

AN ORDINANCE TO LEVY AND IMPOSE IN ADDITION TO OTHER TAXES ALLOWED BY LAW AN ADDITIONAL TWO CENT (2¢) LOCAL GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES, FOR THE PERIOD FROM SEPTEMBER 1, 1987, THROUGH AUGUST 31, 1995, AND A SIX CENT (6¢) LOCAL GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES, FOR THE PERIOD FROM SEPTEMBER 1, 1995, UNTIL AUGUST 31, 1997; PROVIDING THAT HOLDERS OF THE OUTSTANDING COUNTYWIDE TRANSPORTATION IMPROVEMENT REVENUE BONDS, SERIES 1985, WILL NOT BE AFFECTED BY THIS ORDINANCE; PROVIDING THAT THE AMOUNTS PLEDGED AND PAYABLE BY COUNTY GOVERNMENT AND EACH MUNICIPALITY SHALL NOT BE REDUCED; PROVIDING THAT THE EXPENDITURE OF TAX REVENUES RECEIVED PURSUANT TO SAID LEVY SHALL BE LIMITED TO TRANSPORTATION EXPENDITURES AUTHORIZED BY SECTION 336.025(7), FLORIDA STATUTES, AS AMENDED; PROVIDING FOR THE COLLECTION AND DISTRIBUTION OF THE TAX BY THE STATE; PROVIDING FOR A DISTRIBUTION FORMULA FOR DIVIDING THE PROCEEDS FROM THE TAX AMONG THE COUNTY GOVERNMENT AND ALL ELIGIBLE MUNICIPALITIES WITHIN THE COUNTY PURSUANT TO AN INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND MUNICIPALITIES REPRESENTING A MAJORITY OF THE POPULATION OF THE INCORPORATED AREA WITHIN PINELLAS COUNTY; PROVIDING AUTHORITY TO PLEDGE THE TAX PROCEEDS TO SECURE AND LIQUIDATE REVENUE BONDS OR IMPLEMENT AND ADMINISTER SIMILAR PROGRAMS FOR THE PURPOSE OF MAKING FUNDS AVAILABLE FOR USE PRIOR TO COLLECTION OF ALL TAX REVENUE CONTEMPLATED HEREIN; PROVIDING FOR USE OF THE PROCEEDS OF THE TAX TO CONSTRUCT PROJECTS CONTAINED ON THE METROPOLITAN PLANNING ORGANIZATION'S ADOPTED YEAR 2010 LONG-RANGE PLAN CONSISTENT WITH ITS TRANSPORTATION IMPROVEMENT PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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

WHEREAS, that Section also provides that this tax may be extended or the tax rate per gallon changed in the manner set forth; and

WHEREAS, the Pinellas County Board of County Commissioners

has on June 18, 1985, levied and imposed a four cent (4¢) per gallon local option gas tax (the "original local option gas tax") by Ordinance No. 85-14, pursuant to Section 336.025, Florida Statutes, effective September 1, 1985, for a period of ten (10) years; and

WHEREAS, the Pinellas County Board of County Commissioners has in accordance with that Ordinance established an Interlocal Agreement dated June 18, 1985, determining the method of distribution of this revenue, which Agreement expires on August 31, 1990; and

WHEREAS, the Pinellas County Board of County Commissioners did pledge the first five (5) years of the original local option gas tax and certain non-ad valorem tax receipts to issue Countywide Transportation Improvement Revenue Bonds, Series 1985, in the principal amount of \$63,750,000; and

WHEREAS, proceeds of said outstanding Countywide Transportation Improvement Revenue Bonds, Series 1985, were appropriated for the Countywide projects and amounts have been disbursed to the municipalities according to method of distribution established by Interlocal Agreement; and

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

WHEREAS, the Pinellas County Board of County Commissioners wishes to extend the tax period and change the tax rate per gallon, imposing an additional two cents (2¢) tax for the period from September 1, 1987, through August 31, 1995, and imposing a six cent (6¢) tax from September 1, 1995 until August 31, 1997 (the "additional local option gas tax"); and

