

Bill No. CS for SB 1176

Amendment No. ____ Barcode 454982

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Saunders moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 41, line 5, through

15 page 43, line 17, delete those lines

16

17 and insert:

18 Section 24. Paragraph (b) of subsection (1) and
19 subsection (4) of section 206.60, Florida Statutes, are
20 amended to read:

21 206.60 County tax on motor fuel.--

22 (1) The proceeds of the county fuel tax imposed
23 pursuant to s. 206.41(1)(b) are appropriated for public
24 transportation purposes in the manner following:

25 (b)1. The Department of Revenue shall, from month to
26 month, distribute the amount allocated to each of the several
27 counties under paragraph (a) to the board of county
28 commissioners of the county, who shall use such funds solely
29 for the acquisition of rights-of-way; the construction,
30 reconstruction, operation, maintenance, and repair of
31 transportation facilities, roads, ~~and~~ bridges, bicycle paths,

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1 and pedestrian pathways therein; or the reduction of bonded
2 indebtedness of such county or of special road and bridge
3 districts within such county, incurred for road and bridge or
4 other transportation purposes. In the event the powers and
5 duties relating to transportation facilities, roads, ~~and~~
6 bridges, bicycle paths, and pedestrian pathways usually
7 exercised and performed by boards of county commissioners are
8 exercised and performed by some other or separate county
9 board, such board shall receive the proceeds, exercise the
10 powers, and perform the duties designated in this section to
11 be done by the boards of county commissioners.

12 2. The board of county commissioners of each county,
13 or any separate board or local agency exercising the powers
14 and performing the duties relating to transportation
15 facilities, roads, ~~and~~ bridges, bicycle paths, and pedestrian
16 pathways usually exercised and performed by the boards of
17 county commissioners, shall be assigned the full
18 responsibility for the maintenance of transportation
19 facilities in the county and of roads in the county road
20 system.

21 3. Nothing in this paragraph as amended by chapter
22 71-212, Laws of Florida, shall be construed to permit the
23 expenditure of public funds in such manner or for such
24 projects as would violate the State Constitution or the trust
25 indenture of any bond issue or which would cause the state to
26 lose any federal aid funds for highway or transportation
27 purposes; and the provisions of this paragraph shall be
28 applied in a manner to avoid such result.

29 (4) It is hereby expressly recognized and declared by
30 the Legislature that all public roads, ~~and~~ bridges, bicycle
31 paths, and pedestrian pathways being constructed or built or

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1 which will be hereafter constructed or built, including the
2 acquisition of rights-of-way as incident thereto, either by
3 the Department of Transportation or the several counties of
4 the state, were, are, and will be constructed and built as
5 general public projects and undertakings and that the cost of
6 the construction and building thereof, including the
7 acquisition of rights-of-way as incident thereto, was, is, and
8 will be legitimate, proper state expense incurred for a
9 general public and state purpose. And it is expressly
10 recognized and declared that the construction, reconstruction,
11 maintenance, and acquisition of rights-of-way of all secondary
12 roads are essential to the welfare of the state and that such
13 roads when constructed, reconstructed, or maintained, or such
14 rights-of-way when acquired, are and will be for a general
15 public and state purpose. And the Legislature has found and
16 hereby declares that for the proper and efficient construction
17 and maintenance of public highways designated state roads, it
18 is in the best interest of the state to further integrate the
19 activities of the Department of Transportation and the several
20 boards of county commissioners as provided in subsection (1)
21 in order that both state and local highway needs may be
22 adequately provided for.

23 Section 25. Subsection (2) of section 206.605, Florida
24 Statutes, is amended to read:

25 206.605 Municipal tax on motor fuel.--

26 (2) Funds available under this section shall be used
27 only for purchase of transportation facilities and road and
28 street rights-of-way;i7 construction, reconstruction, and
29 maintenance of roads, and streets, bicycle paths, and
30 pedestrian pathways; ~~for the~~ adjustment of city-owned
31 utilities as required by road and street construction;i7 and

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1 ~~the~~ construction, reconstruction, transportation-related
 2 public safety activities, maintenance, and operation of
 3 transportation facilities. Municipalities are authorized to
 4 expend the funds received under this section in conjunction
 5 with other cities or counties or state or federal government
 6 in joint projects.

7 Section 26. Paragraph (b) of subsection (1) and
 8 subsections (7) and (8) of section 336.025, Florida Statutes,
 9 are amended to read:

10 336.025 County transportation system; levy of local
 11 option fuel tax on motor fuel and diesel fuel.--

12 (1)

13 (b) In addition to other taxes allowed by law, there
 14 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
 15 3-cent, 4-cent, or 5-cent local option fuel tax upon every
 16 gallon of motor fuel sold in a county and taxed under the
 17 provisions of part I of chapter 206. The tax shall be levied
 18 by an ordinance adopted by a majority plus one vote of the
 19 membership of the governing body of the county or by
 20 referendum.

