
Chapter 27 - TAXATION

ARTICLE II. - LOCAL OPTION GAS TAX

Sec. 27-15. Statement of statutory authority for local option gas taxes.

Local governments in Florida are authorized to levy up to twelve cents (\$0.12) of local fuel taxes in the form of three (3) separate levies, to wit:

- (1) *The first local option gas tax.* Section 336.025(1)(a), Florida Statutes, allows a local option gas tax (at a rate of one cent (\$0.01) through six cents (\$0.06) upon every thirteen (13) gallons of motor fuel and diesel fuel sold at retail in a county and taxed under the provisions of ch. 206, pt. I or pt. II, Florida Statutes. These funds are shared with municipalities. The use of the proceeds is restricted to "transportation expenses," as that term is defined by section 336.025(7), Florida Statutes. Section 336.025(1)(a)(1), Florida Statutes, limits the levy of the first local option gas tax to a period of thirty (30) years. Together, the levies provided for in Hernando County Code sections 27-16 and 27-17 constitute "the first local option gas tax."
- (2) *The second local option gas tax.* Section 336.025(1)(b), Florida Statutes, allows a local option gas tax (at a rate of one (\$0.01) through five cents (\$0.05) upon every gallon of motor fuel sold in a county and taxed under the provisions of ch. 206, pt. I, Florida Statutes. These funds are shared with municipalities. The use of proceeds is restricted to transportation (roads and mass transit) expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan. Expenditures for these purposes include construction of new roads or the paving of existing graded roads when undertaken in part to relieve or mitigate existing or potential adverse environmental impacts. The proceeds may also be expended to meet immediate local transportation problems and for transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. Routine maintenance of roads is not considered an authorized expenditure.
- (3) *Ninth cent local option gas tax.* Section 336.021(1)(a), Florida Statutes, states that any county by extraordinary vote of the membership of its governing body or subject to a referendum may levy the ninth cent fuel tax on motor fuel and diesel fuel sold at retail imposed by sections 206.41(1)(d) and 206.87(1)(b), Florida Statutes. These funds are not shared with municipalities. The use of the proceeds is restricted to "transportation expenses," as that term is defined by section 336.025(7), Florida Statutes.

(Ord. No. 2015-10, § 1, 6-23-15)

Sec. 27-16. Four cent local option gas tax.

- (a) *Imposed.* There is hereby imposed a four cent (\$0.04) local option gas tax upon every gallon of motor fuel and special fuel sold in Hernando County and taxed under the provisions of chapter 206, Florida Statutes.
- (b) *Effective period.* The tax imposition made by this section shall be effective from September 1, 2015, to December 31, 2044, both inclusive.
- (c) *Distribution ratio.* The ratio for dividing and distributing the proceeds of the tax imposed by this section for subsequent years shall be recalculated, pursuant to the agreement, as of July first of each year, which said recalculation shall be transmitted to the department of revenue for distribution.

(Ord. No. 2015-10, § 1, 6-23-15; Ord. No. 2015-14, § 1, 7-28-15)

Sec. 27-17. Additional fifth and sixth cent local option gas tax.

- (a) *Imposed.* There is hereby imposed a fifth and sixth cent local option gas tax, in addition to and above the existing four cent (\$0.04) local option gas tax, upon every gallon of motor fuel and special fuel sold in Hernando County and taxed under the provisions of chapter 206, Florida Statutes.
- (b) *Effective period.* The fifth and sixth cent local option gas tax imposition hereby made shall be effective from September 1, 2015, to December 31, 2044, both inclusive.
- (c) *Distribution ratio.* The ratio for dividing and distributing the proceeds of the tax for subsequent years shall be recalculated, pursuant to the agreement, as of July first of each year, which said recalculation shall be transmitted to the department of revenue for distribution.

(Ord. No. 2015-10, § 1, 6-23-15; Ord. No. 2015-14, § 2, 7-28-15)

Sec. 27-18. Second local option gas tax imposed.

- (a) There is hereby imposed a five cent (\$0.05) fuel tax upon every gallon of motor fuel sold in Hernando County and taxed under the provision of part I of chapter 206, and as authorized by section 336.025(1)(b), Florida Statutes, as amended from time to time.
- (b) The funds generated by the imposition of this additional local option gas tax on motor fuel are to be used only for the purposes allowed by section 336.025(1)(b) and (7), Florida Statutes, provided that two-fifths ($\frac{2}{5}$) of the annual proceeds shall be dedicated to the resurfacing, regrading, and reconstruction of designated "local streets," as that term is defined by Hernando County Code section 26-2.
- (c) The tax imposition hereby made at the increased rate provided for in subpart (a) supra shall be effective from January 1, 2016, until amended or repealed.

(Ord. No. 2015-10, § 1, 6-23-15; Ord. No. 2015-14, § 3, 7-28-15)

Sec. 27-19. Ninth cent local option fuel tax imposed.

- (a) There is hereby imposed a one cent (\$0.01) per gallon gas tax upon every gallon of motor fuel or special fuel sold in Hernando County and taxed under the provision of section 336.021 and parts I and II of chapter 206, Florida Statutes, as amended from time to time.
- (b) The funds generated by the imposition of this additional local option gas tax on motor fuel are to be used, pursuant to sections 336.025(3) and 336.025(7), Florida Statutes, to fund public transportation operations and maintenance.
- (c) The tax imposition hereby made shall be effective from January 1, 2001, until amended or repealed.

(Ord. No. 2015-10, § 1, 6-23-15)

Sec. 27-20. Interlocal agreement.

The county will provide, pursuant to an interlocal agreement with the municipalities in Hernando County, for the distribution of the proceeds collected from the imposition of the local option fuel tax. Distribution of funds pursuant to any existing interlocal agreement shall be unaffected by this article until and unless it is amended and executed by the parties.

(Ord. No. 99-21, § 8, 9-7-99)

Secs. 27-21—27-30. Reserved.