

# 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.

(Sponsored by Senator Steve Geller)

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:

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

3 **29.14. General Information.**

4 a. Definitions:

5 ...

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

10 ...

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

13 ...

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

16 ...

17  
18 Section 2. Section 29.15 of the Broward County Administrative Code is hereby  
19 amended to read as follows:

20 **29.15. General Eligibility Requirements.**

21 Any organization applying to the Council for funding must meet the following  
22 eligibility requirements:

23 ...

24  
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 b. Other requirements:

2 ...

3 3. For each County fiscal year, an incentive applicant shall meet the  
4 additional eligibility requirements provided in the specific programming  
5 category in Section 29.16 and restrictions in Section 29.17, including  
6 restrictions on the number of incentive applications.

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

9  
10 Section 3. Section 29.16 of the Broward County Administrative Code is hereby  
11 amended as follows:

12 **29.16. Specific Program Eligibility Requirements.**

13 ...

14 j. *Tourist Development Tax Capital Challenge Grant Program.*

15 1. Who May Apply:

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

21 ...

22 (3) Except as permitted by Section 29.16j.6., Applicants must  
23 not have received Tourist Development Capital Challenge  
24 Grant funding from Broward County in the current or five (5)

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 previous County fiscal years. Any Tourist Development Tax  
2 ("TDT") funding received by the applicant prior to the creation  
3 of the ~~TDTCCGP Capital Challenge Grant Program~~ shall not  
4 be considered.

5 ...

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

11 ...

12 3. Requested Award Size:

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

21 ...

22 4. Review Criteria: In order to be deemed responsive, an application for a  
23 TDT Capital Challenge Grant must be for a purpose expressly authorized  
24 by the Local Option Tourist Development Act (Section 125.0104, Florida

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 Statutes). ~~In March~~ Before April 30 of every year, the Cultural Division will  
2 appoint a review panel of subject matter experts and hoteliers to complete  
3 a Due Diligence Review (as described below) of each application and  
4 determine eligibility and proposed funding, if any, for each applicant.  
5 ~~Application reviews will be completed prior to the commencement of the~~  
6 ~~County's Budget Workshops, usually in June of each year.~~ The review  
7 panel will consist of five (5) members: one (1) member who has served  
8 on the Broward Cultural Council ("Council") for at least five (5) consecutive  
9 years; one (1) member who is the Tourist Development Council liaison to  
10 the Council; and three (3) members who are hoteliers identified by the  
11 Tourist Development Council. The Review Sheet that will be used by the  
12 review panel will be included with each application, including the review  
13 report by GFLCVB of the "bed nights" that were projected by the  
14 applicant(s). Due Diligence Review will ensure verification of  
15 documentation submitted, including, but not limited to: active nonprofit  
16 status, financial capacity, organizational capacity, and ability to meet  
17 projected "beds nights" as determined by GFLCVB. Each application will  
18 be reviewed by the panel and given a narrative rating of: (1) High;  
19 (2) Medium; (3) Low; or (4) Nonresponsive/Ineligible. The review panel  
20 will focus on the following criteria:

21 ...

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

23 ...

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

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

...

5. How to Apply:

(a) Except as provided in Section 29.16j.6., ~~Entities seeking funding under the Tourist Development Tax Capital Challenge Grant Program~~ TDTCCGP must submit a completed application between ~~December 1st and~~ by February 15~~th~~, to the Broward County Cultural Division, consistent with the provisions of Section 29.15 of the Broward County Administrative Code.

...

6. Second Application Cycle:

(a) Before its summer recess, at the time the Board awards the incentive grants, if more than Two Hundred Fifty Thousand Dollars (\$250,000) remains in the Convention Center Capital Fund for the TDTCCGP, the Board has the discretion to initiate a second grant application cycle ("Second Application Cycle"). Grant applications for the Second Application Cycle are due no later than September 30, except in the initial year of the Second Application Cycle when grant applications are due October 30, 2018. The recommended awards by the Cultural Division's review grant panel shall be submitted to the Board no later than November 30, except that in the initial Second Application Cycle, they shall be submitted no later than December 15, 2018. The provisions in Section 29.16j. govern the Second Application Cycle, except that grant applicants shall only be required to commit and have available, through cash

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 contributions, a minimum ratio of one dollar (\$1) matching funds to  
2 one dollar (\$1) grant funds (1:1); may apply for more than one (1)  
3 grant in a five (5) year period; and may apply for as much as One  
4 Million Dollars (\$1,000,000) on a cumulative basis in a five (5) year  
5 period. Only applications receiving a narrative rating of "High" or  
6 "Medium" may be considered for funding during the Second  
7 Application Cycle. Applications receiving a "High" rating shall be  
8 funded before consideration of "Medium" rated applications.

