and the county will work towards the development and implementation of unified marketing campaigns. These campaigns will be monitored and analyzed by the ~~tTourist~~ dDevelopment ~~eCouncil~~ (the "eCouncil"), the director and tourist development department staff with, at a minimum, quarterly reports provided to the ~~bBoard~~. Within the guidelines set forth herein, the campaigns shall be conducted with

funding levels designed to achieve maximum positive promotional exposure to potential visitors ~~to the sub-district~~. The primary objective for the campaigns shall be the maintenance of consistent positive "branding" which consists of image and name recognition and the further development of "year round business" to encompass group and leisure business.

The support for a variety of special events and sponsorships is another productive means to further the development of year round business and bolster image and name recognition ~~for the sub-district. Funds may be allocated on an annual basis, as approved by the board, for support of special events and sponsorships in accordance with procedures provided in the adopted tourist development council bylaws and tourist development department operation and procedures manual.~~ The development of a visible support community for local production of film and advertising projects may also be a productive means to further maintain a consistent positive "branding" ~~of both the sub-district and the county overall. Funds may be allocated to support such projects.~~

~~The county determines that continuing maintenance efforts to keep the beaches, waterways, access ways and other recreational and eco-tourism facilities within the sub-district ("tourist destination facilities"), clean, attractive and safe for public usage are important to the image and marketing of the primary asset of the sub-district and may include a mechanical beach cleaning program for all Gulf beaches within the sub-district outside of those owned or controlled by the federal government. This also includes the maintaining of the aesthetics of access corridors within the sub-district so as to provide a consistent positive branding for the area.~~

The ~~county further determines that~~ funding of aquariums and museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, ~~within the sub-district~~ will promote tourism ~~within the sub-district~~ by offering educational activities and entertainment for visitors of all ages. ~~Thus, the allocation of tourist tax revenues for the funding of aquariums and museums is an appropriate use of these revenues and funds may be allocated accordingly.~~

- (2) *Convention business development.* The county has operated the ~~Emerald Coast Destin-Fort Walton Beach~~ Convention Center ("~~ECDFWB~~CC") since 2003 and its value as a catalyst for the growth of the conference/convention/group business segment of the visitor population is well established and is an effective means of developing year round business ~~in the sub-district~~. The ~~ECDFWB~~CC will ~~continue to~~ be managed in house or by contract with professional management firms, or by a combination of the two. The facility ~~will also~~ provides indoor and outdoor venues for cultural, educational, sport and entertainment events which ~~will beare~~ a positive draw for visitors as well as a benefit to the overall quality of the branding of county products. The expansion of the ~~ECDFWB~~CC facilities, grounds and functions will further the development of year-round business ~~in the sub-district~~.
- (3) *Product improvement.* The attraction of new tourists and repeat visitation by making vacation time here more valuable through improved experiences results in a diverse, healthy tourism related economy and consistent and positive brand for the area. Product

improvement may include operations, maintenance, feasibility studies and/or actual construction costs.

a. Destination stewardship. Destination stewardship is heavily engaged with the promotion of tourism by enhancing the tourism product, improving visitor experiences, and engaging visitors while in-market. A multi-stakeholder approach is required to foster the environmental, cultural, economic, and aesthetic integrity of Okaloosa County, while building a more resilient, regenerative, equitable, and sustainable tourism economy.

b. Water related. ~~The county determines that the~~ beaches, waters of the Gulf of Mexico, ~~and the~~ Choctawhatchee Bay, Bayous, Rivers, Lakes, and all other public water bodies are ~~thea~~ thea ~~main~~ focus of ~~the~~ attraction ~~that the sub-district offers~~ to our visitors, as are the related entrance points and recreational facilities. ~~This includes not only the beach and waterways themselves but the tourist destination facilities,~~ which allow greater access and enhanced enjoyment of these areas. Accordingly, ~~both~~ the maintenance and improvement of these natural assets and recreational facilities (“other—tourist destination facilities”) provide a clean, attractive and safe environment for public usage and are important to the image and marketing of the county and ~~, including the improvement of public access to and use of these assets, are~~ essential to the preservation, improvement and promotion of the very foundation of the economy that the county is promoting. ~~Improvement of public access may include feasibility studies and/or actual construction costs.~~

The long-term maintenance goals of this plan ~~also~~ include a mechanical beach cleaning program for all Gulf beaches not owned or controlled by the federal government and the use of tourism tax revenues as a part of an ongoing partnership between federal, state, ~~and~~ county and municipal entities for the restoration and re-nourishment of the beaches ~~within the sub-district~~. The county will continue to fund the permitting and construction of restoration and re-nourishment projects for beaches ~~within the sub-district~~. This will facilitate the dual goal of this long-term restoration plan and preservation and management of the county's waterfront resources and other tourist destination facilities ~~within the sub-district~~, including the improvement of public access to those resources and facilities ~~throughout the sub-district~~. This component of beach access improvement and beach restoration and monitoring is essential for ensuring access ~~for visitors utilizing non-waterfront accommodations. The maintenance of beach access facilities and other tourist destination facilities and~~ promoting a broader accommodation base by improving access for non-waterfront accommodations. ~~Accordingly, the allocation of tourist tax revenues for the improvement, maintenance and repair of our beaches and waters and other tourist destination facilities, including access to these facilities, is an appropriate use of these revenues when and if funding is available.~~

~~The county further determines that c~~Constructing artificial reefs will promote tourism ~~within the sub-district~~ by offering diving, snorkeling and fishing activities. Additionally, the construction of artificial reefs will enhance the waters of the Gulf of Mexico by providing increased fisheries and improved aquatic habitat. Once enough

artificial reefs are constructed, the county may develop an aquatic nature center as an eco-tourism facility to showcase these tourism activities and assets. ~~Thus, the allocation of tourist tax revenues for the construction of artificial reefs is an appropriate use of these revenues and funds may be allocated accordingly.~~

An essential component of product improvement and promotion is to provide a safe environment for the use of the beaches, waterways and facilities, ~~including. Therefore, the allocation of tourist development tax revenues for the provision of lifeguard services, for the beaches and waterways is an appropriate use of these revenues when and if funding is available. Additionally, the allocation of tourist development tax revenues for the provision of as well as~~ public safety services, including emergency medical services as defined in section 401.107(3), Florida Statutes, and law enforcement services, which are needed to address impacts related to increased tourism and visitors ~~is an appropriate use of these revenues when and if funding is available.~~

c. Non-water related. Sports tourism generates economic impact to businesses within the community and is a compelling method to garner repeat visitation during the non-sports season. Accordingly, the maintenance and improvement of sports facilities or arenas, including equestrian, that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, are important to the image and marketing of the county.

Agritourism enhances the tourism industry by offering educational activities and entertainment for visitors of all ages, thereby extending length of stay. Supporting the link between agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner furthers the development of year-round business.

Ecotourism unites conservation and sustainable travel, with a focus on design, construction and operation of low-impact facilities, delivering memorable interpretative experiences to visitors that help raise sensitivity to local environment and culture, and provide direct financial benefit to conservation. Trails and scenic overlooks for hiking and biking allow visitors to commune with nature and wildlife. Fostering ecotourism is an approach to reaching a new type of visitor.

Wayfinding systems include informational, directional, and identification signs and maps that are simple, intuitive, and work together to help people of all ages and abilities orient themselves and find their way. A consistent and reliable wayfinding plan fosters a sense of place that connects users to the community and promotes the destination's identity by creating a clear and consistent message and style to visitors. Wayfinding may also include water-related signage and safety messaging.

(4) Infrastructure improvement. Furthermore, the allocation of tourist development tax revenues for ~~the~~ The provision of public facilities capital improvements (e.g. transportation, sanitary sewer, solid waste, drainage, potable water) needed to increase tourist-related

business activities ~~in the sub-district area~~ is ~~determined to be~~ an integral element of product improvement and promotion ~~and an appropriate use of these revenues when and if funding is available~~. The conditions and requirements of Section 125.0104, Florida Statutes, must be met if revenues are used for this purpose.

