

FILED

MAY 28 1 00 PM '97

**ORDINANCE 97-10**

**AN ORDINANCE LEVYING A TWO CENT LOCAL OPTION FUEL TAX ON ALL MOTOR FUEL SOLD IN HERNANDO COUNTY AND TAXED UNDER THE PROVISIONS OF PART I OF CHAPTER 206 AND SECTION 336.025(1)(b) OF THE FLORIDA STATUTES; PROVIDING FOR USES OF THE FUEL TAX; PROVIDING FOR DISTRIBUTION; PROVIDING FOR AUTHORITY; PROVIDING FOR AN EFFECTIVE PERIOD; PROVIDING FOR USE AS COLLATERAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN INTERLOCAL AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE;**

WHEREAS, Florida Statutes permit counties to levy a one (1), two (2), three (3), four (4), or five (5) cent local option fuel tax upon every gallon of motor fuel sold in the County; and

WHEREAS, Florida Statutes further provide that this fuel tax may be used for transportation expenditures needed to meet the requirements of the capital improvement elements of an adopted comprehensive plan; and

WHEREAS, Board of County Commissioners of Hernando County have made a determination that certain roads and street in the county are in need of maintenance and reconstruction and that it is in the best interest of the citizens of Hernando County that this motor fuel tax be enacted.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

**SECTION I INTENT**

The Board of County Commissioners shall utilize the funds generated by the imposition of two (2) cents of the local option fuel tax permitted under Section 336.025 (1)(b) of the Florida Statutes for the purposes of transportation expenditures needed to meet the requirements of the capital improvement elements of an adopted comprehensive plan and for any other uses allowed by law during the period that this ordinance is in effect.

**SECTION II PROVISIONS**

The provisions of this ordinance are authorized by Section 336.025 (1)(b) and Part I of 206 (Fla.Stat. 1996).

**SECTION III DISPOSITION OF PROCEEDS**

The entire proceeds of the fuel tax collected herein shall be distributed to Hernando County and the incorporated municipalities located therein by interlocal agreement.

**SECTION IV. MOTOR FUEL TAX IMPOSED**

There is hereby imposed a two cent (\$.02) fuel tax upon every gallon of motor fuel sold in Hernando County and taxed under the provision of Part I of Chapter 206 and as authorized by §336.025 (1)(b) (Fla. Stat. 1996).

**SECTION V. EFFECTIVE PERIOD**

The tax hereby imposed by this ordinance shall be effective from January 1, 1998 through December 31, 2002 inclusive.

**SECTION VI USE AS COLLATERAL**

Hernando County may wish to use the proceeds of the tax imposed herein for the purpose of collateral or pledge. For periods which do not exceed five years, this shall be done by simple resolution of the Board of County Commissioners. For periods which exceed five years this shall be done by resolution of the Board of County Commissioners, but only after a duly advertised public hearing.

**SECTION VII INTERLOCAL AGREEMENT**

The County will provide pursuant to an Interlocal agreement with the municipalities in Hernando County for the distribution of the proceeds collected from the imposition of this fuel tax.

**SECTION VIII ENACTMENT**

This ordinance shall be enacted upon the affirmative vote of not less than a majority-plus-one of the members of the Hernando County Board of County Commissioners.

**SECTION IX SEVERABILITY**

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 unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

**SECTION X EFFECTIVE DATE**

This ordinance shall take effect upon filing with the Department of State .

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS** by a vote of 5 to 0 in Regular Session this 20th day of May, 1997.



(SEAL)

Attest:

*Karen Nicolai*  
KAREN NICOLAI  
Clerk

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

By: *Ray Lossing*  
RAY LOSSING  
Chairman