

1 Co-Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-223**

5 AN ORDINANCE AMENDING CHAPTER 799 (LOCAL OPTION
6 GAS TAX), *ORDINANCE CODE*, TO: (1) EXTEND THE
7 SIX-CENT LOCAL OPTION GAS TAX FOR A 10 YEAR
8 PERIOD BEGINNING SEPTEMBER 1, 2036, AND
9 CONTINUING THROUGH AUGUST 31, 2046; (2) PROVIDE
10 FOR THE LEVY OF A FIVE-CENT LOCAL OPTION GAS TAX
11 ("5-CENT LOCAL OPTION GAS TAX") IN DUVAL COUNTY
12 FOR A PERIOD OF THIRTY (30) YEARS COMMENCING
13 JANUARY 1, 2022; AND (3) PROVIDE FOR THE LEVY OF
14 A ONE-CENT LOCAL OPTION GAS TAX ("9TH-CENT LOCAL
15 OPTION GAS TAX") IN DUVAL COUNTY FOR A PERIOD OF
16 THIRTY (30) YEARS, COMMENCING JANUARY 1, 2022;
17 AMENDING SECTION 761.107 (COMMITTEES), CHAPTER
18 761 (THE BETTER JACKSONVILLE PLAN), *ORDINANCE*
19 *CODE*, TO PROVIDE FOR THE BETTER JACKSONVILLE
20 PLAN FINANCIAL ADMINISTRATION COMMITTEE AND
21 PROJECT ADMINISTRATION COMMITTEE TO PROVIDE
22 REPORTING OF REVENUES AND EXPENDITURES REGARDING
23 THE LOCAL OPTION GAS TAXES TO COUNCIL ON AN
24 ANNUAL BASIS, AND EXPANDING THE MEMBERSHIP OF
25 EACH COMMITTEE; APPROVING AND AUTHORIZING THE
26 MAYOR, OR HIS DESIGNEE, AND THE CORPORATION
27 SECRETARY TO EXECUTE: (1) AN INTERLOCAL
28 AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND
29 THE JACKSONVILLE TRANSPORTATION AUTHORITY FOR
30 ALLOCATION OF THE ADDITIONAL TEN YEARS OF THE
31 SIX-CENT LOCAL OPTION GAS TAX, THE 5-CENT LOCAL

1 OPTION GAS TAX AND THE 9TH-CENT LOCAL OPTION GAS
2 TAX (COLLECTIVELY, THE "LOCAL OPTION GAS
3 TAXES"); AND (2) AN AMENDED AND RESTATED
4 INTERLOCAL AGREEMENT AMONG THE CITY, THE CITY OF
5 ATLANTIC BEACH, THE CITY OF JACKSONVILLE BEACH,
6 THE CITY OF NEPTUNE BEACH AND THE TOWN OF BALDWIN
7 TO PROVIDE FOR THE DISTRIBUTION FORMULA FOR
8 DIVIDING THE PROCEEDS OF THE PROPOSED LOCAL
9 OPTION GAS TAXES; APPROVAL OF ORDINANCE;
10 PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT
11 OF STATE; PROVIDING AN EFFECTIVE DATE.

12
13 **BE IT ORDAINED** by the Council of the City of Jacksonville:

14 **Section 1. Amending Chapter 799 (Local Option Gas Tax),**
15 **Ordinance Code.** Chapter 799 (Local Option Gas Tax), *Ordinance Code*,
16 is hereby amended to read as follows:

17 **CHAPTER 799. Local Option Gas Taxes.**

18 **Part 1 - Six-Cent Local Option Gas Tax**

19 **Sec. 799.101. Tax imposed; limitation.**

20 There is hereby imposed a tax, hereinafter known as the six-
21 cent local option gas tax, in the amount of six cents upon every
22 gallon of motor fuel and special fuel sold in the General Services
23 District and taxed under the provisions of F.S. Ch. 206. This tax
24 shall be effective on September 1, 2016 and shall continue through
25 August 31, ~~2036~~ 2046.

26 * * *

27 **Sec. 799.106. Distribution of tax proceeds.**

28 The proceeds of the local option gas tax shall be distributed
29 among the City and Urban Services Districts Two, Three, Four and
30 Five, to the extent that they are each eligible to receive a
31 distribution, based upon the percentage amount calculated by

1 dividing the latest annual population total for each such
2 governmental unit, as calculated and certified annually by the State
3 Department of Administration, by the latest annual population total
4 of Duval County as likewise calculated and certified. This percentage
5 amount shall be revised annually during the term of the tax as the
6 population figures calculated and certified by the Department of
7 Administration are revised. The Council Auditor shall provide the
8 State Department of Revenue with the distribution proportions prior
9 to August 15 of each year the tax is in effect; if a dispute shall
10 arise with respect to the determination of distribution proportions
11 as provided in F.S. § 336.025(5)(b), the tax proceeds shall be paid
12 into the Local Option Gas Tax Trust Fund without distribution and
13 held in escrow until the dispute is resolved. The City's share of
14 proceeds from the six-cent local option gas tax shall be distributed
15 between the City of Jacksonville and the JTA pursuant to the
16 Interlocal Agreement between the City and JTA authorized by Ordinance
17 2021- -E. In the event the local municipalities do not enter into
18 an Amended and Restated Interlocal Agreement authorized by Ordinance
19 2021- -E, the proceeds of the six-cent local option gas tax, as to
20 the August 31, 2036 through August 31, 2046 time frame shall be
21 disbursed based on the transportation expenditures of each eligible
22 local municipality for the immediately preceding 5 fiscal years, as
23 a proportion of the total of such expenditures for the county and all
24 municipalities within the county, consistent with Chapter 336.025,
25 Florida Statutes.

26 * * *

27 **Part 2. - Five-Cent Local Option Gas Tax.**

28 **Sec. 799.201. - Tax imposed; limitation.**

29 There is hereby imposed a tax, hereinafter known as the five-
30 cent local option gas tax, in the amount of five cents upon every
31 gallon of motor fuel sold (exclusive of diesel fuel) in the General

1 Services District and taxed under the provisions of F.S. Ch. 206.
2 This tax shall be effective on January 1, 2022 and shall continue
3 through December 31, 2052.

4 **Sec. 799.202. - Manner of collection.**

5 The five-cent local option gas tax shall be collected by the
6 State Department of Revenue in the same manner as other gas taxes are
7 collected pursuant to F.S. Ch. 206 and, when received by the City,
8 shall be credited to the Local Option Gas Tax Trust Fund created by
9 Section 111.515, Ordinance Code.

10 **Sec. 799.203. - Purpose of tax.**

11 The five-cent local option gas tax shall be utilized only for
12 transportation expenditures, as that term is set forth in F.S. §
13 336.025(1)(b)(3), as defined in F.S. § 336.025(7) and as appropriated
14 from time to time by the Council.

15 **Sec. 799.204. - Legislative authority.**

16 This Chapter is enacted pursuant to the authority contained in
17 F.S. § 336.025.

18 **Sec. 799.205. - Territorial application.**

19 This Chapter shall apply throughout the General Services
20 District. The City is exercising its powers as a County in the
21 enactment of this Chapter and the imposition of the five-cent local
22 option gas tax, pursuant to the authority contained in Section 3.01
23 of the Charter.

24 **Sec. 799.206. - Distribution of tax proceeds.**

25 The proceeds of the five-cent local option gas tax shall be
26 distributed among the City and Urban Services Districts Two, Three,
27 Four and Five, to the extent that they are each eligible to receive
28 a distribution, based upon the percentage amount calculated by
29 dividing the latest annual population total for each such governmental
30 unit, as calculated and certified annually by the State Department
31 of Administration, by the latest annual population total of Duval

1 County as likewise calculated and certified. This percentage amount
2 shall be revised annually during the term of the tax as the population
3 figures calculated and certified by the Department of Administration
4 are revised. The Council Auditor shall provide the State Department
5 of Revenue with the distribution proportions prior to August 15 of
6 each year the tax is in effect; if a dispute shall arise with respect
7 to the determination of distribution proportions as provided in F.S.
8 § 336.025(5)(b), the tax proceeds shall be paid into the Local Option
9 Gas Tax Trust Fund without distribution and held in escrow until the
10 dispute is resolved. In the event the local municipalities do not
11 enter into an Amended and Restated Interlocal Agreement as authorized
12 by Ordinance 2021- -E, the proceeds of the five-cent local option
13 gas tax shall be disbursed based on the transportation expenditures
14 of each eligible local municipality for the immediately preceding 5
15 fiscal years, as a proportion of the total of such expenditures for
16 the county and all municipalities within the county, consistent with
17 Chapter 336.025, Florida Statutes. The City's share of proceeds from
18 the five-cent local option gas tax shall be distributed between the
19 City and the JTA pursuant to the Interlocal Agreement between the
20 City and JTA authorized by Ordinance 2021- -E.

21 **Sec. 799.207. - Use of City's share of five-cent local option**
22 **gas tax.**

23 Proceeds from the five-cent local option gas tax shall be used
24 by the City, eligible municipalities within Duval County and JTA only
25 for transportation expenses as authorized and defined in Section
26 336.025(7), Florida Statutes.

27 **Part 3. - 9th-Cent Local Option Gas Tax.**

28 **Sec. 799.301. - Tax imposed; limitation.**

29 There is hereby imposed a tax, hereinafter known as the 9th-cent
30 local option gas tax, in the amount of one cent upon every gallon of
31 motor fuel sold in the General Services District and taxed under the

1 provisions of F.S. Ch. 206. This tax shall be effective on January
2 1, 2022 and shall continue through December 31, 2052.

3 **Sec. 799.302. - Manner of collection.**

4 The 9th-cent local option gas tax shall be collected by the State
5 Department of Revenue in the same manner as other gas taxes are
6 collected pursuant to F.S. Ch. 206 and, when received by the City,
7 shall be credited to the Local Option Gas Tax Trust Fund created by
8 Section 111.515, Ordinance Code.

9 **Sec. 799.303. - Purpose of tax.**

10 The 9th-cent local option gas tax shall be utilized only for
11 transportation expenditures, as that term is defined in F.S. §
12 336.025(7) as appropriated from time to time by the Council.

13 **Sec. 799.304. - Legislative authority.**

14 This Chapter is enacted pursuant to the authority contained in
15 F.S. Ch. §§ 206.41, 206.87 and 336.021.

16 **Sec. 799.305. - Territorial application.**

17 This Chapter shall apply throughout the General Services
18 District. The City is exercising its powers as a County in the
19 enactment of this Chapter and the imposition of the 9th-cent local
20 option gas tax, pursuant to the authority contained in Section 3.01
21 of the Charter.

22 **Sec. 799.306. - Distribution of tax proceeds.**

23 The proceeds of the 9th-cent local option gas tax shall be
24 distributed between the City and JTA on a 50/50 basis, pursuant to
25 the Interlocal Agreement between the City and JTA as authorized by
26 Ordinance 2021- -E.

27 **Sec. 799.307. - Use of 9th-cent gas tax.**

28 Proceeds from the 9th Cent Gas Tax shall be used by the County
29 and JTA only for transportation expenses as defined in Section
30 336.025, Florida Statutes.

31 **Section 2. Amending Section 761.107 (Committees), Chapter**

1 **761 (The Better Jacksonville Plan), Ordinance Code.** Section 761.107
2 (Committees), Chapter 761 (The Better Jacksonville Plan), *Ordinance*
3 *Code*, is hereby amended to read as follows:

4 **CHAPTER 761. THE BETTER JACKSONVILLE PLAN.**

5 * * *

6 **Sec. 761.107. Committees.**

7 (a) The FAC shall consist of the Managing Director of JEA, the
8 Chief Administrative Officer of the City, or their respective
9 designees, and a citizen within the financial business community of
10 the City ~~who shall not be associated with any of the financial~~
11 ~~components of The Better Jacksonville Plan, including auditing or~~
12 ~~bonding~~; in the alternative, a citizen who has had involvement in
13 municipal, County or other governmental financing. In addition,
14 five~~two~~ private citizens who are residents of the City who are not
15 affiliated with or employed by any business or occupation that would
16 be involved in the implementation of The Better Jacksonville Plan
17 Projects shall serve as members. Such involvement includes financing,
18 planning, real estate, design, construction or other similar
19 businesses or occupations. Two of said citizen members of the FAC
20 shall be appointed by the Mayor (one of whom shall be the citizen
21 within the financial business community of the City) and confirmed
22 by Council, two shall be appointed by Council, and two shall be
23 recommended by JTA to be confirmed by Council, in each case, for a
24 five-year term~~All of said citizen members of the FAC shall be~~
25 ~~appointed by the Mayor, and confirmed by the Council, for a five-year~~
26 ~~term~~ with the possibility of serving one additional five-year term
27 in the discretion of the Mayor and confirmation by the Council;
28 provided however, the citizen members shall serve no more than two
29 full terms. The Council Auditor, or designee, shall be a nonvoting
30 member. The FAC shall meet at the call of the Chair or any member,
31 but no less than quarterly. The Chair shall rotate on an annual basis,

1 commencing with the City's Chief Administrative Officer. The Council
2 Auditor, or designee, and the citizen members shall not be eligible
3 to serve as Chair. The FAC shall determine and assess the general
4 conditions of the market for municipal bonds and notes (including
5 opportunities for the efficient use of bond anticipation notes, other
6 bridge financing and refunding bonds), and other appropriate
7 financial markets, including advice regarding advantageous maturities
8 and maturity structures, sinking fund and defeasance provisions,
9 interest rate provisions, redemption provisions, credit enhancement
10 opportunities, interest rate hedging opportunities, method of sale,
11 investment opportunity and similar matters. The FAC shall take into
12 account the effect of the terms of each series to be issued on all
13 of The Better Jacksonville Plan Projects in order that The Better
14 Jacksonville Plan, as an entirety, may be efficiently financed. The
15 foregoing sentence shall apply equally to any series of refunding
16 bonds issued to refund any bonds, which refunding bonds may only be
17 issued with the unanimous consent of FAC or the Mayor, as provided
18 as follows: It is intended that the issuance of bonds be provided in
19 a manner necessary to provide funds for The Better Jacksonville Plan
20 Projects on a timely basis when such projects are ready to be
21 commenced. The FAC shall meet as determined by the Chair or at the
22 request of an individual member for the purpose of coordinating the
23 respective needs of the City for the issuance of bonds with the intent
24 that each series of bonds be sized and structured in the most
25 efficient manner possible. The timing and amount of each series of
26 bonds shall be as executed by the City to timely construct The Better
27 Jacksonville Plan Projects. Upon dissent of any voting member of the
28 FAC, as to matters involving the issuance of bonds, the final
29 determination, on such issuance, will be made by the Mayor after
30 review of supportive documentation given to the Mayor and any
31 dissenting FAC member.

1 (b) The PAC shall consist of the Executive Director of the
2 Jacksonville Transportation Authority, the City's Director of Public
3 Works and the Managing Director of JEA or their respective designees.
4 In addition, ~~six~~two private citizens who are residents of the City
5 ~~and who are not affiliated with or employed by any business or~~
6 ~~occupation that would be involved in the implementation of The Better~~
7 ~~Jacksonville Plan Projects~~ shall serve as members. Such involvement
8 includes financing, planning, real estate, design, construction or
9 other similar businesses or occupations. Two of said citizen members
10 of the PAC shall be appointed by the Mayor and confirmed by Council,
11 two shall be appointed by Council, and two shall be recommended by
12 JTA to be confirmed by Council, in each case, for a five-year term
13 ~~The citizen members of the PAC shall be appointed by the Mayor, and~~
14 ~~confirmed by the Council, for a five-year term~~ with the possibility
15 of serving one additional five-year term in the discretion of the
16 Mayor and confirmation by the Council; provided however, the citizen
17 members shall serve no more than two full terms. The general
18 engineering consultant of Jacksonville Transportation Authority and
19 Public Works Department's general engineering consultant, or their
20 respective designees, shall be nonvoting members. The PAC shall meet
21 at the call of the Chair or any member, but no less than quarterly.
22 The Chair shall rotate on an annual basis among committee members
23 commencing with the Executive Director of the Jacksonville
24 Transportation Authority. The nonvoting member(s) and the citizen
25 members shall not be eligible to serve as Chair. The City shall be
26 primarily responsible for the construction of The Better Jacksonville
27 Plan Projects which are referenced to the City. The PAC shall study
28 The Better Jacksonville Plan Projects with the goal of advising how
29 to construct and complete such projects in the most efficient manner
30 possible and to oversee execution of work of all such projects as
31 each such project is ready to be designed, right-of-way acquired,

1 permitted and constructed.

2 (c) The FAC and the PAC shall prepare and present to the City
3 Council, the Mayor and the Jacksonville Transportation Authority
4 Board as necessary a report on the implementation, progress, status
5 and completion of all The Better Jacksonville Plan Projects, including
6 a summary of the financing undertaken, funds expended and planning,
7 design, right-of-way acquisition and construction as of the reporting
8 date. In addition, said committees shall report on the degree of
9 cooperation of the parties hereto, and on areas of concern for the
10 timely and proper completion of The Better Jacksonville Plan Projects.
11 Such reports shall be given on an annual basis, within 90 days after
12 the end of each fiscal year occurring after the effective date of The
13 Better Jacksonville $\frac{1}{2}$ Cent Sales Surtax. The FAC and PAC shall also
14 prepare and present to the City Council and the Mayor a report, on
15 an annual basis no later than April 1 of each year, that such taxes
16 are in effect, regarding the revenues received, implementation,
17 progress, status and completion of the projects related to the use
18 of the local option gas taxes set forth in Chapter 799, Ordinance
19 Code.

20 **Section 3. Manner of Collection.** The Local Option Gas
21 Taxes enacted hereby shall be collected by the State of Florida
22 Department of Revenue in the same manner as other gas taxes are
23 collected pursuant to Chapter 206, Florida Statutes and, when received
24 by the City, shall be credited to the Local Option Gas Tax Trust Fund
25 created by Section 111.515, *Ordinance Code*.

26 **Section 4. Use of Revenues.** The 5-cent local option gas
27 tax and the 9th-cent local option gas tax proceeds shall be utilized
28 only for transportation expenditures, as that term is defined in
29 Section 336.025(7), as appropriated from time to time by Council.
30 Pursuant to Section 336.025, Florida Statutes, and any other
31 applicable law, proceeds of the six-cent local option gas tax and any

1 interest accrued thereto shall be expended by the County, the local
2 municipalities and JTA for transportation expenditures needed to meet
3 the requirements of the capital improvements element of an adopted
4 comprehensive plan or for expenditures needed to meet immediate local
5 transportation problems and for other transportation-related
6 expenditures that are critical for building comprehensive roadway
7 networks. Further, expenditures for the construction of new roads,
8 the reconstruction or resurfacing of existing paved roads, or the
9 paving of existing graded roads shall be deemed to increase capacity
10 and such projects shall be included in the capital improvements
11 element of an adopted comprehensive plan. A sample of eligible
12 transportation projects is attached hereto as **Exhibit 1**.

13 **Section 5. Approval and Authorization for Interlocal**
14 **Agreement with Jacksonville Transportation Authority.** There is
15 approved, and the Mayor, or his designee, and Corporation Secretary
16 are hereby authorized to execute and deliver, for and on behalf of
17 the City, the Interlocal Agreement between the City of Jacksonville
18 and the Jacksonville Transportation Authority substantially in the
19 form placed **On File** with the Legislative Services Division, governing
20 the distribution of the five-cent local option gas tax, the 9th-cent
21 local option gas tax, and the final 10 years (from August 31, 2036
22 through August 31, 2046) of the six-cent local option gas tax.

23 **Section 6. Approval and Authorization for Interlocal**
24 **Agreement with the City of Jacksonville Beach, the City of Atlantic**
25 **Beach, the City of Neptune Beach, and the Town of Baldwin for the**
26 **distribution formula for dividing the proceeds of the proposed local**
27 **option gas taxes.** There is hereby approved, and the Mayor, or his
28 designee, and Corporation Secretary are hereby authorized to execute
29 and deliver, for and on behalf of the City, the Amended and Restated
30 Interlocal Agreement among the City and the City of Atlantic Beach,
31 the City of Jacksonville Beach, the City of Neptune Beach, and the

1 Town of Baldwin, in substantially the form placed **On File** with the
2 Legislative Services Division for the distribution formula for
3 dividing the proceeds of the existing and proposed local option gas
4 taxes among the County and the local municipalities as authorized
5 hereby.

6 **Section 7. Approval of Ordinance.** Pursuant to Chapters
7 336.025 and 336.021, Florida Statutes, enactment of this Ordinance
8 requires approval by a majority plus one vote of the Council members
9 present at the Council meeting at which a vote on this Ordinance is
10 taken.

11 **Section 8. Filing with Florida Department of State.**
12 Directing the Legislative Services Division to send an electronic
13 copy of this Ordinance upon enactment to the Secretary of State for
14 the State of Florida in accordance with Section 125.66, Florida
15 Statutes.

16 **Section 9. Effective Date.** This Ordinance shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

19
20 Form Approved:

21
22 /s/ John Sawyer

23 Office of General Counsel

24 Legislation Prepared By: John Sawyer

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