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**Public Hearing  
Agenda Item**

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**TO:** Mayor Jerry L. Demings  
and  
County Commissioners

**FROM:** Jeffrey J. Newton, County Attorney *JJM*  
Kate Latorre, Senior Assistant County Attorney *KLM*  
**Contact: (407) 836-7320**

**DATE:** April 19, 2022

**RE:** **Public Hearing on April 26, 2022** to Consider (A) an Ordinance Relating to the Transportation Initiative to Levy on all Taxable Transactions a One Percent (1%) Charter County and Regional Transportation System Sales Surtax for a Period of 20 Years Subject to Approval by the Electorate and Calling a Referendum Election; and (B) a Resolution regarding the Orange County Transportation Initiative Report.

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**I. EXPLANATION & SUMMARY:**

This scheduled public hearing is the next step in the Transportation Initiative, originally launched in 2019, with the Mayor leading a comprehensive study of Orange County's transportation needs by engaging in hundreds of town hall and community meetings in order to understand the transportation and transit priorities of the County's residents. Mayor Demings paused the County's efforts on the Transportation Initiative in April of 2020 due to the COVID-19 pandemic and the unprecedented economic and public health challenges faced by the County.

In December of 2021, with the County's economic recovery trending upward, and seeing a return of tourism to Orange County, the Mayor recommenced efforts to engage with the community regarding the Transportation Initiative. The County conducted six (6) additional town hall meetings, one within each district of the County, where residents were encouraged to communicate their current transportation needs and priorities to the County. In addition, an extensive survey effort was undertaken, and the Mayor and staff have presented to a number of neighborhoods, community organizations, and municipal council presentations during the past three months.

This public hearing on the proposed Transportation Surtax Ordinance and Resolution follows three (3) comprehensive Board work sessions conducted on January 25, 2022, March 22, 2022, and April 5, 2022.

A. Ordinance:

The proposed ordinance levies a one percent (1%) Charter County and Regional Transportation System Sales Surtax (“Transportation Surtax”), authorized by section 212.055(1), Florida Statutes, on all taxable transactions for a period of 20 years. The levy is subject to the approval of a majority of the County’s electors voting in a referendum election on November 8, 2022. If approved by a majority of the electorate, the tax commences on January 1, 2023 and expires on December 31, 2042.

The ordinance also creates a Transportation Improvement Trust Fund into which all Transportation Surtax proceeds must be deposited. Transportation Surtax proceeds may only be spent on the transportation and transit uses expressly authorized by section 212.055(1), Florida Statutes. While the uses of the Transportation Surtax proceeds are established by statute, the Board of County Commissioners has the ultimate discretion and authority to decide how to spend the proceeds.

The ordinance requires the County to adopt the Transportation Initiative Report by resolution and identifies its required elements. The ordinance also requires interlocal agreements related to any transfers of Transportation Surtax proceeds to municipalities or transportation authorities, which agreements must contain certain provisions related to oversight and accountability.

The ordinance invites routine financial audits of any and all expenditures of the Transportation Surtax proceeds, calls the referendum election for November 8, 2022, and includes the official ballot title and summary that will appear on the general election ballot. The ordinance will be automatically repealed should a majority of the electorate fail to approve the Transportation Surtax. Alternatively, should the measure be approved at the general election, the tax will commence and sunset as previously mentioned above with no further action required of the Board.

B. Resolution:

The proposed resolution establishes the expenditure funding categories and the percentage of Transportation Surtax proceeds that will be allocated (i.e., County – 45%, Transit – 45%, Municipalities – 10%). It also generally summarizes the uses for which the funds may be expended in each category.

The resolution adopts the Transportation Initiative Report dated April 11, 2022 (“Report”), which is available in its entirety on the County’s website. Transportation

Surtax proceeds may only be expended on authorized uses that are consistent with the Report. Substantive changes to the Report shall be presented to the Board at least annually and must be approved by resolution of the Board prior to becoming effective.

The resolution establishes the Technical Committee and the Citizens Oversight Board. The Technical Committee will focus on project coordination and collaboration among jurisdictions, while the Citizens Oversight Board will monitor the expenditure of the Transportation Surtax proceeds to ensure accountability and transparency to the citizens of Orange County. The Technical Committee is comprised of appointees from the County, LYNX, municipalities, and other public agencies. The Citizens Oversight Board is comprised of appointees from the County and municipalities. Consistent with Florida law, only the Board maintains the authority to prioritize and authorize expenditures on transportation and transit improvement projects, and neither the Technical Committee nor the Citizens Oversight Board has the ability to alter or amend the Report or to reprioritize projects without the express approval of the Board.

## **II. BOARD ACTION REQUESTED:**

**APPROVAL OF AN ORDINANCE RELATING TO TAXATION IN ORANGE COUNTY, FLORIDA; PROVIDING A SHORT TITLE AND LEGISLATIVE FINDINGS; LEVYING ON ALL TAXABLE TRANSACTIONS A ONE PERCENT (1%) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SALES SURTAX (“TRANSPORTATION SURTAX”) FOR A PERIOD OF 20 YEARS PURSUANT TO SECTIONS 212.054 AND 212.055(1), FLORIDA STATUTES; CREATING A SEGREGATED TRUST FUND INTO WHICH ALL TRANSPORTATION SURTAX PROCEEDS SHALL BE DEPOSITED; PROVIDING THAT THE TRANSPORTATION SURTAX WILL TAKE EFFECT ONLY UPON APPROVAL BY THE ELECTORATE; CALLING A REFERENDUM; PROVIDING BALLOT LANGUAGE; REQUIRING PUBLIC NOTICE OF SUCH REFERENDUM; AND PROVIDING FOR AMENDMENTS, SEVERABILITY, CODIFICATION, AN EFFECTIVE DATE, AND EXPIRATION OR “SUNSET” DATES**

**AND**

**APPROVAL AND EXECUTION OF A RESOLUTION OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ORANGE COUNTY TRANSPORTATION INITIATIVE REPORT**

c: Byron W. Brooks, AICP, County Administrator  
Carla Bell Johnson, AICP, Deputy County Administrator  
Chris Testerman, AICP, Deputy County Administrator

ORDINANCE NO. 2022-\_\_

2 AN ORDINANCE RELATING TO TAXATION IN ORANGE  
4 COUNTY, FLORIDA; PROVIDING A SHORT TITLE AND  
6 LEGISLATIVE FINDINGS; LEVYING ON ALL TAXABLE  
8 TRANSACTIONS A ONE PERCENT (1%) CHARTER COUNTY  
10 AND REGIONAL TRANSPORTATION SYSTEM SALES  
12 SURTAX (“TRANSPORTATION SURTAX”) FOR A PERIOD OF  
14 20 YEARS PURSUANT TO SECTIONS 212.054 AND 212.055(1),  
16 FLORIDA STATUTES; CREATING A SEGREGATED TRUST  
18 FUND INTO WHICH ALL TRANSPORTATION SURTAX  
20 PROCEEDS SHALL BE DEPOSITED; PROVIDING THAT THE  
22 TRANSPORTATION SURTAX WILL TAKE EFFECT ONLY  
24 UPON APPROVAL BY THE ELECTORATE; CALLING A  
REFERENDUM; PROVIDING BALLOT LANGUAGE;  
REQUIRING PUBLIC NOTICE OF SUCH REFERENDUM; AND  
PROVIDING FOR AMENDMENTS, SEVERABILITY,  
CODIFICATION, AN EFFECTIVE DATE, AND EXPIRATION OR  
“SUNSET” DATES.

22 **WHEREAS**, section 212.055(1), Florida Statutes, provides for the levy of a Charter  
24 County and Regional Transportation System Sales Surtax (“Transportation Surtax”) through  
enactment of an ordinance, subject to approval by a majority of the countywide electors voting in  
a referendum on the levying of such Transportation Surtax; and

26 **WHEREAS**, the Orange County Board of County Commissioners (the “Board”) finds  
28 that there is a need for a dedicated revenue source in order to adequately address the critical  
30 transportation and transit needs of Orange County, Florida (the “County”) and that such revenue  
source would be in the best interests of the public and would benefit present and future  
generations; and

32 **WHEREAS**, to obtain such dedicated revenue source to address the County’s critical  
34 transportation and transit needs, the Board desires that the question of a levy of a Transportation  
Surtax, as further described below, be considered by the countywide voters at the General  
Election on November 8, 2022; and

36 **WHEREAS**, to ensure that the revenue generated by a Transportation Surtax will be  
38 adequate to address the County’s critical transportation and transit needs, the Board desires for  
the levy of the Transportation Surtax to remain in effect for a period of 20 years ending on  
40 December 31, 2042, at which time the Transportation Surtax shall automatically sunset and  
expire; and

44 WHEREAS, if the Transportation Surtax is approved by referendum at the General  
Election on November 8, 2022, the proceeds of the Transportation Surtax shall be expended only  
for those purposes authorized in section 212.055(1), Florida Statutes.

