



Staff Report

File #: 15-810, **Version:** 1

Agenda Date: 12/15/2015

Subject:

Ordinance reauthorizing the levy of the six-cent Local Option Fuel Tax and extending the termination date from August 31, 2017 to December 31, 2027.

Recommended Action:

Adoption of the ordinance reauthorizing the levy of the six-cent Local Option Fuel Tax and extending the termination date from August 31, 2017 to December 31, 2027.

Strategic Plan:

Foster Continual Economic Growth and Vitality

4.5 Provide safe and effective transportation systems to support the efficient flow of motorists, commerce, and regional connectivity.

Deliver First Class Services to the Public and Our Customers

5.1 Maximize partner relationships and public outreach.

5.2 Be responsible stewards of the public's resources.

Summary:

During a Strategic Planning work session about Horizon Issues on May 28, 2015, the Board expressed its desire to reauthorize the six-cent Local Option Fuel Tax beyond the current termination date of August 31, 2017 in order to ensure the revenue stream for future planning purposes.

The Board also requested that staff engage the County's municipal partners to determine what would be supported by the municipalities. The resulting consensus among the municipalities was to extend the levy for an additional 10 years.

The proposed ordinance continues the six-cent levy from September 1, 2017 through December 31, 2027. Additionally, the related Second Amendment to the Interlocal Agreement also extends the 60/40 split between the County and the municipalities until December 31, 2027 and updates the distribution formulas using more current population estimates.

The Board of County Commissioners, on December 4, 2015, advertised the date, time, place and purpose of this Public Hearing to adopt the proposed ordinance amending the Pinellas County Code for the extension of the Six Cent Local Option Fuel Tax levy.

Background Information:

On December 21, 2005, the Board approved Ordinance 05-96 that extended the six-cent Local Option Fuel Tax levy for 10 additional years for the period commencing on September 1, 2007 and ending on August 31, 2017.

In conjunction with the approval of Ordinance 05-96, an interlocal agreement with the municipalities was executed. The Florida Department of Revenue later requested that the six-cent levy and the interlocal agreement be extended by four months to end on December 31, 2017. Subsequently, the interlocal agreement with the municipalities was amended to extend the termination date; however, staff is unable to determine whether the actual Ordinance was extended. In an abundance of caution, the proposed ordinance covers that four month period. This proposed ordinance levies the six-cent Local Option Fuel Tax for a period of 10 years and four months to end on December 31, 2027 which will coincide with the termination date of the Second Amendment to the Interlocal.

Fiscal Impact:

Approval of the proposed ordinance will continue the six-cent Local Option Fuel Tax through December 31, 2027. The six-cent levy generates approximately \$20.6M annually to be distributed to the County and municipalities. An estimated \$12.4M per year is deposited into the County's Transportation Trust Fund to support transportation activities such as road, bridge, and right-of-way maintenance. The remaining \$8.2M is distributed among the municipalities.

Staff Member Responsible:

Cecilia McCorkell, Management and Budget Manager, Office of Management and Budget

Partners:

Municipal Partners (24)

Attachments:

Local Option Fuel Tax Ordinance
Local Option Fuel Tax Ordinance - redline
Ordinance 05-96
Ordinance 93-64
Ordinance 87-46
Ordinance 85-14
Public Hearing Notice

ORDINANCE NO. 15 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA; ADDING SECTION 118-139 OF THE PINELLAS COUNTY CODE PROVIDING FOR THE ADDITIONAL EXTENSION OF THE LEVY OF THE SIX-CENT LOCAL OPTION FUEL TAX; PROVIDING FOR USE OF THE SIX CENT LEVY; PROVIDING THAT PLEDGES OF PRIOR SIX CENT LEVY ARE UNAFFECTED BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes in addition to other taxes allowed by law, the imposition of a local option fuel tax of up to six cents (\$0.06) upon every gallon of motor and diesel fuel sold in a county and taxed under the provisions of Chapter 206, Florida Statutes; and

WHEREAS, on June 18, 1985, the County levied and imposed a four cent (\$0.04) per gallon local option fuel tax by Ordinance No. 85-14, effective from September 1, 1985 through and including August 31, 1995; thereafter, the County increased the local option fuel tax rate from four cents (\$0.04) to six cents (\$0.06) for the period from September 1, 1987 through August 31, 1995, and additionally imposed the six cents (\$0.06) local option fuel tax from September 1, 1995 until August 31, 1997, by Ordinance No. 87-46; extended the six cents (\$0.06) local option fuel tax for a period of ten (10) years from September 1, 1997 through August 31, 2007, by Ordinance No. 93-64; and further extended the six cents (\$0.06) local option fuel tax for a period of ten (10) years from September 1, 2007 through August 31, 2017, by Ordinance No. 05-96 (the six cents [\$0.06] levy hereinafter sometimes referred to as the "Local Option Fuel Tax"); and

WHEREAS, the Florida Department of Revenue previously requested that Pinellas County amend the Ordinance so that the levy ends on the last day of the calendar year, which would add four (4) months to the existing levy; and

WHEREAS, there exists a need within Pinellas County for additional funds to be used for transportation expenditures permitted by Section 336.025(7), Florida Statutes, and, therefore, in addition to extending the current levy for four (4) months, the Board now desires to extend the Local Option Fuel Tax for an additional period of ten (10) years, for a total additional levy of ten (10) years, four (4) months, commencing on September 1, 2017 and ending on December 31, 2027; and

WHEREAS, the County and municipalities representing a majority of the population of the incorporated area of Pinellas County have entered into an interlocal agreement pursuant to which a distribution formula has been established for the division of the proceeds of the Local Option Fuel Tax through December 31, 2027.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this ____ day of _____, 2015 that:

SECTION 1. Section 118-139 of the Pinellas County Code is hereby added to read as follows:

Sec. 118-139. Additional Extension of the Local Option Fuel Tax. The six cent (\$0.06) Local Option Fuel Tax levied pursuant to Section 336.025(1)(a), Florida Statutes, upon every gallon of motor and diesel fuel sold in Pinellas County and taxed pursuant to Chapter 206, Florida Statutes, as provided in Sections 118-131 and 118-138, is hereby levied and imposed for the period commencing September 1, 2017 and ending at midnight December 31, 2027.

