

PROPOSED

RESOLUTION NO. 2018-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD CULTURAL COUNCIL'S INCENTIVE PROGRAM; AMENDING SECTIONS 29.14 THROUGH 29.17 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE") INCLUDING TO CREATE A SECOND APPLICATION CYCLE FOR THE TOURIST DEVELOPMENT TAX CAPITAL CHALLENGE GRANT PROGRAM IN SECTION 29.16; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Broward County Board of County Commissioners ("Board") annually considers applications for the award of Tourist Development Tax Capital Challenge Grant Program ("TDTCCGP") grants before its annual summer recess; and

WHEREAS, there have been instances where not all available TDTCCGP grant funds have been awarded; and

WHEREAS, at its meeting on June 12, 2018, the Board directed the Broward County Cultural Division ("Division") and the Greater Fort Lauderdale Convention & Visitors Bureau ("CVB") to develop a second annual application cycle to allow the Board, at its discretion, to award in any year any remaining available TDTCCGP funds; and

WHEREAS, the proposed amendments serve a public purpose, and the Board desires to amend the Administrative Code to make the requested revisions, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 29.14 of the Broward County Administrative Code is hereby amended to read as follows:

1 **29.14. General Information.**

2 a. Definitions:

3 ...

4 7. *Program application limit:* An applicant may submit only one (1)
5 application for each program, except as provided in Section 29.16j.6., and
6 is restricted to the application limits in Sections 29.14 through 29.17 and
7 the applicable program.

8 ...

9 b. There are eleven (11) categories of incentive programs provided through
10 the Broward Cultural Council ("Council"), as follows:

11 ...

12 10. Tourist Development Tax Capital Challenge Grant Program ("TDTCCGP")
13 - a project award program.

14 ...

15 Section 2. Section 29.15 of the Broward County Administrative Code is hereby
16 amended to read as follows:

17 **29.15. General Eligibility Requirements.**

18 Any organization applying to the Council for funding must meet the following
19 eligibility requirements:

20 ...

21 b. Other requirements:

22 ...

23 3. For each County fiscal year, an incentive applicant shall meet the
24 additional eligibility requirements provided in the specific programming

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1 category in Section 29.16 and restrictions in Section 29.17, including
2 restrictions on the number of incentive applications.

- 3 4. Each incentive program's review criteria will be scored on a 100 point
4 scale, with the exception of the TDTCCGP.

5 Section 3. Section 29.16 of the Broward County Administrative Code is hereby
6 amended as follows:

7 **29.16. Specific Program Eligibility Requirements.**

8 ...

- 9 j. *Tourist Development Tax Capital Challenge Grant Program.*

- 10 1. Who May Apply:

11 (a) A public entity or a nonprofit organization that has been operational
12 in a tourism-related discipline(s) or has administered tourist-related
13 facilities or activities for a minimum of five (5) uninterrupted years
14 immediately preceding the date of application, which public entity
15 or nonprofit organization meets the following qualifications:

16 ...

- 17 (3) Except as permitted by Section 29.16j.6., Applicants must
18 not have received Tourist Development Capital Challenge
19 Grant funding from Broward County in the current or five (5)
20 previous County fiscal years. Any Tourist Development Tax
21 ("TDT") funding received by the applicant prior to the creation
22 of the TDTCCGP Capital Challenge Grant Program shall not
23 be considered.

24 ...

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1 (5) Except as permitted by Section 29.16j.6., if an applicant
2 receives TDT Capital Challenge grant funding pursuant to
3 this section, it shall not apply for or be eligible to receive
4 additional TDT Capital Challenge grant funding for the same
5 project.

6 ...

7 3. Requested Award Size:

8 (a) Requests may be made in any amount up to Five Hundred
9 Thousand Dollars (\$500,000), and any awarded grant is contingent
10 upon available capital funds as determined annually by the Broward
11 County Board of County Commissioners. Multiple year awards may
12 be considered, but the total grant may not exceed \$500,000. The
13 applicant must also demonstrate the ability to provide in-kind
14 services and other available funding for the project equal to the
15 amount requested as follows:

16 ...

17 4. Review Criteria: In order to be deemed responsive, an application for a
18 TDT Capital Challenge Grant must be for a purpose expressly authorized
19 by the Local Option Tourist Development Act (Section 125.0104, Florida
20 Statutes). ~~In March~~ Before April 30 of every year, the Cultural Division will
21 appoint a review panel of subject matter experts and hoteliers to complete
22 a Due Diligence Review (as described below) of each application and
23 determine eligibility and proposed funding, if any, for each applicant.
24 ~~Application reviews will be completed prior to the commencement of the~~

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1 County's Budget Workshops, usually in June of each year. The review
2 panel will consist of five (5) members: one (1) member who has served
3 on the Broward Cultural Council ("Council") for at least five (5) consecutive
4 years; one (1) member who is the Tourist Development Council liaison to
5 the Council; and three (3) members who are hoteliers identified by the
6 Tourist Development Council. The Review Sheet that will be used by the
7 review panel will be included with each application, including the review
8 report by GFLCVB of the "bed nights" that were projected by the
9 applicant(s). Due Diligence Review will ensure verification of
10 documentation submitted, including, but not limited to: active nonprofit
11 status, financial capacity, organizational capacity, and ability to meet
12 projected "beds nights" as determined by GFLCVB. Each application will
13 be reviewed by the panel and given a narrative rating of: (1) High;
14 (2) Medium; (3) Low; or (4) Nonresponsive/Ineligible. The review panel
15 will focus on the following criteria:

16 ...

