

By Senator Haridopolos

26-2193-03

See HB 1813

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A bill to be entitled
An act relating to county and municipal taxes
on motor fuel; amending ss. 206.60 and 206.605,
F.S.; including bicycle paths and pedestrian
pathways within authorized uses of proceeds of
county and municipal taxes on motor fuel;
providing an effective date.

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

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

206.60 County tax on motor fuel.--

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

(b)1. The Department of Revenue shall, from month to
month, distribute the amount allocated to each of the several
counties under paragraph (a) to the board of county
commissioners of the county, who shall use such funds solely
for the acquisition of rights-of-way; the construction,
reconstruction, operation, maintenance, and repair of
transportation facilities, roads, ~~and~~ bridges, bicycle paths,
and pedestrian pathways therein; or the reduction of bonded
indebtedness of such county or of special road and bridge
districts within such county, incurred for road and bridge or
other transportation purposes. In the event the powers and
duties relating to transportation facilities, roads, ~~and~~
bridges, bicycle paths, and pedestrian pathways usually
exercised and performed by boards of county commissioners are

1 exercised and performed by some other or separate county
2 board, such board shall receive the proceeds, exercise the
3 powers, and perform the duties designated in this section to
4 be done by the boards of county commissioners.

5 2. The board of county commissioners of each county,
6 or any separate board or local agency exercising the powers
7 and performing the duties relating to transportation
8 facilities, roads, ~~and bridges,~~ bicycle paths, and pedestrian
9 pathways usually exercised and performed by the boards of
10 county commissioners, shall be assigned the full
11 responsibility for the maintenance of transportation
12 facilities in the county and of roads in the county road
13 system.

14 3. Nothing in this paragraph as amended by chapter
15 71-212, Laws of Florida, shall be construed to permit the
16 expenditure of public funds in such manner or for such
17 projects as would violate the State Constitution or the trust
18 indenture of any bond issue or which would cause the state to
19 lose any federal aid funds for highway or transportation
20 purposes; and the provisions of this paragraph shall be
21 applied in a manner to avoid such result.

22 (4) It is hereby expressly recognized and declared by
23 the Legislature that all public roads, ~~and bridges,~~ bicycle
24 paths, and pedestrian pathways being constructed or built or
25 which will be hereafter constructed or built, including the
26 acquisition of rights-of-way as incident thereto, either by
27 the Department of Transportation or the several counties of
28 the state, were, are, and will be constructed and built as
29 general public projects and undertakings and that the cost of
30 the construction and building thereof, including the
31 acquisition of rights-of-way as incident thereto, was, is, and

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

16 Section 2. Subsection (2) of section 206.605, Florida
17 Statutes, is amended to read:

18 206.605 Municipal tax on motor fuel.--

19 (2) Funds available under this section shall be used
20 only for purchase of transportation facilities and road and
21 street rights-of-way; construction, reconstruction, and
22 maintenance of roads, and streets, bicycle paths, and
23 pedestrian pathways; for the adjustment of city-owned
24 utilities as required by road and street construction; and
25 the construction, reconstruction, transportation-related
26 public safety activities, maintenance, and operation of
27 transportation facilities. Municipalities are authorized to
28 expend the funds received under this section in conjunction
29 with other cities or counties or state or federal government
30 in joint projects.

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1 Section 3. This act shall take effect upon becoming a
2 law.
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