

By Senator Diaz de la Portilla

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1 A bill to be entitled
2 An act relating to local option fuel taxes; providing
3 a short title; providing legislative findings;
4 amending s. 336.025, F.S.; revising the definition of
5 "transportation expenditures" for purposes of
6 specified provisions that restrict the use of local
7 option fuel tax funds by counties and municipalities;
8 providing for severability; providing an effective
9 date.

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

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13 Section 1. This act may be cited as the "Local Option Fuel
14 Tax Act."

15 Section 2. Legislative findings.-

16 (1) The Legislature finds that to ensure an integrated and
17 balanced transportation system that is economically competitive,
18 ensures mobility, and provides for the public safety and general
19 welfare of the people of the state, local governments need to
20 build, operate, maintain, and repair comprehensive roadway
21 networks.

22 (2) The Legislature finds that the need for local
23 governments to operate and maintain the enumerated
24 transportation programs funded by the local option fuel tax is
25 critical for comprehensive roadway networks.

26 (3) The Legislature finds that expressly providing for the
27 use of local option fuel tax funds for the operation and
28 maintenance of the enumerated transportation programs under s.
29 336.025(7), Florida Statutes, is important to provide the

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30 counties and municipalities stability in their financial
31 planning and management.

32 Section 3. Subsection (7) of section 336.025, Florida
33 Statutes, is amended to read:

34 336.025 County transportation system; levy of local option
35 fuel tax on motor fuel and diesel fuel.—

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

40 (a) Public transportation operations and maintenance.

41 (b) Roadway and right-of-way maintenance and equipment and
42 structures used primarily for the storage and maintenance of
43 such equipment.

44 (c) Roadway and right-of-way drainage installation,
45 operation, maintenance, and repair.

46 (d) Street lighting installation, operation, maintenance,
47 and repair.

48 (e) Traffic signs, traffic engineering, signalization, and
49 pavement markings, installation, operation, maintenance, and
50 repair.

51 (f) Bridge maintenance and operation.

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

55 Section 4. If any provision of this act or its application
56 to any person or circumstance is held invalid, the invalidity
57 does not affect other provisions or applications of the act
58 which can be given effect without the invalid provision or

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59 application, and to this end the provisions of this act are
60 severable.

61 Section 5. This act shall take effect July 1, 2011.