



ITEM NO. ORD-2015-8

DATE: 07/07/2015

AGENDA REQUEST

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**TO:** Board of County Commissioners

**PRESENTED BY:** Daniel S. McIntyre, County Attorney

**SUBMITTED BY:** County Attorney

**SUBJECT:** Ordinance - Reauthorizing the Levy for the Local Option Fuel Tax

**BACKGROUND:**

The Board has previously adopted the six cent (\$0.06) local option fuel tax pursuant to Section 336.025(1)(a) Florida Statutes and a five cent (\$0.05) local option motor fuel tax pursuant to Section 336.025(1)(b) Florida Statutes. The levy of the local option fuel tax expires on August 31, 2015. Attached is a copy of draft Ordinance, which, if adopted, would reauthorize the levy of the local option fuel taxes from September 1, 2015 through December 31, 2044. The draft ordinance provides that the proceeds of the six cent (\$0.06) local option fuel tax will be distributed to the County and the municipalities and used for transportation expenditures as defined in Section 336.025(7), Florida Statutes. Proceeds from the five cent (\$0.05) local option fuel tax may only be used for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive or for expenditures needed to meet immediate local transportation problems and for other transportation related expenditures that are critical for building comprehensive roadway networks. On April 29, 2015, the Management and Budget Director distributed a memorandum explaining the Local Option Gas Tax Allocation Method, a copy of which is attached. Also attached is a summary of County funded transportation projects within the City of Port St. Lucie from 1994 to 2015. Please note that even with reauthorization of this tax the transportation infrastructure needs of the County will exceed available revenues. An interlocal agreement was approved by the Board on May 19, 2015. The proposed distribution was based on transportation expenditures for the previous 5 years for the period from September 1, 2015 through December 31, 2017 and thereafter for the period beginning on January 1, 2018 through December 31, 2044 is based on the number of paved roadway miles maintained by the County and the eligible municipalities. The City of Port St. Lucie did not approve this Interlocal Agreement. As a result of the City's action, County staff contacted the State of Florida Department of Revenue to see if the June 1, 2015 date for the Interlocal Agreement to be approved could be extended. The Department indicated the parties had at least until July 1, 2015 to negotiate an interlocal agreement.

At the June 2, 2015 regular meeting, the Board continued the public hearing on the draft ordinance to July 7, 2015. The Board directed staff to attempt to negotiate an acceptable interlocal agreement with the City of Port St. Lucie. County staff has had several conversations with City staff concerning the gas tax issues. City staff indicated that due to other pressing City business it was unlikely that the parties could

achieve resolution before the July 7 Board meeting. Staff has contacted the Department of Revenue and determined that no further extensions beyond July 1 are possible.

### Options

Staff has determined that the Board has at least three (3) options as follows:

1. Adopt an ordinance levying the tax for thirty (30) years without an interlocal agreement - This would result in the distribution of local gas taxes based on transportation expenditures for the previous five (5) years.
2. Adopt an ordinance levying the tax without an interlocal agreement for a limited period of time - e.g. through December 31, 2017.
3. Do not adopt the ordinance.

### Discussion

From staff's perspective Options 1 and 3 are not viable at this time and should not be considered. As set out in the Management and Budget Director's April 29, 2015 memorandum, Option 1 does not result in a fair distribution to the County. Option 3 would result in an unanticipated budget shortfall for all four (4) local governments. The County shortfall amount would be approximately two million five hundred thousand and 0/100 (\$2,500,000.00). For these reasons, County staff would not recommend this option. While negotiating an acceptable interlocal agreement with Port St. Lucie would be the preferred option, it is clear at this time that resolution cannot be achieved within the July 1 deadline. Staff recommends that the Board consider implementing Option 2 which would result in the adoption of an ordinance levying the eleven cent (\$0.11) local option gas from September 1, 2015 through December 31, 2017 (Version "B"). A copy of a draft ordinance implementing Option 2 is attached as "Version "B".

### **PREVIOUS ACTION:**

The Board granted permission to advertise the draft ordinance on May 19, 2015. Notice of the public hearing was published in the Tribune on May 22, 2015. The Board held a public hearing on the draft ordinance on June 2, 2015 and continued the public hearing to July 7, 2015.

