

Ordinance No. 2019-19

An ordinance of the Board of County Commissioners of Osceola County, Florida, levying a one percent charter county transportation sales surtax for the purpose of funding transportation facilities and services in Osceola County, subject to referendum approval by a majority of the electorate of Osceola County; creating a trust fund for proceeds of the transportation sales surtax; providing for use of the proceeds; calling for a special referendum election to take place on May 21, 2019; providing a ballot title and summary of the proposed referendum question; directing notice of the special election; providing for notice to the department of revenue; providing for severability; providing effective dates.

WHEREAS, the development, construction and operation of additional transportation facilities and services will ensure that Osceola County (the "County") continues to be a premier place to live, attractive as a location for existing employment, an ideal location for new targeted employment opportunities, and a leading destination for existing and developing tourism opportunities; and

WHEREAS, section 212.055(1), Florida Statutes, authorizes the governing body of each charter county to levy a transportation system sales surtax (the "Transportation Sales Surtax") of up to one percent, subject to approval by a majority vote of the electorate of the County; and

WHEREAS, the County has adopted a home rule charter and the Board desires to enact this Ordinance to provide for the levy of, and referendum on, a one percent Transportation Sales Surtax in accordance with section 212.055(1), Florida Statutes, which action is in the best interest of the County and serves both a county purpose and a public purpose; and

WHEREAS, a dedicated local revenue source, such as the Transportation Sales Surtax, is essential to funding the development, construction and operation of additional transportation facilities and services in the County, which will insure the health, safety and welfare of the citizens; and

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

SECTION 1. TRANSPORTATION SALES SURTAX LEVY.

(A) In accordance with sections 212.054 and 212.055(1), Florida Statutes, and subject to approval of a majority of the electors of Osceola County voting in a special referendum election conducted pursuant to Section 4 hereof, there shall be levied and imposed throughout the incorporated and unincorporated areas of Osceola County, Florida, a one percent Transportation Sales Surtax, as authorized by section 212.055(1), Florida Statutes, on all transactions taxable pursuant to section 212.054, Florida Statutes, occurring in Osceola County, Florida.

(B) The Transportation Sales Surtax shall be effective commencing January 1, 2020, and shall remain in effect until December 31, 2049.

(C) The Transportation Sales Surtax shall be levied and imposed in accordance with section 212.054, Florida Statutes, and the rules promulgated by the Florida Department of Revenue.

SECTION 2. CREATION OF TRUST FUND. The Board hereby establishes a trust fund to be known as the "Transportation Sales Surtax Trust Fund" (the "Trust Fund"), into which all revenues generated from the levy of the Transportation Sales Surtax shall be deposited. Monies on deposit in the Trust Fund shall be restricted for the purposes described in this Ordinance.

SECTION 3. USE OF TRANSPORTATION SALES SURTAX PROCEEDS. Proceeds of the Transportation Sales Surtax shall be used for the purpose of funding transportation facilities and services in the incorporated and unincorporated areas of the County permitted by section 212.055(1), Florida Statutes, as amended from time to time.

SECTION 4. CONDUCT OF SPECIAL ELECTION. The Board hereby calls a special election and directs the Osceola County Supervisor of Elections to conduct such special election for submission of a referendum question to the electors of Osceola County to determine whether a majority of electors of the County voting in the special election are in favor of the levy of the Transportation Sales Surtax. Such special election shall be scheduled to take place on May 21, 2019, as approved by the Osceola County Supervisor of Elections. Reasonable costs associated with conducting the special election shall be paid by the Board.

SECTION 5. REFERENDUM.

(A) The proposed levy of the Transportation Sales Surtax shall be presented to the Osceola County electorate by placing the question of whether to approve the same on the ballot at the referendum called pursuant to Section 4 hereof.

(B) The question on the ballot shall be in substantially the following form:

Should transportation facilities and services be funded throughout Osceola County, including projects that improve roads and bridges, expand public transit options, fix potholes, enhance bus services, relieve rush hour bottlenecks, improve intersections, and make walking and biking safer by levying a one-cent sales surtax for 30 years?

_____ FOR the one-cent sales surtax

_____ AGAINST the one-cent sales surtax

(C) Notice of the referendum shall be published in a newspaper of general circulation in the County, at least twice, once in the fifth week and once in the third week prior to the week in which the referendum is held, the date of first publication in said newspaper to be at least thirty (30) days before said referendum, in the manner provided in section 100.342, Florida Statutes.

(D) The Clerk of the Board of County Commissioners shall provide, on behalf of the Board, the notices to the Florida Department of Revenue required by section 212.054(7)(a) and (b), Florida Statutes.

SECTION 6. SEVERABILITY. It is declared to be the intent of the Board that if any section, subsection, sentence, clause or provision of this Ordinance be held invalid by a court of competent jurisdiction, it shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 7. EFFECTIVE DATES.

(A) A certified copy of this ordinance shall be electronically filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment. This ordinance shall take effect immediately upon filing with the Florida Department of State.

(B) The levy of the Transportation Sales Surtax proposed by this Ordinance shall become effective January 1, 2020, only if approved by a "For" vote by a majority of those voting on the question posed at the May 21, 2019 referendum. If a majority of those voting on the question posed do not vote "For", the proposed levy shall not be authorized and this Ordinance shall be of no further force and effect.

DULY ENACTED this 18th day of February, 2019.

**BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA**

By: _____
Chair/Vice Chair

(SEAL)

**ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD**

By: _____
Deputy Clerk of the Board
As authorized for execution at the Board of
County Commissioners meeting of: