

Bill No. SB 332

Amendment No. 1 Barcode 710158

CHAMBER ACTION

Senate

House

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The Committee on Transportation recommended the following amendment:

Senate Amendment (with title amendment)

On page 1, line 10, through page 3, line 22, delete those lines

and insert:

Section 1. 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

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1 referendum.

2 1. All impositions and rate changes of the tax shall
3 be levied before July 1, to be effective January 1 of the
4 following year. However, levies of the tax which were in
5 effect on July 1, 2002, and which expire on August 31 of any
6 year may be reimposed at the current authorized rate effective
7 September 1 of the year of expiration.

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

31 3. County and municipal governments shall ~~use~~ utilize

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1 moneys received pursuant to this paragraph ~~only~~ for
 2 transportation expenditures needed to meet the requirements of
 3 the capital improvements element of an adopted comprehensive
 4 plan or for expenditures needed to meet immediate local
 5 transportation problems and for other transportation-related
 6 expenditures that are critical for building comprehensive
 7 roadway networks by local governments. For purposes of this
 8 paragraph, expenditures for the construction of new roads, the
 9 reconstruction or resurfacing of existing paved roads, or the
 10 paving of existing graded roads shall be deemed to increase
 11 capacity and such projects shall be included in the capital
 12 improvements element of an adopted comprehensive plan.
 13 Expenditures for purposes of this paragraph shall not include
 14 routine maintenance of roads.

15 (7) For the purposes of this section, "transportation
 16 expenditures" means expenditures by the local government from
 17 local or state shared revenue sources, excluding expenditures
 18 of bond proceeds, for the following programs:

- 19 (a) Public transportation operations and maintenance.
- 20 (b) Roadway and right-of-way maintenance and equipment
 21 and structures used primarily for the storage and maintenance
 22 of such equipment.
- 23 (c) Roadway and right-of-way drainage.
- 24 (d) Street lighting.
- 25 (e) Traffic signs, traffic engineering, signalization,
 26 and pavement markings.
- 27 (f) Bridge maintenance and operation.
- 28 (g) Debt service and current expenditures for
 29 transportation capital projects in the foregoing program
 30 areas, including construction or reconstruction of roads and
 31 sidewalks.

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1 (8) In addition to the uses specified in subsection
2 (7), the governing body of a county with a population of
3 50,000 or less on April 1, 1992, or the governing body of a
4 municipality within such a county may use the proceeds of the
5 tax levied pursuant to paragraph (1)(a) in any fiscal year to
6 fund infrastructure projects, if such projects are consistent
7 with the local government's approved comprehensive plan or, if
8 the approval or denial of the plan has not become final,
9 consistent with the plan last submitted to the state land
10 planning agency. In addition, no more than an amount equal to
11 the proceeds from 4 cents per gallon of the tax imposed
12 pursuant to paragraph (1)(a) may be used by such county for
13 the express and limited purpose of paying for a court-ordered
14 refund of special assessments. Except as provided in
15 subsection (7), such funds shall not be used for the
16 operational expenses of any infrastructure. Such funds may be
17 used for infrastructure projects under this subsection only
18 after the local government, prior to the fiscal year in which
19 the funds are proposed to be used, or if pledged for bonded
20 indebtedness, prior to the fiscal year in which the bonds will
21 be issued, has held a duly noticed public hearing on the
22 proposed use of the funds and has adopted a resolution
23 certifying that the local government has met all of the
24 transportation needs identified in its approved comprehensive
25 plan or, if the approval or denial of the plan has not become
26 final, consistent with the plan last submitted to the state
27 land planning agency. The proceeds shall not be pledged for
28 bonded indebtedness for a period exceeding 10 years, except
29 that, for the express and limited purpose of using such
30 proceeds in any fiscal year to pay a court-ordered refund of
31 special assessments, the proceeds may be pledged for bonded

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1 indebtedness not exceeding 15 years. For the purposes of this
2 subsection, "infrastructure" has the same meaning as provided
3 in s. 212.055.

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 On page 1, line 6, after the semicolon

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10 insert:

11 authorizing certain municipalities to expend a
12 certain gas tax;

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