~~(4)(5)~~ Administration. The ~~county determines that the~~ best means for administration of the ~~tourism tax~~ revenues allocated under this plan, including local coordination and monitoring, is by local administration under the direction of the Board and the county administrator. In addition, the administration of the revenue collection process shall be carried out pursuant to the requirements of Section 125.0104, Florida Statutes, and such other provisions of Florida Law, by the Florida Department of Revenue. ~~All costs of administration incurred shall be deemed to be valid expenditures from Tourist Development Taxes.~~

~~(5)(6)~~ Reserve or emergency operations fund(s). ~~The county determines that it is prudent, based on actuarial and actual experience, to maintain reserve funds for the purpose of supplementing standard promotional functions and beach maintenance efforts and for restoration of the county's beach improvements in the aftermath of a major storm event which impacts sub-district coastal areas~~ Reserve funds are essential to long-term financial stability; they enable continued operations when revenue collections are adversely impacted, expedite recovery in the aftermath of a major storm event, and allow the county to take advantage of major unforeseen promotional, product improvement, and infrastructure opportunities. These reserve amounts ~~should be~~ carried forward as a budget allocation from year to year ~~and should be in sufficient amount, as determined by the board, to address recovery needs in these areas in the case of a catastrophic storm event. These funds are also available for allocation in the case of extraordinary beach maintenance needs related to natural or man induced events requiring additional beach cleaning efforts and equipment following the impact of an emergency event.~~ The eCouncil, through the director, ~~will be~~ responsible for recommending to the board sufficient reserve levels and when and how these funds should be used ~~in the event of an emergency or catastrophic storm event.~~

~~(d) Tax revenue projections and allocations.~~ Pursuant to the requirements of Section 125.0104(4), Florida Statutes, the tax revenues collected pursuant to this section shall be used to fund the goals and uses identified in the Okaloosa County Tourist Development Plan as set forth above. The allocation shall begin Fiscal Year 2018-2019 and shall continue for subsequent fiscal years until amended by the board.

(1) For the revenues generated by the first percentage point on each dollar, for each year beginning with fiscal year 2018-2019, the allocation shall be as follows:

- a. ~~To provide and improve beach park facilities or beach improvements including access; to provide maintenance, renourishment, restoration and erosion control, including construction of beach groins and shoreline protection, enhancement, access, cleanup or restoration of beaches, estuaries, other waterways; and to provide and improve tourist destination facilities, including multi-use recreational pathways, within the sub-district for which~~

~~there is public access, including the beaches located within the city limits of the City of Destin. (24-month projected revenue total is \$8,200,000)~~

~~b. To the extent that such proceeds are not required for those uses set forth under section 20-72(d)(1)a. above, then the board may direct that such proceeds may be used for any other purposes authorized under Section 125.0104(5), Florida Statutes.~~

~~(2) For the revenues generated by the second percentage point on each dollar, for each year beginning with fiscal year 2018-2019, the allocations shall be as follows:~~

~~a. Lifeguard and public safety services and protection; public facilities capital improvements. (24-month projected revenue total is \$8,200,000)~~

~~b. To the extent that such proceeds are not required for those uses set forth under section 20-72(d)(2)a. above, then the board may direct that such proceeds may be used for any other purposes authorized under Section 125.0104(5), Florida Statutes.~~

~~(3) For the revenues generated by the third percentage point on each dollar, for each year beginning with fiscal year 2018-2019, the allocation shall be as follows:~~

~~a. To provide and improve Visitor Welcome or Information Centers; to provide for the operations and maintenance of the Convention Center, the Visitor Welcome or Information Centers, and other tourist destination facilities, including aquariums and museums within the sub-district; and to provide for the promotion of the use of the convention center and other tourist destination facilities. (24-month projected revenue total is \$8,200,000)~~

~~b. To the extent that such proceeds are not required for those uses set forth under section 20-72(d)(3)a. above, then the board may direct that such proceeds may be used for any other purposes authorized under Section 125.0104(5), Florida Statutes.~~

~~(4) For the revenues generated by the fourth percentage point on each dollar for each year beginning with fiscal year 2018-2019, the allocation shall be as follows:~~

~~a. For the payment of debt service on bonds issued to finance the construction, reconstruction or renovation of a convention center and to pay the planning and design costs incurred prior to the issuance of such bonds. The board determines that the extension of the fourth percentage point is necessary to provide funds to operate, maintain, repair or renew the convention center. Therefore, following the expiration of bonds issued to fund the construction of the convention center, the proceeds of the fourth percentage point shall be used for any future expansion, renovation or reconstruction of the convention center, including the construction, expansion, renovation or reconstruction of outdoor venues for the convention center.~~

~~b. To the extent that such proceeds are not required for those uses set forth under section 20-72(d)(4)a. above, then the board may direct that such proceeds may be used for any other purpose authorized by Section 125.0104(3) (1) 2, 3, or 4, Florida Statutes.~~

~~c. Tourism services, promotion, and advertising. (24-month projected revenue total is \$8,200,000)~~

~~(5) The fifth percentage point shall remain in effect until further action by the board. For the revenues generated by the fifth percentage point on each dollar, for each year beginning with fiscal year 2018-2019, the allocation shall be as follows:~~

~~a. Tourism services, promotion, and advertising. (24-month projected revenue total is \$8,200,000)~~

(e) Tourist development plan amendments. The Tourist Development Plan may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the Board. ~~Amendments not deemed a~~ Non-substantial amendments may be approved ~~with~~ by a simple majority. As an undefined term in the statute, and to clarify specific provisions as substantial or non-substantial amendments, the following is adopted:

The following shall be considered a substantial amendment:

1. Changes in Council membership removing any City Council designated municipal position or the geographic distribution of members.
2. Changes to any of the provisions in Section 20-72(b) above.
3. Changes that allocate less than 40% of revenues to tourism promotion.

The following shall not be considered a substantial amendment:

1. Changes to the allocation of funding between uses.
2. Removal of language with specific time provisions after they are no longer applicable.
3. Amendments related to moving collection from DOR to local collection.
4. Amendments related to adopting a High Tourism Impact Tax should the County qualify to do so in the future.
5. Amendments required by changes in Florida Law or legal decisions.

Sec. 20-73. Tourist development council.

(a) *Established.* There is hereby established, pursuant to the provisions of Section 125.0104, Florida Statutes, an advisory council to be known as the "Okaloosa County Tourist Development Council" (the "eCouncil"). ~~The members of the council shall elect from among~~

~~their members a member to serve as chairman of the council.~~ The Board shall appoint nine (9) members to the Council, which consists of: the chair of the Board or any other member of the Board as designated by the chair; two (2) members shall be elected municipal officials, at least one of whom shall be from the most populous municipality in the county (“elected representative”); no less than three (3) nor more than four (4) shall be owners or operators of tourist accommodations (“lodging representative”); and no less than two (2) nor more than three (3) shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development (“tourism industry representative”). The Board shall have the option of designating the chair of the Council or allowing the Council to elect a chair.

The cities of Destin and Fort Walton Beach shall each have a permanently designated member of the Council as either an elected representative or a tourist industry representative. The City of Crestview shall have a permanently designated member of the Council as an elected Representative.

Council members shall be geographically diverse, independent of the Board member on the Council. There shall be two members from each of the following generally defined areas, inclusive of unincorporated County areas:

Crestview/Laurel Hill - north of Eglin AFB/Shoal Rivers’ major east-west section, and north, east and west to the County line.

Destin – East of Marler Bridge to the east County Line, south of Choctawhatchee Bay, north of the Gulf of Mexico

Fort Walton Beach/Mary Esther/Cinco Bayou/Okaloosa Island - west of Garner Bayou, and Choctawhatchee Bay, west of Marler Bridge to the West County Line, south of Eglin AFB and north of the Gulf of Mexico.