### **FINANCIAL IMPACT:**

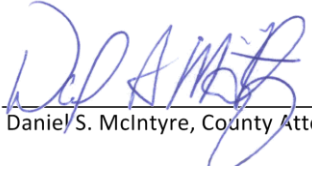
N/A

### **RECOMMENDATION:**

Staff recommends that the Board adopt the draft Ordinance implementing Option 2 (Version "B") as attached.

### **COMMISSION ACTION:**

Coordination/Signatures



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Daniel S. McIntyre, County Attorney

5/22/2015

Select Year: 2014 Go

## The 2014 Florida Statutes

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Title XXVI  
PUBLIC TRANSPORTATION

Chapter 336  
COUNTY ROAD SYSTEM

[View Entire Chapter](#)

### **336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—**

(1)(a) In addition to other taxes allowed by law, there may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option fuel tax upon every gallon of motor fuel and diesel fuel sold in a county and taxed under the provisions of part I or part II of chapter 206.

1. All impositions and rate changes of the tax shall be levied before October 1 to be effective January 1 of the following year for a period not to exceed 30 years, and the applicable method of distribution shall be established pursuant to subsection (3) or subsection (4). However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate effective September 1 of the year of expiration. Upon expiration, the tax may be relieved provided that a redetermination of the method of distribution is made as provided in this section.

2. County and municipal governments shall utilize moneys received pursuant to this paragraph only for transportation expenditures.

3. Any tax levied pursuant to this paragraph may be extended on a majority vote of the governing body of the county. A redetermination of the method of distribution shall be established pursuant to subsection (3) or subsection (4), if, after July 1, 1986, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.

(b) In addition to other taxes allowed by law, there may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.

1. All impositions and rate changes of the tax shall be levied before October 1, to be effective January 1 of the following year. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate effective September 1 of the year of expiration.

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes

authorized by this paragraph, and the amounts distributed to the county government and each municipality 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 resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall use moneys received pursuant to this paragraph for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

(c) Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this section and may pledge the revenues from local option fuel taxes to secure the payment of the bonds. Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

(d) If an interlocal agreement entered into under this section does not provide for automatic adjustments or periodic review by the local governmental entities of the method of distribution of local option fuel tax revenues, the parties to the agreement shall review and hold public hearings on the terms of the agreement at least every 2 years.

(2)(a) The tax levied pursuant to paragraph (1)(a) shall be collected and remitted in the same manner provided by ss. 206.41(1)(e) and 206.87(1)(c). The tax levied pursuant to paragraph (1)(b) shall be collected and remitted in the same manner provided by s. 206.41(1)(e). The taxes remitted pursuant to this section shall be transferred to the Local Option Fuel Tax Trust Fund, which fund is created for distribution to the county and eligible municipal governments within the county in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The tax shall be distributed monthly by the department in the same manner provided by s. 336.021(1)(c) and (d). The department shall deduct the administrative costs incurred by it in collecting, administering, enforcing, and distributing back to the counties the tax, which administrative costs may not exceed 2 percent of collections authorized by this section. The total administrative costs shall be prorated among those counties levying the tax according to the following formula, which shall be revised on July 1 of each year: Two-thirds of the amount deducted shall be based on the county's proportional share of the number of dealers who are registered for purposes of chapter 212 on June 30 of the preceding state fiscal year, and one-third of the amount deducted shall be based on the county's share of the total amount of the tax collected during the preceding state fiscal year. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the taxes levied by any county and shall promulgate such rules as may be necessary for the enforcement of this section, which rules shall have the full force and effect of law. The provisions of ss. 206.026, 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41, 206.416, 206.44, 206.45, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87, 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.94, and 206.945 shall, as far as practicable, be applicable to the levy and collection of taxes imposed pursuant to this section as if fully set out in this section.

(b) The provisions of s. 206.43(7) shall apply to the incorrect reporting of the tax levied under this section.

(c) The provisions for refund provided in s. 206.625 are not applicable to the tax levied pursuant to paragraph (1)(a) or paragraph (1)(b) by any county.

(3) The tax authorized pursuant to paragraph (1)(a) shall be levied using either of the following procedures:

(a) The tax may be levied by an ordinance adopted by a majority vote of the governing body or upon approval by referendum. Such ordinance shall be adopted in accordance with the requirements imposed under one of the following circumstances, whichever is applicable:

1. The county may, prior to June 1, establish 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 proceeds of the local option fuel tax among the county government and all eligible municipalities within the county. If no interlocal agreement exists, a new interlocal agreement may be established prior to August 1, 1986, or June 1 of any year thereafter pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality 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 resolution outstanding on the date of establishment of the new interlocal agreement.

2. If an interlocal agreement has not been executed pursuant to subparagraph 1., the county may, prior to June 10, adopt a resolution of intent to levy the tax allowed in paragraph (1)(a).

3. Notwithstanding subparagraphs 1. and 2., any inland county with a population greater than 500,000 as of July 1, 1996, with an interlocal agreement with one or more of the incorporated areas within the county established pursuant to subparagraph 1. must utilize the population estimates of local governmental units as of April 1 of each year pursuant to s. 186.901, for dividing the proceeds of the local option fuel tax contained in such interlocal agreement. However, any interlocal agreement agreed to under this subparagraph after the initial imposition of the tax, extension of the tax, or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this section, and the amounts distributed to the county government and each municipality 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 resolution outstanding on the date of establishment of the new interlocal agreement.

(b) If no interlocal agreement or resolution is adopted pursuant to subparagraph (a)1. or subparagraph (a)2., municipalities representing more than 50 percent of the county population may, prior to June 20, adopt uniform resolutions approving the local option tax, establishing the duration of the levy and the rate authorized in paragraph (1)(a), and setting the date for a countywide referendum on whether to levy the tax. A referendum shall be held in accordance with the provisions of such resolution and applicable state law, provided that the county shall bear the costs thereof. The tax shall be levied and collected countywide on January 1 following 30 days after voter approval.

(4)(a) If the tax authorized pursuant to paragraph (1)(a) is levied under the circumstances of subparagraph (3)(a)2. or paragraph (3)(b), the proceeds of the tax shall be distributed among the county government and eligible municipalities based on the transportation expenditures of each for the immediately preceding 5 fiscal years, as a proportion of the total of such expenditures for the county and

all municipalities within the county. After the initial levy of a tax being distributed pursuant to the provisions of this paragraph, the proportions shall be recalculated every 10 years based on the transportation expenditures of the immediately preceding 5 years. However, such recalculation shall under no circumstances materially or adversely affect the rights of holders of bonds outstanding on July 1, 1986, which are backed by taxes authorized in paragraph (1)(a), and the amounts distributed to the county government and each municipality 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 resolution outstanding on the date of the recalculation.

(b) Any newly incorporated municipality which is eligible for participation in the distribution of moneys under parts II and VI of chapter 218 and which is located in a county levying the tax pursuant to paragraph (1)(a) or paragraph (1)(b) is entitled to receive a share of the tax revenues. Distribution of such revenues to a newly incorporated municipality shall begin in the first full fiscal year following incorporation. The distribution to a newly incorporated municipality shall be:

1. Equal to the county's per lane mile expenditure in the previous year times the lane miles within the jurisdiction or responsibility of the municipality, in which case the county's share shall be reduced proportionately; or
2. Determined by the local act incorporating the municipality.

Such distribution shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized in this section, and the amounts distributed to the county government and each municipality 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 resolution outstanding on the date of the redistribution.

(5)(a) By October 1 of each year, the county shall notify the Department of Revenue of the rate of the taxes levied pursuant to paragraphs (1)(a) and (b), and of its decision to rescind or change the rate of a tax, if applicable, and shall provide the department with a certified copy of the interlocal agreement established under subparagraph (1)(b)2. or subparagraph (3)(a)1. with distribution proportions established by such agreement or pursuant to subsection (4), if applicable. A decision to rescind a tax may not take effect on any date other than December 31 and requires a minimum of 60 days' notice to the Department of Revenue of such decision.

(b) Any dispute as to the determination by the county of distribution proportions shall be resolved through an appeal to the Administration Commission in accordance with procedures developed by the commission. Pending final disposition of such proceeding, the tax shall be collected pursuant to this section, and such funds shall be held in escrow by the clerk of the circuit court of the county until final disposition.

(6) Only those municipalities and counties eligible for participation in the distribution of moneys under parts II and VI of chapter 218 are eligible to receive moneys under this section. Any funds otherwise undistributed because of ineligibility shall be distributed to eligible governments within the county in proportion to other moneys distributed pursuant to this section.

(7) For the purposes of this section, "transportation expenditures" means expenditures by the local government from local or state shared revenue sources, excluding expenditures of bond proceeds, for the following programs:

- (a) Public transportation operations and maintenance.
- (b) Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.



- (c) Roadway and right-of-way drainage.
- (d) Street lighting installation, operation, maintenance, and repair.
- (e) Traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair.
- (f) Bridge maintenance and operation.
- (g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks.

(8) In addition to the uses specified in subsection (7), the governing body of a county with a population of 50,000 or less on April 1, 1992, or the governing body of a municipality within such a county may use the proceeds of the tax levied pursuant to paragraph (1)(a) in any fiscal year to fund infrastructure projects, if such projects are consistent with the local government's approved comprehensive plan or, if the approval or denial of the plan has not become final, consistent with the plan last submitted to the state land planning agency. In addition, no more than an amount equal to the proceeds from 4 cents per gallon of the tax imposed pursuant to paragraph (1)(a) may be used by such county for the express and limited purpose of paying for a court-ordered refund of special assessments. Except as provided in subsection (7), such funds shall not be used for the operational expenses of any infrastructure. Such funds may be used for infrastructure projects under this subsection only after the local government, prior to the fiscal year in which the funds are proposed to be used, or if pledged for bonded indebtedness, prior to the fiscal year in which the bonds will be issued, has held a duly noticed public hearing on the proposed use of the funds and has adopted a resolution certifying that the local government has met all of the transportation needs identified in its approved comprehensive plan or, if the approval or denial of the plan has not become final, consistent with the plan last submitted to the state land planning agency. The proceeds shall not be pledged for bonded indebtedness for a period exceeding 10 years, except that, for the express and limited purpose of using such proceeds in any fiscal year to pay a court-ordered refund of special assessments, the proceeds may be pledged for bonded indebtedness not exceeding 15 years. For the purposes of this subsection, "infrastructure" has the same meaning as provided in s. 212.055.

(9) Notwithstanding any other provision of this section, the tax on diesel fuel authorized in this section shall be levied in every county at the rate of 6 cents per net gallon.

**History.**—s. 55, ch. 83-3; s. 6, ch. 83-138; s. 8, ch. 83-339; s. 1, ch. 84-369; s. 17, ch. 85-81; s. 33, ch. 85-180; s. 123, ch. 85-342; s. 43, ch. 86-152; s. 29, ch. 86-243; s. 71, ch. 87-99; s. 2, ch. 90-351; s. 9, ch. 92-184; s. 280, ch. 92-279; s. 4, ch. 92-309; s. 55, ch. 92-326; s. 33, ch. 93-164; s. 40, ch. 93-206; s. 8, ch. 94-146; s. 53, ch. 94-237; s. 960, ch. 95-148; s. 40, ch. 95-257; s. 1, ch. 95-343; ss. 118, 119, ch. 95-417; ss. 25, 68, ch. 96-323; ss. 18, 19, ch. 96-397; ss. 17, 18, ch. 97-54; s. 9, ch. 2000-266; s. 35, ch. 2001-201; s. 48, ch. 2002-218; s. 3, ch. 2003-86; s. 24, ch. 2003-254; s. 28, ch. 2007-196; s. 28, ch. 2012-174.



