

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Altman offered the following:

Amendment (with title amendment)

Between lines 87 and 88, insert:

Section 3. Paragraph (b) of subsection (1) and subsections (7) and (8) of section 336.025, Florida Statutes, are amended to read:

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

(1)

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

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28 1. All impositions and rate changes of the tax shall be
29 levied before July 1, to be effective January 1 of the following
30 year. However, levies of the tax which were in effect on July 1,
31 2002, and which expire on August 31 of any year may be reimposed
32 at the current authorized rate effective September 1 of the year
33 of expiration.

34 2. The county may, prior to levy of the tax, establish by
35 interlocal agreement with one or more municipalities located
36 therein, representing a majority of the population of the
37 incorporated area within the county, a distribution formula for
38 dividing the entire proceeds of the tax among county government
39 and all eligible municipalities within the county. If no
40 interlocal agreement is adopted before the effective date of the
41 tax, tax revenues shall be distributed pursuant to the
42 provisions of subsection (4). If no interlocal agreement
43 exists, a new interlocal agreement may be established prior to
44 June 1 of any year pursuant to this subparagraph. However, any
45 interlocal agreement agreed to under this subparagraph after the
46 initial levy of the tax or change in the tax rate authorized in
47 this section shall under no circumstances materially or
48 adversely affect the rights of holders of outstanding bonds
49 which are backed by taxes authorized by this paragraph, and the
50 amounts distributed to the county government and each
51 municipality shall not be reduced below the amount necessary for
52 the payment of principal and interest and reserves for principal
53 and interest as required under the covenants of any bond
54 resolution outstanding on the date of establishment of the new
55 interlocal agreement.

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56 3. County and municipal governments shall use ~~utilize~~
57 moneys received pursuant to this paragraph ~~only~~ for
58 transportation expenditures needed to meet the requirements of
59 the capital improvements element of an adopted comprehensive
60 plan or for expenditures needed to meet immediate local
61 transportation problems and for other transportation-related
62 expenditures that are critical for building comprehensive
63 roadway networks by local governments. For purposes of this
64 paragraph, expenditures for the construction of new roads, the
65 reconstruction or resurfacing of existing paved roads, or the
66 paving of existing graded roads shall be deemed to increase
67 capacity and such projects shall be included in the capital
68 improvements element of an adopted comprehensive plan.
69 Expenditures for purposes of this paragraph shall not include
70 routine maintenance of roads.

71 (7) For the purposes of this section, "transportation
72 expenditures" means expenditures by the local government from
73 local or state shared revenue sources, excluding expenditures of
74 bond proceeds, for the following programs:

75 (a) Public transportation operations and maintenance.

76 (b) Roadway and right-of-way maintenance and equipment and
77 structures used primarily for the storage and maintenance of
78 such equipment.

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

80 (d) Street lighting.

81 (e) Traffic signs, traffic engineering, signalization, and
82 pavement markings.

83 (f) Bridge maintenance and operation.

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84 (g) Debt service and current expenditures for
85 transportation capital projects in the foregoing program areas,
86 including construction or reconstruction of roads and sidewalks.

87 (8) In addition to the uses specified in subsection (7),
88 the governing body of a county with a population of 50,000 or
89 less on April 1, 1992, or the governing body of a municipality
90 within such a county may use the proceeds of the tax levied
91 pursuant to paragraph (1)(a) in any fiscal year to fund
92 infrastructure projects, if such projects are consistent with
93 the local government's approved comprehensive plan or, if the
94 approval or denial of the plan has not become final, consistent
95 with the plan last submitted to the state land planning agency.
96 In addition, no more than an amount equal to the proceeds from 4
97 cents per gallon of the tax imposed pursuant to paragraph (1)(a)
98 may be used by such county for the express and limited purpose
99 of paying for a court-ordered refund of special assessments.
100 Except as provided in subsection (7), such funds shall not be
101 used for the operational expenses of any infrastructure. Such
102 funds may be used for infrastructure projects under this
103 subsection only after the local government, prior to the fiscal
104 year in which the funds are proposed to be used, or if pledged
105 for bonded indebtedness, prior to the fiscal year in which the
106 bonds will be issued, has held a duly noticed public hearing on
107 the proposed use of the funds and has adopted a resolution
108 certifying that the local government has met all of the
109 transportation needs identified in its approved comprehensive
110 plan or, if the approval or denial of the plan has not become
111 final, consistent with the plan last submitted to the state land
112 planning agency. The proceeds shall not be pledged for bonded

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113 indebtedness for a period exceeding 10 years, except that, for
 114 the express and limited purpose of using such proceeds in any
 115 fiscal year to pay a court-ordered refund of special
 116 assessments, the proceeds may be pledged for bonded indebtedness
 117 not exceeding 15 years. For the purposes of this subsection,
 118 "infrastructure" has the same meaning as provided in s. 212.055.

119
 120 ===== T I T L E A M E N D M E N T =====

121 Remove line(s) 6, and insert:
 122 fuel; amending s. 336.025, F.S.; expanding the uses of proceeds
 123 from local option fuel taxes on motor fuel and diesel fuel;
 124 authorizing certain municipalities to expend a certain gas tax;