Niceville/Valparaiso/Shalimar - east of Garner Bayou to the east County line, north of Choctawhatchee Bay, south of Eglin AFB

A non-binding example of a Tourist Development Council that meets the standards herein is listed as follows:

Elected Representatives: County Commissioner, Crestview Councilman, Fort Walton Beach Councilman

Lodging Representatives: Destin, Fort Walton Beach, Niceville

Tourism Industry Representatives: Destin Councilman, Crestview, Niceville

- (b) *Duties and responsibilities.* ~~The e~~Council hereby established shall make recommendations to the ~~b~~Board for the effective ~~operation of the~~ uses of the ~~tourist development tax~~ revenue ~~raised by the tax hereby levied~~ and may perform such other duties or functions as hereinafter may be prescribed by ordinance or resolution.

(c) *Review of revenue expenditures.* The ~~e~~Council and the director shall continuously review all expenditures of revenue ~~raised by the tax hereby levied~~ and shall report to the ~~b~~Board and Department of Revenue all expenditures of said revenue believed to be unauthorized by the provisions of this article. ~~The board, upon receiving notification of expenditures believed to be unauthorized by the council, shall review the council's findings and take such administrative or judicial action as it sees fit to ensure compliance with this article and the provisions of Section 125.0104, Florida Statutes.~~

Sec. 20-74. Failure to charge or collect tax.

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~~first degree, punishable as provided in Section 775.082; or Section 775.083 ~~or Section 775.084~~, Florida Statutes.

Sec. 20-75. Representation that tenant or lessee need not pay tax.

No person shall advertise or hold out to the public in any manner, directly or indirectly, that he will absorb all or any part of the tax, or that he 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 provisions of this subsection shall be guilty of a misdemeanor of the ~~second~~first degree, punishable as provided in Section 775.082; or Section 775.083 ~~or Section 775.084~~, Florida Statutes.

Sec. 20-76. Tax deemed lien.

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.

Sec. 20-77. Representation of county tourism.

No business entity, other than a county tourism promotion agency, within the boundaries of Okaloosa County, Florida, shall use names as specified in Section 125.0104(9)(e), Florida Statutes, including "visitor information centers" when representing itself to the public as an entity representing tourism interest of the county.

Being a county levying the tourist development tax as aforesaid, in addition to any other powers and duties provided for agencies created for the purpose of tourism promotion by Okaloosa County, such agencies are authorized and empowered to represent themselves to the public as convention and visitors bureaus, visitors bureaus, tourist development councils, vacation bureaus, county tourism promotion agencies, or visitor information centers.

ATTACHMENT A



1 **EXHIBIT A**

2 **AMENDMENTS TO CHAPTER 20, ARTICLE II**
3 **OF THE OKALOOSA COUNTY CODE OF ORDINANCES**

4 Upon approval of the referendum, Ordinance 86-06, as subsequently amended, and Chapter 20,
5 Article II of the Okaloosa County Code of Ordinances, are hereby amended as follows:

6 (~~stricken~~ words indicate deletions, underlined words indicate additions)

7 **Sec. 20-71. Tax levied; collection; remittance.**

- 8 (a) There is hereby levied and imposed a tourist development tax countywide in ~~the hereinafter~~
9 ~~described sub-district of~~ Okaloosa County, Florida. The tourist development tax is will
10 continue to be levied and imposed within the previously created subcounty special district
11 (“Subdistrict”), which is depicted on Attachment A at the rate of five percent, and within the
12 remaining areas of Okaloosa County (“Expansion Area”) at the rate of four percent, of each
13 whole and major fraction of each dollar of the total rental charged every person who rents,
14 leases or lets for consideration any living quarters or accommodations in any hotel, apartment
15 hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home park,
16 recreational vehicle park, condominium, condominium hotel, timeshare resort, residential
17 dwelling or campground for a term of six months or less (the “dealer”). When receipt of
18 consideration is by way of property other than money, the tax shall be levied and imposed on
19 the fair market value of the non-monetary consideration.
- 20 (b) The tourist development tax shall be in addition to any other tax imposed pursuant to Chapter
21 212, Florida Statutes, and in addition to all other taxes, fees, and the considerations for the
22 rental or lease.
- 23 (c) The tourist development tax shall be charged by the person receiving the consideration for
24 the lease or rental, and it shall be collected from the lessee, tenant or customer at the time of
25 payment of the consideration for such lease or rental.
- 26 (d) The person receiving the consideration for such rental or lease shall receive, account for, and
27 remit the tax to the ~~board of county commissioners (the “board”)~~ Florida Department of
28 Revenue at the same time and in the manner provided for persons who collect and remit taxes
29 under Section 212.03, Florida Statutes. The same duties and privileges imposed by Chapter
30 212, Florida Statutes, upon dealers in tangible property, respecting the collection and
31 remission of tax, the making of returns, the keeping of books, records and accounts, the
32 payment of a dealer's credit, and compliance with the rules of the Florida Department of
33 Revenue in the administration of said chapter shall apply to and be binding on all persons
34 who are subject to the provisions of this article; provided, however, the Florida Department
35 of Revenue may authorize a quarterly payment when the tax remitted by the dealer for the
36 preceding quarter did not exceed \$25.00.
- 37 (e) The Florida Department of Revenue shall keep records showing the amount of taxes
38 collected, which records shall be open to the public during the regular office hours of the

39 Florida Department of Revenue, subject to the provisions of Section 213.053, Florida
40 Statutes.

41 (f) Collections received by the Florida Department of Revenue, less costs of administration of
42 this article, shall be paid on a monthly basis, to the Okaloosa Board of County
43 Commissioners (“Board”) for use by the county in accordance with the provisions of this
44 article and shall be placed in the county tourist development trust fund.

45 (g) The Florida Department of Revenue shall perform the enforcement and audit functions
46 associated with the collection and remission of this tax, in accordance with the Laws of the
47 State of Florida. The Florida Department of Revenue shall have such powers and authority,
48 including enforcement authority, as provided by Florida Law.

49 (1) a. For the purpose of enforcing the collection of the tax levied by this article, the Florida
50 Department of Revenue is hereby specifically authorized and empowered to examine
51 at all reasonable hours the books, records, and other documents of all dealers, or other
52 persons charged with the duty to report or pay a tax under this article, in order to
53 determine whether they are collecting the tax or otherwise complying with this article.

54 b. In the event such dealer refuses to permit such examination of its books, records, or
55 other documents by the Florida Department of Revenue as aforesaid, such dealer is
56 guilty of a misdemeanor of the first degree, punishable as provided in Sections
57 775.082, or 775.083, ~~or 775.084~~, Florida Statutes. The Florida Department of Revenue
58 shall have all rights and authority to enforce its responsibilities under Florida Law and
59 to seek such appropriate remedies or relief against the offender, as granted by Florida
60 Law, to require an examination of the books and records of such dealer.

61 (2) a. Each dealer, as defined in this article, shall secure, maintain, and keep for a period of
62 three years, a complete record of rooms or other lodging, leased or rented by the
63 dealer, together with gross receipts from such sales, and other pertinent records and
64 papers as may be required by the Florida Department of Revenue for the reasonable
65 administration of this article; and all such records which are maintained in this state
66 shall be open for inspection by the Florida Department of Revenue at all reasonable
67 hours at such dealer's place of business located in the county.

68 b. Any dealer who maintains such books and records at a point outside the county must
69 make such books and records available for inspection by the Florida Department of
70 Revenue. Any dealer subject to the provisions of this article who violates these
71 provisions is guilty of a misdemeanor of the first degree, punishable as provided in
72 Sections 775.082, or 775.083, ~~or 775.084~~, Florida Statutes.

73 (3) The Florida Department of Revenue shall be authorized to perform audits in accordance
74 with the requirements and procedures as set forth in Florida Law.

