

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Honorable Chairman and Members of the Board of County Commissioners

DATE: 6/4/12

FILE: ENA12-012

THRU: Bipin Parikh, P.E.
Assistant County Administrator
(Development Services)

SUBJECT: BCC Workshop – Penny for Pasco
Renewal Discussion (Draft Resolution
and Project List and Draft Ordinance
with Ballot Language)
BCC: 6/12/12, 9:00 a.m., NPR

FROM: James C. Widman, P.E.
Engineering Services Director/
County Engineer

STAFF: Deborah J. Bolduc, AICP
Program Administrator for
Engineering Services

REFERENCES: All Comm. Dists.

At the July 10, 2012, Board of County Commissioners (BCC) meeting, the BCC will be asked to take final action on the Interlocal Agreement that establishes the distribution of the 2015 Penny for Pasco proceeds, the Resolution identifying the County's distribution of the surtax proceeds and 2015 Project List; and, the Ordinance creating the imposition of the infrastructure surtax (2015 Penny for Pasco) with the ballot language.

The purpose of this workshop is to make final recommendations for the necessary documents in order to ensure their timely execution and transmittal to the Supervisor of Elections, Department of Revenue, and Department of State, no later than August 1, 2012.

Before proceeding with a discussion of the Draft Resolution and Project List, and the Draft Ordinance containing the Ballot Language, the BCC needs to make final recommendation regarding the category distribution and project list. The list described below was presented to the BCC on April 24, 2012.

1. Category Distribution and Project List:

Jobs and Economic Opportunities (JEO) Trust Fund (20%):

- Project Criteria
 - General Public Purpose of Improving the Local Economy
 - Compliance with the Pasco County Target Industry Job Creation Incentive Ordinance or Other Criteria Developed by the BCC
- Project Categories may include, but are not limited to:
 - Economic Incentives
 - Infrastructure
 - Workforce Development
 - Capital Projects
 - Support Services for Business Start-Ups
- Total: \$45,214,473

Public Safety (20%) – Funding to be split 50/50 between Emergency Services and the Sheriff's Office:

- Equipment and Emergency Vehicles
- Fire Rescue Training Facility Upgrade/Expansion
- Fire Station 13 Reconstruction
- Public Safety Communication System
- Total: \$45,214,473

Environmental Lands Acquisition (20%):

- Continue the program created through Resolution No. 04-233 and acquisition of lands through fee simple and less than fee simple methods based on priorities established by the Environmental Lands Acquisition Task Force.
- Total: \$45,214,473

Transportation (40%):

- Bicycle/Pedestrian Trails
- Public Transportation

- Bus Bays and Transit Shelters on S.R. 54
- East Pasco Maintenance and Wash Rack Facilities
- Land Acquisition for Transfer Station on U.S. 19
- Replacement Buses
- Safety and Operation Improvements
 - Overpasses at the Suncoast Trail and S.R. 54 and S.R. 52
 - Intersection Improvements
 - Sidewalks
 - Crash Reduction and Safety Features
 - Fire Signals
 - Sidewalks
 - Traffic Signals
- County-Wide Right-of-Way Acquisition
- Total (with Contingency): \$90,428,947

2. The Draft Resolution and Exhibit "A", 2015 Penny for Pasco Projects List describes how the proceeds from the renewal of the penny will be distributed and formalizes the Project List. Any changes to the recommended projects will be incorporated into the Final Resolution and Exhibit "A".
3. The Draft Ordinance creates new sections in the Pasco County Code of Ordinances, establishes the ballot language and affirms the County's distribution of the surtax proceeds from the 2015 Penny for Pasco.
 - a. Section 102-205. Imposition of the Infrastructure Surtax (2015 Penny for Pasco)
 - b. Section 102-206. Distribution of the Surtax Proceeds (2015 Penny for Pasco)
 - c. Section 102-207. Duration of the Infrastructure Surtax (2015 Penny for Pasco)
 - d. The Ballot Language in the Ordinance reads as follows:

2015 PENNY FOR PASCO
TO FUND JOB CREATION, PUBLIC SAFETY, ENVIRONMENTAL LANDS,
INFRASTRUCTURE, AND EDUCATION

SHALL A ONE-CENT SALES SURTAX CONTINUE TO BE LEVIED, BEGINNING IN 2015, TO FUND PUBLIC INFRASTRUCTURE TO 2024, AND SHARED AMONG PASCO COUNTY SCHOOLS (45%), PASCO COUNTY (45%), AND PASCO'S CITIES (10%) FOR: JOB CREATION AND ECONOMIC DEVELOPMENT PROJECTS (PURSUANT TO SECTION 212.005(2)(D)3, FLORIDA STATUTES); PUBLIC SAFETY FACILITIES, VEHICLES AND EQUIPMENT; ACQUIRING ENVIRONMENTALLY SENSITIVE LANDS; SCHOOL TECHNOLOGY, CAREER ACADEMIES, AND EDUCATIONAL FACILITIES IMPROVEMENTS; INFRASTRUCTURE RELATED TO TRANSPORTATION AND SAFETY; AND PUBLIC INFRASTRUCTURE WITHIN THE CITIES?

- e. The Draft Ordinance will also establish the County's share of the surtax proceeds: economic development (20%), public safety (20%), environmental lands acquisition (20%) and transportation (40%).

ATTACHMENT(S):

1. Draft Resolution and Project List (Exhibit "A")
2. Draft Ordinance with Ballot Language

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, IDENTIFYING THOSE PUBLIC SAFETY NEEDS AND INFRASTRUCTURE, TRANSPORTATION OPERATIONS AND SAFETY IMPROVEMENT PROJECTS, ENVIRONMENTALLY SENSITIVE LANDS, AND ESTABLISHING THE JOBS AND ECONOMIC OPPORTUNITIES TRUST FUND TO BE FUNDED BY THE LOCAL GOVERNMENT INFRASTRUCTURE SALES SURTAX OF ONE CENT KNOWN AS THE 2015 PENNY FOR PASCO.

WHEREAS, Section 212.055(2), Florida Statutes, the "Local Government Infrastructure Surtax Act," authorizes Pasco County to impose a local government infrastructure surtax (of up to one per cent (1%)) upon most taxable transactions occurring within Pasco County that are taxable under Chapter 212, Florida Statutes; and

WHEREAS, monies received from the local government infrastructure surtax authorized by Section 212.055(2), Florida Statutes, shall be utilized by Pasco County, to provide for public safety needs, acquire land, finance, plan, and construct infrastructure, to acquire land for conservation and the protection of natural resources and improve local economies through job creation and economic development to benefit the citizens of Pasco County; and

WHEREAS, the proceeds of the surtax shall be distributed in accordance with an Interlocal Agreement between Pasco County, the Municipalities located within Pasco County, and the Pasco County School District; and

WHEREAS, a description of the projects to be funded by Pasco County's distribution of the sales surtax is set forth in this Resolution and by brief general description in the attached Projects List.

NOW THEREFORE, IT IS RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled that:

Section 1. Interlocal Agreement. Pursuant to Section 212.055(2)(c)1., Florida Statutes, the County, Municipalities, and School District entered into an Interlocal Agreement for distribution of the surtax proceeds and which additionally provides that:

"No later than August 1, 2012, the parties to this Interlocal Agreement shall each adopt by Resolution a brief general description of projects that will be funded from the surtax proceeds for the period of the tax from January 1, 2015 through December 31, 2024."

Section 2. Use of Surtax Proceeds. Government infrastructure surtax proceeds are required to be exclusively used for infrastructure as specifically defined in Section 212.055(2)(d)1., Florida Statutes, and cannot be used for operational and maintenance expenditures. Additionally, surtax proceeds used for economic development projects having a

general public purpose of improving local economies includes the funding of operational costs and incentives related to economic development. Pasco County's 45% portion of the surtax proceeds shall be used only for the following purposes, which are more specifically described in the attached Projects List.

a. Public Safety. 20% shall be used to finance, plan for, design/permit, construct, and acquire infrastructure, public facilities, vehicles, and equipment for use by the Pasco Sheriff's Office, Emergency Medical Services, and Fire Rescue. This 20% of the surtax proceeds shall be shared equally (50/50) between the Pasco Sheriff's Office and Pasco County.

b. Economic Development. 20% percent shall be used to fund the Jobs and Economic Opportunities Trust Fund (hereinafter referred to as the "JEO Fund"). The purpose of the JEO Fund is to provide financial support for job creation generated and economic development projects having a general public purpose of improving the local economy in Pasco County.

c. Transportation. 40% shall be used for construction of roads and other transportation infrastructure, such as turn lanes, traffic signals, intersection improvements, public transportation infrastructure and vehicles, bike trails, bicycle/pedestrian overpasses, sidewalks, and safety improvements, including financing, planning, designing, engineering, constructing, reconstructing, improving, and acquiring right of way or land necessary for such transportation infrastructure improvements and which includes contingency funds for such infrastructure.

d. Environmental Lands. 20% shall be used for acquiring environmentally sensitive lands which shall be primarily managed for conservation purposes and/or to protect the County's water supply and natural resources. The use of such lands by the public for passive recreation purposes shall not be deemed inconsistent.

Section 3. Projects List. The Projects List of general projects that will be funded from the proceeds of the surtax for the period of the tax from January 1, 2015 through December 31, 2024, is attached hereto as Exhibit A and is incorporated herein.

RESOLVED this day of July 2012.

(S E A L)

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: _____
PAULA O'NEIL, PH. D,
CLERK & COMPTROLLER

By: _____
ANN HILDEBRAND, CHAIRMAN

Exhibit A

2015 Penny for Pasco Projects List

I. Public Safety Needs are summarized as follows:

Equipment to outfit first responders and emergency vehicles
Vehicles for use by the Pasco Sheriff's Office, Emergency Management Services and Fire Rescue.
Fire Rescue Training Facility Upgrade/Expansion
Fire Station 13 Replacement
County wide public safety Communication System

Funding will be split 50/50 between the County's Emergency Services and the Pasco Sheriff's Office.

II. Jobs and Economic Opportunities Trust Fund is described as follows:

The Jobs and Economic Opportunities Trust Fund (the JEO Fund) is created pursuant to Section 212.055(2)(d)3., Florida Statutes, for the purpose of funding economic development projects having a general public purpose of improving the local economy. The JEO Fund shall be made available for economic development projects proposed to the Board of County Commissioners through an application and review process to be established and administered by the County. Examples of qualifying projects may include, but are not limited to, economic gardening and investment, supporting infrastructure, business incubators, workforce development, and capital projects. The criteria for receiving JEO funding may include, but is not limited to, the following:

Compliance with the Pasco County Target Industry Job Creation Incentive Ordinance (Ch. 22, Art. II, Pasco County Code of Ordinances); or

Other criteria as developed by the Board of County Commissioners to determine whether the proposed economic development project meets the intent and requirements of Section 212.055(2)(d)3.

III. Transportation Projects (to include contingency funding) are summarized as follows:

Bicycle/Pedestrian Trails

Coastal Trail
Starkey Trail Extension Phase I
Starkey Trail Extension Phase II
Withlacoochee Trail Extension
Bi-County Trail
Fivay Trail

Public Transportation

Bus Bays and Transit Shelters on S.R. 54
East Pasco Maintenance and Wash Rack Facilities
Land Acquisition for Transfer Station on U.S. 19
Replacement Buses

Safety and Operational Improvements:

Bicycle/Pedestrian Overpass at Suncoast Trail and S.R. 54
Bicycle/Pedestrian Overpass at Suncoast Trail and S.R. 52
Cecelia Drive at Baillie Drive
Clinton Avenue and Prospect Road Intersection
County Line Road Sidewalk
C.R. 54 from east of U.S. 301 to 23rd Street
Cummer Road Sidewalks
Ehren Cut-Off Crash Reduction
Embassy Boulevard Sidewalks
Emergency Fire Signal at U.S. 41 at Central Boulevard
Emergency Fire Signal at U.S. 301 at S.R. 575
Fox Hollow Drive Sidewalks
Interchange at I-75 and Overpass Road
Little Road at Denton Avenue
Marine Parkway Pedestrian Safety Rapid Flash Beacons
Regency Park Pedestrian Safety Rapid Flash Beacons
Rowan Road at Massachusetts Avenue
Shady Hills Road at County Line Road
Tree Breeze at Moon Lake Road
U.S. 41 at S.R. 52

County-wide right-of-way acquisition for transportation capital projects

IV. Environmental Lands Acquisitions are described as follows:

To continue the Environmental Lands Acquisition Program created by Pasco County in 2004 through Resolution No. 04-233 for the purpose of acquiring interests in real property to provide the following to the residents of Pasco County:

- Protect the remaining natural communities for future generations
- Connect major public lands through the acquisition of “corridor” connecting them
- Conserve native plants, animals, and their habitats
- Protect water resources and wetlands
- Enhance natural resource-based recreational and educational opportunities
- Promote the preservation of lands near residential neighborhoods that increase quality of life

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, IMPOSING A LOCAL GOVERNMENT INFRASTRUCTURE SURTAX OF ONE-CENT ON CERTAIN TRANSACTIONS OCCURRING WITHIN PASCO COUNTY FROM WHICH TAXES ARE PAYABLE TO THE STATE OF FLORIDA UNDER THE PROVISIONS OF CHAPTER 212, FLORIDA STATUTES; PROVIDING THAT THE IMPOSITION OF THE SURTAX SHALL NOT BE EFFECTIVE UNLESS APPROVED AT A REFERENDUM ELECTION; PROVIDING THAT THE IMPOSITION SHALL BE EFFECTIVE FOR A PERIOD OF TEN (10) YEARS, BEGINNING JANUARY 1, 2015; PROVIDING FOR DISTRIBUTION AMONG PASCO COUNTY, THE MUNICIPALITIES, AND PASCO SCHOOL DISTRICT PURSUANT TO INTERLOCAL AGREEMENT; PROVIDING FOR A REFERENDUM ELECTION ON NOVEMBER 6, 2012; PROVIDING BALLOT LANGUAGE; PROVIDING FOR THE USE OF SURTAX PROCEEDS TO FUND INFRASTRUCTURE IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 212.055(2), Florida Statutes, the "Local Government Infrastructure Surtax Act," authorizes Pasco County to impose a local government infrastructure surtax (hereinafter referred to as "surtax") of up to one per cent (1%) upon taxable transactions occurring within Pasco County that are taxable under Chapter 212, Florida Statutes; and

WHEREAS, the majority of the electors of Pasco County in a referendum election on March 9, 2004 approved a surtax (the 2004 Penny for Pasco); and

WHEREAS, the 2004 Penny for Pasco provided the funding for necessary and needed capital expenditures that otherwise would have been funded through ad valorem taxation, thus provided ad valorem tax relief to Pasco County's property owners; and

WHEREAS, the 2004 Penny for Pasco is a ten-year surtax the term for which shall end on December 31, 2014; and

WHEREAS, there exists a continuing need in Pasco County and its Municipalities to invest in the community by acquiring natural lands, incent economic development, constructing, and improving public facilities for General Government, Public Safety, and Education to insure the health, safety, and welfare of the citizens; and

WHEREAS, monies received from the surtax authorized by Section 212.055(2), Florida Statutes, shall be utilized by Pasco County, and the Municipalities located within Pasco County (hereinafter referred to as "Municipalities") and the School District of Pasco County (hereinafter referred to as "District") to acquire land, finance, plan, construct, reconstruct, improve infrastructure, address transportation deficiencies and safety needs, and for Pasco County to establish an economic development trust fund and to acquire land for conservation and the protection of natural resources to benefit the local economy and the citizens of Pasco County; and

WHEREAS, the District has a need for improvements to educational facilities infrastructure, including, but not limited to, the expansion and renovation of the career academies and existing schools, and to improve technology and student safety; and

WHEREAS, Florida Statutes 101.161(1) limits the wording to 75 words in a brief description of the projects to be funded as set forth in the ballot language contained in this Ordinance; and

WHEREAS, Pasco County, the Municipalities, and the District are presently without sufficient revenues to adequately acquire land, finance, plan, construct, reconstruct, or improve infrastructure, to fund economic development projects, and to acquire land for conservation and the protection of natural resources; and

WHEREAS, adequate infrastructure promotes the safe, efficient, and uninterrupted provision of essential public services in Pasco County; and,

WHEREAS, establishing and funding an economic development trust fund will have a general public purpose of improving the local economy; and

WHEREAS, the provision of adequate land for conservation and the protection of natural resources is a matter of concern to the residents of Pasco County; and

WHEREAS, Section 212.055(2), Florida Statutes, requires voter approval in a referendum election prior to imposition of the local government infrastructure sales surtax; and

WHEREAS, the Board of County Commissioners has determined it appropriate to place the issue on the ballot at the November 6, 2012 general election; and

WHEREAS, the proceeds of the surtax shall be distributed in accordance with an Interlocal Agreement among Pasco County, the Municipalities, and the District.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA:

Section 1. Authorization and Legislative Findings. This Ordinance is authorized by Sections 125 and 212.055(2), Florida Statutes, and other applicable law. The Board of County Commissioners finds and declares that all statements set forth in the preamble of this Ordinance are true and correct.

