

Summary of Ordinance

The purpose of this Ordinance is to provide for the levy of a five-cent local option fuel tax in Lake County with imposition to be a period of ten (10) years beginning on January 1, 2026. This Ordinance sets out the process to administer the fuel tax and provides for an amendment to Lake County Code, Chapter 13, Article II, entitled *Gas Taxes*, by way of adding a new section for the five-cent local option fuel tax.

Changes are shown as follows: Strikethrough for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

ORDINANCE NO. 2025 - ____

AN ORDINANCE OF BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, PROVIDING FOR THE LEVY OF A FIVE-CENT LOCAL OPTION FUEL TAX IN LAKE COUNTY; PROVIDING THAT THE IMPOSITION SHALL BE EFFECTIVE FOR A PERIOD OF TEN (10) YEARS BEGINNING JANUARY 1, 2026; PROVIDING FOR THE ADMINISTRATION OF THE FUEL TAX; PROVIDING FOR THE FUEL TAX PROCEEDS TO BE DISTRIBUTED AMONG LAKE COUNTY AND THE MUNICIPALITIES; PROVIDING FOR NOTIFICATION TO THE STATE OF FLORIDA, DEPARTMENT OF REVENUE; PROVIDING FOR AMENDMENTS TO LAKE COUNTY CODE, CHAPTER 13, ARTICLE II, ENTITLED *GAS TAXES*; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING A CONFLICT CLAUSE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 336.025(1)(b), Florida Statutes, allows the governing body of a county to impose, in addition to other taxes allowed by law, 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, Chapter 206, Florida Statutes (“Fuel Tax”); and

WHEREAS, Section 336.025(1)(b), Florida Statutes, provides that the Fuel Tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county; and

WHEREAS, proceeds from the Fuel Tax and any interest accrued thereto shall be used 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 expenditures that are critical for building comprehensive roadway networks by local governments; and

WHEREAS, Lake County and the municipalities within Lake County are in need of funding for transportation expenditures as authorized by Section 336.025, Florida Statutes; and

WHEREAS, a levy of a 5-cent local option fuel tax would help alleviate local transportation problems and would provide a benefit to the public health, safety and welfare.

Ordinance No. 2025-__ ; Local Option Fuel Tax (Five-Cent)

NOW THEREFORE be it ordained by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Five-Cent Local Option Fuel Tax. The Board of County Commissioners of Lake County, Florida, hereby levies and imposes within Lake County a five-cent local option fuel tax upon every gallon of motor fuel sold in Lake County, Florida, pursuant to Section 336.025(1)(b), Florida Statutes, for a period of ten (10) years.

Section 2. Term of Levy. The term of the levy shall remain in full force and effect for a period of ten (10) years, commencing on January 1, 2026, until December 31, 2035.

Section 3. Administration. The Fuel Tax levied hereunder shall be collected and administered pursuant to the terms of Section 206.41(1)(e), Florida Statutes, and such other laws as may be applicable.

Section 4. Distribution of Proceeds. The proceeds of the Fuel Tax levied hereby shall be distributed by the Florida Department of Revenue in accordance with Section 336.025(4), Florida Statutes, which provides for distribution among the County and the eligible municipalities based on transportation expenditures for the immediately preceding five (5) fiscal years and recalculated every ten (10) years thereafter. The Florida Department of Revenue shall administer the monthly distribution of tax proceeds from the Local Option Fuel Tax Trust Fund. Although the County has elected to rely on the statutory distribution formula at this time, nothing in this Ordinance shall preclude the County from entering into an interlocal agreement in the future with one or more municipalities, in accordance with Section 336.025(1)(b)2., Florida Statutes, to establish a different distribution formula for all or part of the proceeds.

Section 5. Use of Revenues. Pursuant to Section 336.025, Florida Statutes, and any other applicable law, proceeds of the Fuel Tax and any interest accrued thereto shall be expended by Lake County and the local municipalities 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. Further, 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.

Section 6. Notice of Passage. The Clerk of the Board of County Commissioners is directed to notify the State of Florida, Department of Revenue ("Department") immediately upon the passage of this Ordinance. Said notice shall include the time period during which the Fuel Tax will be in effect, a copy of this Ordinance, certified copy of the Interlocal Agreement, and such other information as the Department shall require by rule or in accordance with Section 336.025(5), Florida Statutes. In addition to the above referenced notice, the Clerk is directed in accordance with Section 336.025(5), Florida Statutes, to notify the Department by October 1st each year of the rate, any decision to rescind or change the rate of the tax, and such other information requested by the Department.

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Section 7. Amendment. Lake County Code, Chapter 13, Article II, entitled *Gas Taxes*, shall hereby be amended to add the following new section to read as follows. The inclusion of this new section shall be reflected in the table of contents of the Lake County Code.

ARTICLE II. GAS TAXES

* * *

Sec. 13-30. Five-Cent Fuel Tax imposed.

(a) Beginning January 1, 2026, and continuing for a period of ten (10) years until December 31, 2035, there shall be imposed, in addition to all other taxes allowed by law, a five-cent local option fuel tax upon every gallon of motor fuel sold in Lake County, Florida, and taxed under the provisions of Chapter 206, Florida Statutes.

(b) The tax shall be collected in the manner provided by Section 336.025(2), Florida Statutes.

(c) The proceeds of the tax shall be distributed among Lake County and eligible municipalities based on general law unless on or before June 1, an interlocal agreement providing for a different distribution formula is approved by the Board of County Commissioners and one or more municipalities located within the geographic boundaries of Lake County, Florida, representing a majority of the population of the incorporated area within Lake County, in which case the distribution shall be made in accordance with such interlocal agreement. Any interlocal agreement entered into shall comply with Section 336.025, Florida Statutes.

(d) In the absence of an interlocal agreement between the County and the municipalities, the proportions shall be recalculated every ten (10) years from the Effective Date of the enabling ordinance based upon the transportation expenditures of the immediately preceding five (5) fiscal years.

(e) The County Manager, or designee, is hereby directed to determine the percentage allocations provided in paragraph (c) and to provide copies to all municipalities within Lake County, and to the Florida Department of Revenue. The Clerk of the Board of County Commissioners shall provide a certified copy of this section to the Florida Department of Revenue upon passage. Any dispute as to the determination of distribution proportions shall be resolved as provided in Section 336.025(5)(b), Florida Statutes.

(f) Proceeds of the tax shall be used by Lake County and eligible municipalities only for transportation expenses as defined in Section 336.025, Florida Statutes.

(g) The provisions of this section shall not affect any distribution of prior allocations of the two-cent, three-cent, four-cent, five-cent, or six-cent local option gas tax.

Secs. 13-~~30~~1—13-45. Reserved.

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Section 8. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 9. Severability. If any section, sentence, clause, or phrase or word of this Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance; and it shall be construed to have been the Commissioners' intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

Section 10. Filing with the Department of State. The Clerk shall be and is hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 11. Effective Date. This Ordinance shall take effect immediately upon being filed with the Department of State, State of Florida, and as provided by Florida law.

Enacted this _____ day of _____, 2025.

Filed with the Secretary of State _____, 2025.

ATTEST: BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Gary J. Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

Leslie Campione, Chairman

This _____ day of _____, 2025.

Approved as to form and legality:

Melanie Marsh, County Attorney