SECTION 2. As provided by Pinellas County Code Section 118-137, the County's and the Municipalities' share of the proceeds of the tax shall continue to be used solely for transportation expenditures as defined by Section 336.025(7), Florida Statutes.

SECTION 3. Prior Pledge of Local Option Fuel Tax Proceeds Unaffected Hereby. Nothing in this Ordinance shall under any circumstances materially or adversely affect the rights of holders of any bonds or other such debt which have pledged as security therefore, and the Local Option Fuel Tax, and the covenants regarding such pledge itself shall not be affected hereunder.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 5. Codification. The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.

SECTION 6. Filing Of Ordinance. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State. Additionally, pursuant to Section 336.025(5)(a), Florida Statutes, a certified copy of this Ordinance shall be furnished to the Department of Revenue by the Clerk of the Board of County Commissioners within ten (10) days after the enactment, with the notification of the extension of levy of the Local Option Fuel Tax.

APPROVED AS TO FORM

By: 
Office of the County Attorney

ORDINANCE NO. 15-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA; ADDING SECTION 118-139 OF THE PINELLAS COUNTY CODE PROVIDING FOR THE ADDITIONAL EXTENSION OF THE LEVY OF THE SIX-CENT LOCAL OPTION FUEL TAX; PROVIDING FOR USE OF THE SIX CENT LEVY; PROVIDING THAT PLEDGES OF PRIOR SIX CENT LEVY ARE UNAFFECTED BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes in addition to other taxes allowed by law, the imposition of a local option fuel tax of up to six cents (\$0.06) upon every gallon of motor and diesel fuel sold in a county and taxed under the provisions of Chapter 206, Florida Statutes; and

WHEREAS, on June 18, 1985, the County levied and imposed a four cent (\$0.04) per gallon local option fuel tax by Ordinance No. 85-14, effective from September 1, 1985 through and including August 31, 1995; thereafter, the County increased the local option fuel tax rate from four cents (\$0.04) to six cents (\$0.06) for the period from September 1, 1987 through August 31, 1995, and additionally imposed the six cents (\$0.06) local option fuel tax from September 1, 1995 until August 31, 1997, by Ordinance No. 87-46; extended the six cents (\$0.06) local option fuel tax for a period of ten (10) years from September 1, 1997 through August 31, 2007, by Ordinance No. 93-64; and further extended the six cents (\$0.06) local option fuel tax for a period of ten (10) years from September 1, 2007 through August 31, 2017, by Ordinance No. 05-96 (the six cents [\$0.06] levy hereinafter sometimes referred to as the "Local Option Fuel Tax"); and

WHEREAS, the Florida Department of Revenue previously requested that Pinellas County amend the Ordinance so that the levy ends on the last day of the calendar year, which would add four (4) months to the existing levy; and

WHEREAS, there exists a need within Pinellas County for additional funds to be used for transportation expenditures permitted by Section 336.025(7), Florida Statutes, and, therefore, in addition to extending the current levy for four (4) months, the Board now desires to extend the Local Option Fuel Tax for an additional period of ten (10) years, for a total additional levy of ten (10) years, four (4) months, commencing on September 1, 2017 and ending on December 31, 2027; and

WHEREAS, the County and municipalities representing a majority of the population of the incorporated area of Pinellas County have entered into an interlocal agreement pursuant to which a distribution formula has been established for the division of the proceeds of the Local Option Fuel Tax through December 31, 2027.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this ____ day of _____, 2015 that:

SECTION 1. Section 118-139 of the Pinellas County Code is hereby added to read as follows:

Sec. 118-139. Additional Extension of the Local Option Fuel Tax. The six cent (\$0.06) Local Option Fuel Tax levied pursuant to Section 336.025(1)(a), Florida Statutes, upon every gallon of motor and diesel fuel sold in Pinellas County and taxed pursuant to Chapter 206, Florida Statutes, as provided in Sections 118-131 and 118-138, is hereby levied and imposed for the period commencing September 1, 2017 and ending at midnight December 31, 2027.

SECTION 2. As provided by Pinellas County Code Section 118-137, the County's and the Municipalities' share of the proceeds of the tax shall continue to be used solely for transportation expenditures as defined by Section 336.025(7), Florida Statutes.

SECTION 3. Prior Pledge of Local Option Fuel Tax Proceeds Unaffected Hereby. Nothing in this Ordinance shall under any circumstances materially or adversely affect the rights of holders of any bonds or other such debt which have pledged as security therefore, and the Local Option Fuel Tax, and the covenants regarding such pledge itself shall not be affected hereunder.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 5. Codification. The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.

SECTION 6. Filing Of Ordinance. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State. Additionally, pursuant to Section 336.025(5)(a), Florida Statutes, a certified copy of this Ordinance shall be furnished to the Department of Revenue by the Clerk of the Board of County Commissioners within ten (10) days after the enactment, with the notification of the extension of levy of the Local Option Fuel Tax.

