

1 Introduced by Council Member Dennis:
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4 **RESOLUTION 2021-898-W**

5 A RESOLUTION ENCOURAGING THE STATE TO ALLOW
6 LOCAL GOVERNMENTS TO WAIVE THE PROVISIONS OF
7 SECTIONS 336.025 AND 336.021, *FLORIDA STATUTES*,
8 TO ALLOW LOCAL GOVERNMENTS THE ABILITY TO
9 SUSPEND COLLECTION OF LOCAL OPTION GAS TAXES IF
10 THE STATE SUSPENDS THE STATE GAS TAX FOR A PERIOD
11 OF TIME THAT IS CONSISTENT WITH THE STATE'S
12 SUSPENSION; OFFERING FINDINGS AND STATEMENTS OF
13 FACT; ADDITIONAL APPROVAL AND AUTHORIZATION
14 REQUIRED TO EXECUTE DOCUMENTS RELATED TO THE
15 WAIVER OF STATE STATUTES TO SUSPEND COLLECTION
16 OF THE LOGT AND TRANSFER OF FUNDS TO PREVENT
17 FUNDING LAPSE; DIRECTING LEGISLATIVE SERVICES
18 DIVISION TO FORWARD TO THE FLORIDA LEGISLATURE,
19 THE DUVAL LEGISLATIVE DELEGATION AND THE FLORIDA
20 DEPARTMENT OF REVENUE; PROVIDING AN EFFECTIVE
21 DATE.
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23 **WHEREAS**, in May 2021, the City Council approved an extension to
24 the current six-cent local option gas tax and levied a new five-cent
25 local option gas tax and a one-cent local option gas tax in Ordinance
26 2021-223-E (with the new five-cent and one-cent taxes together
27 referred to herein as the "LOGT"); and

28 **WHEREAS**, the City is in the process of implementing the
29 additional LOGT and executing interlocal agreements with the
30 municipal corporations within Duval County to begin collection and
31 disbursement of the LOGT on January 1, 2022; and

1 **WHEREAS**, in recent months following economic conditions related
2 to the COVID-19 pandemic and supply chain issues affecting the sale
3 and delivery of products nationally and internationally, the price
4 of gasoline at the pump has increased in a short period of time; and

5 **WHEREAS**, the Governor of the State of Florida recently announced
6 that he would propose to temporarily reduce the 26.5-cent per gallon
7 state gas tax imposed pursuant to Chapter 336, *Florida Statutes*; and

8 **WHEREAS**, the suspension of the state gas tax does not negate
9 collection of other gas taxes, including the federal gas taxes imposed
10 at 18.4 cents a gallon and the local option gas tax totaling 12 cents
11 per gallon (of which 6-cents for LOGT were approved in Ordinance
12 2021-223-E); and

13 **WHEREAS**, if the Legislature and/or the Governor is successful
14 in temporarily suspending the state gas tax, the Council believes
15 that the State should take action to allow waiver of provisions of
16 Sections 336.025 (pertaining to the 5-cent tax) and 336.021
17 (pertaining to the 9th cent tax), *Florida Statutes*, pertaining to
18 collection of local option gas taxes so that local governments have
19 the ability to also temporarily suspend the collection of local option
20 gas taxes for a period of time consistent with the suspension of the
21 state gas taxes; and

22 **WHEREAS**, the Council respectfully requests that if the
23 Legislature and/or the Governor takes action to suspend collection
24 of the state gas tax upon the residents of Florida that the State
25 also put in place a mechanism for local governments to waive the
26 process outlined in Sections 336.025 (pertaining to the 5-cent tax)
27 and 336.021 (pertaining to the 9th cent tax), *Florida Statutes*, and
28 allow them the ability to do the same to suspend local option gas
29 taxes; and

30 **WHEREAS**, the Council finds that it is a legitimate public purpose
31 for the City of Jacksonville to suspend the 6-cent LOGT for a period

1 of time consistent with the State's proposed suspension of the state
2 gas tax to alleviate some of the hardship that rising gas prices have
3 taken on the citizens of Jacksonville; and

4 **WHEREAS**, since the Legislature and/or the Governor may act to
5 suspend the State gas tax as soon as the next several months and the
6 Council would like to communicate its desire to authorize suspension
7 of the LOGT collection, if the State allows waiver of the statutory
8 provisions as to collection, as swiftly as possible to align with the
9 State action; and

10 **WHEREAS**, in the interest of time, the Council desires to
11 immediately communicate to the State its desire to temporarily suspend
12 LOGT collection if the State takes action to suspend the state gas
13 tax; now therefore,

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

15 **Section 1. Findings and Statement of Intent.**

16 (a) The above recitals are hereby adopted as the Council's
17 Findings of Fact; and

18 (b) It is the intent of the Council to communicate to the State
19 that it supports a temporary waiver of provisions of Sections 336.025
20 (pertaining to the 5-cent tax) and 336.021 (pertaining to the 9th cent
21 tax), *Florida Statutes*, so that the City of Jacksonville can be
22 authorized to temporarily suspend collection of the LOGT to align
23 with any State action that suspends collection of the state gas tax;
24 and

25 (c) It is further the intent of the Council to act swiftly at
26 the local level to authorize the City of Jacksonville to take the
27 necessary steps to immediately suspend collection of the LOGT if the
28 State authorizes waiver of the statutory provisions regarding
29 collection for local government gas taxes.

30 **Section 2. Encouraging the State Legislature and/or the**
31 **Governor, as applicable, to allow local governments to waive certain**

1 **statutory provisions and allow suspension of the collection of local**
2 **option gas taxes for a period of time consistent with the State**
3 **suspension of collection of state gas taxes.** Upon approval by the
4 Legislature or the Governor, as applicable, of a temporary suspension
5 of the collection of state gas taxes, the Council believes that local
6 governments should have the ability to waive the provisions of
7 Sections 336.025 (pertaining to the 5-cent tax) and 336.021
8 (pertaining to the 9th cent tax), *Florida Statutes*, to allow local
9 governments the option to temporarily suspend the collection of the
10 local option gas taxes. Therefore, the Council would respectfully
11 encourage and request that if the State takes action to suspend
12 collection of the state gas tax upon the residents of Florida that
13 it also puts in place a mechanism for the waiver of Sections 336.025
14 (pertaining to the 5-cent tax) and 336.021 (pertaining to the 9th cent
15 tax), *Florida Statutes*, and allow suspension of collection of the
16 local option gas taxes consistent with the suspension of collection
17 of state gas taxes.

18 **Section 3. Additional approval and authorization required**
19 **to execute documents related to the temporary suspension of the local**
20 **option gas tax and transfer of funds to prevent lapse in funding.**

21 Should the State offer a mechanism to waive the provisions of Sections
22 336.025 (pertaining to the 5-cent tax) and 336.021 (pertaining to the
23 9th cent tax), *Florida Statutes*, to allow for local governments'
24 suspension of collection of the local option gas tax consistent with
25 suspension of the state gas tax, the Council hereby states its intent
26 to file emergency legislation to authorize the City to execute and
27 deliver any such documents necessary to effectuate a temporary
28 suspension of the LOGT consistent with State suspension of state gas
29 tax, and to authorize the appropriation of funding to prevent any
30 lapses in funding from budgeted LOGT fund sources.

31 **Section 4. Directing Legislative Services Division to**

1 **Forward to the State Governor and Legislature, the Duval Legislative**
2 **Delegation, and the Florida Department of Revenue.** The Legislative
3 Services Division is directed to send an electronic copy of this
4 Ordinance upon enactment to the Governor, the Senate President and
5 the Speaker of the House of the Florida Legislature, the members of
6 the Duval Legislative Delegation, and the Florida Department of
7 Revenue.

8 **Section 5. Effective Date.** This ordinance shall become
9 effective upon signature by the Mayor or upon becoming effective
10 without the Mayor's signature.

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12 Form Approved:

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14 /s/ Paige H. Johnston

15 Office of General Counsel

16 Legislation prepared by: Paige H. Johnston

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