

ORDINANCE NO. 2012-03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, REPEALING THE ORIGINAL ORDINANCE 2012-01 THAT LEVIED THE REGIONAL TRANSPORTATION SYSTEM SURTAX; LEVYING, SUBJECT TO ELECTOR APPROVAL, THE REGIONAL TRANSPORTATION SYSTEM SURTAX, AT A MAXIMUM RATE OF ZERO POINT FIVE PERCENT (0.5%); ESTABLISHING THE EFFECTIVE DATE AND TERMINATION DATE OF THE SURTAX; PROVIDING FOR ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF THE SURTAX PURSUANT TO FLORIDA LAW; PROVIDING REFERENDUM LANGUAGE FOR PLACEMENT ON A MAY 8, 2012 SPECIAL ELECTION BALLOT; AUTHORIZING COUNTY ADMINISTRATOR TO EFFECTUATE THE ORDINANCE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, section 212.055(1), Florida Statutes, authorizes certain counties in Florida located within a regional transportation authority established under Chapter 343, Florida Statutes, to levy a discretionary sales surtax referred to as the “Charter County and Regional Transportation System Surtax” (hereinafter, the “Surtax”) subject to elector approval; and

WHEREAS, Walton County is located within the Northwest Florida Transportation Corridor Authority, established pursuant to Chapter 343, Part III, Florida Statutes, and is therefore authorized by section 212.055(1), Florida Statutes, to levy a Surtax on the sale of transactions taxable pursuant to s. 212.054, Florida Statutes, at a rate of one-half percent (0.5%); and

WHEREAS, it is the intent of the Board of County Commissioners of Walton County, Florida (“Board”) to levy the Charter County and Regional Transportation System Surtax at a

rate of one-half percent (0.5%) pursuant to the provisions contained within section 212.055(1), Florida Statutes; and

WHEREAS, the revenues generated by the Surtax are needed to fund payment of debt service for the construction of necessary bridge improvements for the bridge spanning the Choctawhatchee Bay along U.S. Highway 331 in Walton County, a connector and feeder road to the U.S. Highway 98 Corridor as referenced in Chapter 343, Florida Statutes; and

WHEREAS, the use of Surtax revenues for repayment of bonds issued to construct road and bridge improvements is appropriate and permissible in accordance with sections 212.055(1)(d)3. and 4., Florida Statutes; and

WHEREAS, the Board finds that the levy of the Surtax is in the best interests of Walton County, Florida and its citizens and is necessary to sufficiently fund needed transportation improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS. The above findings and recitals are hereby incorporated herein and made a part of this Ordinance.

SECTION 2. REPEAL OF WALTON COUNTY ORDINANCE NO. 2012-01. The Board hereby repeals and replaces in its entirety Walton County Ordinance No. 2012-01, which was adopted by the Board on February __, 2012, and originally imposed the Charter County and Transportation Surtax and called for a referendum election to be held on April 24, 2012.

SECTION 3. IMPOSITION AND LEVY OF THE CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.

(A) There is hereby levied and imposed by Walton County, the Charter County and Regional Transportation System Surtax authorized by section 212.055(1), Florida Statutes, at a rate of one-half percent (0.5%) on transactions taxable pursuant to section 212.054, Florida Statutes, subject to approval of a majority of the electors of Walton County voting in a special referendum election called for the purpose of determining whether such Surtax should be levied.

(B) The levy of the Surtax, if approved by a majority of the electors as required by paragraph (A), shall be limited for the purposes set forth in this Ordinance and shall take effect January 1, 2013 and shall expire December 31 of the year in which all debt incurred for the purposes described in Section 5 of this Ordinance is paid in full.

SECTION 4. ADMINISTRATION, COLLECTION, AND ENFORCEMENT. The Florida Department of Revenue shall have all responsibility for administration, collection and enforcement of the Surtax levied pursuant to this Ordinance.