ORDINANCE NO. 05- 96

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING SECTION 118-137 OF THE PINELLAS COUNTY CODE RELATING TO THE USE OF THE SIX-CENT LOCAL OPTION FUEL TAX; ADDING SECTION 118-138 OF THE PINELLAS COUNTY CODE PROVIDING FOR THE EXTENSION OF THE LEVY OF THE SIX-CENT LOCAL OPTION FUEL TAX; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

2005 DEC 27 AM 9:31
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes in addition to other taxes allowed by law, the imposition of a local option fuel tax of up to six cents (6¢) upon every gallon of motor and diesel fuel sold in a county and taxed under the provisions of Chapter 206, Florida Statutes, and further provides

WHEREAS, on June 18, 1985, the County levied and imposed a four cent (\$0.04) per gallon local option fuel tax by Ordinance No. 85-14, effective from September 1, 1985 through and including August 31, 1995; thereafter, the County increased the local option fuel tax rate from four cents (\$0.04) to six cents (\$0.06) for the period from September 1, 1987 through August 31, 1995, and additionally imposed the six cents (\$0.06) local option fuel tax from September 1, 1995 until August 31, 1997 by Ordinance No. 87-46; and extended the six cents (\$0.06) local option fuel tax for a period of ten (10) years from September 1, 1997 through August 31, 2007 by Ordinance No. 93-64 (the six cents levy hereinafter sometimes referred to as the "Local Option Fuel Tax").

WHEREAS, there exists a need within Pinellas County for additional funds to be used for transportation expenditures permitted by Section 336.025(7), Florida Statutes; and

WHEREAS, the Board now desires to extend the Local Option Fuel Tax for a period of ten (10) years commencing on September 1, 2007 and ending on August 31, 2017; and

WHEREAS, the County and municipalities representing a majority of the population of the incorporated area of Pinellas County have entered into an interlocal agreement pursuant to which a distribution formula has been established for the division of the proceeds of the First Local Option Fuel Tax through August 31, 2017.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this 20 day of December, 2005 that:

SECTION 1. Section 118-137 of the Pinellas County Code is hereby amended to read as follows:

Sec. 118-137. Use of proceeds.

The county's and cities' shares of the proceeds of the tax shall only be used for transportation expenditures as defined by Section 336.025(7), Florida Statutes.

SECTION 2. Section 118-138 of the Pinellas County Code is hereby added to read as follows:

Sec. 118-138. Extension of the Local Option Fuel Tax.

The six cent (\$0.06) Local Option Fuel Tax levied pursuant to Section 336.025(1)(a), Florida Statutes, upon every gallon of motor and diesel fuel sold in Pinellas County and taxed pursuant to Chapter 206, Florida Statutes, as provided in section 118-131, is hereby levied and imposed for the period commencing September 1, 2007 and ending at midnight August 31, 2017.

SECTION 3. Prior Pledge of Local Option Fuel Tax Proceeds Unaffected Hereby.

Nothing in this Ordinance shall under any circumstances materially or adversely affect the rights of holders of any bonds or other such debt which have pledged as security therefore, and the Local Option Fuel Tax, and the covenants regarding such pledge itself shall not be affected hereunder.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 5. Codification.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.

SECTION 6. Filing Of Ordinance.

Pursuant to §125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State. Additionally, pursuant to §336.025(5)(a), Florida Statutes, a certified copy of this Ordinance shall be furnished to the Department of Revenue by the Clerk of the Board of County Commissioners within ten (10) days after the enactment, with the notification of the extension of levy of the Local Option Fuel Tax.

Commissioner Latvala offered the foregoing Ordinance and moved its adoption, which was seconded by Commissioner Welch, and upon roll call the vote was:

7 AYES Morrioni, Welch, Stewart, Harris, Seel, Latvala, and Duncan.
0 NAYES
0 ABSENT AND NOT VOTING

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By *[Handwritten Signature]* Attorney

STATE OF FLORIDA
COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-Officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on December 20, 2005 relative to:

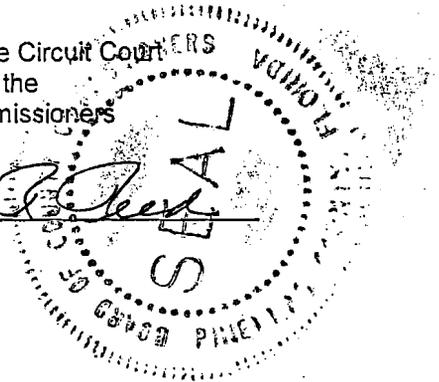
ORDINANCE NO. 05- 96

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING SECTION 118-137 OF THE PINELLAS COUNTY CODE RELATING TO THE USE OF THE SIX-CENT LOCAL OPTION FUEL TAX; ADDING SECTION 118-138 OF THE PINELLAS COUNTY CODE PROVIDING FOR THE EXTENSION OF THE LEVY OF THE SIX-CENT LOCAL OPTION FUEL TAX; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 23 day of December, 2005.

Ken Burke, Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By: *Linda R. [Signature]*
Deputy Clerk



STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on December 20, 2005 relative to:

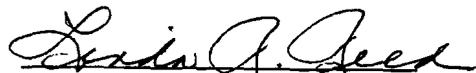
ORDINANCE NO. 05- 96

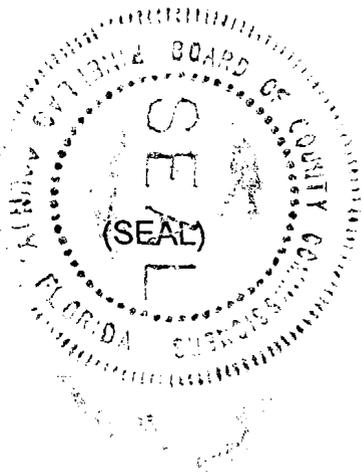
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING SECTION 118-137 OF THE PINELLAS COUNTY CODE RELATING TO THE USE OF THE SIX-CENT LOCAL OPTION FUEL TAX; ADDING SECTION 118-138 OF THE PINELLAS COUNTY CODE PROVIDING FOR THE EXTENSION OF THE LEVY OF THE SIX-CENT LOCAL OPTION FUEL TAX; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this December 23, 2005.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:


Linda R. Reed, Deputy Clerk





FLORIDA DEPARTMENT OF STATE
David E. Mann
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

December 28, 2005

Honorable Ken Burke
Clerk of Board of County Commissioners
Pinellas County
315 Court Street
Clearwater, Florida 33756

Attention: Linda R. Reed, Deputy Clerk

Dear Mr. Burke:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 23, 2005 and certified copies of Pinellas County Ordinance Nos. 05-92 through 05-96, which were filed in this office on December 27, 2005.

As requested, the date stamped copies are being returned for your records and a copy of this letter has been faxed to (727)464-4716.

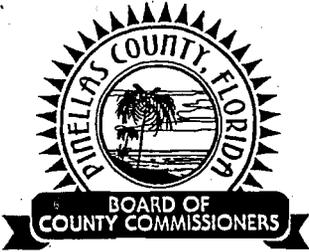
Sincerely,

Liz Cloud
Program Administrator

RECEIVED
BOARD OF
COUNTY COMMISSIONERS
PINELLAS COUNTY, FL
JAN 9 11 27 AM '06

LC/kcs

Enclosures



BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA

315 COURT STREET
CLEARWATER, FL 33756

KEN BURKE

CLERK OF BOARD OF COUNTY COMMISSIONERS
CLERK OF WATER AND NAVIGATION CONTROL AUTHORITY
COUNTY AUDITOR AND TREASURER

December 23, 2005

Liz Cloud, Chief
Bureau of Administrative Code
Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250
Attn: Karlyn Solis

Dear Mrs. Cloud:

Enclosed herewith are certified copies of Ordinances Nos. 05-92 through 05-96 adopted by the Pinellas County Board of County Commissioners at its meeting held on December 20, 2005.

Please return one receipted copy of the Ordinances to Linda R. Reed, Deputy Clerk, Board Records Department, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida 33756.

Very truly yours,

KEN BURKE, CLERK

By: 
Linda R. Reed, Deputy Clerk

LRR/dlb

Enclosures

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS)
CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: <u>(Pinellas)</u>	COUNTY ORDINANCE # <u>(05-96)</u>
PRIMARY KEYFIELD DESCRIPTION: <u>(Code/Regulations)</u>	
SECONDARY KEYFIELD DESCRIPTION: <u>()</u>	
OTHER KEYFIELD DESCRIPTION: <u>()</u>	
ORDINANCE DESCRIPTION: <u>(Six-Cent Local Option Fuel Tax)</u>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: <u>()</u>	AMENDMENT # 2: <u>()</u>
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: <u>()</u>	REPEAL # 3: <u>()</u>
REPEAL # 2: <u>()</u>	REPEAL # 4: <u>()</u>
(Others repealed: List all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: <u>()</u>
KEYFIELD 1 CODE: <u>()</u>	KEYFIELD 2 CODE: <u>()</u>
KEYFIELD 3 CODE: <u>()</u>	REV. 4/10/01

RECEIVED
COUNTY CLERK
PINELLAS COUNTY
JUN 21 3 15 PM '93

FILED

JUN 17 9 20 AM '93

SECRETARY OF STATE

Ord. 93-64

ORDINANCE NO.: 93-64

AN ORDINANCE TO LEVY AND IMPOSE FOR THE PERIOD FROM SEPTEMBER 1, 1997 THROUGH AUGUST 31, 2007, A SIX-CENT LOCAL GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES.

WHEREAS, Section 336.025, Florida Statutes, authorizes, In addition to other taxes allowed by law, the imposition of a local option gas tax of up to six cents (6¢) upon every gallon of motor fuel sold in Pinellas County ("County") and taxed under the provisions of Chapter 206, Florida Statutes; and

WHEREAS, that section also provides that this tax may be extended or the tax rate changed in the manner set forth; and

WHEREAS, the Board of County Commissioners of the County ("Board") has on June 18, 1985, levied and imposed a four cent (4¢) per gallon local option gas tax (the "Original Local Option Gas Tax") by Ordinance No. 85-14 pursuant to Section 335.025, Florida Statutes, effective from September 1, 1985 through and including August 31, 1995; and

WHEREAS, the Board extended by Ordinance No. 87-46 the period for the levy of the local option gas tax and increased the Original Local Option Gas Tax rate to six cents (6¢) (the "Six Cents Local Option Gas Tax") for the period from September 1, 1987 through August 31, 1995; and additionally imposed the Six Cents Local Option Gas Tax from September 1, 1995 until August 31, 1997 (the "Increased Local Option Gas Tax") (collectively, the

Increased Local Option Gas Tax and the Six Cents Local Option Gas Tax shall hereinafter be referred to as the "Additional Local Option Gas Tax"); and

WHEREAS, there exists a need within Pinellas County for additional funds to be used for transportation expenditures permitted by Section 336.025(7), Florida Statutes; and

