

**ORDINANCE NO. 15-28**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING SECTION 2-29-32 OF THE MANATEE COUNTY CODE OF ORDINANCES TO EXTEND THE TERM OF THE COUNTY'S FIVE AND SIX-CENT LOCAL OPTION FUEL TAX FOR A PERIOD OF 30 YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 336.025, Florida Statutes (the "Act") authorizes the County to levy and collect a 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 the County; and

**WHEREAS**, Section 2-29-32 of the Manatee County Code of Ordinances (the "Code"), provides for the County to levy and collect a five and six-cent local option fuel tax (the "Five and Six-Cent Local Option Fuel Tax") for such purposes for a period that expires on August 31, 2015; and

**WHEREAS**, the Act provides that the County may extend the term of the Five and Six-Cent Local Option Fuel Tax pursuant to an ordinance enacted by an affirmative vote of a majority of the Board of County Commissioners, provided that the period of extension of the Five and Six-Cent Local Option Fuel Tax does not exceed 30 years.

**BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set forth in, Article VII of the Florida Constitution, the Act and Sections 125.01 and 336.025, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings in the adoption of this Ordinance:

1. The findings contained in the recitals above are true and correct.
2. The powers conferred by this Ordinance are for public uses and purposes for which public money may be expended, and are hereby declared as a matter of legislative determination to be necessary for the public health, safety and welfare, and specifically for the capital expansion, operation and maintenance of the County's transportation network.
3. Article III of Chapter 2-29 of the Code sets forth procedures for the levy and collection of the Five and Six-Cent Local Option Fuel Tax.
4. It is in the interest of the public health, safety and welfare to amend Section 2-29-32 of the Code as set forth in this Ordinance, to extend the term of the Five and Six-Cent Local Option Fuel Tax for thirty (30) years.
5. On July 28, 2015, the Board of County Commissioners, by a majority vote, adopted this Ordinance amending Article III of Chapter 2-29 of the Code as set forth herein.

Section 3. Amendment of Section 2-29-32 of the Code. Section 2-29-32 of the Code is hereby amended as follows (underlined text to be added, strike-through text to be deleted).

**Sec. 2-29-32. - Levy of additional five-cent and six-cent per gallon tax on motor fuel and diesel fuel.**

In addition to other taxes allowed by law, there is hereby imposed as provided by Section 336.025(1)(a), Florida Statutes, an additional five-cent and six-cent local option fuel tax upon every gallon of motor fuel and diesel fuel sold in Manatee County and taxed under the provisions of Chapter 206, Florida Statutes.

The tax levied pursuant to this section shall be effective for thirty (30) years commencing September 1, 1985, and shall be extended for a period of thirty (30) years, commencing September 1, 2015.

Section 4. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 of this Ordinance into the Code.

Section 5. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective as provided by law.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 28th day of July, 2015.

**BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chairman

**ATTEST: R.B. SHORE**  
Clerk of the Circuit Court

By: \_\_\_\_\_  
Deputy Clerk