9 (b) Nonprofit organizations and public entities shall provide business  
10 plans that outline the feasibility of the capital project for which  
11 funding is sought. The applicant is required to demonstrate,  
12 through a business plan, that it has available a minimum cash  
13 match which consists of one dollar (\$1) for every one dollar (\$1)  
14 requested in the grant application; and the applicant must identify  
15 the source(s) and composition of funds that constitute the minimum  
16 cash match of the project's total cost.

17 ...

18  
19 Section 4. Section 29.17 of the Broward County Administrative Code is hereby  
20 amended to read as follows:

21 **29.17. General Incentive Program Information.**

22 a. *General Restrictions:*

23 ...

24  
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

- 1           2.     In the application(s) submitted by an eligible applicant, funds requested,  
2                     or obtained, from any of the operating award programs or the project  
3                     award programs shall not be used by the applicant to fund or support an  
4                     identical cultural program, event, service, or activity, with the exception of  
5                     TDTCCGP.
- 6           3.     Each fiscal year, an applicant organization (including nonprofit, public  
7                     entity, or sovereign native American nation, *i.e.*, a federally recognized  
8                     native American Indian tribe) or individual applicant may apply for any  
9                     incentive program for which the organization or individual is eligible but  
10                    may submit only one (1) application for each program. However, in the  
11                    TDTCCGP, applicants may submit one (1) application in each of the two  
12                    (2) application cycles.
- 13          4.     A consortium or an alliance of organizations may apply for the Cultural  
14                     Festival Program, ~~or~~ the Cultural Tourism Program, or the TDTCCGP;  
15                     however, all members of the consortium or alliance shall meet all eligibility  
16                     requirements. One (1) organization shall be the lead applicant. An  
17                     applicant's participation either as the lead applicant or participating  
18                     member applicant in a consortium application or alliance of organizations  
19                     shall count as an application toward that program's application limit.
- 20          ...
- 21          8.     Each fiscal year, subject to meeting the eligibility requirements, and  
22                     regardless of the program application limits stated above in this section or  
23                     in the individual program in Section 29.16, an eligible applicant may also  
24                     submit one (1) program incentive application to the Cultural Planning and

Coding:           Words in ~~struck-through~~ type are deletions from existing text. Words in  
                      underscoring type are additions.



1 Facilities Program, and the Creative Place Making Program, ~~or to the~~  
2 ~~Tourist Development Tax Capital Challenge Grant Program.~~ In the  
3 TDTCCGP, applicants may apply in both the First and Second Application  
4 Cycles.

5 ...

6  
7 Section 5. Severability.

8 If any portion of this Administrative Code Resolution is determined by any court to  
9 be invalid, the invalid portion will be stricken, and such striking will not affect the validity  
10 of the remainder of this Administrative Code Resolution. If any court determines that this  
11 Administrative Code Resolution, in whole or in part, cannot be legally applied to any  
12 individual, group, entity, property, or circumstance, such determination will not affect the  
13 applicability of this Administrative Code Resolution to any other individual, group, entity,  
14 property, or circumstance.

15  
16 Section 6. Inclusion in the Broward County Administrative Code.

17 It is the intention of the Board of County Commissioners that the provisions of this  
18 Administrative Code Resolution become part of the Broward County Administrative Code  
19 as of the effective date. The sections of this Administrative Code Resolution may be  
20 renumbered or relettered and the word "resolution" may be changed to "section," "article,"  
21 or such other appropriate word or phrase to the extent necessary in order to accomplish  
22 such intention.

23  
24  
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Section 7. Effective Date.

This Administrative Code Resolution is effective upon adoption.

ADOPTED this            day of            , 2018.

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

**PROPOSED**

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

By /s/ Mark A. Journey            08/20/18  
Mark A. Journey            (Date)  
Senior Assistant County Attorney

MAJ:ASF:dp  
08/20/18  
Cultural TDT Grant.r01  
60110

Coding:            Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.