

ORDINANCE NO. 2023 - 45

AN ORDINANCE REPEALING ORDINANCE NOS. 2018-21 AND 2019-46, AS CODIFIED IN SECTIONS 126-86 THROUGH 126-191 OF THE CODE OF LAWS AND ORDINANCES OF COLLIER COUNTY, THE LOCAL GOVERNMENT INFRASTRUCTURE SURTAX, WITH THE EXCEPTION THAT THE CITIZEN OVERSIGHT COMMITTEE SHALL CONTINUE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 24, 2018, and pursuant to Section 215.055(2), Florida Statutes, the Board of County Commissioners (Board) adopted Ordinance No. 2018-21, authorizing the imposition of a 1.0 percent (1%) local government infrastructure surtax (“surtax”) upon transactions occurring within Collier County which are taxable under Chapter 212, Florida Statutes; and

WHEREAS, the Surtax took effect on January 1, 2019 following approval by a majority of the electors of Collier County voting in a countywide precinct referendum election on November 6, 2018; and

WHEREAS, pursuant to Section 6 of Ordinance No. 2018-21, as amended, the Ordinance is scheduled to sunset on December 31st of the year during the term of the Ordinance that the total aggregate distributions of the Surtax proceeds equal or exceed the amount of \$490,000,000 at any time during that calendar year or on December 31, 2025, whichever event occurs earlier, in which event the Board shall take necessary action to repeal the Ordinance and notify the Florida Department of Revenue prior to the applicable deadline so that the Surtax will not continue for the following year; and

WHEREAS, the Surtax collections are projected to exceed \$490,000,000 prior to December 31, 2023 and as such the Surtax collections will sunset on December 31, 2023;

WHEREAS, in compliance with Ordinance No. 2018-21, as amended, the Board desires to repeal the Local Government Infrastructure Surtax in its entirety, with the exception that the Infrastructure Surtax Citizen Oversight Committee shall continue in the manner set forth in the Ordinance or until the Board deems otherwise.

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

SECTION ONE: Repeal of Ordinance Nos. 2018-21 and 2019-46.

Ordinance Nos. 2018-21 and 2019-46, as codified in Sec. 126-186 through 126-191 of the Code of Laws and Ordinances of Collier County, Local Government Infrastructure Surtax, are hereby repealed in its entirety with the exception that the Infrastructure Surtax Citizen Oversight Committee shall continue in the manner set forth in the Ordinance or until the Board deems otherwise.

SECTION TWO: 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 the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION THREE: 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 the 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 FOUR: Effective Date.

This Ordinance shall take effect on December 31, 2023.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 10th day of October, 2023.

ATTEST:
CRYSTAL K. KINZEL, CLERK


By: 
Deputy Clerk

Attest as to Chairman's
signature only.

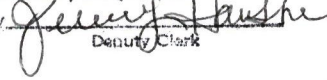
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Rick LoCastro, Chairman

Approved as to form and legality:


Colleen M. Greene
Managing Assistant County Attorney

This ordinance filed with the
Secretary of State's Office the
13 day of October, 2023
and acknowledgement of that
filing received this 13 day
of October, 2023.

By 
Deputy Clerk





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 13, 2023

Crystal K. Kinzel, Clerk of Court
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

Dear Ms. Kinzel,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2023-45, which was filed in this office on October 13, 2023.

If you have any questions or need further assistance, please contact me at (850) 245-6271 or Anya.Owens@DOS.MyFlorida.com.

Sincerely,

Anya C. Owens
Administrative Code and Register Director

ACO/wlh