

RESOLUTION 98- 166

A RESOLUTION OF ST. JOHNS COUNTY, FLORIDA, REQUESTING THAT THE SUPERVISOR OF ELECTIONS REVISE THE BALLOT LANGUAGE PERTAINING TO THE COMMENCEMENT DATE OF THE PROPOSED LOCAL GOVERNMENT INFRASTRUCTURE DISCRETIONARY ONE HALF PERCENT (0.5%) SALES SURTAX FROM FEBRUARY 1, 1999 TO JANUARY 1, 1999, AS REQUIRED BY THE LEGISLATURE'S 1998 CHANGES TO CHAPTER 212 FLORIDA STATUTES; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 212.054 and Section 212.055(2), Florida Statutes, have been amended by HB 4413 (Chapter 98-342, Laws of Florida) and such amendments require that any discretionary sales surtaxes in Florida take effect (commence) only on a January 1, and terminate on a December 31; and

WHEREAS, the amendments deleted the 60 day waiting period between a referendum approving a Section 212.055(2) surtax and the collection commencement date; and

WHEREAS, Ordinance 98-48 reflects a February 1, 1999 commencement date and a January 31, 2004 termination date for the proposed surtax, and such dates must be amended to January 1, 1999 (commencement) and December 31, 2003 (termination) to comply with HB 4413; and

WHEREAS, the amendment of commencement and termination dates for the proposed surtax require an amendment to the language of the referendum ballot, and such amendment must be provided to the Supervisor of Elections by September 3, 1998, thus creating an emergency.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

SECTION 1. The Board hereby finds, determines and declares that the statements and

findings set forth in the above "Whereas" paragraphs are true and accurate and hereby incorporates said statements and findings into the body of this resolution.

SECTION 2. The Board hereby declares its intent to amend Ordinance 98-48 to comply with Sections 212.054 and 212.055(2), Florida Statutes, as amended by the 1998 Florida Legislature, said ordinance amendment to be in substantially the form of the draft ordinance attached hereto as Exhibit A.

SECTION 3. The St. Johns County Supervisor of Elections is requested to timely amend the ballot referendum language pertaining to the Section 212.055(2) surtax in accordance with Section 3 of said draft ordinance.

SECTION 4. This Resolution shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 3rd day of September, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Moses A. Floyd  
Moses A. Floyd, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Stacey McDaniel  
Deputy Clerk

ORDINANCE 98-\_\_

AN EMERGENCY ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING ORDINANCE 98-48 TO CHANGE THE COMMENCEMENT AND TERMINATION DATES OF THE PROPOSED LOCAL GOVERNMENT INFRASTRUCTURE DISCRETIONARY ONE HALF PERCENT (0.5%) SALES SURTAX FROM FEBRUARY 1, 1999 TO JANUARY 1, 1999, (COMMENCEMENT), AND FROM JANUARY 31, 2004 TO DECEMBER 31, 2003 (TERMINATION) TO CONFORM WITH THE LEGISLATURE'S 1998 CHANGES TO CHAPTER 212 FLORIDA STATUTES; MAKING FINDINGS; REQUIRING NOTICE TO THE DEPARTMENT OF REVENUE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 212.054 and Section 212.055(2), Florida Statutes, have been amended by HB 4413 (Chapter 98-342, Laws of Florida) and such amendments require that any discretionary sales surtaxes in Florida take effect (commence) only on a January 1, and terminate on a December 31; and

WHEREAS, the amendments deleted the 60 day waiting period between a referendum approving a Section 212.055(2) surtax and the collection commencement date; and

WHEREAS, Ordinance 98-48 reflects a February 1, 1999 commencement date and a January 31, 2004 termination date for the proposed surtax, and such dates must be amended to January 1, 1999 (commencement) and December 31, 2003 (termination) to comply with HB 4413; and

WHEREAS, the amendment of commencement and termination dates for the proposed surtax require an amendment to the language of the referendum ballot, and such amendment must be provided to the Supervisor of Elections by September 3, 1998, thus creating an emergency.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA (the "Board") as follows:

*EXHIBIT A*

SECTION 1. The Board hereby finds, determines and declares that the statements and findings set forth in the above "Whereas" paragraphs are true and accurate and hereby incorporates said statements and findings into the body of this Ordinance. The Board further declares that an emergency exists and that the immediate enactment of this ordinance is necessary.

SECTION 2. Section 1 of Ordinance 98-48 is hereby amended to read:

"SECTION 1. Pursuant to Chapter 212, Florida Statutes, as amended, and particularly Sections 212.054 and 212.055(2), Florida Statutes, as amended, the Board of County Commissioners of St. Johns County, Florida, hereby imposes and levies commencing January 1, 1999, a local government infrastructure discretionary sales surtax of one half percent (0.5%) on all transactions occurring in St. Johns County that are subject to such surtax as provided in said Chapter 212, Florida Statutes."

SECTION 3. Section 3 of Ordinance 98-48 is hereby amended to read:

SECTION 3. The referendum election shall be held as part of the general election on November 3, 1998, for all qualified electors of St. Johns County, Florida to enable them to vote on the following referendum question.

Environmentally Sensitive, Archeological,  
Historic and Recreational Lands  
One Half Percent (0.5%) Sales Surtax  
Referendum

Shall a one half percent (0.5%) sales surtax be levied in St. Johns County for

five years commencing January 1, 1999, solely to acquire and conserve environmentally sensitive lands, archeological sites, historic sites, and/or lands suitable for outdoor recreational purposes, together with improvements that may already be thereon?

\_\_\_\_\_ FOR the ½ cent Sales Tax

\_\_\_\_\_ AGAINST the ½ cent Sales Tax

SECTION 4. Section 10 of Ordinance 98-48 is hereby amended to read:

“SECTION 10. The Sales surtax levied pursuant to this ordinance shall terminate on December 31, 2003.”

SECTION 5. The Clerk of the Board of County Commissioners of St. Johns County is directed to perform the following tasks immediately upon the adoption of this ordinance:

- A. Fax a copy of this ordinance to the St. Johns County Supervisor of Elections and verbally advise her of its adoption.
- B. Mail certified copies of this Ordinance and Ordinance 98-48 to the Florida Department of Revenue along with a written notice advising the Department that, upon approval by a referendum election to be held November 3, 1998, St. Johns County will impose a one half percent sales surtax commencing January 1, 1999 and terminating December 31, 2003. The notice shall also include such additional information as the Department may require by rule.

Section 6. Section 7 of Ordinance 98-48 is hereby amended to read:

“SECTION 7. The Clerk of the Board of County Commissioners of St. Johns County is directed to certify the results of the one half percent (0.5%) sales surtax referendum to the Florida Department of Revenue and the Florida Department of State within 3

days of the date of said election. If the electorate approves the sales surtax the Clerk is to include with its certification to the Department of Revenue certified copies of this Ordinance and Ordinance 98-48 and a written notice advising the Department that St. Johns County will impose a one half percent sales surtax commencing January 1, 1999 and terminating December 31, 2003. The notice shall also include such additional information as the Department may require by rule.”

Section 7. All other provisions of Ordinance 98-48 shall remain in full force and effect as originally enacted.

Section 8. This Ordinance shall be deemed to be filed and shall take effect when a certified copy has been accepted by the postal authorities of the Government of the United States for special delivery by certified mail to the Department of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 3rd day of September, 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
Moses A. Floyd, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: \_\_\_\_\_  
Deputy Clerk