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48 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
ORANGE COUNTY, FLORIDA:**

50 **Section 1. Short Title.** This article shall be known and may be cited to as the  
"Orange County Charter County and Regional Transportation System Surtax Ordinance."

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54 **Section 2. Legislative Findings.** The Board of County Commissioners of Orange  
County, Florida (the "Board"), hereby makes the following legislative findings and declares them  
to be, in part, the legislative, legal, and public policy basis for the enactment of this Ordinance:

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58 (a) It is necessary and desirable to promote and protect the health and safety of the  
traveling public in Orange County, Florida (the "County") and to maintain and improve the  
quality of life and economic prosperity of the citizens of the County by providing safe and  
adequate road, transportation, and transit facilities.

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62 (b) The need for adequate public transit, roadway improvements, public safety  
measures including lighting, pedestrian and cyclist safety measures, and road resurfacing in the  
County has continued to increase and is a matter of great public importance.

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66 (c) Orange County Mayor, Jerry L. Demings, initiated a study of the County's  
transportation needs based on an analysis of existing County revenues, projections of future  
county-wide transportation and transit obligations and needs, and community and citizen input.

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70 (d) In order to solicit community input, starting in 2019, the County hosted and  
attended over 200 town hall and community meetings to gather an understanding of the  
transportation and transit needs of the County's residents, and over 11,000 members of the public  
contributed their input regarding transportation and transit system needs and improvements for  
Orange County.

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76 (e) At the direction of the Orange County Mayor, County staff conducted thorough  
assessments of transportation deficiencies and related funding needs from 2019 through 2040  
including capital infrastructure, transit operations and maintenance and program-based  
improvements, cross-jurisdictional needs, maintenance, and capacity on roadways with a focus  
on those needs that will not be met through current funding sources.

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82 (f) Due to the COVID-19 pandemic, Mayor Demings paused the County's efforts  
related to the Transportation Surtax in April of 2020, as the County faced unprecedented  
economic and public health challenges.

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86 (g) In December of 2021, with the County’s economic recovery trending upward and  
88 seeing a return of tourism to Orange County, Mayor Demings directed the County recommence  
90 its efforts to engage with the community regarding the Transportation Surtax, conducting six  
92 interactive open house meetings, one within each district of the County, where residents were  
encouraged to interact with transportation and transit subject matter experts on their current  
transportation needs and priorities.

94 (h) The County has taken under advisement the input of its citizens and community  
96 partners, which, since 2019, has included approximately 250 meetings or “touch points”  
involving 10,000 participants; County Commissioner and staff involvement and input; 6,300  
comments and recommendations; and over 16,000 completed surveys.

98 (i) Following this extensive community engagement process, the County has updated  
100 the projects and priorities in the County’s Transportation Initiative Report accordingly.

102 (j) Based on the various assessments, community and citizen input, and meetings  
104 with local municipalities and public transit leadership over the last three years, the Board finds  
106 that current funding sources are insufficient to meet the County’s transportation and transit needs  
and that a one-cent Transportation Surtax will provide a dedicated source of revenue to meet  
those unmet needs.

108 **Section 3. Levy of Transportation Surtax.** Pursuant to section 212.055(1), Florida  
110 Statutes, and subject to approval by a majority of the electors of Orange County, Florida voting  
112 in a referendum at the General Election on November 8, 2022, there is hereby levied, for a period  
of 20 years, commencing at 12:01 A.M. on January 1, 2023, and expiring at 11:59 P.M. on  
December 31, 2042, a one percent (1%) Charter County and Regional Transportation System  
Sales Surtax (“Transportation Surtax”) on all transactions taxable pursuant to section 212.054(2),  
Florida Statutes, subject to applicable exceptions as further provided by Florida law.

