

LEE COUNTY TOURIST DEVELOPMENT COUNCIL
BEACH & SHORELINE FUNDING
PROGRAM GUIDELINES

I. Background

Lee County collects a five percent (5%) Tourist Development Tax (“Bed Tax”) on all overnight tourism accommodations in the County. This tax is levied on customers of hotels, motels, condominiums, campgrounds, apartments, and private homes that rent accommodations for less than six (6) months in duration.

The Lee County Board of County Commissioners (“BOCC”) has developed a Tourist Development Plan as outlined in Lee County Ordinance 13-14 (“Plan”) as amended to guide how these proceeds are spent. The Plan divides the potential uses of Bed Tax revenues into three (3) categories, one of the categories is allocated to Beach & Shoreline projects. Beach & Shoreline projects are allocated 26.4% of Bed Tax revenues collected each year.

The Beach & Shoreline Funding Program (“BSP”) operates on an annual funding application cycle. These guidelines were developed to assist applicants seeking funding through the BSP.

II. Definitions

In the context of the Beach and Shoreline Funding Program Guidelines, the following definitions apply:

“Beach Nourishment” the process of adding additional sand or sediment on a beach or in the nearshore.

“Capital Project” shall mean any construction or improvement project authorized in the Lee County Tourist Development Plan and Section 125.0104, Florida Statutes that will enhance tourism.

“Eligible Applicant” shall mean the owner and/or operator of a Project and includes any of the following:

1. A public entity located in Lee County
2. An organization must be legally incorporated as a NOT-FOR-PROFIT corporation, with a designated tax exempt status under section 501(c)(3) of the United States Internal Revenue Code, or a unit of local government/municipality.

“Indirect Costs” are business expenses not directly tied to creating a project but are essential for the overall operation of the organization. The costs of operating and maintaining facilities, depreciation, administrative salaries.

“Matching Funds” shall mean and include any of the following assets or expenditures by applicant incurred or available after the application date:

1. Cash funds.
2. In-kind contributions to the Project.
3. Costs of infrastructure improvements to real property necessary to complete the Project.
4. Capital Project design and engineering costs.
5. Capital equipment.

“Maintenance” shall mean the care and minor maintenance of Beach or Shoreline facilities and/or equipment utilized at those facilities. Equipment and personnel must be utilized 100% of the time for this purpose in order to be funded at 100%.

“Tourist” shall mean a person who participates in trade or recreational activities outside the county of his/her residence or who rents or leases transient accommodations in Lee County as described in Section 125.0104(3)(a), Florida Statutes.

III. Project Eligibility

- A. To be eligible for funding, projects must be located within Lee County and demonstrate the ability to attract tourists and comply with the [Lee County Tourist Development Plan](#).
- B. Project funds may be used to construct, extend, enlarge, remodel, repair, maintain or improve public beach park facilities as authorized in [Section 125.0104\(5\), Florida Statutes](#).

IV. Funding Standards

- A. Applicants receiving project funding will be required to enter an agreement that has been prepared by the Lee County Attorney’s Office and approved by the Lee County BOCC.
- B. The TDC BSP shall not be considered the sole source of funding for the proposed project. Applicants should thoroughly explore other funding sources prior to seeking support from this program.
- C. All approved funding requests provided hereunder shall be on a reimbursement basis to the Applicant after completion of the Project upon submittal and review of supporting documentation as required in the funding agreement.
- D. Any funding provided through the TDC BSP shall be limited to approved Project costs/expenditures incurred within the approved fiscal year.
- E. Project completion timelines may not exceed three (3) years from execution of BSP funding award agreement with the County. Any Capital Project or phase scheduled to be completed more than 3 years out shall require a separate BSP application.

F. Project funding may **not** be used in the categories listed below:

1. Legal, medical, accounting, auditing, planning, feasibility studies or other consulting services.
2. Salaries or supplements to salaries for existing or future staff, or employment of personnel not directly related to the project.
3. Real property or capital improvement to privately owned facilities.
4. Travel
5. Interest or reductions or deficits or loans, fines, or penalties.
6. Florida sales tax
7. Facilities not open to the public.
8. Expenditures not included in the applicant's original application as presented to and approved by the County.