ST. LUCIE COUNTY PROJECTS - CITY OF PORT ST. LUCIE  
1994-2015 YTD

PROJECT NAME	FUND TOTAL	TOTAL
<b><u>AIROSO BLVD IMPROVEMENTS</u></b>	-	\$ 2,398,646
Impact Fees	1,848,459	
Local Option	550,186	
<b><u>CITY OF PORT ST. LUCIE</u></b>	-	\$ 2,000,000
Transportation Bond	2,000,000	
<b><u>ENTRADA AVE LANDSCAPING</u></b>	-	\$ 399,580
Constitutional	196,625	
Local Option	202,955	
<b><u>FLORESTA DR. IMPROVEMENTS</u></b>	-	\$ 1,162,482
Constitutional	1,107,719	
Local Option	54,764	
<b><u>HIDDEN RIVER ESTATES IMP</u></b>	-	\$ 66,006
Local Option	66,006	
<b><u>LENNARD RD IMPROVEMENTS</u></b>	-	\$ 2,581,162
Impact Fees	1,515,667	
Transportation Bond	107,424	
Constitutional	136,694	
Local Option	221,378	
5th Cent Fuel Tax	600,000	
<b><u>MIDWAY RD IMPROVEMENTS</u></b>	-	\$ 13,304,879
Impact Fees	7,895,094	
Transportation Bond	4,299,198	
Constitutional	847,533	
Local Option	263,054	
<b><u>PRIMA VISTA IMPROVEMENTS</u></b>	-	\$ 5,817,750
Impact Fees	2,268,510	
Transportation Bond	318	
Constitutional	1,347,402	
Local Option	1,098,130	
5th Cent Fuel Tax	1,103,390	
<b><u>RIO MAR DR SIDEWALK/BIKEPATH</u></b>	-	\$ 34,000
Constitutional	34,000	
<b><u>RIVER BRANCH-E OF S 25/S OF MIDWAY</u></b>	-	\$ 321,035
Transportation Bond	259,246	
Local Option	61,789	
<b><u>SAGAMORE WATERWAY DRAINAGE IMP</u></b>	-	\$ 19,989
Local Option	19,989	
<b><u>SANDIA AVE &amp; LAKEHURST DR</u></b>	-	\$ 82,239
Local Option	82,239	
<b><u>ST JAMES DRIVE IMPROVEMENTS</u></b>	-	\$ 4,939,402
Impact Fees	3,023,660	
Transportation Bond	149,678	
Constitutional	534,073	
Local Option	1,231,991	
<b><u>WAL-MART INFRASTRUCTURE</u></b>	-	\$ 290,205
Impact Fees	290,205	
<b><u>WALTON RD IMPROVEMENTS</u></b>	-	\$ 8,141,970
Impact Fees	3,114,496	
Transportation Bond	4,957,917	
Constitutional	69,557	
		\$ 41,559,346

6/2/2015

Attachment 9.A.b: 04-29-15 Memorandum from Management &amp; Budget (ORD-2015-8 : Ordinance Reauthorizing the Levy for the Local Option

**ORDINANCE NO. 15-XX**

**AN ORDINANCE AMENDING CHAPTER 42 "TAXATION" OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA, TO PROVIDE FOR THE REAUTHORIZATION OF THE IMPOSITION OF A SIX CENT (\$0.06) LOCAL OPTION FUEL TAX UPON EVERY GALLON OF MOTOR FUEL AND DIESEL FUEL SOLD IN ST. LUCIE COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES, PURSUANT TO SECTION 336.025(1)(a) FLORIDA STATUTES AND A FIVE CENT (\$0.05) LOCAL OPTION FUEL TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN ST. LUCIE COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES PURSUANT TO SECTION 336.025(1)(b); AMENDING SECTION 42-192 "LEVY OF LOCAL OPTION FUEL TAX" TO PROVIDE FOR THE REAUTHORIZATION OF THE SIX CENT (\$0.06) LOCAL OPTION FUEL TAX AND THE FIVE CENT (\$0.05) LOCAL OPTION FUEL TAX AND TO CLARIFY THE STATUTORY SECTION AND THE USE OF REVENUES RECEIVED PURSUANT TO THE TAX; AMENDING SECTION 42-193 "DISTRIBUTION OF LOCAL OPTION FUEL TAX" TO PROVIDE FOR THE DISTRIBUTION OF THE LOCAL OPTION FUEL TAX BASED ON TRANSPORTATION EXPENDITURES FOR PREVIOUS 5 YEARS THROUGH DECEMBER 31, 2017 AND, THEREAFTER, ON THE NUMBER OF PAVED ROADWAY MILES; AMENDING SECTION 42.194 "DURATION OF TAX" TO PROVIDE THAT THE REAUTHORIZED TAXES IMPOSED BY THIS ORDINANCE SHALL BE EFFECTIVE FROM SEPTEMBER 1, 2015 THROUGH DECEMBER 31, 2044; PROVIDING FOR SEVERABILITY AND APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE AND DEPARTMENT OF REVENUE; PROVIDING FOR AN EFFECTIVE DATE, ADOPTION AND CODIFICATION**

**WHEREAS**, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. This Board has previously adopted the six cent (\$0.06) local option tax upon every gallon of motor fuel and diesel fuel sold in St. Lucie County pursuant to Section 336.025(1)(a), Florida Statutes and a five cent (\$0.05) local option tax upon every gallon of motor fuel sold in St. Lucie County pursuant to Section 336.025(1)(b), Florida Statutes. The levy of these taxes is scheduled to expire on August 31, 2015.
2. The health, safety, and welfare of the residents of St. Lucie County will benefit