75 (4) All taxes collected under this article shall be remitted to the Okaloosa Board of County
76 Commissioners, attention: Finance officer.

77 (5) The Florida Department of Revenue shall have all enforcement authority as provided for
78 by Florida Law.

79 (h) Tax revenues may be used only in accordance with the provisions of Section 125.0104,
80 Florida Statutes.

81 (i) The Florida Department of Revenue is authorized to retain the costs of administration from
82 the proceeds collected. However, as of the effective date of this amendment, the Department
83 does not charge for cost of administration. In the event the Department implements a charge,
84 they shall withhold the cost of administration from the amount collected and the remainder of
85 the tax shall be deposited in the county tourist development trust fund on a monthly basis.
86 The cost of administration shall be determined as set forth in section 125.0104(10)(c),
87 Florida Statutes.

88 ~~(j)~~ (j) It is the Board's intent to transfer the duties and responsibilities related to the collection
89 of tourist development taxes from Florida Department of Revenue to the Okaloosa County
90 Clerk of Court (the "Clerk"). The Clerk shall assume the responsibility for the collection of
91 tourist development tax revenues under the provisions of section 125.0104, Florida Statutes,
92 effective Feb 1, 2022. It shall be the stated goal, intent, and direction of the Okaloosa Board
93 of County Commissioners , pending a Force Majeure event (for the duration and recovery
94 from such event), to undertake local collection commencing no later than March 1, 2023. A
95 Force Majeure event shall include but not be limited to: natural disasters such as hurricane,
96 tornado, wildfire, flood, or earthquake, pandemics, war, terrorist acts, governmental
97 regulation changes, riots, strikes, labor disputes, or other material causes beyond the control
98 of Okaloosa County.

99 **Sec. 20-72. Tourist development plan.**

100 (a) Revenue projections and allocations. The tax revenues pursuant to this section for the next
101 fiscal year and thereafter until amended by the board shall be used to fund the Okaloosa
102 County Tourist Development Plan, which is hereby adopted as follows: Pursuant to the
103 requirements of sSection 125.0104(4), Florida Statutes, the tax revenues collected pursuant to
104 this section shall be used to fund the uses identified in the Tourist Development Plan as set
105 forth below.

106 Revenues generated by the first three percent on each dollar in the existing Subdistrict and
107 the first two percent on each dollar in the Expansion Area shall be used pursuant to Section
108 20-72(d) below. Upon implementation of the additional one percent in the Expansion Area
109 pursuant to section 125.0104(3)(d), Florida Statutes it shall be used pursuant to Section 20-
110 72(d) below. To the extent that such proceeds are not required for those uses, the Board may
111 direct that such proceeds may be used for any other purposes authorized under sSection
112 125.0104(5), Florida Statutes.

113 Revenues generated by the fourth and fifth percent on each dollar in the existing Subdistrict
114 and third and fourth percent on each dollar in the Expansion Area shall be used pursuant to
115 Section 20-72(d)(1) below. Upon implementation of the additional one percent in the
116 Expansion Area pursuant to section 125.0104(3)(d), Florida Statutes, it shall be the fourth

117 and fifth percent of each dollar in the Expansion Area that shall be used pursuant to Section
 118 20-72(d)(1) below. To the extent that such proceeds are not required for those uses, the
 119 Board may direct that such proceeds may be used for any other purposes authorized under
 120 sSection 125.0104(3)(l) and (3)(n), Florida Statutes.

121 The anticipated annual revenues to be produced by the ~~tourist development tax~~levy as
 122 identified herein ~~in parenthesis~~for each ~~budget category~~special use is provided as an ~~annual~~
 123 ~~total percentage~~ based on past collection trends ~~projected forward of the former sub-~~
 124 ~~county~~existing Subdistrict of \$22.5 million and the addition of \$2.0 million for the ~~expanded~~
 125 ~~area~~Expansion Area, for a total of \$24.5 million countywide annually. The projected
 126 revenues are estimates and may vary from those identified herein.

127 The approximations are based on no Force Majeure events occurring during the 24-month
 128 period that substantially affect tourism which ultimately could affect the allocations towards
 129 special uses, and do not include any expenditure of existing sub-county-Subdistrict funds
 130 earned prior to March 1, 2022.

131 The following is a list, in order of priority, of the proposed uses of revenues anticipated to be
 132 available for the twenty-four (24) months beginning March 1, 2022. Thereafter, allocations
 133 shall occur annually as part of the annual budget process. The proposed use of the revenue is
 134 shown in two parts: the approximate allocation for each special use based on the ~~current sub-~~
 135 ~~county~~existing Subdistrict, plus the approximate allocation for each special use from the
 136 ~~expanded area~~Expansion Area.

<u>Special Use</u>	<u>Approximate Allocation</u>	
	<u>Subdistrict</u>	<u>Expanded</u>
<u>Tourism Promotion and Advertising</u>	<u>45%</u>	<u>25%</u>
<u>Public Safety</u>	<u>10%</u>	<u>10%</u>
<u>Beach Cleaning/Renourishment & Marine</u>	<u>8%</u>	<u>0%</u>
<u>Tourist Parks Maintenance & Beautification</u>	<u>8%</u>	<u>3%</u>
<u>Product Improvement - Stewardship</u>	<u>7%</u>	<u>10%</u>
<u>Product Improvement - Other</u>	<u>10%</u>	<u>40%</u>
<u>Convention Center Operations</u>	<u>7%</u>	<u>0%</u>
<u>Infrastructure Improvement</u>	<u>0%</u>	<u>0%</u>
<u>Economic & Cultural Support</u>	<u>1%</u>	<u>7%</u>
<u>Administration & Local Collection</u>	<u>4%</u>	<u>1%</u>
<u>Emergency Response - Operations</u>	<u>0%</u>	<u>1%</u>
<u>Emergency Response - Promotions</u>	<u>0%</u>	<u>3%</u>
<u>Approximate Total</u>	<u>100%</u>	<u>100%</u>

152 (b) Revenue allocations. Sub-county district revenues earned prior to March 1, 2022 shall be
 153 separately accounted for and shall be used solely within the boundaries of the ~~previous sub-~~
 154 ~~county~~existing Subdistrict and for the benefit of that area. Further, City of Destin and City
 155 of Fort Walton Beach designated projects listed in the currently adopted 5-Year TDT Capital
 156 Plan (FY 2021 – FY 2025) shall remain funded up to the amounts designated in the plan at a
 157 minimum, less any funding already expended on ~~those items~~such projects:

158 City of Destin (\$17.8 million total): \$3.3 million for Crosstown Connector; \$13 million for
159 Beachfront Property Acquisition; \$1.5 million for Beachfront Park Development.

160 Fort Walton Beach: \$1 million for Waterfront Accessibility

161 The City-related components of the currently adopted 5-Year TDT Capital Plan may be
162 amended by mutual agreement of the Board and affected City, provided that the total amount
163 allocated is not reduced.

164 Revenues earned subsequent to the March 1, 2022 effective date of the countywide levy shall
165 be allocated with the following considerations:

166 (1) For the optimal, logical and systematic countywide benefit for the promotion and
167 development of tourism, public infrastructure and public safety to offset the impacts of
168 tourism, and the operation, maintenance and construction of tourism related
169 amenities/facilities.

170 (2) The proportionate contribution of revenues from various areas, after local collection and
171 an accurate contribution of revenues by area can be determined.

172 (3) For the six fiscal years after the currently adopted 5-Year TDT Capital Plan (i.e. FY 2026
173 – FY 2031), the County shall allocate, at a minimum, \$1.5 million per year (\$9 million
174 total) for beach property acquisition and beach park development within the City of
175 Destin, and \$250,000 per year (\$1,500,000 total) for tourism-related capital
176 improvements within the City of Fort Walton Beach.