WHEREAS, the Pinellas County Board of County Commissioners has on May 19, 1987, established by Interlocal Agreement with one or more of the municipalities located therein representing a majority of the population of the incorporated area within the County a distribution formula for dividing the entire revenues of the additional local option gas tax among the County government

and all eligible municipalities within the County, less annual debt service requirements of the outstanding Countywide Transportation Improvement Revenue Bonds, Series 1985.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA:

Section 1. Pursuant to the authority of Section 336.025, Florida Statutes, and other applicable law, there is hereby levied and imposed in addition to other taxes allowed by law, an additional two cent (2¢) local gas tax upon every gallon of motor fuel sold in Pinellas County and taxed under the provisions of Chapter 206, Florida Statutes, for the period from September 1, 1987, through August 31, 1995, and a six cent (6¢) local gas tax upon every gallon of motor fuel sold in Pinellas County and taxed under the provisions of Chapter 206, Florida Statutes, for the period from September 1, 1995, until August 31, 1997.

Section 2. This Ordinance shall under no circumstances materially or adversely affect the rights of holders of the outstanding Countywide Transportation Revenue Bonds, Series 1985, which are payable from taxes authorized by Section 336.025, Florida Statutes, and Pinellas County Ordinance No. 85-14. The amounts pledged and payable by the County shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolutions outstanding on the date of establishment of the new Interlocal Agreement.

Section 3. The proceeds of the additional local option gas taxes imposed by this Ordinance or from any revenue bonds to be issued thereunder shall be utilized only for transportation expenditures authorized by Section 336.025(7), Florida Statutes, as amended.

Section 4. The tax imposed by this Ordinance shall be collected by the State of Florida Department of Revenue in the manner prescribed by Section 336.025, Florida Statutes, and distributed monthly to the Board of County Commissioners of Pinellas County, Florida, for disbursement in accordance with the

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distribution formula established by the Interlocal Agreements between Pinellas County and municipalities located within Pinellas County representing a majority of the population of the incorporated area of the County executed for this purpose.

Section 5. Only those municipalities eligible for participation in the distribution of monies under Parts II and VI of Chapter 218, Florida Statutes, are eligible to receive proceeds of the tax imposed by this Ordinance. Any funds otherwise undistributed because of ineligibility shall be distributed to the County and eligible municipalities within the County in proportion to other proceeds distributed pursuant to the provisions of Section 4 of this Ordinance.

Section 6. The revenues derived by the tax hereby levied and imposed may, after disbursement in accordance with the distribution formula established by Interlocal Agreement, and to the extent permitted by law, be pledged by the Board of County Commissioners to secure, release certain previously pledged County non-ad valorem tax receipts, and liquidate revenue bonds during the life of such bonds that may be or have been issued by the County for the purposes set forth by this Ordinance or Ordinance No. 85-14 and the Interlocal Agreements and any amendments thereto referenced herein. The Board of County Commissioners is also authorized to develop, implement and administer any other program or financial agreement in accordance with applicable law to provide for the availability of funds for disbursement or pledge of funds in accordance with the provisions of Section 4 of this Ordinance prior to the collection of all tax revenues to be received pursuant to this Ordinance.

Section 7. The County's and cities' shares of the proceeds of the tax shall be used to construct projects contained on the Metropolitan Planning Organization's Adopted Year 2010 Long-Range Plan consistent with project scheduling and priorities as adopted by the Metropolitan Planning Organization as part of its five-year Transportation Improvement Program pursuant to Section 339.175, Florida Statutes (1985).

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Section 8. It is declared to be the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

Section 9. This Ordinance shall become effective upon acknowledgment from the Secretary of State that this Ordinance has been duly filed.

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

AYES: Greer, Chesnut, Rainey, Tyndall and Todd.

NAYS: None.

ABSENT AND NOT VOTING: None.

