

ORDINANCE NO. 05- 96

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING SECTION 118-137 OF THE PINELLAS COUNTY CODE RELATING TO THE USE OF THE SIX-CENT LOCAL OPTION FUEL TAX; ADDING SECTION 118-138 OF THE PINELLAS COUNTY CODE PROVIDING FOR THE EXTENSION OF THE LEVY OF THE SIX-CENT LOCAL OPTION FUEL TAX; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

2005 DEC 27 AM 9:31
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes in addition to other taxes allowed by law, the imposition of a local option fuel tax of up to six cents (6¢) upon every gallon of motor and diesel fuel sold in a county and taxed under the provisions of Chapter 206, Florida Statutes, and further provides

WHEREAS, on June 18, 1985, the County levied and imposed a four cent (\$0.04) per gallon local option fuel tax by Ordinance No. 85-14, effective from September 1, 1985 through and including August 31, 1995; thereafter, the County increased the local option fuel tax rate from four cents (\$0.04) to six cents (\$0.06) for the period from September 1, 1987 through August 31, 1995, and additionally imposed the six cents (\$0.06) local option fuel tax from September 1, 1995 until August 31, 1997 by Ordinance No. 87-46; and extended the six cents (\$0.06) local option fuel tax for a period of ten (10) years from September 1, 1997 through August 31, 2007 by Ordinance No. 93-64 (the six cents levy hereinafter sometimes referred to as the "Local Option Fuel Tax").

WHEREAS, there exists a need within Pinellas County for additional funds to be used for transportation expenditures permitted by Section 336.025(7), Florida Statutes; and

WHEREAS, the Board now desires to extend the Local Option Fuel Tax for a period of ten (10) years commencing on September 1, 2007 and ending on August 31, 2017; and

WHEREAS, the County and municipalities representing a majority of the population of the incorporated area of Pinellas County have entered into an interlocal agreement pursuant to which a distribution formula has been established for the division of the proceeds of the First Local Option Fuel Tax through August 31, 2017.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this 20 day of December, 2005 that:

SECTION 1. Section 118-137 of the Pinellas County Code is hereby amended to read as follows:

Sec. 118-137. Use of proceeds.

The county's and cities' shares of the proceeds of the tax shall only be used for transportation expenditures as defined by Section 336.025(7), Florida Statutes.

SECTION 2. Section 118-138 of the Pinellas County Code is hereby added to read as follows:

Sec. 118-138. Extension of the Local Option Fuel Tax.

The six cent (\$0.06) Local Option Fuel Tax levied pursuant to Section 336.025(1)(a), Florida Statutes, upon every gallon of motor and diesel fuel sold in Pinellas County and taxed pursuant to Chapter 206, Florida Statutes, as provided in section 118-131, is hereby levied and imposed for the period commencing September 1, 2007 and ending at midnight August 31, 2017.

SECTION 3. Prior Pledge of Local Option Fuel Tax Proceeds Unaffected Hereby.

Nothing in this Ordinance shall under any circumstances materially or adversely affect the rights of holders of any bonds or other such debt which have pledged as security therefore, and the Local Option Fuel Tax, and the covenants regarding such pledge itself shall not be affected hereunder.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 5. Codification.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.

SECTION 6. Filing Of Ordinance.

Pursuant to §125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State. Additionally, pursuant to §336.025(5)(a), Florida Statutes, a certified copy of this Ordinance shall be furnished to the Department of Revenue by the Clerk of the Board of County Commissioners within ten (10) days after the enactment, with the notification of the extension of levy of the Local Option Fuel Tax.

Commissioner Latvala offered the foregoing Ordinance and moved its adoption, which was seconded by Commissioner Welch, and upon roll call the vote was:

7 AYES Morrioni, Welch, Stewart, Harris, Seel, Latvala, and Duncan.
0 NAYES
0 ABSENT AND NOT VOTING

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By *[Handwritten Signature]* Attorney

STATE OF FLORIDA
COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-Officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on December 20, 2005 relative to:

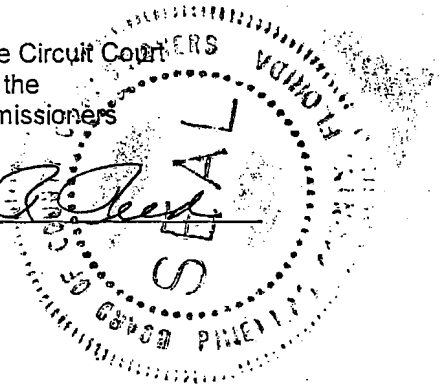
ORDINANCE NO. 05- 96

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IN WITNESS WHEREOF, I hereunto set my hand and official seal this 23 day of December, 2005.

