
DATE: May 1, 2008

TO: Monroe County Board of County Commissioners

FROM: Harold Wheeler, TDC Director

RE: Finding of Fact: Welcome Signs as a Permissible TDC Expenditure

The District V Advisory Committee has discussed funding a "Welcome" sign from their district budget. They felt that such an expenditure will promote tourism within the district.

In researching this subject, we found our opinion from then Assistant county Attorney, Suzanne Hutton, and asked the current Assistant County Attorney, Cynthia Hall, for a search of Florida Attorney General Opinions.

Assistant County Attorney Hutton's memo and an Office of the Attorney General Opinion given in September of 2000, states that if the Board of County Commissioners makes a finding that such expenditure will promote tourism within the County, Tourist Development tax revenues may be used to construct welcome signs at various entrances to the area. The opinion stated that the DAC would need to request to the TDC for a fact finding, and then the TDC would request the opinion from the Board of County Commissioners.

The District V Advisory Committee requests that the TDC consider a finding of fact that an expenditure on a welcome sign has a primary purpose of advertising and promoting tourism within the County. This item is on the May 13th TDC meeting agenda for approval.

I would request that if the TDC approves this finding of fact at their May meeting, the BOCC consider the same approval.

If approved the fact finding will cover all districts within the County.

Attached is the opinion from Suzanne Hutton in April 2000.

MEMORANDUM

RECEIVED APR 14 2000

TO: Maxine Pacini, TDC

FROM: Suzanne A. Hutton, Assistant County Attorney *SH*

DATE: April 13, 2000

RE: Key Largo Welcome Sign.

You have requested by memorandum dated April 7, 2000 an opinion as to the permissibility of funding a Key Largo sign through advertising and promotion resources. The determination as to whether a sign in Key Largo advertises and promotes tourism is not one for me to make. All I can do is advise you that if the County Commission determines that such a sign has a primary purpose of advertising and promoting tourism, then it is a permissible use of Tourist Development Funds.

There are some proposals for use of funds which clearly fit within the statute or fall outside it. Some of those uses have been addressed through the Attorney General Opinions or Court Orders. However, I am unaware of any AGO or Court decision addressing welcome signs. Further, many of the opinions which are frequently used as guides for determining whether an item is appropriate for TDC expenditure are based on the premise underlying many opinions that something is a function owed by a local government to its citizens (such as paved streets, law enforcement, etc.). A welcome sign does not seem to fall within that category either, so I am returning the matter to the TDC for a factual determination as to whether such a sign has a primary purpose of advertising and promoting tourism. Then the TDC may make a recommendation to the County Commission on this issue for final determination.

Please call if you have any questions.

SAH/ak