SECTION 5. CREATION OF TRANSPORTATION SYSTEM SURTAX TRUST FUND. The Board hereby establishes a trust fund to be known as the “Transportation System Surtax Trust Fund” (the “Trust Fund”) into which all revenues generated from the levy of the Charter County and Regional Transportation System Surtax shall be deposited. Revenues deposited into the Trust Fund shall be restricted for the purposes described in this Ordinance. The Trust Fund shall be managed and overseen by the Walton County Clerk of Court in the same manner as all other accounts of the County.

SECTION 6. USES OF SURTAX REVENUES. Revenues collected and deposited into the Trust Fund shall only be used for the following purposes, as authorized in sections 212.055(1)(d)3. and 4., Florida Statutes:

(A) Costs associated with the planning, development and construction of the U.S. Highway 331 bridge crossing the Choctawhatchee Bay and the approach to the bridge on both the north and south sides of the bridge.

(B) Payment of principal and interest on bonds issued for the purposes described in paragraph (A) of this Section.

(C) As a pledge to secure bonds issued for the purposes described in paragraph (A) of this Section.

SECTION 7. CONDUCT OF SPECIAL ELECTION. The Board of County Commissioners hereby calls a special election and directs the Walton County Supervisor of Elections to conduct such special election for submission of a referendum question to the electors of Walton County to determine whether a majority of electors of the County voting in the special election are in favor of the levy of the Charter County and Regional Transportation System Surtax on transactions occurring within Walton County. Such special election shall be scheduled to take place on May 8, 2012. Reasonable costs associated with conducting the special election shall be paid by the Board of County Commissioners of Walton County, Florida.

SECTION 8. BALLOT TITLE AND SUMMARY.

(A) In accordance with section 212.055(1), Florida Statutes, and s. 101.161, Florida Statutes, the following ballot title and summary are approved for submission to the electors of Walton County, Florida, for approval or rejection by a majority of the electors voting in the special referendum election scheduled for May 8, 2012. The official ballot shall be in substantially the following form:

Title: Levy of Charter County and Regional Transportation System Surtax.

Summary: Shall Walton County levy a sales surtax within Walton County at a rate of 0.5% to pay debt service and to fund costs associated with the construction of improvements to the U.S. Highway 331 bridge over the Choctawhatchee Bay, which levy shall be deposited into a restricted-use trust fund, beginning January 1, 2013 and expiring December 31 of the year debt issued for the bridge improvements is repaid?

_____ FOR the half-cent sales tax
_____ AGAINST the half-cent sales tax

SECTION 9. NOTICE OF ELECTION.

(A) The County Administrator of Walton County, or his designee, is hereby directed to provide certified copies of this Ordinance to the Walton County Supervisor of Elections upon its passage by the Board.

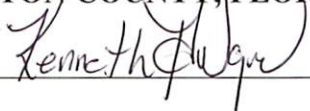
(B) Not less than thirty (30) days' notice of the special election called for by this Ordinance shall be given by publication in a newspaper of general circulation in Walton County. The County Administrator is directed to provide for such publication at least twice, once in the fifth week and once in the third week prior to the week of May 8, 2012.

SECTION 10. NOTICE TO THE DEPARTMENT OF REVENUE AND DEPARTMENT OF STATE. Upon completion of the special election called for in this Ordinance, the results of the election shall be certified in accordance with Chapter 100 and Chapter 102, Florida Statutes, to the Department of State. If it is determined upon certification of the results that the majority of the electors of Walton County voting in the special election are in favor of the levy of the Surtax, the Clerk of the Circuit Court shall within ten (10) days of such certification submit a copy of this Ordinance and the certification of the special election results to the Florida Department of Revenue.

SECTION 11. EFFECTIVE DATE. This Ordinance shall be in force and take effect immediately upon its passage and recording with the Secretary of State.

PASSED AND ADOPTED this 27TH day of March, 2012.


BOARD OF COUNTY COMMISSIONERS OF
WALTON COUNTY, FLORIDA



KENNETH PRIDGEN, VICE-CHAIRMAN

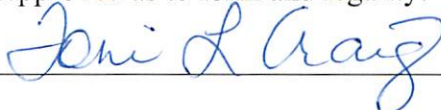
[SEAL]

ATTEST:


_____ *for* Clerk
Martha Ingle,
Clerk of Court



Approved as to form and legality:



Toni Craig, County Attorney