Ord. 87-46/5

0267R

STATE OF FLORIDA
COUNTY OF PINELLAS

I, KARLEEN F. De BLAKER, 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 June 30, 1987 relative to:

PINELLAS COUNTY ORDINANCE 87-46

AN ORDINANCE TO LEVY AND IMPOSE IN ADDITION TO OTHER TAXES ALLOWED BY LAW AN ADDITIONAL TWO CENT (2¢) LOCAL GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES, FOR THE PERIOD FROM SEPTEMBER 1, 1987, THROUGH AUGUST 31, 1995, AND A SIX CENT (6¢) LOCAL GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES, FOR THE PERIOD FROM SEPTEMBER 1, 1995, UNTIL AUGUST 31, 1997; PROVIDING THAT HOLDERS OF THE OUTSTANDING COUNTYWIDE TRANSPORTATION IMPROVEMENT REVENUE BONDS, SERIES 1985, WILL NOT BE AFFECTED BY THIS ORDINANCE; PROVIDING THAT THE AMOUNTS PLEDGED AND PAYABLE BY COUNTY GOVERNMENT AND EACH MUNICIPALITY SHALL NOT BE REDUCED; PROVIDING THAT THE EXPENDITURE OF TAX REVENUES RECEIVED PURSUANT TO SAID LEVY SHALL BE LIMITED TO TRANSPORTATION EXPENDITURES AUTHORIZED BY SECTION 336.025(7), FLORIDA STATUTES, AS AMENDED; PROVIDING FOR THE COLLECTION AND DISTRIBUTION OF THE TAX BY THE STATE; PROVIDING FOR A DISTRIBUTION FORMULA FOR DIVIDING THE PROCEEDS FROM THE TAX AMONG THE COUNTY GOVERNMENT AND ALL ELIGIBLE MUNICIPALITIES WITHIN THE COUNTY PURSUANT TO AN INTERLOCAL AGREEMENT BETWEEN PINELLAS COUNTY AND MUNICIPALITIES REPRESENTING A MAJORITY OF THE POPULATION OF THE INCORPORATED AREA WITHIN PINELLAS COUNTY; PROVIDING AUTHORITY TO PLEDGE THE TAX PROCEEDS TO SECURE AND LIQUIDATE REVENUE BONDS OR IMPLEMENT AND ADMINISTER SIMILAR PROGRAMS FOR THE PURPOSE OF MAKING FUNDS AVAILABLE FOR USE PRIOR TO COLLECTION OF ALL TAX REVENUE CONTEMPLATED HEREIN; PROVIDING FOR USE OF THE PROCEEDS OF THE TAX TO CONSTRUCT PROJECTS CONTAINED ON THE METROPOLITAN PLANNING ORGANIZATION'S ADOPTED YEAR 2010 LONG-RANGE PLAN CONSISTENT WITH ITS TRANSPORTATION IMPROVEMENT PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

87 JUN 30 PM 1:56

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IN WITNESS WHEREOF, I hereunto set my hand and official seal
this 30th day of June, 1987.

KARLEEN F. De BLAKER
Clerk of the Circuit Court
and Ex-Officio Clerk to the
Board of County Commissioners

By G. K. West
Deputy Clerk

(Seal)

0267R

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FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

Dorothy W. Joyce
Deputy Secretary For Elections
1802-E The Capitol

June 30, 1987

Honorable Karleen F. De Blaker
Clerk of Circuit Court
Pinellas County Courthouse
315 Court Street
Clearwater, Florida 33516

Attention; G. K. West, Deputy Clerk

Dear Ms. De Blaker:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of June 30, 1987
and certified copy/ies of Pinellas
County Ordinance(s) No. 87-46
Hand Delivered
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/~~these~~ ordinances in this office
on June 30, 1987.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Cordially,

Liz Cloud
(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/
mb
Enclosures

DIVISION OF ELECTIONS, Room 1801, The Capitol, Tallahassee, Florida 32301