

ORDINANCE NO. 85-14

AN ORDINANCE TO LEVY AND IMPOSE A FOUR (4) CENT LOCAL OPTION GAS TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN PINELLAS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES; PROVIDING FOR THE IMPOSITION OF SAID TAX FOR A PERIOD NOT TO EXCEED TEN (10) YEARS FROM THE EFFECTIVE DATE THEREOF; PROVIDING THAT THE EXPENDITURE OF THE TAX REVENUES RECEIVED PURSUANT TO SAID LEVY SHALL BE LIMITED TO TRANSPORTATION EXPENDITURES ONLY, AS DEFINED BY STATE LAW; PROVIDING FOR THE COLLECTION AND DISTRIBUTION OF THE TAX BY THE STATE; PROVIDING FOR A DISTRIBUTION FORMULA FOR DIVIDING THE PROCEEDS OF 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 REVENUES CONTEMPLATED HEREIN; PROVIDING FOR CERTAIN COUNTY PROJECTS; PROVIDING FOR COUNTY APPROVAL OF CHANGES TO THE LOCAL OPTION GAS TAX USE PLAN REFERENCED IN THE INTERLOCAL AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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 four cents (4¢) upon every gallon of motor fuel sold in a county and taxed under the provisions of Chapter 206, Florida Statutes; and

WHEREAS, there exists a need within Pinellas County for additional funds to be used for transportation expenditures permitted by law; and

WHEREAS, the Board of County Commissioners has, prior to July 1, 1985, established by Interlocal Agreement with municipalities located within the county, representing a majority of the population of the incorporated area therein, a distribution formula for dividing the proceeds of the tax among the county government and all eligible municipalities within the county.

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, a four (4) cent local option 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 specified in Section 2 of this ordinance.

SECTION 2. The local option gas tax created by this ordinance shall be imposed effective September 1, 1985, for a period of ten years.

SECTION 3. The proceeds of the local option gas tax imposed by this ordinance shall be utilized only for transportation expenditures authorized by Section 336.025, Florida Statutes.

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 for disbursement in accordance with the distribution formula established by the Interlocal Agreement 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. Prior to the disbursement of proceeds each eligible municipality shall submit to the Board of County Commissioners a list of proposed projects for the period commencing September 1, 1990.

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. All of the proceeds derived by the tax hereby levied and imposed shall, to the extent permitted by law, be pledged by the Board of County Commissioners to secure and liquidate revenue bonds issued by the county for the purposes set forth in this ordinance and the Interlocal Agreement, and any amendments thereto, referenced herein. The Board of County Commissioners is also authorized to develop, implement, and administer any other program or financial arrangement in accordance with applicable law to provide for the availability of funds for disbursement 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 share of the proceeds of the tax shall be used to construct projects including, but not limited to, the following:

- a) Belcher Corridor
 - 1. 54th Avenue North to 38th Avenue North;
 - 2. 38th Avenue North to Tyrone Boulevard;
 - 3. Curlew Road to State Road 584;
- b) McMullen - Booth Corridor
 - 1. Main Street to State Road 580;
- c) 49th Street Corridor
 - 1. Ulmerton Road to Roosevelt Road.

SECTION 8. Projects referenced in the Local Option Gas Tax Use Plan attached as appendix A to the Interlocal Agreement referenced in Section 4 of this ordinance, may not be changed or deleted, nor may different projects be substituted or added, except with the express written consent, in advance, by an affirmative vote by a majority plus one additional member, of the Board of County Commissioners.

SECTION 9. 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 10. This ordinance shall become effective upon acknowledgment from the Secretary of State that the ordinance has been duly filed.

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APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By Van B. Cook
Attorney