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Ordinance Summary

The purpose of this Ordinance is to create a process whereby projects proposed to be funded by the Discretionary Sales Surtax are reviewed annually by the Board of County Commissioners. This ordinance also provides for public hearings when the Surtax proceeds are to be pledged for future bond issues.

ORDINANCE NO. 2015-41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 13-1, ENTITLED DISCRETIONARY SALES SURTAX LEVIED; USE OF PROCEEDS; REQUIRING A PUBLIC HEARING PRIOR TO PLEDGING PROCEEDS FOR DEBT; CLARIFYING THE PROVISIONS APPLICABLE TO THE EXTENSION OF THE TAX; PROVIDING FOR AN ANNUAL PROJECT REVIEW PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAKE COUNTY CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 13-1, Lake County Code, governs the levy and imposition of the discretionary sales surtax authorized under Section 212.055(2), Florida Statutes; and

WHEREAS, the Board now desires to make provision for a public hearing prior to the pledging of discretionary sales surtax proceeds for future bond issues; and

WHEREAS, the Board also desires to establish a process whereby the list of projects proposed to be funded by the surtax are reviewed annually; and

WHEREAS, the Board of County Commissioners hereby deems it in the best interests of the citizens of Lake County to amend the Lake County Code in this manner.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Lake County, Florida as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Section 13-1, Lake County Code, entitled “Discretionary Sales Surtax Levied; Use of Proceeds” is hereby amended to read as follows:

1
2 **Sec. 13-1 Discretionary sales surtax levied; use of proceeds.**

3 (a) For the sales surtax imposed from January 1, 2003 to December 31, 2017, the following
4 shall apply:
5

6 (1) Extension of one-cent surtax. The Board of County Commissioners of Lake
7 County, Florida hereby levies and imposes within Lake County an extension of the one
8 (1) percent (one-cent) infrastructure sales surtax pursuant to F.S. §212.055(2), for an
9 additional fifteen (15) years.

10
11 (2) Term of levy. The extension of the surtax authorized by this section shall
12 commence on January 1, 2003. The surtax levy shall remain in full force and effect for a
13 period of fifteen (15) years from and after January 1, 2003 to December 31, 2017.

14
15 (3) Use of revenues. Proceeds of the surtax and any interest accrued thereto shall be
16 expended by the cities and the school board only for purposes allowed by F.S.
17 §212.055(2), and any other applicable law. The proceeds of the surtax and any interest
18 accrued thereon shall be expended by Lake County only as follows: One-half (1/2) (fifty
19 (50) percent) for transportation purposes one-half (1/2) (fifty (50) percent) for purposes
20 allowed by F.S. §212.055(2).

21
22 (b) If approved by the voters on November 3, 2015, the sales surtax imposed from January 1,
23 2018 through December 31, 2032, shall be subject to the following:
24

25 (1) Extension of one-cent surtax. The Board of County Commissioners of Lake
26 County, Florida hereby levies and imposes within Lake County an extension of the one
27 (1) percent (one-cent) infrastructure sales surtax pursuant to F.S. §212.055(2), for an
28 additional fifteen (15) years.

29
30 (2) Term of levy. The extension of the surtax authorized by this section shall
31 commence on January 1, 2018. The surtax levy shall remain in full force and effect for a
32 period of fifteen (15) years from and after January 1, 2018 to December 31, 2032.

33
34 (3) Use of revenues. Proceeds of the surtax and any interest accrued thereto shall be
35 expended by the cities and the school board only for purposes allowed by F.S.
36 §212.055(2), and any other applicable law. The proceeds of the surtax and any interest
37 accrued thereon shall be expended by Lake County as follows:

38
39 a. Law Enforcement Vehicles, Fire Trucks and Ambulances, and Public
40 Safety Equipment;

41
42 b. Parks, Trails, Recreation, and Libraries;

43
44 c. Roads, Sidewalks, and Transportation;
45

1 | d. Water Quality, Utilities, and Drainage Improvements;

2 |
3 | e. Other Public Infrastructure

4 |
5 | (4) Project Selection and Review.

6 |
7 | a. Proposed projects shall be reviewed annually each August by the Board as
8 | part of the review of the capital improvement plan required under Section
9 | 163.3177(3)(b), Florida Statutes. If a substantial change is proposed and
10 | the change occurs after the annual review, the Board shall enumerate on
11 | the record the reasons for the substantial change.

12 |
13 | b. The annual review as required pursuant to Section 163.3177(3)(b), Florida
14 | Statutes, shall be a public hearing and shall allow the citizenry to provide
15 | input to the Board on the proposed list of surtax projects. The
16 | advertisement for the public hearing shall be in the format as set forth in
17 | Section 125.66(4)(b)2, Florida Statutes, and the advertisement shall run
18 | once a week for two (2) consecutive weeks, with the last advertisement
19 | running no less than fourteen (14) days prior to the public hearing date.

20 |
21 | c. Prior to renewal of the surtax, the Board of County Commissioners
22 | proposed certain projects to be funded from the surtax proceeds for fiscal
23 | years 2018-2023. A copy of the list of proposed projects is attached as
24 | Exhibit A to Ordinance No. 2015-__ . This list of proposed projects shall
25 | also be reviewed annually in accordance with subsections a. and b. above.

