

By Representative Trovillion

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 206.41, F.S.; providing that the rates of the
4 ninth-cent fuel tax on motor fuel and the local
5 option fuel tax on motor fuel shall be adjusted
6 annually based on the Consumer Price Index;
7 providing for notification of tax rates by the
8 Department of Revenue; amending s. 336.021,
9 F.S.; authorizing levy of the ninth-cent fuel
10 tax on motor fuel and diesel fuel by majority,
11 rather than extraordinary, vote of the county
12 governing body; amending s. 336.025, F.S.;
13 authorizing levy of the additional local option
14 fuel tax on motor fuel by majority, rather than
15 majority plus one, vote of the county governing
16 body; revising provisions which require levy of
17 the local option fuel tax on diesel fuel at the
18 rate of 6 cents in every county; amending s.
19 339.175, F.S.; revising duties of metropolitan
20 planning organizations and their technical
21 advisory committees with respect to safe access
22 to schools; requiring each metropolitan
23 planning organization located in a
24 transportation management area to establish a
25 freight mobility committee or comparable
26 committee; providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Paragraphs (d) and (e) of subsection (1) of
31 section 206.41, Florida Statutes, are amended to read:

1 206.41 State taxes imposed on motor fuel.--
2 (1) The following taxes are imposed on motor fuel
3 under the circumstances described in subsection (6):
4 (d)1. An additional tax of 1 cent per net gallon may
5 be imposed by each county on motor fuel, which shall be
6 designated as the "ninth-cent fuel tax." This tax shall be
7 levied and used as provided in s. 336.021.
8 2. Beginning January 1, 2001, and on January 1 of each
9 year thereafter, the tax rate provided in subparagraph 1.
10 shall be adjusted by the percentage change in the average of
11 the Consumer Price Index issued by the United States
12 Department of Labor for the most recent 12-month period ending
13 September 30, compared to the base year average, which is the
14 average for the 12-month period ending September 30, 1999, and
15 rounded to the nearest tenth of a cent.
16 3. The department shall notify each terminal supplier,
17 position holder, wholesaler, and importer of the tax rate
18 applicable under this paragraph for the 12-month period
19 beginning January 1.
20 (e)1. An additional tax of between 1 cent and 11 cents
21 per net gallon may be imposed on motor fuel by each county,
22 which shall be designated as the "local option fuel tax."
23 This tax shall be levied and used as provided in s. 336.025.
24 2. Beginning January 1, 2001, and on January 1 of each
25 year thereafter, the rates of the taxes on motor fuel provided
26 in s. 336.025(1)(a) and (b) shall be adjusted by the
27 percentage change in the average of the Consumer Price Index
28 issued by the United States Department of Labor for the most
29 recent 12-month period ending September 30, compared to the
30 base year average, which is the average for the 12-month
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1 period ending September 30, 1999, and rounded to the nearest
2 tenth of a cent.

3 3. The department shall notify each terminal supplier,
4 position holder, wholesaler, and importer of the tax rate
5 applicable under this paragraph for the 12-month period
6 beginning January 1.

7 Section 2. Paragraph (a) of subsection (1) of section
8 336.021, Florida Statutes, is amended to read:

9 336.021 County transportation system; levy of
10 ninth-cent fuel tax on motor fuel and diesel fuel.--

11 (1)(a) Any county in the state, by majority
12 ~~extraordinary~~ vote of the membership of its governing body or
13 subject to a referendum, may levy the tax imposed by ss.
14 206.41(1)(d) and 206.87(1)(b). County and municipal
15 governments may use the moneys received under this paragraph
16 only for transportation expenditures as defined in s.
17 336.025(7).

18 Section 3. Paragraph (b) of subsection (1) and
19 subsection (9) of section 336.025, Florida Statutes, are
20 amended to read:

21 336.025 County transportation system; levy of local
22 option fuel tax on motor fuel and diesel fuel.--

23 (1)(a) In addition to other taxes allowed by law,
24 there may be levied as provided in ss. 206.41(1)(e) and
25 206.87(1)(c) a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or
26 6-cent local option fuel tax upon every gallon of motor fuel
27 and diesel fuel sold in a county and taxed under the
28 provisions of part I or part II of chapter 206.

29 1. The tax shall be levied before July 1 to be
30 effective January 1 of the following year for a period not to
31 exceed 30 years, and the applicable method of distribution

1 shall be established pursuant to subsection (3) or subsection
2 (4). However, levies of the tax which were in effect on July
3 1, 1996, and which expire on August 31 of any year may be
4 reimposed effective September 1 of the year of expiration.
5 Upon expiration, the tax may be relieved provided that a
6 redetermination of the method of distribution is made as
7 provided in this section.

8 2. County and municipal governments shall utilize
9 moneys received pursuant to this paragraph only for
10 transportation expenditures.

11 3. Any tax levied pursuant to this paragraph may be
12 extended on a majority vote of the governing body of the
13 county. A redetermination of the method of distribution shall
14 be established pursuant to subsection (3) or subsection (4),
15 if, after July 1, 1986, the tax is extended or the tax rate
16 changed, for the period of extension or for the additional
17 tax.

18 (b) In addition to other taxes allowed by law, there
19 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
20 3-cent, 4-cent, or 5-cent local option fuel tax upon every
21 gallon of motor fuel sold in a county and taxed under the
22 provisions of part I of chapter 206. The tax shall be levied
23 by an ordinance adopted by a majority ~~plus one~~ vote of the
24 membership of the governing body of the county or by
25 referendum.

26 1. The tax shall be levied before July 1, to be
27 effective January 1 of the following year. However, levies of
28 the tax which were in effect on July 1, 1996, and which expire
29 on August 31 of any year may be reimposed effective September
30 1 of the year of expiration.

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1 2. The county may, prior to levy of the tax, establish
2 by interlocal agreement with one or more municipalities
3 located therein, representing a majority of the population of
4 the incorporated area within the county, a distribution
5 formula for dividing the entire proceeds of the tax among
6 county government and all eligible municipalities within the
7 county. If no interlocal agreement is adopted before the
8 effective date of the tax, tax revenues shall be distributed
9 pursuant to the provisions of subsection (4). If no
10 interlocal agreement exists, a new interlocal agreement may be
11 established prior to June 1 of any year pursuant to this
12 subparagraph. However, any interlocal agreement agreed to
13 under this subparagraph after the initial levy of the tax or
14 change in the tax rate authorized in this section shall under
15 no circumstances materially or adversely affect the rights of
16 holders of outstanding bonds which are backed by taxes
17 authorized by this paragraph, and the amounts distributed to
18 the county government and each municipality shall not be
19 reduced below the amount necessary for the payment of
20 principal and interest and reserves for principal and interest
21 as required under the covenants of any bond resolution
22 outstanding on the date of establishment of the new interlocal
23 agreement.

24 3. County and municipal governments shall utilize
25 moneys received pursuant to this paragraph only for
26 transportation expenditures needed to meet the requirements of
27 the capital improvements element of an adopted comprehensive
28 plan. For purposes of this paragraph, expenditures for the
29 construction of new roads, or the reconstruction or
30 resurfacing of existing paved roads, shall be deemed to
31 increase capacity and such projects shall be included in the

1 capital improvements element of an adopted comprehensive plan.
2 Expenditures for purposes of this paragraph shall not include
3 routine maintenance of roads.

4 (c) Local governments may use the services of the
5 Division of Bond Finance of the State Board of Administration
6 pursuant to the State Bond Act to issue any bonds through the
7 provisions of this section and may pledge the revenues from
8 local option fuel taxes to secure the payment of the bonds. In
9 no case may a jurisdiction issue bonds pursuant to this
10 section more frequently than once per year. Counties and
11 municipalities may join together for the issuance of bonds
12 issued pursuant to this section.

13 (d) If an interlocal agreement entered into under this
14 section does not provide for automatic adjustments or periodic
15 review by the local governmental entities of the method of
16 distribution of local option fuel tax revenues, the parties to
17 the agreement shall review and hold public hearings on the
18 terms of the agreement at least every 2 years.

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

23 Section 4. Paragraph (e) of subsection (5) of section
24 339.175, Florida Statutes, is amended, paragraphs (g) and (h)
25 of said subsection are redesignated as paragraphs (h) and (i),
26 respectively, and a new paragraph (g) is added to said
27 subsection, to read:

28 339.175 Metropolitan planning organization.--It is the
29 intent of the Legislature to encourage and promote the safe
30 and efficient management, operation, and development of
31 surface transportation systems that will serve the mobility

1 needs of people and freight within and through urbanized areas
2 of this state while minimizing transportation-related fuel
3 consumption and air pollution. To accomplish these objectives,
4 metropolitan planning organizations, referred to in this
5 section as M.P.O.'s, shall develop, in cooperation with the
6 state and public transit operators, transportation plans and
7 programs for metropolitan areas. The plans and programs for
8 each metropolitan area must provide for the development and
9 integrated management and operation of transportation systems
10 and facilities, including pedestrian walkways and bicycle
11 transportation facilities that will function as an intermodal
12 transportation system for the metropolitan area. The process
13 for developing such plans and programs shall provide for
14 consideration of all modes of transportation and shall be
15 continuing, cooperative, and comprehensive, to the degree
16 appropriate, based on the complexity of the transportation
17 problems to be addressed.

18 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
19 privileges, and authority of an M.P.O. are those specified in
20 this section or incorporated in an interlocal agreement
21 authorized under s. 163.01. Each M.P.O. shall perform all
22 acts required by federal or state laws or rules, now and
23 subsequently applicable, which are necessary to qualify for
24 federal aid. It is the intent of this section that each M.P.O.
25 shall be involved in the planning and programming of
26 transportation facilities, including, but not limited to,
27 airports, intercity and high-speed rail lines, seaports, and
28 intermodal facilities, to the extent permitted by state or
29 federal law.

30 (e) Each M.P.O. shall appoint a technical advisory
31 committee that includes planners; engineers; representatives

1 of local aviation authorities, port authorities, and public
2 transit authorities or representatives of aviation
3 departments, seaport departments, and public transit
4 departments of municipal or county governments, as applicable;
5 the school superintendent of each county within the
6 jurisdiction of the M.P.O. or the superintendent's designee;
7 and other appropriate representatives of affected local
8 governments. In addition to any other duties assigned to it by
9 the M.P.O. or by state or federal law, the technical advisory
10 committee is responsible for considering safe access to
11 schools in its review of transportation project priorities,
12 long-range transportation plans, and transportation
13 improvement programs, and shall advise the M.P.O. on such
14 matters. In addition, the technical advisory committee shall
15 coordinate its actions with local school boards and other
16 local programs and organizations within the metropolitan area
17 that participate in school safety activities, such as locally
18 established community traffic safety teams.~~identifying~~
19 ~~projects contained in the long-range transportation plan or~~
20 ~~transportation improvement program which deserve to be~~
21 ~~classified as a school safety concern. Upon receipt of the~~
22 ~~recommendation from the technical advisory committee that a~~
23 ~~project should be so classified, the M.P.O. must vote on~~
24 ~~whether to classify a particular project as a school safety~~
25 ~~concern. If the M.P.O. votes that a project should be~~
26 ~~classified as a school safety concern, the local governmental~~
27 ~~entity responsible for the project must consider at least two~~
28 ~~alternatives before making a decision about project location~~
29 ~~or alignment.~~
30 (g) Each M.P.O. located within a transportation
31 management area designated pursuant to 23 U.S.C. s. 134 shall

1 establish a freight mobility committee or a comparable
2 committee that, in addition to its other duties, shall be
3 responsible for considering intermodal freight transportation.
4 The chair or the chair's designee from the freight mobility
5 committee, or comparable committee, shall also serve on the
6 M.P.O.'s technical advisory committee. The freight mobility
7 committee shall serve at the pleasure of the M.P.O.

8 Section 5. This act shall take effect July 1, 2000.

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11 HOUSE SUMMARY

12 Provides that the rates of the ninth-cent fuel tax on
13 motor fuel and the local option fuel tax on motor fuel
14 shall be adjusted annually based on the Consumer Price
15 Index. Authorizes levy of the ninth-cent fuel tax on
16 motor fuel and diesel fuel, and levy of the additional
17 local option fuel tax on motor fuel, by majority, rather
18 than extraordinary, vote of the county governing body.
19 Revises provisions which require levy of the local option
20 fuel tax on diesel fuel at the rate of 6 cents in every
21 county.

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