177 ~~(b)(c)~~ Taxing district boundaries. The countywide tourism development district shall consist of
178 all real property within the boundaries of Okaloosa County, including all real property within
179 the various municipalities geographic area included within the county's sub-district is
180 depicted on Exhibit A, as attached hereto and incorporated herein.

181 ~~(e)(d)~~ County tTourist development plan. The county hereby determines that the tTourist
182 dDevelopment pPlan for the sub-district shall be comprised of the following broad goals and
183 objectives and the Board determines revenues may be allocated to these purposes makes the
184 following findings of fact:

185 (1) *Tourism promotion.* The tourism related economy within Okaloosa County generates
186 significant direct and indirect revenue to businesses within the community. Accordingly,
187 tourism is essential to a healthy economy and is a driving force in the growth of business
188 development and increased employment opportunities for county residents. The county
189 ~~has~~ worked diligently on the development and maintenance of quality advertising, sales,
190 marketing and public relations initiatives ~~for the sub-district~~ which presents a consistent
191 and positive brand for the area. This branding is essential to the development of this
192 section of the economy and the county will work towards the development and
193 implementation of unified marketing campaigns. These campaigns will be monitored and
194 analyzed by the ~~tTourist~~ dDevelopment ~~eCouncil~~ (the "eCouncil"), the director and
195 tourist development department staff with, at a minimum, quarterly reports provided to
196 the ~~bBoard~~. Within the guidelines set forth herein, the campaigns shall be conducted with

197 funding levels designed to achieve maximum positive promotional exposure to potential
198 visitors ~~to the sub-district~~. The primary objective for the campaigns shall be the
199 maintenance of consistent positive "branding" which consists of image and name
200 recognition and the further development of "year round business" to encompass group
201 and leisure business.

202 The support for a variety of special events and sponsorships is another productive means
203 to further the development of year round business and bolster image and name
204 recognition ~~for the sub-district. Funds may be allocated on an annual basis, as approved~~
205 ~~by the board, for support of special events and sponsorships in accordance with~~
206 ~~procedures provided in the adopted tourist development council bylaws and tourist~~
207 ~~development department operation and procedures manual~~. The development of a visible
208 support community for local production of film and advertising projects may also be a
209 productive means to further maintain a consistent positive "branding" ~~of both the sub-~~
210 ~~district and the county overall. Funds may be allocated to support such projects.~~

211 ~~The county determines that continuing maintenance efforts to keep the beaches,~~
212 ~~waterways, access ways and other recreational and eco-tourism facilities within the sub-~~
213 ~~district ("tourist destination facilities"), clean, attractive and safe for public usage are~~
214 ~~important to the image and marketing of the primary asset of the sub-district and may~~
215 ~~include a mechanical beach cleaning program for all Gulf beaches within the sub-district~~
216 ~~outside of those owned or controlled by the federal government. This also includes the~~
217 ~~maintaining of the aesthetics of access corridors within the sub-district so as to provide a~~
218 ~~consistent positive branding for the area.~~

219 The ~~county further determines that~~ funding of aquariums and museums that are publicly
220 owned and operated or owned and operated by not-for-profit organizations and open to
221 the public, ~~within the sub-district~~ will promote tourism ~~within the sub-district~~ by offering
222 educational activities and entertainment for visitors of all ages. ~~Thus, the allocation of~~
223 ~~tourist tax revenues for the funding of aquariums and museums is an appropriate use of~~
224 ~~these revenues and funds may be allocated accordingly.~~

225 (2) *Convention business development.* The county has operated the ~~Emerald Coast Destin-~~
226 ~~Fort Walton Beach~~ Convention Center ("~~ECDFWB~~CC") since 2003 and its value as a
227 catalyst for the growth of the conference/convention/group business segment of the
228 visitor population is well established and is an effective means of developing year round
229 business ~~in the sub-district~~. The ~~ECDFWB~~CC will ~~continue to~~ be managed in house or by
230 contract with professional management firms, or by a combination of the two. The
231 facility ~~will also~~ provides indoor and outdoor venues for cultural, educational, sport and
232 entertainment events which ~~will be~~ a positive draw for visitors as well as a benefit to
233 the overall quality of the branding of county products. The expansion of the
234 ~~ECDFWB~~CC facilities, grounds and functions will further the development of year-round
235 business ~~in the sub-district~~.

236 (3) *Product improvement.* The attraction of new tourists and repeat visitation by making
237 vacation time here more valuable through improved experiences results in a diverse,
238 healthy tourism related economy and consistent and positive brand for the area. Product

239 improvement may include operations, maintenance, feasibility studies and/or actual
240 construction costs.

241 a. *Destination stewardship.* Destination stewardship is heavily engaged with the
242 promotion of tourism by enhancing the tourism product, improving visitor
243 experiences, and engaging visitors while in-market. A multi-stakeholder approach is
244 required to foster the environmental, cultural, economic, and aesthetic integrity of
245 Okaloosa County, while building a more resilient, regenerative, equitable, and
246 sustainable tourism economy.

247 b. *Water related.* The ~~county determines that the~~ beaches, waters of the Gulf of Mexico,
248 and the Choctawhatchee Bay, Bayous, Rivers, Lakes, and all other public water bodies
249 are ~~the~~ main focus of ~~the~~ attraction ~~that the sub-district offers~~ to our visitors, as are
250 the related entrance points and recreational facilities. ~~This includes not only the beach~~
251 and ~~waterways themselves but the tourist destination facilities,~~ which allow greater
252 access and enhanced enjoyment of these areas. Accordingly, ~~both~~ the maintenance and
253 improvement of these natural assets and recreational facilities (“other tourist
254 destination facilities”) provide a clean, attractive and safe environment for public
255 usage and are important to the image and marketing of the county and ~~, including the~~
256 improvement of public access to and use of these assets, ~~are~~ essential to the
257 preservation, improvement and promotion of the very foundation of the economy that
258 the county is promoting. ~~Improvement of public access may include feasibility studies~~
259 and/or actual construction costs.

260 The long-term maintenance goals of this plan ~~also~~ include a mechanical beach
261 cleaning program for all Gulf beaches not owned or controlled by the federal
262 government and ~~the use of tourism tax revenues as a part of~~ an ongoing partnership
263 between federal, state, ~~and~~ county and municipal entities for the restoration and re-
264 nourishment of the beaches ~~within the sub-district.~~ The county will continue to fund
265 the permitting and construction of restoration and re-nourishment projects for beaches
266 ~~within the sub-district.~~ This will facilitate the dual goal of this long-term restoration
267 plan and preservation and management of the county's waterfront resources and other
268 tourist destination facilities ~~within the sub-district,~~ including the improvement of
269 public access to those resources and facilities ~~throughout the sub-district.~~ This
270 component of beach access improvement and beach restoration and monitoring is
271 essential for ensuring access ~~for visitors utilizing non-waterfront accommodations.~~
272 ~~The maintenance of beach access facilities and other tourist destination facilities and~~
273 promotinges a broader accommodation base by improving access for non-waterfront
274 accommodations. ~~Accordingly, the allocation of tourist tax revenues for the~~
275 improvement, maintenance and repair of our beaches and waters and other tourist
276 destination facilities, including access to these facilities, is an appropriate use of these
277 revenues when and if funding is available.

278 ~~The county further determines that c~~Constructing artificial reefs will promote tourism
279 ~~within the sub-district~~ by offering diving, snorkeling and fishing activities.
280 Additionally, the construction of artificial reefs will enhance the waters of the Gulf of
281 Mexico by providing increased fisheries and improved aquatic habitat. Once enough

282 artificial reefs are constructed, the county may develop an aquatic nature center as an
283 eco-tourism facility to showcase these tourism activities and assets. ~~Thus, the~~
284 ~~allocation of tourist tax revenues for the construction of artificial reefs is an~~
285 ~~appropriate use of these revenues and funds may be allocated accordingly.~~

286 An essential component of product improvement and promotion is to provide a safe
287 environment for the use of the beaches, waterways and facilities, ~~including. Therefore,~~
288 ~~the allocation of tourist development tax revenues for~~ the provision of lifeguard
289 services, ~~for the beaches and waterways is an appropriate use of these revenues when~~
290 ~~and if funding is available. Additionally, the allocation of tourist development tax~~
291 ~~revenues for the provision of as well as~~ public safety services, including emergency
292 medical services as defined in section 401.107(3), Florida Statutes, and law
293 enforcement services, which are needed to address impacts related to increased
294 tourism and visitors ~~is an appropriate use of these revenues when and if funding is~~
295 ~~available.~~

296 c. Non-water related. Sports tourism generates economic impact to businesses within the
297 community and is a compelling method to garner repeat visitation during the non-
298 sports season. Accordingly, the maintenance and improvement of sports facilities or
299 arenas, including equestrian, that are publicly owned and operated or owned and
300 operated by not-for-profit organizations and open to the public, are important to the
301 image and marketing of the county.

302 Agritourism enhances the tourism industry by offering educational activities and
303 entertainment for visitors of all ages, thereby extending length of stay. Supporting the
304 link between agricultural production and/or processing with tourism in order to attract
305 visitors onto a farm, ranch, or other agricultural business for the purposes of
306 entertaining and/or educating the visitors and generating income for the farm, ranch, or
307 business owner furthers the development of year-round business.

308 Ecotourism unites conservation and sustainable travel, with a focus on design,
309 construction and operation of low-impact facilities, delivering memorable
310 interpretative experiences to visitors that help raise sensitivity to local environment
311 and culture, and provide direct financial benefit to conservation. Trails and scenic
312 overlooks for hiking and biking allow visitors to commune with nature and wildlife.
313 Fostering ecotourism is an approach to reaching a new type of visitor.

314 Wayfinding systems include informational, directional, and identification signs and
315 maps that are simple, intuitive, and work together to help people of all ages and
316 abilities orient themselves and find their way. A consistent and reliable wayfinding
317 plan fosters a sense of place that connects users to the community and promotes the
318 destination's identity by creating a clear and consistent message and style to visitors.
319 Wayfinding may also include water-related signage and safety messaging.

320 (4) Infrastructure improvement. Furthermore, the allocation of tourist development tax
321 revenues for ~~the~~ provision of public facilities capital improvements (e.g. transportation,
322 sanitary sewer, solid waste, drainage, potable water) needed to increase tourist-related

323 business activities ~~in the sub-district area~~ is ~~determined to be~~ an integral element of
324 product improvement and promotion ~~and an appropriate use of these revenues when and~~
325 ~~if funding is available~~. The conditions and requirements of Section 125.0104, Florida
326 Statutes, must be met if revenues are used for this purpose.

327 ~~(4)~~(5) Administration. The ~~county determines that the~~ best means for administration of
328 the ~~tourism tax~~ revenues allocated under this plan, including local coordination and
329 monitoring, is by local administration under the direction of the Board and the county
330 administrator. In addition, the administration of the revenue collection process shall be
331 carried out pursuant to the requirements of Section 125.0104, Florida Statutes, and such
332 other provisions of Florida Law, by the Florida Department of Revenue. ~~All costs of~~
333 ~~administration incurred shall be deemed to be valid expenditures from Tourist~~
334 ~~Development Taxes.~~

335 ~~(5)~~(6) Reserve or emergency operations fund(s). ~~The county determines that it is~~
336 ~~prudent, based on actuarial and actual experience, to maintain reserve funds for the~~
337 ~~purpose of supplementing standard promotional functions and beach maintenance efforts~~
338 ~~and for restoration of the county's beach improvements in the aftermath of a major storm~~
339 ~~event which impacts sub-district coastal areas~~ Reserve funds are essential to long-term
340 financial stability; they enable continued operations when revenue collections are
341 adversely impacted, expedite recovery in the aftermath of a major storm event, and allow
342 the county to take advantage of major unforeseen promotional, product improvement, and
343 infrastructure opportunities. These reserve amounts ~~should be~~ carried forward as a
344 budget allocation from year to year ~~and should be in sufficient amount, as determined by~~
345 ~~the board, to address recovery needs in these areas in the case of a catastrophic storm~~
346 ~~event. These funds are also available for allocation in the case of extraordinary beach~~
347 ~~maintenance needs related to natural or man induced events requiring additional beach~~
348 ~~cleaning efforts and equipment following the impact of an emergency event. The~~
349 ~~e~~Council, through the director, ~~will be~~ responsible for recommending to the ~~b~~Board
350 sufficient reserve levels and when and how these funds should be used ~~in the event of an~~
351 ~~emergency or catastrophic storm event.~~

352 ~~(d) Tax revenue projections and allocations~~. Pursuant to the requirements of Section
353 125.0104(4), Florida Statutes, the tax revenues collected pursuant to this section shall be used
354 to fund the goals and uses identified in the Okaloosa County Tourist Development Plan as set
355 forth above. The allocation shall begin Fiscal Year 2018-2019 and shall continue for
356 subsequent fiscal years until amended by the board.

357 (1) For the revenues generated by the first percentage point on each dollar, for each
358 year beginning with fiscal year 2018-2019, the allocation shall be as follows:

359 a. ~~To provide and improve beach park facilities or beach improvements~~
360 ~~including access; to provide maintenance, renourishment, restoration and~~
361 ~~erosion control, including construction of beach groins and shoreline~~
362 ~~protection, enhancement, access, cleanup or restoration of beaches, estuaries,~~
363 ~~other waterways; and to provide and improve tourist destination facilities,~~
364 ~~including multi-use recreational pathways, within the sub-district for which~~

365 ~~there is public access, including the beaches located within the city limits of~~
366 ~~the City of Destin. (24-month projected revenue total is \$8,200,000)~~

367 ~~b. To the extent that such proceeds are not required for those uses set forth under~~
368 ~~section 20-72(d)(1)a. above, then the board may direct that such proceeds may~~
369 ~~be used for any other purposes authorized under Section 125.0104(5), Florida~~
370 ~~Statutes.~~

371 ~~(2) For the revenues generated by the second percentage point on each dollar, for~~
372 ~~each year beginning with fiscal year 2018-2019, the allocations shall be as~~
373 ~~follows:~~

374 ~~a. Lifeguard and public safety services and protection; public facilities capital~~
375 ~~improvements. (24-month projected revenue total is \$8,200,000)~~

376 ~~b. To the extent that such proceeds are not required for those uses set forth under~~
377 ~~section 20-72(d)(2)a. above, then the board may direct that such proceeds may~~
378 ~~be used for any other purposes authorized under Section 125.0104(5), Florida~~
379 ~~Statutes.~~

380 ~~(3) For the revenues generated by the third percentage point on each dollar, for each~~
381 ~~year beginning with fiscal year 2018-2019, the allocation shall be as follows:~~

382 ~~a. To provide and improve Visitor Welcome or Information Centers; to provide~~
383 ~~for the operations and maintenance of the Convention Center, the Visitor~~
384 ~~Welcome or Information Centers, and other tourist destination facilities,~~
385 ~~including aquariums and museums within the sub-district; and to provide for~~
386 ~~the promotion of the use of the convention center and other tourist destination~~
387 ~~facilities. (24-month projected revenue total is \$8,200,000)~~

388 ~~b. To the extent that such proceeds are not required for those uses set forth under~~
389 ~~section 20-72(d)(3)a. above, then the board may direct that such proceeds may~~
390 ~~be used for any other purposes authorized under Section 125.0104(5), Florida~~
391 ~~Statutes.~~

392 ~~(4) For the revenues generated by the fourth percentage point on each dollar for each~~
393 ~~year beginning with fiscal year 2018-2019, the allocation shall be as follows:~~

