

ORDINANCE NO. 17-XXX

AN ORDINANCE AMENDING CHAPTER 42 "TAXATION" OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA, AMENDING SECTION 42-192(b), "LEVY OF LOCAL OPTION FUEL TAX", TO DELETE REFERENCE TO "ALTERNATE METHODS OF TRANSPORTATION"; PROVIDING FOR SEVERABILITY AND APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE AND DEPARTMENT OF REVENUE; PROVIDING FOR AN EFFECTIVE DATE, ADOPTION AND CODIFICATION

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. This Board has previously adopted the six cent (\$0.06) local option tax upon every gallon of motor fuel and diesel fuel sold in St. Lucie County pursuant to Section 336.025(1)(a), Florida Statutes and a five cent (\$0.05) local option tax upon every gallon of motor fuel sold in St. Lucie County pursuant to Section 336.025(1)(b), Florida Statutes. The levy of these taxes is scheduled to expire on December 31, 2019.

2. The State of Florida Department of Revenue has requested that the County delete the reference in Section 42-192(b) to "alternative methods of transportation" as that term is not included in the applicable statute.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. ARTICLE V (GAS TAXES) OF CHAPTER 42 (TAXATION) IS HEREBY AMENDED TO READ:

Section 42-192 LEVY OF LOCAL OPTION MOTOR FUEL TAX

(a) Pursuant to Florida Statute, Section 336.025(1)(a), a \$0.06 local option motor fuel tax is reauthorized and imposed upon every gallon of motor fuel and diesel fuel sold in the county, and taxed under the provisions of Florida Statutes Chapter 206. The revenues received pursuant to the tax levied pursuant to this paragraph (a) shall only be utilized for transportation expenditures as defined in Section 336.025, Florida Statutes.

(b) Pursuant to Florida Statutes, Section 336.025(1)(b), Florida Statutes, \$0.05 local option motor fuel tax is reauthorized and imposed upon every gallon of motor fuel sold in the county and taxed under the provisions of Florida Statutes Chapter 206, Part 1. The revenues received from the additional \$0.05 local option motor fuel tax may only be utilized for

transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan. For purposes of this subsection, expenditures for the construction of new roads, ~~alternative methods of transportation~~, or reconstruction or resurfacing of existing paved roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of the adopted comprehensive plan. Expenditures for purposes of this subsection shall not include routine maintenance of roads.

PART B. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portion of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART C. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administration Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART D. FILING WITH THE DEPARTMENT OF REVENUE.

The County Attorney is hereby directed forthwith to send a certified copy of this ordinance to the Florida Department of Revenue, 201 Carlton Building, Tallahassee, Florida, 32301.

PART E. EFFECTIVE DATE.

This ordinance shall take effect upon receipt of official acknowledgment from the Office of the Secretary of State that this ordinance has been filed in that office.

PART E. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Chris Dzadovsky, Chairman	XXX
Tod Mowery, Vice Chairman	XXX
Commissioner Linda Bartz	XXX
Commissioner Frannie Hutchinson	XXX
Commissioner Cathy Townsend	XXX

PART E. CODIFICATION.

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intentions; provided, however, that parts B through E shall not be codified.

PASSED AND DULY ADOPTED this ____ day of _____, 2017.

ATTEST:

Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

BY: _____
Chairman

**APPROVED AS TO FORM AND
CORRECTNESS:**

BY: _____
County Attorney