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ORDINANCE
NUMBER 2014-020

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2014-011; EXTENDING THE LOCAL GOVERNMENT INFRASTRUCTURE SALES SURTAX ("LOCAL SALES TAX") IN CHARLOTTE COUNTY FOR SIX YEARS FROM JANUARY 1, 2015, TO DECEMBER 31, 2020; PROVIDING FOR AND AMENDING SECTION 1. LEVY OF THE LOCAL SALES TAX; PROVIDING FOR SECTION 2. REFERENDUM ELECTION; PROVIDING FOR AND AMENDING SECTION 3. DURATION OF THE LOCAL SALES TAX; PROVIDING FOR SECTION 4. DISTRIBUTION OF REVENUES OF THE LOCAL SALES TAX; PROVIDING FOR SECTION 5. HOLDING THE REFERENDUM ELECTION; PROVIDING FOR AND AMENDING SECTION 6. BALLOT QUESTION; PROVIDING FOR SECTION 7. USE OF REVENUES; PROVIDING FOR SECTION 8. DISSEMINATION OF INFORMATION CONCERNING THE LOCAL SALES TAX; PROVIDING FOR SECTION 9. NOTIFICATIONS BY THE COUNTY ATTORNEY; PROVIDING FOR SECTION 10. SEVERABILITY; AND PROVIDING FOR SECTION 11. EFFECTIVE DATE.

RECITALS

WHEREAS, Section 212.055(2), Florida Statutes, authorizes the governing authority in each county to levy either a one/half percent (0.5%) or one percent (1%) local government infrastructure sales surtax (hereinafter "local sales tax") upon taxable transactions occurring within the county as provided in Section 212.054, Florida Statutes; and

WHEREAS, proceeds from the local sales tax, and any interest accrued thereto, are required by Section 212.055(2) to be used, *inter alia*, to finance, plan and construct needed infrastructure; and

WHEREAS, at a referendum election conducted on August 26, 2008, a majority of the electors of Charlotte County approved the ballot question listed in Ordinance No. 2008-

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043 which levied a one percent (1%) local sales tax for a period from January 1, 2009, to December 31, 2014, for the purposes of funding infrastructure as defined by law including road improvements and sidewalks; and

WHEREAS, the previously approved one percent (1%) local sales tax will expire on December 31, 2014; and

WHEREAS, on May 13, 2014, the Charlotte County Board of County Commissioners adopted Ordinance No. 2014-011 which levied a local sales tax for eight (8) years from January 1, 2015, to December 31, 2022, said levy being conditioned upon being approved by a majority of the electors of the county voting in a referendum on the local sales tax; and

WHEREAS, the Board now wishes to amend Ordinance No. 2014-011 by changing the duration of the local sales to six (6) years from January 1, 2015, to December 31, 2020, and by amending the ballot language by deleting the language regarding the required Justice Center expansion, improvements and equipment; and

WHEREAS, the Charlotte County Board of County Commissioners finds that Charlotte County would benefit by extending the one percent (1%) local sales tax for an additional six (6) years so that proceeds from the local sales tax may be used to finance, plan and construct needed infrastructure; and

WHEREAS, the extension of the one percent (1%) local sales tax would result in a one (1) cent sales surtax on each one dollar ($1.00) for an additional six (6) years; and

WHEREAS, Section 212.055(2), Florida Statutes, provides that the levy of the local sales tax shall be pursuant to an ordinance enacted by a majority of the board of county commissioners of the county and approved by a majority of the electors of the county voting in a referendum on the local sales tax; and

WHEREAS, Ordinance No. 2014-011 is hereby amended as follows (underlined sections are additions; strikethrough sections are deletions).

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

SECTION 1. LEVY OF THE LOCAL SALES TAX. The Board of County Commissioners of Charlotte County hereby levies a one percent (1%) local sales tax pursuant to Section 212.055(2), Florida Statutes, effective January 1, 2015, to coincide with the expiration of the existing one percent (1%) local sales tax which expires on December 31, 2014. The local sales tax levied hereby shall terminate on December 31, ~~2022~~ 2020.