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from the passage of an ordinance i.e. reauthorizing the levy of the six cent (\$0.06) local option tax on motor fuel and diesel fuel pursuant to Section 336.025(1)(a), Florida Statutes and a five cent (\$0.05) local option tax pursuant to Section 336.025(1)(b) Florida Statutes to fund, in part, necessary transportation expenditures within St. Lucie County.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Lucie County, Florida:

**PART A. ARTICLE V (GAS TAXES) OF CHAPTER 42 (TAXATION) IS HEREBY AMENDED TO READ:**

**Section 42-192 LEVY OF LOCAL OPTION MOTOR FUEL TAX**

(a) Pursuant to Florida Statute, Section 336.025(1)(a), ~~as amended by Senate Bill 313 passed by the 1986 Florida Legislature~~ a \$0.06 local option motor fuel tax is reauthorized and imposed upon every gallon of motor fuel and special diesel fuel sold in the county, and taxed under the provisions of Florida Statutes Chapter 206. The revenues received pursuant to the tax levied pursuant to this paragraph (a) shall only be utilized for transportation expenditures as defined in Section 336.025, Florida Statutes.

(b) Pursuant to Florida Statutes, Section 336.025(1)(b), Florida Statutes, \$0.05 local option motor fuel tax is reauthorized and imposed upon every gallon of motor fuel sold in the county and taxed under the provisions of Florida Statutes Chapter 201, Part 1. The revenues received from the additional \$0.05 local option motor fuel tax may only be utilized for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan. For purposes of this subsection, expenditures for the construction of new roads, alternative methods of transportation, or reconstruction or resurfacing of existing paved roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of the adopted comprehensive plan. Expenditures for purposes of this subsection shall not include routine maintenance of roads.

**Section 42-193 DISTRIBUTION OF LOCAL OPTION FUEL TAX**

(a) All divisions of tax proceeds shall be determined by the county on or before ~~July~~ October 1 of each year during the duration of the tax as set out in Section 42-~~149~~ 194 beginning ~~July 1, 1986~~ October 1, 2015. The annual redetermination by the county of the division of the tax proceeds for the period from September 1, 2015 through December 31, 2017 shall be based on transportation expenditures of the county and all eligible municipalities based on the transportation expenditures of each for the five (5) fiscal years preceding the year in which the annual redetermination is made. ~~For the period from January 1, 2018 through December 31, 2044, the annual re-determination by the County of the division of proceeds shall be based on the number of paved roadway miles maintained by the County and the eligible municipalities,~~

Underlined passages are added.

~~Struck through~~ passages are deleted.

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as a proportion of the total of such ~~expenditures~~ paved roadway miles for the county and all municipalities within the county with a floor of 20% for the amount to be distributed to the County. The county shall notify the department of revenue of the results of the county's redetermination of the tax proceeds by ~~July~~ October 1 of the year the redetermination is made. The annual redetermination shall be effective beginning ~~September~~ January 1 of the year after the redetermination is made. Any dispute as to the determination by the county of the distribution of the tax proceeds shall be in accordance with Section 336.025(5)(b), Florida Statutes.

**Section 42-194 DURATION OF TAX**

The initial \$0.06 local option gas tax imposed by this article shall be effective from September 1, 1987, through August 31, 2015, both dates inclusive. The first initial additional \$0.02 local option motor fuel tax imposed by this article shall be effective from January 1, 1998, through August 31, 2015, both dates inclusive. The remaining initial additional \$0.03 local option motor fuel tax imposed by this article shall be effective from January 1, 2000, through August 31, 2015, both dates inclusive.

The reauthorized \$0.06 local option gas tax imposed by this article through the adoption of Ordinance No. 15-XX shall be effective from September 1, 2015 through December 31, 2044, both dates inclusive. The reauthorized additional \$0.05 local option motor fuel tax imposed by this article through the adoption of Ordinance No. 15-XX shall be effective from September 1, 2015 through December 31, 2044 both dates inclusive.

**PART B. SEVERABILITY AND APPLICABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portion of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

**PART C. FILING WITH THE DEPARTMENT OF STATE.**

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administration Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

**PART D. FILING WITH THE DEPARTMENT OF REVENUE.**

The County Attorney is hereby directed forthwith to send a certified copy of this ordinance to the Florida Department of Revenue, 201 Carlton Building, Tallahassee, Florida,

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32301.

**PART E. EFFECTIVE DATE.**

This ordinance shall take effect upon receipt of official acknowledgment from the Office of the Secretary of State that this ordinance has been filed in that office.

**PART E. ADOPTION.**

After motion and second, the vote on this ordinance was as follows:

Paula A. Lewis, Chair	XXX
Kim Johnson, Vice Chair	XXX
Commissioner Chris Dzadoovsky	XXX
Commissioner Tod Mowery	XXX
Commissioner Frannie Hutchinson	XXX

**PART E. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intentions; provided, however, that parts B through E shall not be codified.

PASSED AND DULY ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

\_\_\_\_\_  
**Deputy Clerk**

**BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA**

**BY:** \_\_\_\_\_  
**Chair**

**APPROVED AS TO FORM AND  
CORRECTNESS:**

**BY:** \_\_\_\_\_  
**County Attorney**

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**ORDINANCE NO. 15-XXX  
(VERSION "B")**

**AN ORDINANCE AMENDING CHAPTER 42 "TAXATION" OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA, TO PROVIDE FOR THE REAUTHORIZATION OF THE IMPOSITION OF A SIX CENT (\$0.06) LOCAL OPTION FUEL TAX UPON EVERY GALLON OF MOTOR FUEL AND DIESEL FUEL SOLD IN ST. LUCIE COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES, PURSUANT TO SECTION 336.025(1)(a) FLORIDA STATUTES AND A FIVE CENT (\$0.05) LOCAL OPTION FUEL TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN ST. LUCIE COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES PURSUANT TO SECTION 336.025(1)(b); AMENDING SECTION 42-192 "LEVY OF LOCAL OPTION FUEL TAX" TO PROVIDE FOR THE REAUTHORIZATION OF THE SIX CENT (\$0.06) LOCAL OPTION FUEL TAX AND THE FIVE CENT (\$0.05) LOCAL OPTION FUEL TAX AND TO CLARIFY THE STATUTORY SECTION AND THE USE OF REVENUES RECEIVED PURSUANT TO THE TAX; AMENDING SECTION 42-193 "DISTRIBUTION OF LOCAL OPTION FUEL TAX" TO PROVIDE FOR THE DISTRIBUTION OF THE LOCAL OPTION FUEL TAX BASED ON TRANSPORTATION EXPENDITURES FOR PREVIOUS 5 YEARS THROUGH DECEMBER 31, 2017 AMENDING SECTION 42.194 "DURATION OF TAX" TO PROVIDE THAT THE REAUTHORIZED TAXES IMPOSED BY THIS ORDINANCE SHALL BE EFFECTIVE FROM SEPTEMBER 1, 2015 THROUGH DECEMBER 31, 2017; PROVIDING FOR SEVERABILITY AND APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE AND DEPARTMENT OF REVENUE; PROVIDING FOR AN EFFECTIVE DATE, ADOPTION AND CODIFICATION**

**WHEREAS**, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. This Board has previously adopted the six cent (\$0.06) local option tax upon every gallon of motor fuel and diesel fuel sold in St. Lucie County pursuant to Section 336.025(1)(a), Florida Statutes and a five cent (\$0.05) local option tax upon every gallon of motor fuel sold in St. Lucie County pursuant to Section 336.025(1)(b), Florida Statutes. The levy of these taxes is scheduled to expire on August 31, 2015.
2. The health, safety, and welfare of the residents of St. Lucie County will benefit

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from the passage of an ordinance i.e. reauthorizing the levy of the six cent (\$0.06) local option tax on motor fuel and diesel fuel pursuant to Section 336.025(1)(a), Florida Statutes and a five cent (\$0.05) local option tax pursuant to Section 336.025(1)(b) Florida Statutes to fund, in part, necessary transportation expenditures within St. Lucie County.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Lucie County, Florida:

**PART A. ARTICLE V (GAS TAXES) OF CHAPTER 42 (TAXATION) IS HEREBY AMENDED TO READ:**

**Section 42-192 LEVY OF LOCAL OPTION MOTOR FUEL TAX**

(a) Pursuant to Florida Statute, Section 336.025(1)(a), ~~as amended by Senate Bill 313 passed by the 1986 Florida Legislature~~ a \$0.06 local option motor fuel tax is reauthorized and imposed upon every gallon of motor fuel and special diesel fuel sold in the county, and taxed under the provisions of Florida Statutes Chapter 206. The revenues received pursuant to the tax levied pursuant to this paragraph (a) shall only be utilized for transportation expenditures as defined in Section 336.025, Florida Statutes.