Section 2. Section 102-205 of the Pasco County Code of Ordinances is hereby created as follows.

[Section 102-205. Imposition of Infrastructure Surtax \(2015 Penny for Pasco\).](#)

[There is hereby levied and imposed throughout the incorporated and unincorporated areas of Pasco County an additional tax on all transactions occurring in Pasco County, Florida, which are subject to the state tax imposed on sales, use, services, rentals, admissions, and](#)

other transactions by Chapter 212, Florida Statutes. The tax shall be at a rate of one (1) cent for each \$1.00 of the sales price or actual value received and for each fractional part of \$1.00 of the sales price or actual value received. This tax shall be levied and imposed pursuant to Sections 212.054 and 212.055(2), Florida Statutes, and the rules promulgated by the Florida Department of Revenue.

Section 3. Section 102-206 of the Pasco County Code of Ordinances is hereby created as follows.

Section 102-206. Distribution of Surtax Proceeds (2015 Penny for Pasco).

A. The surtax proceeds shall be distributed by the Florida Department of Revenue (Department) on a monthly basis pursuant to a formula which shall provide that the surtax proceeds shall be divided between the School District (45%), the County (45%) and the Municipalities (collectively 10%). In accordance with Subsection 212.055(2)(c), Florida Statutes, the surtax proceeds shall be divided among and distributed on a monthly basis by the Department to the County, the Municipalities, and the District in the following percentages which shall also be set forth in the Interlocal Agreement, as may be amended:

<u>Recipient</u>	<u>Share of Proceeds</u>
<u>Pasco County</u>	<u>45.00%</u>
<u>City of Dade City</u>	<u>1.62%</u>
<u>City of New Port Richey</u>	<u>3.74%</u>
<u>City of Port Richey</u>	<u>.67%</u>
<u>City of San Antonio</u>	<u>.29%</u>
<u>City of St. Leo</u>	<u>.34%</u>
<u>City of Zephyrhills</u>	<u>3.34%</u>
<u>Pasco District School Board</u>	<u>45.00%</u>

B. The distribution percentages listed in "A" above shall remain in effect from January 1, 2015 through December 31, 2024. However, subsequent to November 6, 2012 and throughout the duration of the levy of the surtax, the parties to the Interlocal Agreement, who are existing Municipalities, may meet and each agree in writing to a redistribution of the 10% of the surtax proceeds. In such an event this Ordinance and the Interlocal Agreement shall be amended to reflect said revision to the distribution of the Municipalities' portion of the 10%. Should the Municipalities fail to notify the County of any change to the distribution on or before July 1, of the year preceding the effective year of the redistribution, the distribution percentages shall remain unchanged. Prior to its effectiveness, written notice of any change to the distribution shall be given by the County to the Department as required by Section 212.055(2) Florida Statutes.

Section 4. Section 102-207 of the Pasco County Code of Ordinances is hereby created as follows.

[Section 102-207. Duration of the Infrastructure Surtax \(2015 Penny for Pasco\).](#)

[The surtax authorized by this Ordinance shall be collected commencing on January 1, 2015 and continuing through December 31, 2024.](#)

Section 5. Referendum.

A. No referendum shall be placed on the ballot unless prior to August 1, 2012, the County, Municipalities, and the District enter into an Interlocal Agreement for distribution of the surtax proceeds. Said Interlocal Agreement shall additionally provide:

"No later than August 1, 2012, the parties to this Interlocal Agreement shall each adopt by Resolution a brief general description of projects that will be funded from the surtax proceeds for the period of the tax from January 1, 2015 through December 31, 2024."

B. The surtax imposed in Section 2 of this Ordinance shall not take effect unless and until approved by a majority of the electors of Pasco County voting in a referendum election on the surtax.

C. The Supervisor of Elections of Pasco County is hereby respectfully requested to hold such referendum election on November 6, 2012.

D. The Supervisor of Elections of Pasco County shall cause the following question to be placed on the general election ballot on November 6, 2012:

**2015 PENNY FOR PASCO
TO FUND JOB CREATION, PUBLIC SAFETY, INFRASTRUCTURE,
ENVIRONMENTAL LANDS, AND EDUCATION**

SHALL A ONE-CENT SALES SURTAX CONTINUE TO BE LEVIED, BEGINNING IN 2015, TO FUND PUBLIC INFRASTRUCTURE TO 2024 TO BE SHARED AMONG PASCO COUNTY SCHOOLS (45%), PASCO COUNTY (45%), AND PASCO'S CITIES (10%) FOR: JOB CREATION AND ECONOMIC DEVELOPMENT PROJECTS (PURSUANT TO SECTION 212.005(2)(d)3, FLORIDA STATUTES); PUBLIC SAFETY FACILITIES, VEHICLES AND EQUIPMENT; EDUCATIONAL FACILITIES, CAREER ACADEMIES, AND TECHNOLOGY; INFRASTRUCTURE RELATED TO TRANSPORTATION AND SAFETY NEEDS; ACQUIRING ENVIRONMENTALLY SENSITIVE LANDS; AND PUBLIC INFRASTRUCTURE WITHIN THE CITIES?

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

Section 6. Use of Surtax Proceeds. The surtax proceeds shall be used by the County, the Municipalities, and the District only for the following purposes, which shall be more

specifically described by the Resolutions of the said entities.

A. As to the County's 45% share of surtax proceeds, including security for the payment of bonds, as permitted by law:

1. 40% of the County's 45% share of the proceeds shall be used for transportation infrastructure. For the purpose of this Ordinance "transportation infrastructure" means: any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of roads and transportation facilities, and any land acquisition, land improvement, design, permitting, and engineering costs related thereto.

2. 20% of the County's 45% share of the proceeds shall be used for establishing an Economic Development Trust Fund for the purpose of improving the local economy through incentivizing economic development.

3. 20% of the County's 45% share of the proceeds shall be used for acquiring public safety vehicles for use as sheriff department vehicles, fire department vehicles, emergency medical vehicles, or any other vehicles and such equipment necessary to outfit said vehicles for official use or equipment that has a life expectancy of at least 5 years.

4. 20% of the County's 45% share of the proceeds shall be used for acquisition of environmentally sensitive lands for conservation purposes and/or to protect the County's natural resources, including less than fee simple acquisitions, conservation easements, purchase of development rights, etc. The use of such lands by the public for passive recreation purposes shall not be deemed inconsistent.

B. The District's 45% share of the surtax proceeds shall be used for educational infrastructure to renovate and expand existing schools, improve and implement instructional technology, and improve student safety.

C. The Municipalities 10% share of the surtax proceeds includes security for the payment of bonds, as permitted by law, and shall be used for public infrastructure as public infrastructure is defined in Section 212.055(2), Florida Statutes.

Section 7. Interpretation. It is the declared intent of the Board of County Commissioners of Pasco County that it shall have the authority to make reasonable interpretations of the provisions of this Ordinance.

Section 8. Severability. It is the declared intent of the Board of County Commissioners of Pasco County that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 9. Inclusion in the Code. It is the intention of the Board of County Commissioners of Pasco County, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Pasco County, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

Section 10. Effective Date.

A. This Ordinance shall take effect upon filing with the Department of State as provided in Section 125.66(2), Florida Statutes, provided that the referendum as put forth in Section 5 of this Ordinance is approved by a majority of the electors of the County voting in the November 6, 2012 general election.

B. Upon adoption of this Ordinance by the Board of County Commissioners, the Clerk is directed to provide copies of the Ordinance to the Florida Department of Revenue and to the Supervisor of Elections.

C. If the referendum is approved at the general election on November 6, 2012, then the Clerk is directed to notify the Florida Department of Revenue within 10 days of the referendum date as provided in Section 212.054(7)(a), Florida Statutes, but no later than November 16, 2012.

ADOPTED this _____ day of _____, 2012.

(S E A L)

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

BY: _____
PAUL O'NEIL, PH.D.
CLERK & COMPTROLLER

BY: _____
ANN HILDEBRAND, CHAIRMAN