394 ~~a. For the payment of debt service on bonds issued to finance the construction,~~
395 ~~reconstruction or renovation of a convention center and to pay the planning~~
396 ~~and design costs incurred prior to the issuance of such bonds. The board~~
397 ~~determines that the extension of the fourth percentage point is necessary to~~
398 ~~provide funds to operate, maintain, repair or renew the convention center.~~
399 ~~Therefore, following the expiration of bonds issued to fund the construction of~~
400 ~~the convention center, the proceeds of the fourth percentage point shall be~~
401 ~~used for any future expansion, renovation or reconstruction of the convention~~
402 ~~center, including the construction, expansion, renovation or reconstruction of~~
403 ~~outdoor venues for the convention center.~~

404 ~~b. To the extent that such proceeds are not required for those uses set forth under~~
405 ~~section 20-72(d)(4)a. above, then the board may direct that such proceeds may~~
406 ~~be used for any other purpose authorized by Section 125.0104(3) (1) 2, 3, or 4,~~
407 ~~Florida Statutes.~~

408 ~~c. Tourism services, promotion, and advertising. (24-month projected revenue~~
409 ~~total is \$8,200,000)~~

410 ~~(5) The fifth percentage point shall remain in effect until further action by the board.~~
411 ~~For the revenues generated by the fifth percentage point on each dollar, for each~~
412 ~~year beginning with fiscal year 2018-2019, the allocation shall be as follows:~~

413 ~~a. Tourism services, promotion, and advertising. (24-month projected revenue~~
414 ~~total is \$8,200,000)~~

415 (e) Tourist development plan amendments. The Tourist Development Plan may not be
416 substantially amended except by ordinance enacted by an affirmative vote of a majority plus
417 one additional member of the Board. Amendments not deemed a Non-substantial
418 amendments may be approved with by a simple majority. As an undefined term in the statute,
419 and to clarify specific provisions as substantial or non-substantial amendments, the following
420 is adopted:

421 The following shall be considered a substantial amendment:

- 422 1. Changes in Council membership removing any City Council designated municipal
423 position or the geographic distribution of members.
- 424 2. Changes to any of the provisions in Section 20-72(b) above.
- 425 3. Changes that allocate less than 40% of revenues to tourism promotion.

426 The following shall not be considered a substantial amendment:

- 427 1. Changes to the allocation of funding between uses.
- 428 2. Removal of language with specific time provisions after they are no longer applicable.
- 429 3. Amendments related to moving collection from DOR to local collection.
- 430 4. Amendments related to adopting a High Tourism Impact Tax should the County qualify
431 to do so in the future.
- 432 5. Amendments required by changes in Florida Law or legal decisions.

433 **Sec. 20-73. Tourist development council.**

434 (a) *Established.* There is hereby established, pursuant to the provisions of Section 125.0104,
435 Florida Statutes, an advisory council to be known as the "Okaloosa County Tourist
436 Development Council" (the "eCouncil"). ~~The members of the council shall elect from among~~

437 ~~their members a member to serve as chairman of the council.~~The Board shall appoint nine (9)
438 ~~members to the Council, which consists of: the chair of the Board or any other member of the~~
439 ~~Board as designated by the chair; two (2) members shall be elected municipal officials, at~~
440 ~~least one of whom shall be from the most populous municipality in the county (“elected~~
441 ~~representative”); no less than three (3) nor more than four (4) shall be owners or operators of~~
442 ~~tourist accommodations (“lodging representative”); and no less than two (2) nor more than~~
443 ~~three (3) shall be persons who are involved in the tourist industry and who have~~
444 ~~demonstrated an interest in tourist development (“tourism industry representative”). The~~
445 ~~Board shall have the option of designating the chair of the Council or allowing the Council to~~
446 ~~elect a chair.~~

447 The cities of Destin and Fort Walton Beach shall each have a permanently designated
448 member of the Council as either an elected representative or a tourist industry representative.
449 The City of Crestview shall have a permanently designated member of the Council as an
450 elected Representative.

451 Council members shall be geographically diverse, independent of the Board member on the
452 Council. There shall be two members from each of the following generally defined areas,
453 inclusive of unincorporated County areas:

454 Crestview/Laurel Hill - north of Eglin AFB/Shoal Rivers’ major east-west section, and
455 north, east and west to the County line.

456 Destin – East of Marler Bridge to the east County Line, south of Choctawhatchee Bay, north
457 of the Gulf of Mexico

458 Fort Walton Beach/Mary Esther/Cinco Bayou/Okaloosa Island - west of Garner Bayou, and
459 Choctawhatchee Bay, west of Marler Bridge to the West County Line, south of Eglin AFB
460 and north of the Gulf of Mexico.

461 Niceville/Valparaiso/Shalimar - east of Garner Bayou to the east County line, north of
462 Choctawhatchee Bay, south of Eglin AFB

463 A non-binding example of a Tourist Development Council that meets the standards herein is
464 listed as follows:

465 Elected Representatives: County Commissioner, Crestview Councilman, Fort Walton Beach
466 Councilman

467 Lodging Representatives: Destin, Fort Walton Beach, Niceville

468 Tourism Industry Representatives: Destin Councilman, Crestview, Niceville

469 (b) *Duties and responsibilities.* The ~~e~~Council ~~hereby established~~ shall make recommendations to
470 the ~~b~~Board for the effective ~~operation of the~~ uses of the ~~tourist development tax~~ revenue
471 ~~raised by the tax hereby levied~~ and may perform such other duties or functions as hereinafter
472 may be prescribed by ordinance or resolution.

473 (c) *Review of revenue expenditures.* The ~~e~~Council and the director shall continuously review all
474 expenditures of revenue ~~raised by the tax hereby levied~~ and shall report to the ~~b~~Board and
475 Department of Revenue all expenditures of said revenue believed to be unauthorized by the
476 provisions of this article. ~~The board, upon receiving notification of expenditures believed to~~
477 ~~be unauthorized by the council, shall review the council's findings and take such~~
478 ~~administrative or judicial action as it sees fit to ensure compliance with this article and the~~
479 ~~provisions of Section 125.0104, Florida Statutes.~~

480 **Sec. 20-74. Failure to charge or collect tax.**

481 Any person who is taxable hereunder who fails or refuses to charge and collect from the person
482 paying any rental or lease the taxes herein provided, either by himself or through his agents or
483 employees, shall be, in addition to being personally liable for the payment of the tax, guilty of a
484 misdemeanor of the ~~second~~first degree, punishable as provided in Section 775.082; or Section
485 775.083 ~~or Section 775.084~~, Florida Statutes.

486 **Sec. 20-75. Representation that tenant or lessee need not pay tax.**

487 No person shall advertise or hold out to the public in any manner, directly or indirectly, that he
488 will absorb all or any part of the tax, or that he will relieve the person paying the rental of the
489 payment of all or any part of the tax, or that the tax will not be added to the rental or lease
490 consideration, or when added, that it or any part thereof will be refunded or refused, either
491 directly or indirectly, by any method whatsoever. Any person who willfully violates any
492 provisions of this subsection shall be guilty of a misdemeanor of the ~~second~~first degree,
493 punishable as provided in Section 775.082; or Section 775.083 ~~or Section 775.084~~, Florida
494 Statutes.

495 **Sec. 20-76. Tax deemed lien.**

496 The tax hereby levied shall constitute a lien on the property of the lessee, customer or tenant in
497 the same manner as, and shall be collectible as are, liens authorized and imposed in Sections
498 713.67, 713.68 and 713.69, Florida Statutes.

499 **Sec. 20-77. Representation of county tourism.**

500 No business entity, other than a county tourism promotion agency, within the boundaries of
501 Okaloosa County, Florida, shall use names as specified in Section 125.0104(9)(e), Florida
502 Statutes, including "visitor information centers" when representing itself to the public as an
503 entity representing tourism interest of the county.

504 Being a county levying the tourist development tax as aforesaid, in addition to any other powers
505 and duties provided for agencies created for the purpose of tourism promotion by Okaloosa
506 County, such agencies are authorized and empowered to represent themselves to the public as
507 convention and visitors bureaus, visitors bureaus, tourist development councils, vacation
508 bureaus, county tourism promotion agencies, or visitor information centers.