17 (h) Priority will be given to projects that:

18 ...

19 2. Exceed the 2:1 cash match requirement;

20 ...

21 5. How to Apply:

22 (a) Except as provided in Section 29.16j.6., ~~E~~ntities seeking funding
23 under the ~~Tourist Development Tax Capital Challenge Grant~~
24 ~~Program~~ TDTCCGP must submit a completed application ~~between~~

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1 ~~December 1st and by~~ February 15~~th~~, to the Broward County
2 Cultural Division, consistent with the provisions of Section 29.15 of
3 the Broward County Administrative Code.

4 ...

5 6. Second Application Cycle:

6 (a) Before its summer recess, at the time the Board awards the incentive
7 grants, if more than Two Hundred Fifty Thousand Dollars (\$250,000)
8 remains in the Convention Center Capital Fund for the TDTCCGP,
9 the Board has the discretion to initiate a second grant application
10 cycle ("Second Application Cycle"). Grant applications for the
11 Second Application Cycle are due no later than
12 September 30, except in the initial year of the Second Application
13 Cycle when grant applications are due October 30, 2018. The
14 recommended awards by the Cultural Division's review grant panel
15 shall be submitted to the Board no later than November 30, except
16 that in the initial Second Application Cycle, they shall be submitted
17 no later than December 15, 2018. The provisions in Section 29.16j.
18 govern the Second Application Cycle, except that grant applicants
19 shall only be required to commit and have available, through cash
20 contributions, a minimum ratio of one dollar (\$1) matching funds to
21 one dollar (\$1) grant funds (1:1); may apply for more than one (1)
22 grant in a five (5) year period; and may apply for as much as One
23 Million Dollars (\$1,000,000) on a cumulative basis in a five (5) year
24 period.

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1 **(b)** Nonprofit organizations and public entities shall provide business
2 plans that outline the feasibility of the capital project for which
3 funding is sought. The applicant is required to demonstrate,
4 through a business plan, that it has available a minimum cash
5 match which consists of one dollar (\$1) for every one dollar (\$1)
6 requested in the grant application; and the applicant must identify
7 the source(s) and composition of funds that constitute the minimum
8 cash match of the project's total cost.

9 ...

10 Section 4. Section 29.17 of the Broward County Administrative Code is hereby
11 amended to read as follows:

12 **29.17. General Incentive Program Information.**

13 a. *General Restrictions:*

14 ...

15 2. In the application(s) submitted by an eligible applicant, funds requested,
16 or obtained, from any of the operating award programs or the project
17 award programs shall not be used by the applicant to fund or support an
18 identical cultural program, event, service, or activity, with the exception of
19 TDTCCGP.

20 3. Each fiscal year, an applicant organization (including nonprofit, public
21 entity, or sovereign native American nation, *i.e.*, a federally recognized
22 native American Indian tribe) or individual applicant may apply for any
23 incentive program for which the organization or individual is eligible but
24 may submit only one (1) application for each program. However, in the

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1 TDTCCGP, applicants may submit one (1) application in each of the two
2 (2) application cycles.

3 4. A consortium or an alliance of organizations may apply for the Cultural
4 Festival Program, ~~or the Cultural Tourism Program,~~ or the TDTCCGP;
5 however, all members of the consortium or alliance shall meet all eligibility
6 requirements. One (1) organization shall be the lead applicant. An
7 applicant's participation either as the lead applicant or participating
8 member applicant in a consortium application or alliance of organizations
9 shall count as an application toward that program's application limit.

10 ...

11 8. Each fiscal year, subject to meeting the eligibility requirements, and
12 regardless of the program application limits stated above in this section or
13 in the individual program in Section 29.16, an eligible applicant may also
14 submit one (1) program incentive application to the Cultural Planning and
15 Facilities Program, and the Creative Place Making Program, ~~or to the~~
16 ~~Tourist Development Tax Capital Challenge Grant Program.~~ In the
17 TDTCCGP, applicants may apply in both the First and Second Application
18 Cycles.

19 ...

20 Section 5. Severability.

21 If any portion of this Administrative Code Resolution is determined by any court to
22 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
23 of the remainder of this Administrative Code Resolution. If any court determines that this
24 Administrative Code Resolution, in whole or in part, cannot be legally applied to any

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1 individual, group, entity, property, or circumstance, such determination will not affect the
2 applicability of this Administrative Code Resolution to any other individual, group, entity,
3 property, or circumstance.

4 Section 6. Inclusion in the Broward County Administrative Code.

5 It is the intention of the Board of County Commissioners that the provisions of this
6 Administrative Code Resolution become part of the Broward County Administrative Code
7 as of the effective date. The sections of this Administrative Code Resolution may be
8 renumbered or relettered and the word "resolution" may be changed to "section," "article,"
9 or such other appropriate word or phrase to the extent necessary in order to accomplish
10 such intention.

11 Section 7. Effective Date.

12 This Administrative Code Resolution is effective upon adoption.

13
14 ADOPTED this day of , 2018.

PROPOSED

16 Approved as to form and legal sufficiency:
17 Andrew J. Meyers, County Attorney

18 By /s/ Andrea S. Froome 08/01/18
19 Andrea S. Froome (Date)
20 Senior Assistant County Attorney

21 By /s/ Mark A. Journey 08/01/18
22 Mark A. Journey (Date)
22 Senior Assistant County Attorney

23 MAJ:ASF:dp
24 08/01/18
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