WHEREAS, the Board has indicated by Resolution No. 91-160 an intention to extend the Additional Local Option Gas Tax on each gallon of motor fuel for an additional period of ten (10) years from September 1, 1997 through August 31, 2007 (the "Extended Local Option Gas Tax");

WHEREAS, the County and certain municipalities in the County have entered into an interlocal agreement pursuant to which a distribution formula has been established for the division of the proceeds of the gas tax monies; and

WHEREAS, the Board now desires to extend the Additional Local Option Gas Tax.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1. Extension of Local Option Gas Tax. The six cent (6¢) local gas tax imposed by Ordinance No. 87-46 upon every gallon of motor fuel sold in Pinellas County and taxed pursuant to Chapter 206, Florida Statutes, for the period from September 1, 1995 until August 31, 1997, is hereby imposed for the period commencing September 1, 1997 and ending at midnight August 31, 2007.

Ord. 93-64/2

SECTION 2. Prior Pledge of Local Option Gas Tax Proceeds Unaffected Hereby. Nothing in this Ordinance shall under any circumstances materially or adversely affect the rights of holders of any bonds or other such debt which have pledged as security therefore the Original Local Option Gas Tax or the Additional Local Option Gas Tax, and the covenants regarding such pledge itself shall not be affected hereunder.

SECTION 3. Effective Date. This Ordinance shall become effective with acknowledgement from the Secretary of State that this Ordinance has been duly filed.

Ord. 93-64/3

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By W. J. [Signature]
Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KARLEEN F. De BLAKER, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on June 8, 1993, relative to:

ORDINANCE NO. 93-64

AN ORDINANCE TO LEVY AND IMPOSE FOR THE PERIOD FROM SEPTEMBER 1, 1997 THROUGH AUGUST 31, 2007, A SIX-CENT LOCAL GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this
14th day of June, 1993.

KARLEEN F. De BLAKER
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

Ord. 93-64/4

By Dorothy A. Watten
Deputy Clerk

(SEAL)



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250
(904) 488-8427

June 17, 1993

Honorable Karleen F. De Blaker
Clerk of the Circuit Court
Pinellas County Courthouse
315 Court Street
Clearwater, Florida 34616

Attention: Dorothy D. Wathen, Deputy Clerk

Dear Ms. De Blaker:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of June 14, 1993 and certified copies of Pinellas County Ordinance Numbers 93-59 through 93-64, which were received and filed in this office on June 17, 1993.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (6)

AN ORDINANCE TO LEVY AND IMPOSE IN ADDITION TO OTHER TAXES ALLOWED BY LAW AN ADDITIONAL TWO CENT (2¢) LOCAL GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES, FOR THE PERIOD FROM SEPTEMBER 1, 1987, THROUGH AUGUST 31, 1995, AND A SIX CENT (6¢) LOCAL GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES, FOR THE PERIOD FROM SEPTEMBER 1, 1995, UNTIL AUGUST 31, 1997; PROVIDING THAT HOLDERS OF THE OUTSTANDING COUNTYWIDE TRANSPORTATION IMPROVEMENT REVENUE BONDS, SERIES 1985, WILL NOT BE AFFECTED BY THIS ORDINANCE; PROVIDING THAT THE AMOUNTS PLEDGED AND PAYABLE BY COUNTY GOVERNMENT AND EACH MUNICIPALITY SHALL NOT BE REDUCED; PROVIDING THAT THE EXPENDITURE OF TAX REVENUES RECEIVED PURSUANT TO SAID LEVY SHALL BE LIMITED TO TRANSPORTATION EXPENDITURES AUTHORIZED BY SECTION 336.025(7), FLORIDA STATUTES, AS AMENDED; PROVIDING FOR THE COLLECTION AND DISTRIBUTION OF THE TAX BY THE STATE; PROVIDING FOR A DISTRIBUTION FORMULA FOR DIVIDING THE PROCEEDS FROM THE TAX AMONG THE COUNTY GOVERNMENT AND ALL ELIGIBLE MUNICIPALITIES WITHIN THE COUNTY PURSUANT TO AN INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND MUNICIPALITIES REPRESENTING A MAJORITY OF THE POPULATION OF THE INCORPORATED AREA WITHIN PINELLAS COUNTY; PROVIDING AUTHORITY TO PLEDGE THE TAX PROCEEDS TO SECURE AND LIQUIDATE REVENUE BONDS OR IMPLEMENT AND ADMINISTER SIMILAR PROGRAMS FOR THE PURPOSE OF MAKING FUNDS AVAILABLE FOR USE PRIOR TO COLLECTION OF ALL TAX REVENUE CONTEMPLATED HEREIN; PROVIDING FOR USE OF THE PROCEEDS OF THE TAX TO CONSTRUCT PROJECTS CONTAINED ON THE METROPOLITAN PLANNING ORGANIZATION'S ADOPTED YEAR 2010 LONG-RANGE PLAN CONSISTENT WITH ITS TRANSPORTATION IMPROVEMENT PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

87 JUN 30 PM 1:57

FILED

WHEREAS, Section 336.025, Florida Statutes, authorizes in addition to other taxes allowed by law, the imposition of a local option gas tax of up to six cents (6¢) upon every gallon of motor fuel sold in a county and taxed under the provisions of Chapter 206, Florida Statutes; and

WHEREAS, that Section also provides that this tax may be extended or the tax rate per gallon changed in the manner set forth; and

WHEREAS, the Pinellas County Board of County Commissioners

has on June 18, 1985, levied and imposed a four cent (4¢) per gallon local option gas tax (the "original local option gas tax") by Ordinance No. 85-14, pursuant to Section 336.025, Florida Statutes, effective September 1, 1985, for a period of ten (10) years; and

