

By Senator Saunders

37-243-03

1                                   A bill to be entitled  
2           An act relating to local option fuel taxes on  
3           motor fuel and diesel fuel; amending s.  
4           336.025, F.S.; expanding the uses of proceeds  
5           from local option fuel taxes on motor fuel and  
6           diesel fuel; providing an effective date.

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

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10           Section 1. Paragraph (b) of subsection (1) and  
11 subsection (7) of section 336.025, Florida Statutes, are  
12 amended to read:

13           336.025 County transportation system; levy of local  
14 option fuel tax on motor fuel and diesel fuel.--

15           (1)

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

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

30           2. The county may, prior to levy of the tax, establish  
31 by interlocal agreement with one or more municipalities

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

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

1 paving of existing graded roads shall be deemed to increase  
2 capacity and such projects shall be included in the capital  
3 improvements element of an adopted comprehensive plan.  
4 Expenditures for purposes of this paragraph shall not include  
5 routine maintenance of roads.

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

10 (a) Public transportation operations and maintenance.

11 (b) Roadway and right-of-way maintenance and equipment  
12 and structures used primarily for the storage and maintenance  
13 of such equipment.

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

15 (d) Street lighting.

16 (e) Traffic signs, traffic engineering, signalization,  
17 and pavement markings.

18 (f) Bridge maintenance and operation.

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

23 Section 2. This act shall take effect July 1, 2003.

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26 SENATE SUMMARY

27 Expands the uses for the proceeds of certain local option  
28 fuel taxes on motor fuel and diesel fuel to include  
29 immediate local transportation problems and other  
30 transportation-related expenditures that are critical for  
31 building comprehensive roadway networks by local  
governments.