G. Based on guidance from Attorney General Opinions and past Lee County Attorney reviews, applicants should avoid requests that include the following as they have previously been deemed ineligible:

1. Beach access security cameras
2. Boat Ramps/kayak launches
3. Communication devices
4. Concessionaires
5. Facilities not open to the public
6. Fencing/gates
7. General law enforcement
8. Indirect costs
9. Picnic tables/grills/benches/bike racks
10. Recreational equipment/playgrounds/water fountains
11. Signage - Regulatory or fee related
12. Uniforms

V. Application and Program Timeline

A. The annual BSP timeline, including application procedures and deadline shall be established, publicized, and implemented by VCB staff each year. All applications must be fully and timely completed, and the application together with supporting documentation as required must be submitted electronically online to the VCB Program Manager. Organizations that fail to complete the submittal process by the deadline will not be considered. An organization that submits a substantially incomplete application at the time of deadline, as deemed by county staff, will receive notification via email from the County as to the incomplete status of the application. Substantially incomplete applications will not be provided to TDC for consideration for funding.

- B. The application cycle opens in January each year for the following fiscal year funding. VCB will hold a public information session for interested applicants of the program to provide detailed information, guidelines, and application forms, and respond to any questions. The informational meeting and the program will also be promoted through VCB's electronic tourism industry newsletter, and other communication tools available through resources at Lee County.
- C. Out of cycle requests will only be considered if the [Guidelines for Emergency Beach Renourishment](#) funding have been met. Contact the VCB program manager for additional information.
- D. Once budget approval has been made, the VCB will post TDC recommendations of BSP funding on their partner website: <https://www.visitfortmyers.com/lee-vcb>

VI. Required Documentation

FAILURE TO PROVIDE ALL OF THE FOLLOWING ITEMS (including the Application) MAY DISQUALIFY THE FUNDING REQUEST.

- A. All applicants must attend an application webinar during which eligibility and guidelines will be presented. Access to the online application portal will be provided at the application webinar.
- B. Explanation of “shovel readiness” of project; including explanation of design, permitting and construction status. (Provide preliminary drawings or completed architectural plans as an attachment)
- C. A copy of the proposed facilities shoreline protection plan and water quality monitoring plan, if applicable.
- D. The County reserves the right to request any additional information or documentation, it deems necessary to evaluate the return on investment of Bed Tax funding.

VII. Evaluation Process

Lee County staff, County Attorney and Coastal Advisory Council reviews the applications to ensure compliance with state statutes, county ordinance, these guidelines, and makes recommendations to the TDC. Review Criteria includes but is not limited to:

- (a) Appropriate documentation of all funding sources
- (b) Priority will be given to projects that are shovel ready (already designed and permitted, including that the applicant has received all government and/or regulatory permits)
- (c) Non-Profit Citizens Support Organizations (“CSO”) must provide proof of support from the entity (state/federal) that manages the land where the proposed project will be implemented.

- A. The TDC shall host a public workshop to allow for discussion of funding recommendations. Prior to the workshop TDC members will individually review each request for funding. Applicants are encouraged to attend and be prepared, if asked, to respond to questions TDC members may have about their applications.
- B. TDC will consider for approval, funding recommendations at a formal meeting after the review workshop, and funding is formalized when the BOCC approves the budget in September of each year. The BOCC, at its discretion, may approve or reject any application regardless of recommendations by the TDC. Only projects that receive a recommendation for approval from the TDC will be forwarded to the BOCC for funding consideration.
- C. There are no guarantees that applicants will be awarded funding. Even though a project may qualify, limited funds may not allow all project to receive assistance. Decisions regarding the awarding of funds are at the sole discretion of Lee County and the BOCC.

VIII. Funding Procedures

Program funds will be dispersed only after the Funding Agreement has been fully executed by all parties. Recipients will be:

- A. Required to provide quarterly project status updates to the VCB Program Manager.
- B. Reimbursed for eligible expenditures as authorized by the Funding Agreement in the appropriate fiscal year.
- C. Required to submit invoices (with purchase order on invoice) to the VCB for payment. Payments will only be made as reimbursements to applicant contingent upon successful completion of the project and meeting the requirements of the agreement, not directly to third parties.
- D. Required to keep the VCB Program Manager informed about any changes in the project that effect the provision of the agreement and project. All changes must be submitted prior to their implementation.