WHEREAS, the Pinellas County Board of County Commissioners has in accordance with that Ordinance established an Interlocal Agreement dated June 18, 1985, determining the method of distribution of this revenue, which Agreement expires on August 31, 1990; and

WHEREAS, the Pinellas County Board of County Commissioners did pledge the first five (5) years of the original local option gas tax and certain non-ad valorem tax receipts to issue Countywide Transportation Improvement Revenue Bonds, Series 1985, in the principal amount of \$63,750,000; and

WHEREAS, proceeds of said outstanding Countywide Transportation Improvement Revenue Bonds, Series 1985, were appropriated for the Countywide projects and amounts have been disbursed to the municipalities according to method of distribution established by Interlocal Agreement; and

WHEREAS, there exists a need within Pinellas County for additional funds to be used for transportation expenditures as permitted by Section 336.025(7), Florida Statutes; and

WHEREAS, the Pinellas County Board of County Commissioners wishes to extend the tax period and change the tax rate per gallon, imposing an additional two cents (2¢) tax for the period from September 1, 1987, through August 31, 1995, and imposing a six cent (6¢) tax from September 1, 1995 until August 31, 1997 (the "additional local option gas tax"); and

WHEREAS, the Pinellas County Board of County Commissioners has on May 19, 1987, established by Interlocal Agreement with one or more of the municipalities located therein representing a majority of the population of the incorporated area within the County a distribution formula for dividing the entire revenues of the additional local option gas tax among the County government

and all eligible municipalities within the County, less annual debt service requirements of the outstanding Countywide Transportation Improvement Revenue Bonds, Series 1985.

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

Section 1. Pursuant to the authority of Section 336.025, Florida Statutes, and other applicable law, there is hereby levied and imposed in addition to other taxes allowed by law, an additional two cent (2¢) local gas tax upon every gallon of motor fuel sold in Pinellas County and taxed under the provisions of Chapter 206, Florida Statutes, for the period from September 1, 1987, through August 31, 1995, and a six cent (6¢) local gas tax upon every gallon of motor fuel sold in Pinellas County and taxed under the provisions of Chapter 206, Florida Statutes, for the period from September 1, 1995, until August 31, 1997.

Section 2. This Ordinance shall under no circumstances materially or adversely affect the rights of holders of the outstanding Countywide Transportation Revenue Bonds, Series 1985, which are payable from taxes authorized by Section 336.025, Florida Statutes, and Pinellas County Ordinance No. 85-14. The amounts pledged and payable by the County shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolutions outstanding on the date of establishment of the new Interlocal Agreement.

Section 3. The proceeds of the additional local option gas taxes imposed by this Ordinance or from any revenue bonds to be issued thereunder shall be utilized only for transportation expenditures authorized by Section 336.025(7), Florida Statutes, as amended.

Section 4. The tax imposed by this Ordinance shall be collected by the State of Florida Department of Revenue in the manner prescribed by Section 336.025, Florida Statutes, and distributed monthly to the Board of County Commissioners of Pinellas County, Florida, for disbursement in accordance with the

Ord. 87-46/3

distribution formula established by the Interlocal Agreements between Pinellas County and municipalities located within Pinellas County representing a majority of the population of the incorporated area of the County executed for this purpose.

Section 5. Only those municipalities eligible for participation in the distribution of monies under Parts II and VI of Chapter 218, Florida Statutes, are eligible to receive proceeds of the tax imposed by this Ordinance. Any funds otherwise undistributed because of ineligibility shall be distributed to the County and eligible municipalities within the County in proportion to other proceeds distributed pursuant to the provisions of Section 4 of this Ordinance.

Section 6. The revenues derived by the tax hereby levied and imposed may, after disbursement in accordance with the distribution formula established by Interlocal Agreement, and to the extent permitted by law, be pledged by the Board of County Commissioners to secure, release certain previously pledged County non-ad valorem tax receipts, and liquidate revenue bonds during the life of such bonds that may be or have been issued by the County for the purposes set forth by this Ordinance or Ordinance No. 85-14 and the Interlocal Agreements and any amendments thereto referenced herein. The Board of County Commissioners is also authorized to develop, implement and administer any other program or financial agreement in accordance with applicable law to provide for the availability of funds for disbursement or pledge of funds in accordance with the provisions of Section 4 of this Ordinance prior to the collection of all tax revenues to be received pursuant to this Ordinance.

Section 7. The County's and cities' shares of the proceeds of the tax shall be used to construct projects contained on the Metropolitan Planning Organization's Adopted Year 2010 Long-Range Plan consistent with project scheduling and priorities as adopted by the Metropolitan Planning Organization as part of its five-year Transportation Improvement Program pursuant to Section 339.175, Florida Statutes (1985).

Ord. 87-46/4

Section 8. It is declared to be the intent of the Board of County Commissioners 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, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

Section 9. This Ordinance shall become effective upon acknowledgment from the Secretary of State that this Ordinance has been duly filed.

Commissioner Tyndall offered the foregoing Ordinance and moved its adoption, which was seconded by Commissioner Chesnut, and upon roll call the vote was:

AYES: Greer, Chesnut, Rainey, Tyndall and Todd.

NAYS: None.

ABSENT AND NOT VOTING: None.

