1	ORDINANCE NO. 2016			
2				
3	AN ORDINANCE OF THE BOARD OF COUNTY			
4	COMMISSIONERS OF ALACHUA COUNTY, FLORIDA,			
5	ENACTED PURSUANT TO SECTION 336.025(1)(A),			
6	FLORIDA STATUTES, RE-IMPOSING AND LEVYING THE			
7	$4^{TH}$ , $5^{TH}$ AND $6^{TH}$ CENT OF THE LOCAL OPTION FUEL TAX			
8	UPON EVERY GALLON OF MOTOR FUEL AND SPECIAL			
9	FUEL SOLD IN ALACHUA COUNTY AND TAXED UNDER			
10	THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES;			
11	PROVIDING FOR AUTHORITY; PROVIDING FOR			
12	LEGISLATIVE INTENT; PROVIDING FOR THE EFFECTIVE			
13	DATE OF THE RE-IMPOSED TAX; PROVIDING FOR THE			
14	DURATION OF THE RE-IMPOSED TAX; PROVIDING FOR			
15	THE DISTRIBUTION OF THE PROCEEDS OF THE TAX			
16	AMONG THE COUNTY AND MUNICAPLITIES LOCATIED			
17	WITHIN THE COUNTY; PROVIDING FOR MODIFICATION			
18	AT PUBLIC HEARING; PROVIDING FOR REPEAL OF			
19	CONFLICTING ORDINANCES; PROVIDING FOR			
20	SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE			
21	FLORIDA DEPARTMENT OF REVENUE; AND PROVIDING			
22	FOR AN EFFECTIVE DATE.			
23				
24	RECITALS			
25				
26	WHEREAS, on July 23, 1985, the Board of County Commissioners of			
27	Alachua County, Florida, enacted its Ordinance No. 85-8, which levied the 4 <sup>th</sup> , 5 <sup>th</sup> and			
28	6 <sup>th</sup> cent of the local option fuel tax on every gallon of fuel sold in Alachua county and			
29	taxed under the provisions of Chapter 206, Fla. Stat., for a period of thirty (30) years;			
30	and			
31	WHEREAS, on July 23, 2015, the Board of County Commissioners of			
32	Alachua County, Florida, enacted its Ordinance No. 15-8, which re-levied the 4 <sup>th</sup> , 5 <sup>th</sup>			
33	and 6 <sup>th</sup> cent of the local option fuel tax on every gallon of fuel sold in Alachua county			
34	and taxed under the provisions of Chapter 206, Fla. Stat., for a period of one (1) year;			
35	and			

1	WHEREAS, the County and the municipalities located within the County	
2	have relied on the revenues from the above-referenced fuel tax to fund "transportation	
3	expenditures," as such term is defined in Section 336.025, Fla. Stat.; and	
4	WHEREAS, the Board finds that without passage of this Ordinance re-	
5	imposing the above-referenced fuel tax, the County and municipalities located within	
6	the County will not be able to fulfill their respective responsibilities relating to their	
7	transportation expenditures; and	
8	WHEREAS, the Board is authorized, pursuant to Section 336.025(1)(a), Fla.	
9	Stat., to impose and re-impose up to a 6-cent local option fuel tax upon every gallon	
10	of fuel sold in Alachua County and taxed under the provisions of Chapter 206, Fla.	
11	Stat.; and	
12	WHEREAS, the 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> cent of the local option fuel tax is currently in	
13	effect pursuant to Ordinance No. 87-22, adopted on October 13, 1987; and	
14	WHEREAS, the additional five-cent local option fuel tax is currently in effect	
15	pursuant to Ordinance No. 07-08, adopted on June 19, 2007; and	
16	WHEREAS, the Board now desires to re-impose the 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> cent of the	
17	local option fuel tax; and	
18	WHEREAS, the County and the City of Gainesville, Florida, a municipality	
19	within Alachua County representing a majority of the population of the incorporated	
20	area within the County, have entered into an Interlocal Agreement, attached as	
21	Exhibit "A," providing for a formula for the distribution of the proceeds from the	
22	above-referenced fuel tax, which formula would be in lieu of the default formula set	