SECTION 2. REFERENDUM ELECTION. The local sales tax levied in Section 1. of this ordinance shall not take effect unless and until it is approved by a majority of the electors of Charlotte County, voting in a referendum election on the local sales tax held as required by this ordinance.

SECTION 3. DURATION OF THE LOCAL SALES TAX. Collection of the local sales tax levied herein shall begin on January 1, 2015, and shall cease on December 31, ~~2022~~ 2020. There can be no extension of the levy of this local sales tax unless approved by a majority of the electors of Charlotte County voting in a referendum election.

SECTION 4. DISTRIBUTION OF REVENUES OF THE LOCAL SALES TAX. The local sales tax shall be distributed between Charlotte County and the City of Punta Gorda as provided in Section 212.055(2)(c), Florida Statutes.

SECTION 5. HOLDING THE REFERENDUM ELECTION. The Supervisor of Elections of Charlotte County is hereby directed to hold a referendum election in conjunction with the general election scheduled on November 4th, 2014.

SECTION 6. BALLOT QUESTION. The Supervisor of Elections of Charlotte County shall cause the following question to be placed on the ballot of the referendum election held as herein required:

TITLE

EXTENSION OF THE ONE PERCENT (1%) LOCAL OPTION SALES TAX FROM JANUARY 1, 2015, TO DECEMBER 31, ~~2022~~ 2020.

QUESTION

SHOULD THE ONE PERCENT LOCAL OPTION SALES TAX BE EXTENDED FOR SIX (6) YEARS FROM JANUARY 1, 2015, TO DECEMBER 31, ~~2022~~ 2020, WITH THE PROCEEDS TO BE USED FOR INFRASTRUCTURE AS DEFINED BY LAW, INCLUDING SCHOOL SECURITY AND TECHNOLOGY IMPROVEMENTS; ROAD IMPROVEMENTS; PUBLIC SAFETY AND SERVICE BUILDINGS; ~~INCLUDING THE REQUIRED JUSTICE CENTER EXPANSION, IMPROVEMENTS AND EQUIPMENT;~~ AND LIBRARIES, PARKS, AND RECREATIONAL FACILITIES?

_____ **FOR** the one-cent sales tax

_____ **AGAINST** the one-cent sales tax

SECTION 7. USE OF REVENUES. The shares of the local sales tax proceeds received by Charlotte County and the City of Punta Gorda shall be expended only as permitted by Section 212.055(2), Florida Statutes.

SECTION 8. DISSEMINATION OF INFORMATION CONCERNING THE LOCAL SALES TAX. The County Administrator is authorized to use any available County funds and to seek private donations to disseminate factual information to the citizenry of the County concerning the local sales tax. The Board of County Commissioners of Charlotte

County finds that the expenditure of such funds and donations is for a public purpose and is an authorized expenditure.

SECTION 9. NOTIFICATIONS BY THE COUNTY ATTORNEY. The County Attorney is directed to notify the Charlotte County Supervisor of Elections immediately of the adoption of this ordinance and provide the Supervisor of Elections with a certified copy of this ordinance. The County Attorney is further directed to notify the Department of Revenue within 10 days after the final adoption by ordinance or referendum of the levy, termination, or rate change of the local sales tax, but not later than November 16, 2014, prior to the effective date. Said notice shall include the time period during which the local sales tax will be in effect, the rate, a copy of the ordinance and such other information as the Department of Revenue shall require, in accordance with Section 212.054(7)(a), Florida Statutes. In addition, the County Attorney is further directed to notify the Department of Revenue by October 1, 2014, if the referendum, or consideration of the ordinance, that would result in the levy, termination, or rate change of the local sales tax, is scheduled to occur on or after October 1, 2014, in accordance with Section 212.054(7)(b), Florida Statutes.

SECTION 10. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or applications. To this end, the provisions of this ordinance are declared severable.

SECTION 11. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State of the State of Florida within 10 days of enactment and shall take effect upon filing with said department.

PASSED AND DULY ADOPTED this 15TH day of JULY, 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Kenneth W. Doherty, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR 14-2720

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