26 |
27 |
28 | (b) ~~Use of revenues. Proceeds of the surtax and any interest accrued thereto shall be~~
29 | ~~expended by the cities and the school board only for purposes allowed by F.S.~~
30 | ~~§212.055(2), and any other applicable law. The proceeds of the surtax and any interest~~
31 | ~~accrued thereon shall be expended by Lake County only as follows: One-half (1/2) (fifty~~
32 | ~~(50) percent) for transportation purposes one-half (1/2) (fifty (50) percent) for purposes~~
33 | ~~allowed by F.S. §212.055(2).~~

34 |
35 | (c) Pledge of surtax. The Board of County Commissioners shall not pledge the proceeds of
36 | the surtax for any future bond issues without first holding a public hearing to allow the
37 | citizenry an opportunity to be heard on the issue. The advertisement for the public
38 | hearing shall be in the format as set forth in Section 125.66(4)(b)2, Florida Statutes, and
39 | the advertisement shall run once a week for two (2) consecutive weeks, with the last
40 | advertisement running no less than fourteen (14) days prior to the public hearing date.

41 |
42 | **Section 3. Ordinance No. 2015-22.** The amendment to Section 13-1 contained
43 | herein shall supersede the amendment to Section 13-1 previously enacted under Section 11 of
44 | Ordinance No. 2015-22, adopted on June 9, 2015.

1 **Section 4. Exhibit A.** Exhibit A, attached hereto and incorporated herein by
2 reference, is the list of projects proposed to be funded by the Discretionary Sales Surtax if the
3 Surtax is renewed for the period of January 1, 2018 through December 31, 2032.

4 **Section 5. Severability.** If any section, sentence, clause, phrase or word of this
5 Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such
6 holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be
7 construed to have been the Commissioner’s intent to pass this Ordinance without such
8 unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after
9 the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not
10 been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to
11 any person, groups of persons, property, kind of property, circumstances or set of circumstances,
12 such holding shall not affect the applicability thereof to any other person, property or
13 circumstances.

14 **Section 6. Inclusion in the Code.** It is the intent of the Board of County
15 Commissioners that the provisions of this Ordinance shall become and be made a part of the
16 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
17 the word “ordinance” may be changed to “section”, “article” or such other appropriate word or
18 phrase in order to accomplish such intentions.

19 **Section 7. Conflict.** Any ordinance or part thereof in conflict with this
20 Ordinance or any part hereof is hereby repealed to the extent of the conflict unless otherwise
21 addressed herein.

22 **Section 8. Filing with the Department of State.** The clerk shall be and is hereby
23 directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State
24 of Florida.

25

1 **Section 9. Effective Date.** This Ordinance shall become effective upon filing with
2 the Secretary of State.

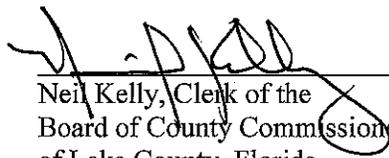
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4 Enacted this 29 day of September, 2015.
5

6 Filed with the Secretary of State October 6, 2015.
7

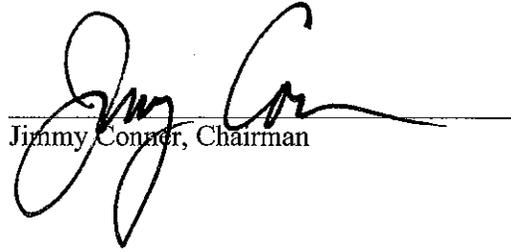
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ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA**

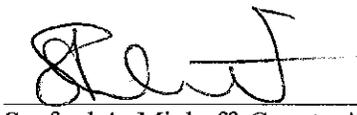


Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida



Jimmy Conner, Chairman

Approved as to form and legality:



Sanford A. Minkoff, County Attorney

1 **EXHIBIT A**

- 2
- 3
- 4 • Replacement of Sheriff, EMS and Fire vehicles and equipment (\$22 million)
- 5 - 175-200 Sheriff vehicles
- 6 - 20 ambulances, 25 cardiac monitors and 25 stretchers
- 7 - 25 fire apparatus replacements (fire engines, brush trucks, squads, etc.)
- 8 - Renovation to 9 fire stations
- 9
- 10 • Enhancements of parks, trails and libraries (\$22 million)
- 11 - East Lake Community Park
- 12 - Pine Forest Park
- 13 - South Lake Regional Park
- 14 - Lake Idamere Park
- 15 - PEAR Park
- 16 - North Lake Community Park
- 17 - Cagan Crossings Community Library
- 18 - Marion Baysinger Memorial Library
- 19 - South Lake and Hancock trails
- 20
- 21 • Improvements to roads, sidewalks, transportation and water quality (\$22 million)
- 22 - 75 miles of road resurfacing
- 23 - 7.5 miles of new sidewalks
- 24 - \$2.5 million of sidewalk repairs
- 25 - 18 intersection improvements and/or signals
- 26 - Lake Harris Basin water quality project
- 27 - Replace road maintenance equipment
- 28
- 29 • In the “Other Public Infrastructure” category, the county would allocate around \$8.3
- 30 million for capital projects such as:
- 31 - HVAC, fire alarm, generator and roof repairs and replacements
- 32 - County fleet replacements
- 33 - Telephone and fiber-optic network upgrades to public facilities
- 34
- 35



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 6, 2015

Honorable Neil Kelly
Clerk of the Circuit Court
Lake County
550 West Main Street
P. O. Box 7800
Tavares, Florida 32778-7800

Attention: Ms. Victoria Bartley

Dear Mr. Kelly:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your electronic copy of Lake County Ordinance No. 2015-41, which was filed in this office on October 6, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb