

ORDINANCE NO. 2006 - 135

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, SUPPLEMENTING ST. JOHNS COUNTY ORDINANCE 86-61 WHICH IS THE ORDINANCE THAT IMPOSED AND LEVIED THE COUNTY SIX (6) CENT LOCAL OPTION FUEL TAX. THIS ORDINANCE REIMPOSES, EXTENDS AND RELEVIES THE SIX (6) CENT LOCAL OPTION FUEL TAX UPON EVERY GALLON OF MOTOR FUEL AND DIESEL FUEL SOLD IN ST. JOHNS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES; PROVIDES THAT THE REIMPOSITION, EXTENSION AND RELEVY SHALL BE EFFECTIVE JANUARY 1, 2033 AND EXTENDING TO DECEMBER 31, 2036; REDETERMINES THE METHOD OF DISTRIBUTION OF THE TAX REVENUE AMONG THE COUNTY AND MUNICIPALITIES PURSUANT TO A SUPPLEMENT TO AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE; PROVIDES FOR COLLECTION AND USE OF THE FUEL TAX; PROVIDES SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE.

WHEREAS, St. Johns County enacted St. Johns County Ordinance 86-61 in 1986 imposing and levying a six (6) cent local option fuel tax effective September 1, 1986 to August 31, 2016, both inclusive; and St. Johns County Ordinance 86-61 provided that the six (6) cent local option fuel tax would be distributed among St. Johns County and the eligible municipalities located within St. Johns County in the manner provided in the June 10, 1986 Amendment to Interlocal Agreement between St. Johns County and the City of St. Augustine, Florida (the "City"); and

WHEREAS, St. Johns County enacted St. Johns County Ordinance 2003-91 and entered into a Supplement to Amendment to Interlocal Agreement with the City dated October 20, 2003, which reimposed, extended and relevied the six (6) cent local option fuel tax effective September 1, 2016 and continuing to August 31, 2033, both dates inclusive; and St. Johns County enacted St. Johns County Ordinance 2003-104 which deleted and substituted Section 2 of said Ordinance 2003-91 and reimposed, extended and relevied the six (6) cent local option fuel tax effective September 1, 2016 and continuing to December 31, 2032, both dates inclusive; and

WHEREAS, Section 336.025(1)(a), Florida Statutes, as amended, provides that the six (6) cent local option fuel tax may be reimposed at its current authorized rate effective upon its expiration date in accordance with the provisions thereof; and

WHEREAS, St. Johns County desires to issue additional transportation improvement revenue bonds (the "Bonds") pursuant to St. Johns County Resolution 92-103, as amended and supplemented, and pursuant to Section 336.025, Florida Statutes, as amended; and

WHEREAS, in order to efficiently and advantageously issue the Bonds, St. Johns County has determined to extend, reimpose and relevy St. Johns County's current six (6) cent local option fuel tax (originally referred to as the six (6) cent local option gas tax) from its current expiration date of December 31, 2032;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. This Ordinance is authorized by Section 336.025, Florida Statutes, as amended, and other applicable law, and supplements St. Johns County Ordinance 86-61 which is the ordinance that imposed and levied the County six (6) cent local option fuel tax.

Section 2. The six (6) cent local option fuel tax imposed and levied by St. Johns County Ordinance 86-61, as supplemented by St. Johns County Ordinances 2003-91 and 2003-104, is hereby extended, reimposed and relevied effective January 1, 2033 and continuing to December 31, 2035, both dates inclusive. Such tax shall be levied upon every gallon of motor fuel and diesel fuel sold in St. Johns County, Florida, and taxed under the provisions of Part I or Part II of Chapter 206, Florida Statutes, as amended.

Section 3. The proceeds of the six (6) cent local option fuel tax hereby extended, reimposed and relevied shall be distributed among St. Johns County and the eligible municipalities located within St. Johns County in the manner provided and redetermined in the attached form of Second Supplement to Amendment to Interlocal Agreement between St. Johns County and the City of St. Augustine.

Section 4. The six (6) cent local option fuel tax hereby extended, reimposed and relevied shall be collected and remitted as provided in Florida Statute 336.025, as amended, and shall be utilized by St. Johns County and the eligible municipalities located therein only for transportation expenditures as permitted by such statute.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof; provided, however, that the remaining provisions when read together will constitute a feasible, reasonable, workable plan to accomplish the purposes contemplated hereby.

Section 6. This Ordinance shall take effect immediately upon the filing of a certified copy of this Ordinance with the Department of State.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, this 14<sup>th</sup> day of November, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James L. Bryant  
Chairman

ATTEST: Cheryl Strickland, Clerk

By: Uvonne King  
Deputy Clerk

RENDITION DATE 11/10/06

Effective Date: 11/21/06

# The St. Augustine Record

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

COPY OF ADVERTISEMENT

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**  
who on oath says that he is an Accounting Clerk of the St. Augustine Record,  
a daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement, being **NOTICE OF HEARING**  
in the matter **ORDINANCE 86-61**  
was published in said newspaper in the issues of  
**OCTOBER 28, NOVEMBER 4, 2006.**

Affiant further says that the St. Augustine Record is a newspaper published  
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper  
heretofore been continuously published in said St. Johns County, Florida, each  
day and has been entered as second class mail matter at the post office in the  
City of St. Augustine, in said St. Johns County, for a period of one year preceding  
the first publication of the copy of advertisement; and affiant further says that  
he has neither paid nor promised any person, firm or corporation any discount,  
rebate, commission or refund for the purpose of securing the advertisement for  
publication in the said newspaper.

Sworn to and subscribed before me this **6TH** day of **NOVEMBER, 2006.**

by *Patricia A. Bergquist* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

*Patricia A. Bergquist*  
(Signature of Notary Public)



Patricia A. Bergquist  
My Commission DD275991  
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator at (904) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals, Telecommunications Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770; no later than 5 days prior to the date of the hearing.

**BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA**  
CHERYL STRICKLAND, ITS CLERK  
By: Patricia DeChade, Deputy Clerk  
L3240-6 Nov. 4, 2006

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

**NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, November 14, 2006 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, SUPPLEMENTING ST. JOHNS COUNTY ORDINANCE 86-61 WHICH IS THE ORDINANCE THAT IMPOSED AND LEVIED THE COUNTY SIX (6) PERCENT LOCAL OPTION FUEL TAX. THIS ORDINANCE REIMPOSES, EXTENDS AND RELIEVES THE SIX (6) PERCENT LOCAL OPTION FUEL TAX UPON EVERY GALLON OF MOTOR FUEL AND DIESEL FUEL SOLD IN ST. JOHNS COUNTY AND TAXED UNDER THE PROVISIONS OF CHAPTER 206, FLORIDA STATUTES; PROVIDES THAT THE REIMPOSITION, EXTENSION AND RELIEF SHALL BE EFFECTIVE JANUARY 1, 2033 AND EXTENDING TO DECEMBER 31, 2036; REDETERMINES THE METHOD OF DISTRIBUTION OF THE TAX REVENUE AMONG THE COUNTY AND MUNICIPALITIES PURSUANT TO A SECOND SUPPLEMENT TO AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE CITY OF ST. AUGUSTINE; PROVIDES FOR COLLECTION AND USE OF THE FUEL TAX; PROVIDES SEVERABILITY; AND PROVIDES AN EFFECTIVE DATE.**



STATE OF FLORIDA  
DEPARTMENT OF STATE  
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH  
Governor

SUE M. COBB  
Secretary of State

November 22, 2006

FILED  
06 NOV 28 AM 8:56  
CHERYL STRICKLAND  
CLERK OF THE CIRCUIT COURT  
ST. JOHNS COUNTY, FL

Ms. Cheryl Strickland  
Clerk of the Circuit Court  
St. Johns County  
4010 Lewis Speedway  
St. Augustine, Florida 32084-8637

Attention: Yvonne King, Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated November 20, 2006 and certified copies of St. Johns County Ordinance Nos. 2006-135 through 2006-150, which were filed in this office on November 21, 2006.

Sincerely,

Liz Cloud  
Program Administrator

LC/bpn

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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