Ord. 87-46/5

0267R

STATE OF FLORIDA
COUNTY OF PINELLAS

I, KARLEEN F. De BLAKER, Clerk of the Circuit Court and Ex-Officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on June 30, 1987 relative to:

PINELLAS COUNTY ORDINANCE 87-46

AN ORDINANCE TO LEVY AND IMPOSE IN ADDITION TO OTHER TAXES ALLOWED BY LAW AN ADDITIONAL TWO CENT (2¢) LOCAL GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES, FOR THE PERIOD FROM SEPTEMBER 1, 1987, THROUGH AUGUST 31, 1995, AND A SIX CENT (6¢) LOCAL GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES, FOR THE PERIOD FROM SEPTEMBER 1, 1995, UNTIL AUGUST 31, 1997; PROVIDING THAT HOLDERS OF THE OUTSTANDING COUNTYWIDE TRANSPORTATION IMPROVEMENT REVENUE BONDS, SERIES 1985, WILL NOT BE AFFECTED BY THIS ORDINANCE; PROVIDING THAT THE AMOUNTS PLEDGED AND PAYABLE BY COUNTY GOVERNMENT AND EACH MUNICIPALITY SHALL NOT BE REDUCED; PROVIDING THAT THE EXPENDITURE OF TAX REVENUES RECEIVED PURSUANT TO SAID LEVY SHALL BE LIMITED TO TRANSPORTATION EXPENDITURES AUTHORIZED BY SECTION 336.025(7), FLORIDA STATUTES, AS AMENDED; PROVIDING FOR THE COLLECTION AND DISTRIBUTION OF THE TAX BY THE STATE; PROVIDING FOR A DISTRIBUTION FORMULA FOR DIVIDING THE PROCEEDS FROM THE TAX AMONG THE COUNTY GOVERNMENT AND ALL ELIGIBLE MUNICIPALITIES WITHIN THE COUNTY PURSUANT TO AN INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND MUNICIPALITIES REPRESENTING A MAJORITY OF THE POPULATION OF THE INCORPORATED AREA WITHIN PINELLAS COUNTY; PROVIDING AUTHORITY TO PLEDGE THE TAX PROCEEDS TO SECURE AND LIQUIDATE REVENUE BONDS OR IMPLEMENT AND ADMINISTER SIMILAR PROGRAMS FOR THE PURPOSE OF MAKING FUNDS AVAILABLE FOR USE PRIOR TO COLLECTION OF ALL TAX REVENUE CONTEMPLATED HEREIN; PROVIDING FOR USE OF THE PROCEEDS OF THE TAX TO CONSTRUCT PROJECTS CONTAINED ON THE METROPOLITAN PLANNING ORGANIZATION'S ADOPTED YEAR 2010 LONG-RANGE PLAN CONSISTENT WITH ITS TRANSPORTATION IMPROVEMENT PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

87 JUN 30 PM 1:56

FILED

IN WITNESS WHEREOF, I hereunto set my hand and official seal
this 30th day of June, 1987.

KARLEEN F. De BLAKER
Clerk of the Circuit Court
and Ex-Officio Clerk to the
Board of County Commissioners

By G. K. West
Deputy Clerk

(Seal)

0267R

Ord. 87-46/7



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

Dorothy W. Joyce
Deputy Secretary For Elections
1802-E The Capitol

June 30, 1987

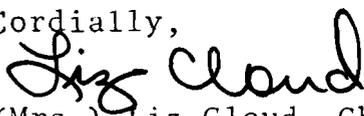
Honorable Karleen F. De Blaker
Clerk of Circuit Court
Pinellas County Courthouse
315 Court Street
Clearwater, Florida 33516

Attention; G. K. West, Deputy Clerk

Dear Ms. De Blaker:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of June 30, 1987
and certified copy/ies of Pinellas
County Ordinance(s) No. 87-46
Hand Delivered
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/~~these~~ ordinances in this office
on June 30, 1987.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/
mb
Enclosures

DIVISION OF ELECTIONS, Room 1801, The Capitol, Tallahassee, Florida 32301

ORDINANCE NO. 85-14

AN ORDINANCE TO LEVY AND IMPOSE A FOUR (4) CENT LOCAL OPTION GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES; PROVIDING FOR THE IMPOSITION OF SAID TAX FOR A PERIOD NOT TO EXCEED TEN (10) YEARS FROM THE EFFECTIVE DATE THEREOF; PROVIDING THAT THE EXPENDITURE OF THE TAX REVENUES RECEIVED PURSUANT TO SAID LEVY SHALL BE LIMITED TO TRANSPORTATION EXPENDITURES ONLY, AS DEFINED BY STATE LAW; PROVIDING FOR THE COLLECTION AND DISTRIBUTION OF THE TAX BY THE STATE; PROVIDING FOR A DISTRIBUTION FORMULA FOR DIVIDING THE PROCEEDS OF THE TAX AMONG THE COUNTY GOVERNMENT AND ALL ELIGIBLE MUNICIPALITIES WITHIN THE COUNTY PURSUANT TO AN INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND MUNICIPALITIES REPRESENTING A MAJORITY OF THE POPULATION OF THE INCORPORATED AREA WITHIN PINELLAS COUNTY; PROVIDING AUTHORITY TO PLEDGE THE TAX PROCEEDS TO SECURE AND LIQUIDATE REVENUE BONDS OR IMPLEMENT AND ADMINISTER SIMILAR PROGRAMS FOR THE PURPOSE OF MAKING FUNDS AVAILABLE FOR USE PRIOR TO COLLECTION OF ALL TAX REVENUES CONTEMPLATED HEREIN; PROVIDING FOR CERTAIN COUNTY PROJECTS; PROVIDING FOR COUNTY APPROVAL OF CHANGES TO THE LOCAL OPTION GAS TAX USE PLAN REFERENCED IN THE INTERLOCAL AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 336.025, Florida Statutes authorizes, in addition to other taxes allowed by law, the imposition of a local option gas tax of up to four cents (4¢) upon every gallon of motor fuel sold in a county and taxed under the provisions of Chapter 206, Florida Statutes; and

WHEREAS, there exists a need within Pinellas County for additional funds to be used for transportation expenditures permitted by law; and

WHEREAS, the Board of County Commissioners has, prior to July 1, 1985, established by Interlocal Agreement with municipalities located within the county, representing a majority of the population of the incorporated area therein, a distribution formula for dividing the proceeds of the tax among the county government and all eligible municipalities within the county.

NOW, THEREFORE, Be It Ordained By The Board of County Commissioners of Pinellas County, Florida:

SECTION 1. Pursuant to the authority of Section 336.025, Florida Statutes, and other applicable law, there is hereby levied and imposed, in addition to other taxes allowed by law, a four (4) cent local option gas tax upon every gallon of motor fuel sold in Pinellas County and taxed under the provisions of Chapter 206, Florida Statutes, for the period specified in Section 2 of this ordinance.

SECTION 2. The local option gas tax created by this ordinance shall be imposed effective September 1, 1985, for a period of ten years.

SECTION 3. The proceeds of the local option gas tax imposed by this ordinance shall be utilized only for transportation expenditures authorized by Section 336.025, Florida Statutes.

SECTION 4. The tax imposed by this ordinance shall be collected by the State of Florida Department of Revenue in the manner prescribed by Section 336.025, Florida Statutes, and distributed monthly to the Board of County Commissioners of Pinellas County for disbursement in accordance with the distribution formula established by the Interlocal Agreement between Pinellas County and municipalities located within Pinellas County representing a majority of the population of the incorporated area of the county executed for this purpose. Prior to the disbursement of proceeds each eligible municipality shall submit to the Board of County Commissioners a list of proposed projects for the period commencing September 1, 1990.

SECTION 5. Only those municipalities eligible for participation in the distribution of monies under parts II and VI of Chapter 218, Florida Statutes, are eligible to receive proceeds of the tax imposed by this ordinance. Any funds otherwise undistributed because of ineligibility shall be distributed to the county and eligible municipalities within the county in proportion to other proceeds distributed pursuant to the provisions of Section 4 of this ordinance.

SECTION 6. All of the proceeds derived by the tax hereby levied and imposed shall, to the extent permitted by law, be pledged by the Board of County Commissioners to secure and liquidate revenue bonds issued by the county for the purposes set forth in this ordinance and the Interlocal Agreement, and any amendments thereto, referenced herein. The Board of County Commissioners is also authorized to develop, implement, and administer any other program or financial arrangement in accordance with applicable law to provide for the availability of funds for disbursement in accordance with the provisions of Section 4 of this ordinance, prior to the collection of all tax revenues to be received pursuant to this ordinance.

SECTION 7. The county's share of the proceeds of the tax shall be used to construct projects including, but not limited to, the following:

- a) Belcher Corridor
 - 1. 54th Avenue North to 38th Avenue North;
 - 2. 38th Avenue North to Tyrone Boulevard;
 - 3. Curlew Road to State Road 584;
- b) McMullen - Booth Corridor
 - 1. Main Street to State Road 580;
- c) 49th Street Corridor
 - 1. Ulmerton Road to Roosevelt Road.

SECTION 8. Projects referenced in the Local Option Gas Tax Use Plan attached as appendix A to the Interlocal Agreement referenced in Section 4 of this ordinance, may not be changed or deleted, nor may different projects be substituted or added, except with the express written consent, in advance, by an affirmative vote by a majority plus one additional member, of the Board of County Commissioners.

SECTION 9. It is declared to be the intent of the Board of County Commissioners 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, such portion shall be deemed a

separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 10. This ordinance shall become effective upon acknowledgment from the Secretary of State that the ordinance has been duly filed.

0009D/0033p

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By Van B. Cook
Attorney

**NOTICE OF PUBLIC HEARING
PROPOSED ORDINANCE AMENDING THE PINELLAS COUNTY CODE**

The Pinellas County Board of County Commissioners proposes to amend the Pinellas County Code by Ordinance.

A public hearing on the Ordinance will be held on Tuesday, December 15, 2015, at 6:00 p.m. in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida 33756.

Interested parties may appear at the hearing and be heard regarding the proposed Ordinance.

1. **PROPOSED ORDINANCE TO AMEND THE PINELLAS COUNTY CODE:**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA; ADDING SECTION 118-139 OF THE PINELLAS COUNTY CODE PROVIDING FOR THE ADDITIONAL EXTENSION OF THE LEVY OF THE SIX-CENT LOCAL OPTION FUEL TAX; PROVIDING FOR USE OF THE SIX CENT LEVY; PROVIDING THAT PLEDGES OF PRIOR SIX CENT LEVY ARE UNAFFECTED BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES.

The proposed amendment to the Pinellas County Code can be inspected by the public at the Pinellas County Board Records Department, 315 Court Street, Fifth Floor, Clearwater, Florida 33756. Comments may be sent to this same address or call (727) 464-3458.

Persons are advised that if they decide to appeal any decision made at the meeting/hearing, they will need a record of the proceedings, and, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER, FLORIDA 33756, (727) 464-4880 (VOICE), (727) 464-4062 (TDD).

KEN BURKE, CLERK TO
THE BOARD OF COUNTY COMMISSIONERS
By: Norman D. Loy, Deputy Clerk