(b) Pursuant to Florida Statutes, Section 336.025(1)(b), Florida Statutes, \$0.05 local option motor fuel tax is reauthorized and imposed upon every gallon of motor fuel sold in the county and taxed under the provisions of Florida Statutes Chapter 201, Part 1. The revenues received from the additional \$0.05 local option motor fuel tax may only be utilized for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan. For purposes of this subsection, expenditures for the construction of new roads, alternative methods of transportation, or reconstruction or resurfacing of existing paved roads shall be deems to increase capacity and such projects shall be included in the capital improvements element of the adopted comprehensive plan. Expenditures for purposes of this subsection shall not include routine maintenance of roads.

**Section 42-193 DISTRIBUTION OF LOCAL OPTION FUEL TAX**

(a) All divisions of tax proceeds shall be determined by the county on or before ~~July~~ October 1 of each year during the duration of the tax as set out in Section 42-~~149~~ 194 beginning ~~July 1, 1986~~ October 1, 2015. The annual redetermination by the county of the division of the tax proceeds for the period from September 1, 2015 through December 31, 2017 shall be based on transportation expenditures of the county and all eligible municipalities based on the transportation expenditures of each for the five (5) fiscal years preceding the year in which the annual redetermination is made in accordance with Section 336.025(4)(a), Florida Statutes. ~~As a proportion of the total of such expenditures for the county and all municipalities within the county.~~ The county shall notify the department of revenue of the results of the county's

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Attachment 9.A.d: Six Cent Fuel Tax Version B (ORD-2015-8 : Ordinance Reauthorizing the Levy for the Local Option Fuel Tax)



redetermination of the tax proceeds by ~~July~~ October 1 of the year the redetermination is made. The annual redetermination shall be effective beginning ~~September~~ January 1 of the year after the redetermination is made. Any dispute as to the determination by the county of the distribution of the tax proceeds shall be in accordance with Section 336.025(5)(b), Florida Statutes.

**Section 42-194 DURATION OF TAX**

The initial \$0.06 local option gas tax imposed by this article shall be effective from September 1, 1987, through August 31, 2015, both dates inclusive. The first initial additional \$0.02 local option motor fuel tax imposed by this article shall be effective from January 1, 1998, through August 31, 2015, both dates inclusive. The remaining initial additional \$0.03 local option motor fuel tax imposed by this article shall be effective from January 1, 2000, through August 31, 2015, both dates inclusive.

The reauthorized \$0.06 local option gas tax imposed by this article through the adoption of Ordinance No. 15-XX shall be effective from September 1, 2015 through December 31, 2017, both dates inclusive. The reauthorized additional \$0.05 local option motor fuel tax imposed by this article through the adoption of Ordinance No. 15-XX shall be effective from September 1, 2015 through December 31, 2017 both dates inclusive.

**PART B. SEVERABILITY AND APPLICABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portion of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

**PART C. FILING WITH THE DEPARTMENT OF STATE.**

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**PART D. FILING WITH THE DEPARTMENT OF REVENUE.**

The County Attorney is hereby directed forthwith to send a certified copy of this ordinance to the Florida Department of Revenue, 201 Carlton Building, Tallahassee, Florida, 32301.

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**PART E. EFFECTIVE DATE.**

This ordinance shall take effect upon receipt of official acknowledgment from the Office of the Secretary of State that this ordinance has been filed in that office.

**PART E. ADOPTION.**

After motion and second, the vote on this ordinance was as follows:

Paula A. Lewis, Chair	XXX
Kim Johnson, Vice Chair	XXX
Commissioner Chris Dzadoovsky	XXX
Commissioner Tod Mowery	XXX
Commissioner Frannie Hutchinson	XXX

**PART E. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intentions; provided, however, that parts B through E shall not be codified.

PASSED AND DULY ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

\_\_\_\_\_  
**Deputy Clerk**

**BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA**

BY: \_\_\_\_\_  
**Chair**

**APPROVED AS TO FORM AND  
CORRECTNESS:**

BY: \_\_\_\_\_  
**County Attorney**

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