

By Senator Forman

32-710A-00

See HB 551

1 A bill to be entitled
 2 An act relating to transportation; amending s.
 3 336.021, F.S.; authorizing levy of the
 4 ninth-cent fuel tax on motor fuel and diesel
 5 fuel by majority, rather than extraordinary,
 6 vote of the county governing body; amending s.
 7 336.025, F.S.; authorizing levy of the
 8 additional local option fuel tax on motor fuel
 9 by majority, rather than majority plus one,
 10 vote of the county governing body; revising
 11 provisions which require levy of the local
 12 option fuel tax on diesel fuel at the rate of 6
 13 cents in every county; amending s. 339.175,
 14 F.S.; revising duties of metropolitan planning
 15 organizations and their technical advisory
 16 committees with respect to safe access to
 17 schools; requiring each metropolitan planning
 18 organization located in a transportation
 19 management area to establish a freight mobility
 20 committee or comparable committee; providing an
 21 effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

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 25 Section 1. Paragraph (a) of subsection (1) of section
 26 336.021, Florida Statutes, is amended to read:

27 336.021 County transportation system; levy of
 28 ninth-cent fuel tax on motor fuel and diesel fuel.--

29 (1)(a) Any county in the state, by majority
 30 ~~extraordinary~~ vote of the membership of its governing body or
 31 subject to a referendum, may levy the tax imposed by ss.

1 206.41(1)(d) and 206.87(1)(b). County and municipal
2 governments may use the moneys received under this paragraph
3 only for transportation expenditures as defined in s.
4 336.025(7).

5 Section 2. Subsections (1) and (9) of section 336.025,
6 Florida Statutes, are amended to read:

7 336.025 County transportation system; levy of local
8 option fuel tax on motor fuel and diesel fuel.--

9 (1)(a) In addition to other taxes allowed by law,
10 there may be levied as provided in ss. 206.41(1)(e) and
11 206.87(1)(c) a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or
12 6-cent local option fuel tax upon every gallon of motor fuel
13 and diesel fuel sold in a county and taxed under the
14 provisions of part I or part II of chapter 206.

15 1. The tax shall be levied before July 1 to be
16 effective January 1 of the following year for a period not to
17 exceed 30 years, and the applicable method of distribution
18 shall be established pursuant to subsection (3) or subsection
19 (4). However, levies of the tax which were in effect on July
20 1, 1996, and which expire on August 31 of any year may be
21 reimposed effective September 1 of the year of expiration.
22 Upon expiration, the tax may be relieved provided that a
23 redetermination of the method of distribution is made as
24 provided in this section.

25 2. County and municipal governments shall utilize
26 moneys received pursuant to this paragraph only for
27 transportation expenditures.

28 3. Any tax levied pursuant to this paragraph may be
29 extended on a majority vote of the governing body of the
30 county. A redetermination of the method of distribution shall
31 be established pursuant to subsection (3) or subsection (4),

1 if, after July 1, 1986, the tax is extended or the tax rate
2 changed, for the period of extension or for the additional
3 tax.

4 (b) In addition to other taxes allowed by law, there
5 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
6 3-cent, 4-cent, or 5-cent local option fuel tax upon every
7 gallon of motor fuel sold in a county and taxed under the
8 provisions of part I of chapter 206. The tax shall be levied
9 by an ordinance adopted by a majority ~~plus one~~ vote of the
10 membership of the governing body of the county or by
11 referendum.

12 1. The tax shall be levied before July 1, to be
13 effective January 1 of the following year. However, levies of
14 the tax which were in effect on July 1, 1996, and which expire
15 on August 31 of any year may be reimposed effective September
16 1 of the year of expiration.

17 2. The county may, prior to levy of the tax, establish
18 by interlocal agreement with one or more municipalities
19 located therein, representing a majority of the population of
20 the incorporated area within the county, a distribution
21 formula for dividing the entire proceeds of the tax among
22 county government and all eligible municipalities within the
23 county. If no interlocal agreement is adopted before the
24 effective date of the tax, tax revenues shall be distributed
25 pursuant to the provisions of subsection (4). If no
26 interlocal agreement exists, a new interlocal agreement may be
27 established prior to June 1 of any year pursuant to this
28 subparagraph. However, any interlocal agreement agreed to
29 under this subparagraph after the initial levy of the tax or
30 change in the tax rate authorized in this section shall under
31 no circumstances materially or adversely affect the rights of

1 holders of outstanding bonds which are backed by taxes
2 authorized by this paragraph, and the amounts distributed to
3 the county government and each municipality shall not be
4 reduced below the amount necessary for the payment of
5 principal and interest and reserves for principal and interest
6 as required under the covenants of any bond resolution
7 outstanding on the date of establishment of the new interlocal
8 agreement.

9 3. County and municipal governments shall utilize
10 moneys received pursuant to this paragraph only for
11 transportation expenditures needed to meet the requirements of
12 the capital improvements element of an adopted comprehensive
13 plan. For purposes of this paragraph, expenditures for the
14 construction of new roads, or the reconstruction or
15 resurfacing of existing paved roads, shall be deemed to
16 increase capacity and such projects shall be included in the
17 capital improvements element of an adopted comprehensive plan.
18 Expenditures for purposes of this paragraph shall not include
19 routine maintenance of roads.

20 (c) Local governments may use the services of the
21 Division of Bond Finance of the State Board of Administration
22 pursuant to the State Bond Act to issue any bonds through the
23 provisions of this section and may pledge the revenues from
24 local option fuel taxes to secure the payment of the bonds. In
25 no case may a jurisdiction issue bonds pursuant to this
26 section more frequently than once per year. Counties and
27 municipalities may join together for the issuance of bonds
28 issued pursuant to this section.

29 (d) If an interlocal agreement entered into under this
30 section does not provide for automatic adjustments or periodic
31 review by the local governmental entities of the method of

1 distribution of local option fuel tax revenues, the parties to
2 the agreement shall review and hold public hearings on the
3 terms of the agreement at least every 2 years.

4 (9) Notwithstanding any other provision of law ~~this~~
5 ~~section~~, the tax on diesel fuel authorized in this section
6 shall be levied in every county at the rate of 6 cents per net
7 gallon.

8 Section 3. Paragraph (e) of subsection (5) of section
9 339.175, Florida Statutes, is amended, present paragraphs (g)
10 and (h) of that subsection are redesignated as paragraphs (h)
11 and (i), respectively, and a new paragraph (g) is added to
12 that subsection, to read:

13 339.175 Metropolitan planning organization.--It is the
14 intent of the Legislature to encourage and promote the safe
15 and efficient management, operation, and development of
16 surface transportation systems that will serve the mobility
17 needs of people and freight within and through urbanized areas
18 of this state while minimizing transportation-related fuel
19 consumption and air pollution. To accomplish these objectives,
20 metropolitan planning organizations, referred to in this
21 section as M.P.O.'s, shall develop, in cooperation with the
22 state and public transit operators, transportation plans and
23 programs for metropolitan areas. The plans and programs for
24 each metropolitan area must provide for the development and
25 integrated management and operation of transportation systems
26 and facilities, including pedestrian walkways and bicycle
27 transportation facilities that will function as an intermodal
28 transportation system for the metropolitan area. The process
29 for developing such plans and programs shall provide for
30 consideration of all modes of transportation and shall be
31 continuing, cooperative, and comprehensive, to the degree

1 appropriate, based on the complexity of the transportation
2 problems to be addressed.

3 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
4 privileges, and authority of an M.P.O. are those specified in
5 this section or incorporated in an interlocal agreement
6 authorized under s. 163.01. Each M.P.O. shall perform all
7 acts required by federal or state laws or rules, now and
8 subsequently applicable, which are necessary to qualify for
9 federal aid. It is the intent of this section that each M.P.O.
10 shall be involved in the planning and programming of
11 transportation facilities, including, but not limited to,
12 airports, intercity and high-speed rail lines, seaports, and
13 intermodal facilities, to the extent permitted by state or
14 federal law.

15 (e) Each M.P.O. shall appoint a technical advisory
16 committee that includes planners; engineers; representatives
17 of local aviation authorities, port authorities, and public
18 transit authorities or representatives of aviation
19 departments, seaport departments, and public transit
20 departments of municipal or county governments, as applicable;
21 the school superintendent of each county within the
22 jurisdiction of the M.P.O. or the superintendent's designee;
23 and other appropriate representatives of affected local
24 governments. In addition to any other duties assigned to it by
25 the M.P.O. or by state or federal law, the technical advisory
26 committee is responsible for considering safe access to
27 schools in its review of transportation project priorities,
28 long-range transportation plans, and transportation
29 improvement programs, and shall advise the M.P.O. on such
30 matters. In addition, the technical advisory committee shall
31 coordinate its actions with local school boards and other

1 local programs and organizations within the metropolitan area
2 that participate in school safety activities, such as locally
3 established community traffic safety teams.~~identifying~~
4 ~~projects contained in the long-range transportation plan or~~
5 ~~transportation improvement program which deserve to be~~
6 ~~classified as a school safety concern. Upon receipt of the~~
7 ~~recommendation from the technical advisory committee that a~~
8 ~~project should be so classified, the M.P.O. must vote on~~
9 ~~whether to classify a particular project as a school safety~~
10 ~~concern. If the M.P.O. votes that a project should be~~
11 ~~classified as a school safety concern, the local governmental~~
12 ~~entity responsible for the project must consider at least two~~
13 ~~alternatives before making a decision about project location~~
14 ~~or alignment.~~

15 (g) Each M.P.O. located within a transportation
16 management area designated pursuant to 23 U.S.C. s. 134 shall
17 establish a freight mobility committee or a comparable
18 committee that, in addition to its other duties, shall be
19 responsible for considering intermodal freight transportation.
20 The chair or the chair's designee from the freight mobility
21 committee, or comparable committee, shall also serve on the
22 M.P.O.'s technical advisory committee. The freight mobility
23 committee shall serve at the pleasure of the M.P.O.

24 Section 4. This act shall take effect July 1, 2000.
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LEGISLATIVE SUMMARY

Authorizes levy of the ninth-cent fuel tax on motor fuel and diesel fuel, and levy of the additional local option fuel tax on motor fuel, by majority, rather than extraordinary, vote of the county governing body. Revises provisions which require levy of the local option fuel tax on diesel fuel at the rate of 6 cents in every county.

Revises duties of metropolitan planning organizations and their technical advisory committees with respect to safe access to schools. Requires each metropolitan planning organization located in a transportation management area to establish a freight mobility committee or comparable committee.