

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, PROVIDING FOR DEFINITIONS; IMPOSING THE LEVY OF THE FIRST, SECOND, THIRD, FOURTH, AND FIFTH CENTS OF THE LOCAL OPTION FUEL TAX AUTHORIZED UNDER SECTION 336.025(1)(b), FLORIDA STATUTES, FOR A PERIOD OF 24 YEARS TO EXPIRE DECEMBER 31, 2041; PROVIDING FOR THE DISTRIBUTION OF THE TAX PROCEEDS IN ACCORD WITH SECTIONS 336.025(1)(b)2. and 336.025(4)(a), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, the demands for the construction and maintenance of roads and transportation facilities in Clay County continues to grow; and,

WHEREAS, traditional funding of transportation needs and the existing state and local option fuel taxes imposed in Clay County, Florida are insufficient to address the continuing transportation needs in Clay County, Florida; and

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the Board of County Commissioners by a supermajority vote to levy a 1-cent, 2-cent, 3-cent, 4-cent or 5-cent local option fuel tax upon every gallon of motor fuel sold in the County;

WHEREAS, the Board of County Commissioners finds that the imposition of a 1-cent, 2-cent, 3-cent, 4-cent and 5-cent local option fuel tax upon every gallon of motor fuel sold in the County will help meet the current and future cost of transportation needs in the County and that said levy is in the best interest of the health, safety and welfare of the citizens of Clay County, Florida;

WHEREAS, the Board of County Commissioners desires to levy a 1-cent, 2-cent, 3-cent, 4-cent and 5-cent local option fuel tax upon every gallon of motor fuel sold in the County for a period of 24 years duration pursuant to the authority of Section 336.025(1)(b), Florida Statutes;

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Definitions. As used in this ordinance and unless the context clearly requires otherwise, the following terms and phrases shall have the meanings herein ascribed:

(1) "Board" means the Board of County Commissioners of the County, a body consisting of five members under the provisions of Article II, Section 2.2.A of the Clay County Home Rule Charter.

(2) "County" means Clay County, Florida.

(3) "Fuel Tax" means the 1-cent, 2-cent, 3-cent, 4-cent or 5-cent local option fuel tax on motor fuel authorized under subsection (1)(b) of the Statute.

(4) "Municipality" means any of the municipal corporations organized and existing under the laws of the State of Florida that are located within the County and eligible under the Statute to receive proceeds of the Fuel Tax.

(5) "Statute" means Section 336.025(1)(b), Florida Statutes (2016).

Section 2. Imposition of levy. Under the authority of the Statute, the levy of all of the 1-cent, 2-cent, 3-cent, 4-cent and 5-cent Fuel Tax is imposed for a duration of 24 years to commence on January 1, 2018 and expire December 31, 2041.

Section 4. Adoption by supermajority. The approval of the tax levy herein is by the affirmative vote of ____ to ____ of the Board of the County.

Section 5. Distribution of proceeds. In the event an interlocal agreement between the County and one or more Municipalities representing a majority of the population of the incorporated area within the County regarding the distribution of the proceeds of the Fuel Tax levied pursuant to the Ordinance is not entered into pursuant to the authority of Section 336.025(1)(b)2. of the Statute, then the proceeds of the Fuel Tax shall be distributed throughout the duration of the levy pursuant to the provisions of Sections 336.025(1)(b)2. and 336.025(4)(a) of the Statute.

Section 6. Effective date. This ordinance shall become effective as prescribed by general Florida law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 28th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

By: _____

Wayne Bolla
Its Chairman

ATTEST:

S. C. Kopelousos, County Manager and
Clerk of the Board of County
Commissioners

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