forth in Subsection 336.025(4)(a), Fla. Stat.; and

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1	WHEREAS, the Board has held a properly noticed public hearing and has	
2	considered all of the matters presented at such hearing prior to the adoption of this	
3	ordinance; and	
4	WHEREAS, the Board has complied with all other requirements imposed by	
5	Florida law for the enactment of this Ordinance.	
6		
7	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY	
8	COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:	
9	1. <u>RECITALS</u> . The above recitals are hereby incorporated into this	
10	Ordinance as if restated herein and constitute the legislative findings and intent of the	
11	Board of County Commissioners (the "Board") of Alachua County, Florida (the	
12	"County").	
13	2. <u>AUTHORITY.</u> This Ordinance is authorized by Section 336.025(1)(a),	
14	Fla. Stat., the County's home rule authority and all other applicable laws.	
15	3. <u>LEGISLATIVE INTENT</u> . The re-imposition and continuation of the	
16	levy of the local option fuel tax provided in this Ordinance is necessary to fund the	
17	transportation expenditures of the County and the eligible municipalities located	
18	within the County. The re-imposition and continuation of the levy of this tax is	
19	determined to be necessary to promote the public health, safety and welfare of the	
20	citizens of the County.	
21	4. <u>RE-IMPOSITION AND LEVY OF TAX</u> . Pursuant to Section	
22	336.025(1)(a), Fla. Stat., in addition to other taxes allowed by law, there is hereby re-	

imposed and levied the  $4^{th}$ ,  $5^{th}$  and  $6^{th}$  cent of the local option fuel tax (the "Tax")

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upon every gallon of fuel sold in the County and taxed under the provisions of Chapter 206, Fla. Stat.

- 5. <u>EFFECTIVE DATE OF RE-IMPOSED TAX</u>. The levy of the Tax provided herein is a re-imposition of the same tax levied by the County in Ordinance No. 85-8, effective September 1, 1985, and re-imposed in Ordinance No. 15-8, effective September 1, 2015. Further, the Tax is being re-imposed at its current authorized rate. Therefore, pursuant to Section 336.025(1)(a)(1), Fla. Stat., the Tax shall be effective September 1, 2015, so there is no "gap" or time where neither the tax authorized in Ordinance No. 85-8 (as re-imposed in Ordinance No. 15-8), nor the Tax, is being collected.
- 6. <u>DURATION OF THE RE-IMPOSED TAX</u>. The Tax shall continue in effect through December 31, 2017.
- 7. <u>DISTRIBUTION OF PROCEEDS</u>. The proceeds from the Tax shall be divided and distributed by the Florida Department of Revenue to the County and the municipalities located within the County as provided in the Interlocal Agreement, a copy of which is attached hereto as Exhibit "A." No amendment to this Ordinance shall be required to amend or cancel the Interlocal Agreement.
- 8. <u>MODIFICATION</u>. It is the intent of the Board that the provisions of this Ordinance may be modified as a result of considerations that may arise during an advertised public hearing. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk of the Board of County Commissioners.

1	9. <u>REPEAL OF CONFLICTING ORDINANCES</u> . All ordinance or parts		
2	of ordinances in conflict herewith are hereby repealed to the extent of such conflict.		
3	Provided that, as the levies in Ordinance No. 85-8 (as re-imposed in Ordinance No.		
4	15-8) and this Ordinance are for different time periods, Ordinance No. 85-8 and		
5	Ordinance No. 15-8) shall not be deemed to be in conflict with this Ordinance.		
6	10. <u>SEVERABILITY</u> . If any section, phrase, sentence or portion of this		
7	Ordinance is for any reason held invalid or unconstitutional by any court of		
8	competent jurisdiction, such portion shall be deemed a separate, distinct, and		
9	independent provision, and such holding shall not affect the validity of the remaining		
10	portions hereof.		
11	11. TRANSMITTAL TO FLORIDA DEPARTMENT OF REVENUE.		
12	Immediately upon becoming effective, the Clerk shall transmit a copy of this		
13	Ordinance to the Florida Department of Revenue to give notice of the re-imposition		
14	and levy of the Tax.		
15	12. <u>EFFECTIVE DATE</u> . A certified copy of this Ordinance shall be filed		
16	with the Department of State by the Clerk of the Board within ten (10) days after		
17	enactment by the Board, and shall take effect upon filing with the Department of		
18	State.		
19			
20	DULY ADOPTED in regular session, this day of, A.D., 2015.		
21			
22 23 24 25	BOARD OF COUNTY COMMISSIONERS OFALACHUA COUNTY, FLORIDA		

1		
2		By:
3		, Chair
4	ATTEST:	
5		
6		
7		APPROVED AS TO FORM
8	J.K. Irby, Clerk	
9	(SEAL)	
10		Alachua County Attorney
11		
12		