

1 Introduced by Council Member Cumber and Co-Sponsored by Council
2 Members DeFoor and Ferraro:

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5 **ORDINANCE 2021-876**

6 AN ORDINANCE REPEALING THE IMPLEMENTATION AND
7 EXTENSION OF THE LOCAL OPTION GAS TAX AS
8 APPROVED BY ORDINANCE 2021-223-E; REVOKING THE
9 APPROVAL AND AUTHORITY FOR EXECUTE THE
10 INTERLOCAL AGREEMENT WITH THE CITY OF
11 JACKSONVILLE BEACH, THE CITY OF ATLANTIC BEACH,
12 THE CITY OF NEPTUNE BEACH, AND THE TOWN OF
13 BALDWIN FOR THE DISTRIBUTION FORMULA FOR
14 DIVIDING THE PROCEEDS OF THE PROPOSED LOCAL
15 OPTION GAS TAXES; FILING WITH FLORIDA DEPARTMENT
16 OF STATE; REQUESTING EMERGENCY PASSAGE UPON
17 INTRODUCTION; PROVIDING AN EFFECTIVE DATE.

18
19 **WHEREAS**, Chapter 336, Florida Statutes, authorizes Counties to
20 establish and collect Local Option Gas Tax; and

21 **WHEREAS**, consistent with Florida Statutes, the Jacksonville City
22 Council enacted Ordinance 2021-223-E, authorizing the City to: (1)
23 extend the six-cent Local Option Gas Tax for a ten (10) year period;
24 (2) provided for the levy of a five-cent Local Option Gas ("5-cent
25 Local Option Gas Tax) for a period of thirty (30) years; and (3)
26 provide for the levy of a one-cent Local Option Gas Tax ("9th-cent
27 Local Option Gas Tax") for a period of thirty years; and

28 **WHEREAS**, the collection of the gas tax is scheduled to begin in
29 January 1, 2022; and

1 **WHEREAS**, the Citizens of Florida have suffered the cost of the
2 increase of the price of gasoline, which has increased over 50% for
3 a gallon of gasoline during 2021; and

4 **WHEREAS**, Governor Ron DeSantis proposed that the state suspend
5 collection of a majority of the state gas tax for a period of 6
6 months; and

7 **WHEREAS**, the Federal government has authorized over one trillion
8 dollars in transportation and infrastructure funding, with
9 approximately \$18.4 billion in guaranteed formula funds going to the
10 state of Florida; and

11 **WHEREAS**, in addition to the formula funds, the City of
12 Jacksonville, Duval County, will be able to compete for the additional
13 tens of billions of dollars of transportation and infrastructure
14 federal discretionary funds; and

15 **WHEREAS**, as an example of success in obtaining discretionary
16 funds, the Jacksonville Transportation Authority was recently awarded
17 a grant from the U.S. Department of Transportation; and

18 **WHEREAS**, the Council believes that there are presently available
19 resources to fund transportation and infrastructure needs of Duval
20 County without the additional six cents authorized in 2021-223-E; now
21 therefore

22 **BE IT ORDAINED** by the Council of the City of Jacksonville:

23 **Section 1. Provisions of Ordinance 2021-223-E regarding the**
24 **implementation and extension of the gas tax are hereby repealed.** The
25 provisions of Ordinance 2021-223-E authorizing: (1) the extension of
26 the six-cent Local Option Gas tax for a 10 year period beginning
27 September 1, 2036, and continuing through August 31, 2046; (2) the
28 levy of a five-cent Local Option Gas ("5-cent Local Option Gas Tax")
29 for a period of thirty (30) years commencing January 1, 2022; and (3)
30 the levy of a one-cent Local Option Gas Tax ("9th-cent Local Option

1 Gas Tax") for a period of thirty years, commencing January 1, 2022
2 are hereby repealed.

3 **Section 2. Revoking the Approval and Authority to**
4 **execute the Agreements approved in Ordinance 2021-223-E specifically**
5 **the Interlocal Agreement with the City of Jacksonville Beach, the**
6 **City of Atlantic Beach, the City of Neptune Beach, and the Town of**
7 **Baldwin for the distribution formula for dividing the proceeds of the**
8 **proposed local option gas taxes.** The approval and authorization by
9 the Mayor, or his designee, and Corporation Secretary to execute and
10 deliver, for and on behalf of the City, the Amended and Restated
11 Interlocal Agreement among the City and the City of Atlantic Beach,
12 the City of Jacksonville Beach, the City of Neptune Beach, and the
13 Town of Baldwin, in substantially the form placed **Second Revised On**
14 **File** with Ordinance 2021-223-E with the Legislative Services Division
15 for the distribution formula for dividing the proceeds of the existing
16 and proposed local option gas taxes among the County and the local
17 municipalities is hereby revoked.

18 **Section 3. Filing with Florida Department of State.**
19 Directing the Legislative Services Division to send an electronic
20 copy of this Ordinance upon enactment to the Secretary of State for
21 the State of Florida in accordance with Section 125.66, Florida
22 Statutes.

23 **Section 4. Requesting Emergency Passage Upon Introduction**
24 **Pursuant to Council Rule 4.901 Emergency.** Emergency passage upon
25 introduction of this legislation is requested. The nature of the
26 emergency is that the implementation of the additional gas tax on the
27 citizens of Duval County is scheduled to begin January 1, 2022.

28 **Section 5. Effective Date.** This ordinance shall become
29 effective upon signature by the Mayor or upon becoming effective
30 without the Mayor's signature.

31 Form Approved:

1 /s/ Paige H. Johnston

2 Office of General Counsel

3 Legislation prepared by: Margaret M. Sidman

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