509

ATTACHMENT A



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4 **ORDINANCE NO. 2021-___**
5

6 **AN ORDINANCE AMENDING ORDINANCE NO. 86-06, AS**
7 **AMENDED AND CHAPTER 20, ARTICLE II OF THE**
8 **OKALOOSA COUNTY CODE OF ORDINANCES, TO**
9 **AMEND THE BOUNDARIES OF THE EXISTING TOURIST**
10 **DEVELOPMENT TAXING DISTRICT TO INCLUDE THE**
11 **ENTIRE COUNTYWIDE AREA OF OKALOOSA COUNTY;**
12 **TO SCHEDULE A REFERENDUM OF THE VOTERS**
13 **WITHIN THE PROPOSED AREA TO BE ADDED; AND IF**
14 **APPROVED BY THE VOTERS WITHIN THE PROPOSED**
15 **AREA TO BE ADDED TO LEVY FOUR PERCENT (4%)**
16 **TOURIST DEVELOPMENT TAX WITHIN THE PROPOSED**
17 **AREA TO BE ADDED; ESTABLISHING A PLAN FOR**
18 **TOURIST DEVELOPMENT WITHIN BOTH THE**
19 **EXISTING DISTRICT AND THE PROPOSED AREA TO BE**
20 **ADDED; PROVIDING FOR THE USE OF PREVIOUSLY**
21 **COLLECTED TAXES; PROVIDING FOR SEVERABILITY;**
22 **AND PROVIDING FOR EFFECTIVE DATES OF THIS**
23 **ORDINANCE.**
24
25

26 **WHEREAS**, the Florida Local Option Tourist Development Act, section 125.0104,
27 Florida Statutes, (the "Act") permits the Board of County Commissioners of Okaloosa County,
28 Florida (the "County" or "Board") to levy a tourist development tax as provided in said statutes;
29 and
30

31 **WHEREAS**, the County previously created a subcounty special district (the "Subdistrict")
32 under the provisions of section 125.0104, Florida Statutes, which was approved by the voters
33 within the boundary of that Subdistrict; and
34

35 **WHEREAS**, pursuant to that approval by the voters and the provisions of Florida law, the
36 County has levied five (5) pennies of available tourist development taxes within the Subdistrict;
37 and
38

39 **WHEREAS**, the expansion of the existing Subdistrict to include all areas within the
40 County would create a single contiguous district for the imposition and collection of tourist
41 development taxes; and
42

43 **WHEREAS**, the expansion of the existing Subdistrict to include all areas within the
44 County would allow the collection of tourist development taxes throughout the County and allow
45 the use of those proceeds to enhance all aspects of tourism and promotion of the County.
46

47 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
48 **COMMISSIONERS OF OKALOOSA COUNTY:**

49
50 **SECTION 1. SHORT TITLE.** This Ordinance shall be known as and may be referred
51 to as the "Countywide Tourist Development Taxing District Ordinance."
52

53 **SECTION 2. EXISTING TOURIST DEVELOPMENT DISTRICT AND COUNCIL.**
54 The Subdistrict and Tourist Development Council created and organized by Ordinance 86-01, as
55 amended, shall continue in force and effect except as expressly amended herein.
56

57 **SECTION 3. COUNTYWIDE TOURIST DEVELOPMENT TAXING DISTRICT.**
58 There is hereby established by Okaloosa County, an amended tourist development taxing district
59 ("Countywide Taxing District") which shall consist of the existing Subdistrict and the remaining
60 areas of Okaloosa County (the "Expansion Area"). The Expansion Area is contiguous to the
61 existing Subdistrict and when combined with that Subdistrict shall consist of the following:
62

63 All of the real property within the boundaries of Okaloosa County,
64 including all real property within the various municipalities.
65

66 **SECTION 4. LEVY; IMPOSITION AND COLLECTION OF TOURIST**
67 **DEVELOPMENT TAXES IN THE EXPANSION AREA.**
68

69 A. There is hereby levied and imposed a tourist development tax in the Expansion
70 Area at a rate of four percent (4%) of each dollar and major fraction of each dollar of the total
71 consideration charged by every person who rents, leases, or lets for consideration any living
72 quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment,
73 apartment motel, rooming house, mobile home park, recreational vehicle park, condominium,
74 condominium hotel, timeshare resort, residential dwelling or campground for a term of six months
75 or less, unless such person rents, leases or lets for consideration any living quarters or
76 accommodations which are exempt according to the provisions of Chapter 212, Florida Statutes.
77

78 B. The four percent (4%) tourist development tax in the Expansion Area is levied and
79 imposed as follows:
80

- 81 1. Two percent (2%) per section 125.0104(3)(c), Florida Statutes;
- 82 2. One percent (1%) per section 125.0104(3)(l), Florida Statutes; and then
- 83 3. One percent (1%) per section 125.0104(3)(n), Florida Statutes.
84

85 It is the intent of the Board that the one percent (1%) per section 125.0104(3)(n), Florida Statutes,
86 shall be deemed imposed after the one percent (1%) per section 125.0104(3)(l), Florida Statutes.
87

88 C. There is hereby levied and imposed an additional one percent (1%) of tourist
89 development tax in the Expansion Area pursuant to section 125.0104(3)(d), Florida Statutes,
90 effective March 1, 2025.
91

92 **SECTION 5. EXISTING REVENUES.** All tourist development taxes earned from the
93 existing Subdistrict prior to January 1, 2022, shall be separately accounted for and shall be used
94 solely within the boundaries of the existing Subdistrict or for the benefit of that area.

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SECTION 6. TOURIST DEVELOPMENT PLAN. Tourist development taxes collected in the Countywide Taxing District shall be used exclusively to fund the Tourist Development Plan, as it may be subsequently amended, which is included in Exhibit A. Upon approval of the referendum, the amendments to Chapter 20, Article II of the Okaloosa County Code of Ordinance (“County Code”), attached hereto as Exhibit A, shall become effective and be codified in the County Code.

SECTION 7. REFERENDUM.

A. This Ordinance shall not take effect until approved in a referendum election by a majority of electors voting in the Expansion Area only.

B. The Board shall place on the ballot of the special mail-in election to be held in Okaloosa County, Florida on the 5th day of October, 2021, or such subsequent date as the County may resolve.

C. The summary of the question to be placed on the ballot of the referendum shall read substantially as follows:

Expansion of Existing Tourist Development Tax District.

Shall the area subject to the Okaloosa County Tourist Development Tax be expanded to include all of the areas of Okaloosa County, including the municipalities, and with the funds to be collected through the tax on short term rental of lodgings or accommodations to be used as set forth in the adopted Okaloosa County Tourist Development Plan.

_____ YES
_____ NO

SECTION 8. SEVERABILITY. It is declared to be the intent of the County that, 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, then such determination shall not affect the validity of the remaining sections.

SECTION 9. EFFECTIVE DATES. This ordinance shall take effect as provided by law. If a majority of the electors of the Expansion Area voting in the referendum approve the imposition of tourist development taxes in the Expansion Area, then this Ordinance shall be deemed to be in effect, and the levy and collection of the Tourist Tax shall begin on March 1, 2022, with the exception of the one percent Tourist Tax under Section 4.C. above which shall begin on March 1, 2025. Should no referendum be held before December 1, 2021 or should the ballot question not be approved by the voters, then this ordinance shall become null and void.

DULY ADOPTED by the Board of County Commissioners this 7th day of September, 2021.

BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA

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ATTEST:

BY: _____
Carolyn N. Ketchel, Chairman

J. D. Peacock, II, Clerk of the Court

APPROVED AS TO FORM:

Lynn M. Hoshihara, County Attorney

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164
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EXHIBIT A
TOURIST DEVELOPMENT PLAN