

ORDINANCE NO. 2022 - 32

AN ORDINANCE AMENDING COLLIER COUNTY ORDINANCE NO. 2003-34, ALSO CITED AS THE CODE OF LAWS AND ORDINANCES OF COLLIER COUNTY SECTION 126-30, PURSUANT TO SECTION 336.021, FLORIDA STATUTES, PROVIDING FOR THE REIMPOSITION OF THE NINTH CENT FUEL TAX UPON EVERY GALLON OF MOTOR FUEL AND DIESEL FUEL SOLD IN COLLIER COUNTY UPON ITS EXPIRATION ON DECEMBER 31, 2025, EFFECTIVE JANUARY 1, 2026, UP TO AND INCLUDING DECEMBER 31, 2055, WHICH IS TAXED UNDER CHAPTER 206, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 336.021, Florida Statutes, provides for the levy of the additional Ninth Cent Fuel Tax upon every gallon of motor fuel and special fuel sold in a county and taxed under the provisions of Chapter 206, Florida Statutes; and

WHEREAS, the levy of this additional one cent (\$.01) fuel tax was originally approved by a vote of the electorate by a referendum held on March 11, 1980; and

WHEREAS, a Resolution providing for the levy of the Ninth Cent Fuel Tax was approved by the Board of County Commissioners effective June 1, 1980; and

WHEREAS, on June 3, 1980, Collier County enacted Ordinance No. 80-50 providing for the levy of the Ninth Cent Fuel Tax with a 30 year expiration as set forth in the above-referenced referendum; and

WHEREAS, on March 11, 2003, the Board of County Commissioners approved, by extraordinary vote, extending the levy of the Ninth Cent Fuel Tax through and including December 31, 2025; and

WHEREAS, Collier County has identified through its current five-year Transportation Capital Improvement Element ("CIE") plan that there is a projected shortfall in excess of \$200 million to undertake needed County transportation road projects; and

WHEREAS, Collier County's approved Transportation CIE plan is predicated on bonding available fuel tax revenues; and

WHEREAS, the revenues received from a reimposition of the additional Ninth Cent Fuel Tax would provide funding for debt service related to future transportation-related financing, and allow excess funding to be programmed annually for pay as you go transportation network capital and maintenance projects, all within the definition of "transportation expenditures" needed to meet the requirements of the County's CIE plan; and

WHEREAS, delays in undertaking specific roadway improvements outlined in the County's road Transportation CIE would result in increased future road construction expenditures and a decrease in the level of service on County roadways, thereby causing increased congestion; and

WHEREAS, it is determined by the Board of County Commissioners that the reimposition of the levy of the additional Ninth Cent Fuel Tax upon every gallon of motor fuel and diesel fuel sold in Collier County is necessary to finance construction of needed transportation facilities, and therefore fulfills a public purpose.

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

SECTION ONE: AMENDING ORDINANCE NO. 2003-34

Ordinance No. 2003-34, also cited as Section 126-30 of the Collier County Code of Laws and Ordinances, is hereby amended to read as follows:

Section One: Levy of the tax.

1. The levy and imposition of a tax of the additional "Ninth Cent Fuel Tax" upon every gallon of motor fuel and ~~special diesel~~ fuel sold in Collier County and taxed under the provisions of ~~F.S. ch.~~ Chapter 206, *Florida Statutes*, for the purpose of paying the cost of transportation expenditures as described in F.S. § 336.025(7), shall hereby continue to be collected up to and including the year 2025. Upon expiration, any extension of the additional ninth cent fuel tax may be imposed as provided by law. The extension of the ninth cent fuel tax as provided herein shall be considered a reimposition of such tax from the date hereof through and including December 31, 2025. Upon the expiration of the current levy on December 31, 2025, the Ninth Cent Fuel Tax upon every gallon of motor fuel and diesel fuel sold in Collier County shall be reimposed and levied effective January 1, 2026, so there is no "gap" or "lapse" in the collection of the tax from its current expiration date, through and including December 31, 2055. A redetermination of the method of distribution has been made, as provided in F.S. § 336.025 or as otherwise provided by law.
2. Collier County shall have the option of shortening the time of collection of the "Ninth Cent Fuel Tax" by an amending ordinance.

Section Two: Extension/Reimposition of the tax.

~~Said extension of the tax is imposed effective January 1, 2004, up to and including the year of 2025, terminating on December 31, 2025. Upon termination of the current tax extension on December 31, 2025, the Ninth Cent Fuel Tax shall be reimposed and levied commencing January 1, 2026, through and including December 31, 2055.~~

SECTION TWO: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is 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.

SECTION THREE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION FOUR: EFFECTIVE DATE.

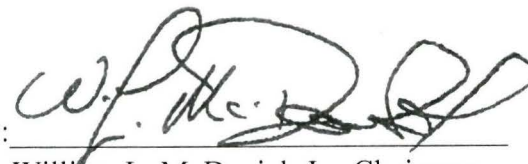
This Ordinance shall be effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by an extraordinary vote this 12th day of July, 2022.


ATTEST:
Crystal K. Kinzel, Clerk of Courts
& Comptroller

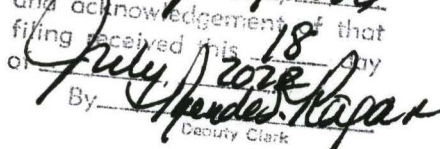
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Deputy Clerk
Attest as to Chairman's
signature only.

By: 
William L. McDaniel, Jr., Chairman

Approved as to form and legality:


Scott R. Teach
Deputy County Attorney

This ordinance filed with the
Secretary of State's Office the
18 day of July 2022
and acknowledgement of that
filing received this 18 day
of July 2022
By: 
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

July 18, 2022

Martha S. Vergara, BMR & VAB Senior Deputy Clerk
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Dear Martha Vergara:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2022-32, which was filed in this office on July 18, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh