

ORDINANCE NO. 2026-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, LEVYING AND IMPOSING AN ADDITIONAL FIVE-CENT LOCAL OPTION FUEL TAX UPON EVERY GALLON OF MOTOR FUEL SOLD IN HOLMES COUNTY AND TAXED UNDER PART I OF CHAPTER 206, FLORIDA STATUTES, PURSUANT TO SECTION 336.025(1)(b), FLORIDA STATUTES; EXPRESSLY EXCLUDING DIESEL FUEL; PROVIDING FOR COUNTYWIDE APPLICATION, COLLECTION, ADMINISTRATION, DISTRIBUTION, AND RESTRICTED USE OF PROCEEDS; REQUIRING ADOPTION BY A MAJORITY PLUS ONE VOTE OF THE MEMBERSHIP OF THE BOARD; AUTHORIZING ADMINISTRATIVE ACTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS, SEVERABILITY, FILING, AND AN EFFECTIVE DATE.

WHEREAS, Holmes County, Florida (the "County"), is a political subdivision of the State of Florida, and the Board of County Commissioners of Holmes County, Florida (the "Board"), is its governing body; and

WHEREAS, Article VIII, section 1(f) of the Florida Constitution and sections 125.01 and 125.66, Florida Statutes, authorize the Board to enact ordinances not inconsistent with general or special law; and

WHEREAS, section 336.025(1)(b), Florida Statutes, authorizes the County, in addition to other taxes allowed by law, to levy a one-cent, two-cent, three-cent, four-cent, or five-cent local option fuel tax upon every gallon of motor fuel sold in the County and taxed under part I of chapter 206, Florida Statutes; and

WHEREAS, the additional local option fuel tax authorized by section 336.025(1)(b), Florida Statutes, applies to motor fuel only and does not apply to diesel fuel; and

WHEREAS, the Board finds that continued investment in roads, bridges, rights-of-way, drainage, traffic control, and other lawful transportation purposes is necessary to protect the public health, safety, and welfare and to support the movement of residents, visitors, goods, and emergency services; and

WHEREAS, the Board finds that levying the full additional five-cent local option fuel tax will provide a dedicated revenue source for the transportation expenditures specifically authorized by section 336.025(1)(b)3., Florida Statutes, and will serve a valid public purpose; and

WHEREAS, the method for distributing the proceeds among the County and eligible municipalities shall be established pursuant to section 336.025(1)(b)2. or subsection (4), Florida Statutes, as applicable; and

WHEREAS, section 336.025(1)(b), Florida Statutes, requires an ordinance imposing this tax without referendum to be adopted by a majority plus one vote of the membership of the Board, which requires at least four affirmative votes of the five-member Board; and

WHEREAS, the Board has conducted a duly noticed public hearing and has considered all matters presented at that hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA:

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The foregoing recitals are true and correct, are incorporated into this Ordinance by reference, and constitute the legislative findings and intent of the Board.

SECTION 2. AUTHORITY. This Ordinance is adopted pursuant to Article VIII, section 1(f) of the Florida Constitution and sections 125.01, 125.66, 206.41(1)(e), and 336.025(1)(b), Florida Statutes, as amended.

SECTION 3. LEVY AND IMPOSITION OF ADDITIONAL FIVE-CENT LOCAL OPTION FUEL TAX. Pursuant to section 336.025(1)(b), Florida Statutes, and in addition to all other taxes allowed by law, the County hereby levies and imposes an additional local option fuel tax at the rate of five cents (\$0.05) upon every gallon of motor fuel sold within Holmes County and taxed under part I of chapter 206, Florida Statutes. The tax shall apply throughout the incorporated and unincorporated areas of Holmes County. This levy is separate from and in addition to the local option fuel tax authorized by section 336.025(1)(a), Florida Statutes.

SECTION 4. MOTOR FUEL ONLY; DIESEL EXCLUDED. The additional tax imposed by this Ordinance applies only to motor fuel taxed under part I of chapter 206, Florida Statutes. It shall not be imposed upon diesel fuel taxed under part II of chapter 206, Florida Statutes. Nothing in this Ordinance alters any tax on diesel fuel otherwise imposed or required by state law.

SECTION 5. COMMENCEMENT AND DURATION. The tax imposed by this Ordinance shall commence on January 1, 2027, and shall continue until rescinded or the rate is changed by subsequent ordinance or referendum in accordance with Florida law. Any rescission shall take effect only on December 31 and shall be preceded by the notice required by section 336.025(5), Florida Statutes.

SECTION 6. COLLECTION AND ADMINISTRATION. The tax shall be collected, administered, enforced, remitted, transferred, and distributed by the Florida Department of Revenue in the manner prescribed by sections 206.41(1)(e) and 336.025, Florida Statutes, and applicable rules. The County shall not separately collect the tax from dealers or consumers.

SECTION 7. DISTRIBUTION OF PROCEEDS. The entire proceeds of the tax shall be divided among Holmes County and all eligible municipalities within the County in accordance with the distribution formula established by any applicable interlocal agreement executed pursuant to section 336.025(1)(b)2., Florida Statutes. If no valid interlocal agreement has been adopted before the effective date of the tax, the proceeds shall be distributed pursuant to section 336.025(4), Florida Statutes. Any later interlocal agreement shall comply with the statutory timing and shall not materially or adversely affect the rights of holders of outstanding bonds secured by revenues from the tax or reduce distributions below amounts required for principal, interest, and reserves under outstanding bond covenants.

SECTION 8. RESTRICTED USE OF PROCEEDS. All proceeds received by the County shall be deposited into an appropriate restricted fund and used only for: (a) transportation expenditures needed to meet the requirements of the capital improvements element of the County's adopted comprehensive plan; (b) expenditures needed to meet immediate local transportation

problems; or (c) other transportation-related expenditures critical for building comprehensive roadway networks by local governments, as authorized by section 336.025(1)(b)3., Florida Statutes. Construction of new roads, reconstruction or resurfacing of existing paved roads, and paving of existing graded roads shall be treated as capacity-increasing projects and included in the capital improvements element as required by law. Proceeds shall not be used for routine maintenance of roads.

SECTION 9. PLEDGE OF REVENUES. Subject to applicable law and further action of the Board, the County may pledge all or any portion of the revenues received from the tax to secure bonds or other lawful obligations issued for authorized transportation purposes, as permitted by section 336.025(1)(c), Florida Statutes. This Ordinance does not itself issue debt or constitute a pledge to any particular obligation.

SECTION 10. IMPLEMENTATION; NOTICE TO DEPARTMENT OF REVENUE. The Chair, County Administrator, Clerk of the Circuit Court and Comptroller, County Attorney, and other appropriate County officers and employees are authorized and directed to take all lawful actions necessary to implement this Ordinance. On or before October 1, 2026, the County shall notify the Florida Department of Revenue of the tax rate and shall provide a certified copy of any governing interlocal agreement and the applicable distribution proportions, together with all other materials required by section 336.025(5), Florida Statutes.

SECTION 11. SUPERMAJORITY VOTE. This Ordinance shall be effective only if adopted by at least four affirmative votes, constituting a majority plus one vote of the full five-member Board, as required by section 336.025(1)(b), Florida Statutes. The Clerk shall record the roll-call vote in the minutes of the meeting at which this Ordinance is adopted.

SECTION 12. CODIFICATION. Sections 1 through 11 of this Ordinance shall be codified in the Holmes County Code of Ordinances. The codifier may renumber or reletter provisions and correct cross-references, typographical errors, and formatting without changing the substance or intent of this Ordinance. The remaining sections need not be codified.

SECTION 13. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict. No repeal shall impair any lawful obligation, lien, pledge, or covenant previously made with respect to local option fuel tax revenues.

SECTION 14. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect.

SECTION 15. FILING. The Clerk is directed to file a certified copy of this Ordinance with the Florida Department of State within ten days after enactment and to furnish all notices and certified materials required by the Florida Department of Revenue.

SECTION 16. EFFECTIVE DATE. This Ordinance shall become effective as provided by general law upon filing with the Florida Department of State; provided, however, that the levy imposed herein shall commence January 1, 2027, as stated in Section 5.

PASSED AND DULY ADOPTED at a duly noticed public hearing of the Board of County Commissioners of Holmes County, Florida, this 28 day of SEPTEMBER, 2026.

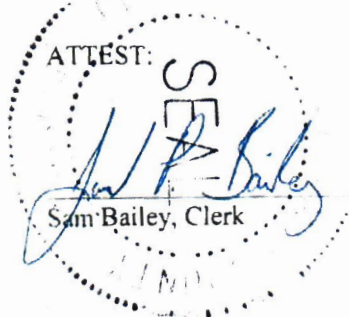
HOLMES COUNTY BOARD
OF COUNTY COMMISSIONERS

BY:

Chair

EARL STAFFORD

Printed Name



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Nathan G. Nolin
County Attorney