Ken Burke, Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By: *Linda R. [Signature]*
Deputy Clerk



STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on December 20, 2005 relative to:

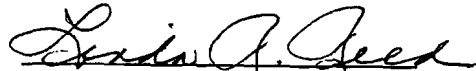
ORDINANCE NO. 05- 96

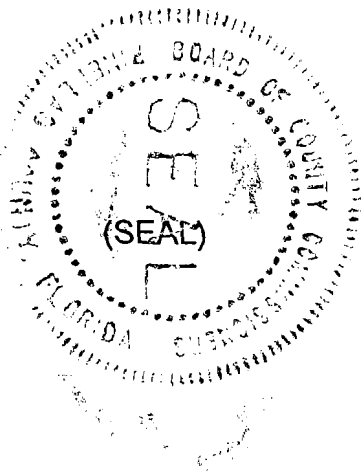
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IN WITNESS WHEREOF, I hereunto set my hand and official seal this December 23, 2005.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:


Linda R. Reed, Deputy Clerk





FLORIDA DEPARTMENT OF STATE
David E. Mann
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

December 28, 2005

Honorable Ken Burke
Clerk of Board of County Commissioners
Pinellas County
315 Court Street
Clearwater, Florida 33756

Attention: Linda R. Reed, Deputy Clerk

Dear Mr. Burke:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 23, 2005 and certified copies of Pinellas County Ordinance Nos. 05-92 through 05-96, which were filed in this office on December 27, 2005.

As requested, the date stamped copies are being returned for your records and a copy of this letter has been faxed to (727)464-4716.

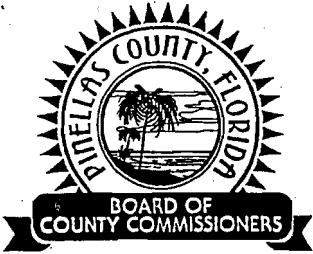
Sincerely,

Liz Cloud
Program Administrator

LC/kcs

Enclosures

RECEIVED
BOARD OF
COUNTY COMMISSIONERS
PINELLAS COUNTY, FL
JAN 9 11 27 AM '06



BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA

315 COURT STREET
CLEARWATER, FL 33756

KEN BURKE

CLERK OF BOARD OF COUNTY COMMISSIONERS
CLERK OF WATER AND NAVIGATION CONTROL AUTHORITY
COUNTY AUDITOR AND TREASURER

December 23, 2005

Liz Cloud, Chief
Bureau of Administrative Code
Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250
Attn: Karlyn Solis

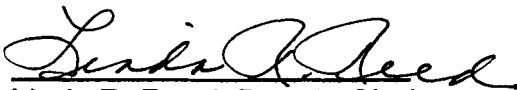
Dear Mrs. Cloud:

Enclosed herewith are certified copies of Ordinances Nos. 05-92 through 05-96 adopted by the Pinellas County Board of County Commissioners at its meeting held on December 20, 2005.

Please return one receipted copy of the Ordinances to Linda R. Reed, Deputy Clerk, Board Records Department, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida 33756.

Very truly yours,

KEN BURKE, CLERK

By: 
Linda R. Reed, Deputy Clerk

LRR/dlb

Enclosures

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS)
CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: <u>(Pinellas)</u>	COUNTY ORDINANCE # <u>(05-96)</u>
PRIMARY KEYFIELD DESCRIPTION: <u>(Code/Regulations)</u>	
SECONDARY KEYFIELD DESCRIPTION: <u>()</u>	
OTHER KEYFIELD DESCRIPTION: <u>()</u>	
ORDINANCE DESCRIPTION: <u>(Six-Cent Local Option Fuel Tax)</u>	
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: <u>()</u>	AMENDMENT # 2: <u>()</u>
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: <u>()</u>	REPEAL # 3: <u>()</u>
REPEAL # 2: <u>()</u>	REPEAL # 4: <u>()</u>
(Others repealed: List all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: <u>()</u>
KEYFIELD 1 CODE: <u>()</u>	KEYFIELD 2 CODE: <u>()</u>
KEYFIELD 3 CODE: <u>()</u>	REV. 4/10/01