21 1. All impositions and rate changes of the tax shall
 22 be levied before July 1, to be effective January 1 of the
 23 following year. However, levies of the tax which were in
 24 effect on July 1, 2002, and which expire on August 31 of any
 25 year may be reimposed at the current authorized rate effective
 26 September 1 of the year of expiration.

27 2. The county may, prior to levy of the tax, establish
 28 by interlocal agreement with one or more municipalities
 29 located therein, representing a majority of the population of
 30 the incorporated area within the county, a distribution
 31 formula for dividing the entire proceeds of the tax among

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

19 3. County and municipal governments shall use ~~utilize~~
20 moneys received pursuant to this paragraph ~~only~~ for
21 transportation expenditures needed to meet the requirements of
22 the capital improvements element of an adopted comprehensive
23 plan or for expenditures needed to meet immediate local
24 transportation problems and for other transportation-related
25 expenditures that are critical for building comprehensive
26 roadway networks by local governments. For purposes of this
27 paragraph, expenditures for the construction of new roads, the
28 reconstruction or resurfacing of existing paved roads, or the
29 paving of existing graded roads shall be deemed to increase
30 capacity and such projects shall be included in the capital
31 improvements element of an adopted comprehensive plan.

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1 Expenditures for purposes of this paragraph shall not include
2 routine maintenance of roads.

3 (7) For the purposes of this section, "transportation
4 expenditures" means expenditures by the local government from
5 local or state shared revenue sources, excluding expenditures
6 of bond proceeds, for the following programs:

7 (a) Public transportation operations and maintenance.

8 (b) Roadway and right-of-way maintenance and equipment
9 and structures used primarily for the storage and maintenance
10 of such equipment.

11 (c) Roadway and right-of-way drainage.

12 (d) Street lighting.

13 (e) Traffic signs, traffic engineering, signalization,
14 and pavement markings.

15 (f) Bridge maintenance and operation.

16 (g) Debt service and current expenditures for
17 transportation capital projects in the foregoing program
18 areas, including construction or reconstruction of roads and
19 sidewalks.

20 (8) In addition to the uses specified in subsection
21 (7), the governing body of a county with a population of
22 50,000 or less on April 1, 1992, or the governing body of a
23 municipality within such a county, may use the proceeds of the
24 tax levied pursuant to paragraph (1)(a) in any fiscal year to
25 fund infrastructure projects, if such projects are consistent
26 with the local government's approved comprehensive plan or, if
27 the approval or denial of the plan has not become final,
28 consistent with the plan last submitted to the state land
29 planning agency. In addition, no more than an amount equal to
30 the proceeds from 4 cents per gallon of the tax imposed
31 pursuant to paragraph (1)(a) may be used by such county for

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1 the express and limited purpose of paying for a court-ordered
2 refund of special assessments. Except as provided in
3 subsection (7), such funds shall not be used for the
4 operational expenses of any infrastructure. Such funds may be
5 used for infrastructure projects under this subsection only
6 after the local government, prior to the fiscal year in which
7 the funds are proposed to be used, or if pledged for bonded
8 indebtedness, prior to the fiscal year in which the bonds will
9 be issued, has held a duly noticed public hearing on the
10 proposed use of the funds and has adopted a resolution
11 certifying that the local government has met all of the
12 transportation needs identified in its approved comprehensive
13 plan or, if the approval or denial of the plan has not become
14 final, consistent with the plan last submitted to the state
15 land planning agency. The proceeds shall not be pledged for
16 bonded indebtedness for a period exceeding 10 years, except
17 that, for the express and limited purpose of using such
18 proceeds in any fiscal year to pay a court-ordered refund of
19 special assessments, the proceeds may be pledged for bonded
20 indebtedness not exceeding 15 years. For the purposes of this
21 subsection, "infrastructure" has the same meaning as provided
22 in s. 212.055.

23
24 (Redesignate subsequent sections.)

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26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 3, lines 12-14, delete those lines

30

31 and insert:

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1 taxes; amending ss. 206.60 and 206.605, F.S.;

2 including bicycle paths and pedestrian pathways

3 within authorized uses of proceeds of county

4 and municipal taxes on motor fuel; amending s.

5 336.025, F.S.; expanding the uses of proceeds

6 from local option fuel taxes on motor fuel and

7 diesel fuel; authorizing certain municipalities

8 to expend local option fuel taxes; amending ss.

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