114 **Section 4. Transportation Improvement Trust Fund.** There is hereby created the  
116 Transportation Improvement Trust Fund (“Trust Fund”) into which all Transportation Surtax  
proceeds shall be deposited. The designation and establishment of the Trust Fund, and the  
118 establishment and maintenance of all accounts and subaccounts established within the Trust  
Fund, shall be consistent with generally accepted government accounting principles and Florida  
120 law. Cash and investments required to be accounted for in the Trust Fund may not be  
commingled with any other funds, including other transportation or transit funds.

122 **Section 5. Use of Transportation Surtax Proceeds.** Transportation Surtax proceeds  
124 shall be collected, applied, disbursed, and expended only for authorized transportation and transit  
purposes, as deemed appropriate by the Board in accordance with applicable law including,  
126 specifically, sections 212.054 and 212.055(1), Florida Statutes.

128           **Section 6.     Orange County Transportation Initiative Report.**

130           (a)     **Adoption of the Orange County Transportation Initiative Report.** The Orange  
County Transportation Initiative Report (the “Report”) shall be adopted by the Board by  
132 resolution on the same date of this Ordinance’s enactment.

134           (b)     **Required Report Contents.** The Report shall, at all times, contain:

136                   (1)     A list of projects separated into distinct funding categories;

138                   (2)     A Transportation Surtax proceed allocation methodology for the funding  
of projects in each distinct funding category;

140                   (3)     A requisite technical committee that shall: (i) review the status of projects  
142 submitted by each jurisdiction; (ii) review the approved projects and ensure they are compatible  
and coordinated amongst various jurisdictions; and (iii) identify opportunities for collaboration  
144 on joint projects;

146                   (4)     A requisite citizens oversight board that shall: (i) ensure accountability and  
transparency in the expenditure of sales tax proceeds; (ii) ensure that the County, municipalities,  
148 LYNX, and other funding recipients are spending funds appropriately, timely, and in full  
compliance with all applicable laws; (iii) request and review audits of the transportation program  
150 by the Orange County Comptroller; and (iv) oversee the preparation of a nontechnical report or  
consolidated schedule of projects which shall be updated and posted prominently on the County’s  
152 website at least annually; and

154                   (5)     A Transportation Surtax management process that ensures that project  
prioritization and any proposed revisions to the project lists are completed in a manner that: (i)  
156 uses a data-driven and needs-based approach through the use of objective criteria in the  
prioritization of transportation improvement projects throughout the County; (ii) is flexible  
158 enough to address shifting and emerging needs over the 20-year period for which the  
Transportation Surtax will be levied; and (iii) is adaptive to new transportation and transit  
160 technologies and innovations as they are developed.

162           **Section 7.     Transit and Municipal Interlocal Agreements.** To be valid, any transfer  
of Transportation Surtax proceeds to a participating municipality or transportation authority shall  
164 be pursuant to an interlocal agreement required in section 212.055(1)(d)4., Florida Statutes. Such  
interlocal agreements shall include:

166                   (1)     A specific list of purposes for which the Board deems the participating  
168 municipality or transportation authority’s use of the Transportation Surtax proceeds as

appropriate;

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(2) A grant of authority to the County and the Orange County Comptroller to access and audit the participating municipality or transportation authority's transportation and/or transit expenditures including, but not limited to, expenditures of any Transportation Surtax proceeds provided to such municipality or transportation authority;

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(3) Detailed performance and financial reporting requirements for projects funded, in whole or in part, by Transportation Surtax proceeds, including any and all projects for which Transportation Surtax proceeds are used as matching funds;

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(4) Detailed reporting requirements for all expenditures, including operating costs, which are funded, in whole or in part, by Transportation Surtax proceeds; and

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(5) A commitment from any participating transportation authority that any Transportation Surtax funds being provided to such transportation authority be used for the benefit of Orange County, Florida, as is contemplated in section 212.055(1)(d)4., Florida Statutes.

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**Section 8. Auditing.** The Orange County Comptroller shall complete routine financial audits of any and all expenditures of the Transportation Surtax proceeds.

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**Section 9. Referendum Called.** A referendum election is hereby called and ordered to be held in Orange County at the time of the next general election to be held on November 8, 2022, to determine whether the Board should levy a one percent (1%) Transportation Surtax to be collected, applied, disbursed, and expended only for authorized transportation and transit purposes, in accordance with applicable law including, specifically, sections 212.054 and 212.055(1), Florida Statutes.

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**Section 10. Notice of Referendum.** Pursuant to section 100.342, Florida Statutes, a Notice of Referendum shall be published twice in the *Orlando Sentinel*, a newspaper of general circulation in the County. The publications shall occur once in the fifth week and once in the third week prior to the week which includes November 8, 2022.

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**Section 11. Official Ballot.** Ballots to be used in the referendum shall contain a statement of the description of the proposed issue in substantially the following form:



**BALLOT**  
Orange County, Florida

**Charter County and Regional Transportation System Surtax**

Shall a Charter County and Regional Transportation System Surtax at the rate of one percent (1%) be levied in Orange County, Florida for a period of 20 years with revenue deposited into a trust fund dedicated exclusively to transportation and transit improvement uses authorized by law and approved by the Board of County Commissioners, with oversight and accountability for the revenue provided by a citizen oversight board and the elected comptroller?

\_\_\_ FOR the one-cent sales tax

\_\_\_ AGAINST the one-cent sales tax

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208       **Section 12. Spanish Translation.** The above ballot question shall additionally appear  
on the ballot in Spanish and the County Attorney and Supervisor of Elections are requested to  
210 authorize, and directed to prepare, an accurate Spanish translation to be included on the ballot.

212       **Section 13. Payment of Referendum Expenses.** The Board authorizes the payment of  
lawful expenses associated with conducting the referendum, as well as the cost of  
214 communicating factual information regarding the referendum to the public to the extent  
permitted by section 106.133, Florida Statutes. The Orange County Comptroller is hereby  
216 authorized and directed to disburse the funds necessary to pay such expenses.

218       **Section 14. Repeal Upon Electorate Disapproval.** If the levy of the Transportation  
Surtax is not approved by a majority of the electors of Orange County voting thereon in the  
220 referendum at the General Election on November 8, 2022, this Transportation Surtax Ordinance  
shall expire and be deemed repealed in its entirety on December 31, 2022, without further action  
222 by the Board.

224       **Section 15. Sunset.** The Transportation Surtax shall sunset and expire at 11:59 P.M.  
on December 31, 2042, without further action by the Board, at which time the Transportation  
226 Surtax levied hereunder shall be deemed repealed, terminated, and of no further force and effect,  
except that the requirements of this Ordinance relating to the administration, use, or oversight of  
228 Transportation Surtax proceeds shall survive the expiration of the Transportation Surtax, and

shall be fully enforceable in a court of competent jurisdiction.

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**Section 16. Amendments.** No amendment, revision, or repeal of this Ordinance, or  
232 reduction in the rate of the Transportation Surtax, may take effect if it would materially impair  
the contract rights of the owners of any bonds, notes, or other instruments of indebtedness  
234 payable, in whole or in part, directly or indirectly, from the proceeds of the Transportation  
Surtax.

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**Section 17. Severability.** If any portion of this Ordinance is determined by any court  
238 to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of  
the remainder of this Ordinance.

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**Section 18. Codification.** The publisher of the Orange County Code is directed to  
242 codify only sections 1 through 8 and section 15 of this Ordinance. The remaining sections shall  
not be codified, but shall be in full force and effect as provided by law. Further, the publisher is  
244 authorized and directed to renumber and re-letter the several sections, subsections, and  
paragraphs, and subparagraphs, and to substitute words such as "chapter," "article," "division,"  
246 for such words as "ordinance," all as may be necessary or useful to ensure proper codification.

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**Section 19. Effective date.** This Ordinance shall become effective as provided by law.

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**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

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**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

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By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

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ATTEST: Phil Diamond, CPA, County Comptroller  
260 As Clerk of the Board of County Commissioners

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

# RESOLUTION

*of the*  
**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**  
*regarding*  
**THE ORANGE COUNTY TRANSPORTATION INITIATIVE  
REPORT**

Resolution No. \_\_\_\_\_

**WHEREAS**, in its enactment of the Orange County Charter County and Regional Transportation System Surtax Ordinance (the "**Transportation Surtax Ordinance**"), the Orange County Board of County Commissioners (the "**Board**") found that:

- (1) It is necessary and desirable to promote and protect the health and safety of the traveling public in Orange County, Florida (the "**County**") and to maintain and improve the quality of life and economic prosperity of the citizens of the County by providing safe and adequate road, transportation, and transit facilities;
- (2) The need for adequate public transit, roadway improvements, public safety measures including lighting, pedestrian and cyclist safety measures, and road resurfacing in the County has continued to increase and is a matter of great public importance; and
- (3) Based on community and citizen input, meetings with local municipalities and public transit leadership, and transportation deficiency assessments performed by County staff, current funding sources are insufficient to meet the County's transportation and transit needs; and

**WHEREAS**, as a result of its findings, the Board enacted the Transportation Surtax Ordinance in order place a levy of a one percent (1%) Charter County and Regional Transportation System Surtax ("**Transportation Surtax**") on the ballot to be voted upon by the County's electors; and

**WHEREAS**, the Board desires to adopt the Orange County Transportation Initiative Report in order to ensure that, should the majority of the County's electors approve the levy of the Transportation Surtax, such surtax proceeds are expended in a transparent manner that:

- (1) Uses a data-driven and needs-based approach through the use of objective criteria in the prioritization of transportation improvement projects throughout the County;
- (2) Is flexible enough to address shifting and emerging needs over the 20-year

period for which the Transportation Surtax will be levied; and

- (3) Is adaptive to new transportation and transit technologies and innovations as they are developed.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:**

**Section 1. Recitals.** The above recitals are hereby incorporated herein by reference.

**Section 2. The Orange County Transportation Initiative Report.**

(A) *Expenditure Categories and Allocation.* The Orange County Transportation Initiative Report (the “**Report**”) was created based on input received from citizens and the community, municipal and transit leadership, and transportation deficiency assessments performed by County staff. Based upon such input, the following three (3) Transportation Surtax expenditure categories were developed as appropriate uses for Transportation Surtax proceeds, with percentages of the Transportation Surtax proceeds allocated as follows:

<b>Expenditure Category</b>	<b>General Summary</b>	<b>Allocation % Range</b>
<b>County Transportation Improvements</b> (Category 1)	Safety improvements to include pedestrian and bicycle safety, ADA compliance, lighting, intersections, and technology and operations; major roadway improvements (including county roads that run through cities), widening projects; intersection capacity improvements; new traffic signals, and mast arm upgrades; operations and maintenance to include roadway resurfacing and grading, bridge repair and maintenance, railroad crossing repair, roadway pond/drainage improvements and maintenance	<b>45%</b>
<b>Transit Improvements</b> (Category 2)	Increasing coverage, availability, and frequency of bus routes; expanding service hours; improving paratransit services; increasing frequency and connectivity to airport; optimizing high capacity corridors; providing faster more direct service to work; reducing headway times; enhancing and expanding commuter rail system including frequency, routes, and stations	<b>45%</b>
<b>Municipal Partnership Plans &amp;</b>	Roadway, safety, and operations and maintenance projects based on the individual needs of each municipality, as reflected in the transportation plans	<b>10%</b>

<b>Projects (Category 3)</b>	and project lists from each participating municipality	
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(B) *Adoption of the Report.* The Board hereby adopts the Orange County Transportation Initiative Report dated April 11, 2022, incorporated herein by this reference and available on the Orange County website. Transportation Surtax proceeds shall only be expended on uses authorized in section 212.055(1), Florida Statutes, and consistent with the Report. Substantive changes to the Report shall be presented to the Board for consideration at least annually and any such changes must be approved by resolution of the Board prior to becoming effective.

**Section 3. Transportation and Transit Initiative Technical Committee.**

(A) *Establishment & Duties.* The Board hereby establishes the Transportation & Transit Initiative Technical Committee (“Technical Committee”), which shall:

- i. Review the status of projects submitted by each jurisdiction or entity;
- ii. Review approved projects and ensure they are compatible and coordinated amongst various jurisdictions; and
- iii. Identify opportunities for joint projects and project collaboration.

(B) *Composition.* The Technical Committee shall be a multijurisdictional staff committee composed of 15 members, one (1) from each of the following entities and agencies, as appointed by each jurisdiction’s governing body or designated by the agency’s chief administrative official: Orange County; Florida Department of Transportation; LYNX/SunRail; Metroplan Orlando; City of Apopka; City of Belle Isle; Town of Eatonville; City of Edgewood; City of Maitland; Town of Oakland; City of Ocoee; City of Orlando; Town of Windermere; City of Winter Garden; and City of Winter Park.

(C) *Qualifications.* All appointees and designees to the Technical Committee must be staff members of the agencies appointing or designating them and must possess the knowledge, skills, and expertise to represent and provide input on behalf of their designating agency regarding major roadway improvement and transportation safety and technology in Orange County.

(D) *Officers; Legal guidance.*

i. Chair and Vice Chair. The Orange County appointee shall serve as the Chair of the Technical Committee. The Vice Chair of the Technical Committee shall be nominated and appointed by the members at large.

ii. Staff Support. A non-voting designee of the Orange County Administrator shall be responsible for providing ministerial support for the Technical Committee as necessary.

iii. Legal guidance. The County shall make a member of the Orange County Attorney's Office available to provide legal support and guidance to the Technical Committee if needed.

**Section 4. Transportation & Transit Initiative Citizens Oversight Board.**

(A) *Establishment & Duties.* The Board hereby establishes a Transportation & Transit Initiative Citizens Oversight Board ("Oversight Board") which shall:

i. Ensure accountability and transparency in the expenditure of Transportation Surtax proceeds;

ii. Ensure that the participating jurisdictions and agencies spend the Transportation Surtax proceeds appropriately, timely, and in full compliance with all applicable laws;

iii. Request and review audits of the Transportation Surtax; and

iv. Oversee the preparation of a nontechnical report or consolidated schedule of projects identifying the following information for each active project or purpose funded by the Transportation Surtax, which shall be updated and posted prominently on the County's website at least annually:

a. Original estimated cost;

b. Current estimated cost if different from original estimated cost;

c. Amounts expended in prior fiscal years;

d. Amounts expended in current fiscal year;

e. Any excess proceeds which have not been expended for project or purpose;

f. Estimated completion date, and the actual completion cost of project completed during the fiscal year; and

g. A statement of what corrective action the responsible jurisdiction or authority has planned with respect to each project which is underfunded or behind schedule.

(B) *Composition.* The Oversight Board shall be composed of 11 members who shall serve four-year terms as the appointees of the following individuals and agencies:

i. Two (2) individuals appointed by the Orange County Mayor, one (1)

of whom shall serve as the Chair of the Oversight Board, and one (1) of whom shall be a consumer of public transportation;

ii. Six (6) individuals, one appointed by each Orange County Commissioner, each of whom shall be a resident of the commission district that the appointing Commissioner represents;

iii. One (1) individual appointed by the Mayor of the City of Orlando;  
and

iv. Two (2) individuals collectively appointed by the remaining municipalities.

(C) *Qualifications.* All members of the Oversight Board shall be residents of Orange County who possess experience or interest in the fields of finance or accounting, transportation, mobility improvement operations, land use planning, or engineering. No member of the Oversight Board shall, at any time during their term, be an elected official or an employee of any city, county, state, special district, or federal government; or be materially engaged for remuneration by any public or private recipient of Transportation Surtax proceeds.

(D) *Officers; Legal guidance.*

i. Chair and Vice Chair. One of the Orange County Mayor's designees shall serve as the Chair of the Oversight Board. The Vice Chair shall be nominated and appointed by the members at large.

ii. Staff Support. A non-voting designee of the Orange County Administrator shall be responsible for providing ministerial support to the Oversight Board as needed.

iii. Legal Guidance. The County shall make a member of the Orange County Attorney's Office available to provide legal support and guidance to the Oversight Board if needed.

**Section 5. Exemption from Chapter 2, Article VI.** Unless expressly provided for in this Resolution, the Technical Committee and Oversight Board shall be exempt from Chapter 2, Article VI ("Orange County Advisory Boards Ordinance"), Orange County Code, and shall sunset when the following two conditions are met:

(A) The Transportation Surtax is no longer being levied; and

(B) All Transportation Surtax proceeds have been expended.

**Section 6.** This Resolution shall take effect immediately upon adoption.

ADOPTED this 26th day of April, 2022.

**ORANGE COUNTY, FLORIDA**

By: Orange County Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

BY: \_\_\_\_\_  
Deputy Clerk