

**STORAGE NAME:** h1021.tr

**DATE:** March 8, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
ANALYSIS**

**BILL #:** HB 1021

**RELATING TO:** Small County Road Assistance Program

**SPONSOR(S):** Rep. Spratt and others

**COMPANION BILL(S):** SB 1354 (i)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) TRANSPORTATION
  - (2) COMMUNITY AFFAIRS
  - (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
  - (4)
  - (5)
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**I. SUMMARY:**

This bill creates the Small County Road Assistance Program within the Department of Transportation (DOT) to assist small counties (1990 population of 75,000 or less) in resurfacing or reconstructing roads originally classified as state roads which have been reclassified as county roads.

The bill provides that from fiscal year 1999-2000 until fiscal year 2009-2010, \$25 million is to be annually deposited into the General Transportation Trust Fund for funding the Small County Road Assistance Program. The bill provides that the source of these annual funds is \$10 million from the General Revenue Fund and \$15 million from existing DOT resources.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 335.01, F.S., provides that all roads which are open and available for use by the public and dedicated to the public use are established as public roads. Public roads are divided into four systems: a) the State Highway System; b) the State Park Road System; c) the county road system, and; d) the city street system.

Currently, s. 335.0415, F.S. provides that the jurisdiction of public roads and the responsibility for operation and maintenance of any road within the state, county, and city systems is that which existed on July 1, 1995. Public roads may be transferred between jurisdictions only by mutual agreement of the affected governmental entities.

Prior to July 1, 1995, roads were transferred between the state, county and city systems based on s. 334.04, F.S. (1993). Under this now repealed section, DOT had the responsibility of data collection for planning and functional classification purposes; and evaluated and functionally classified all the public roads in the state. Each road was assigned to an appropriate public road system based on the road's functional classification. In determining a road's functional classification, DOT considered the character of service of the road in relation to the total public road system, including traffic volume, route length, truck volumes, mobility, land access, and other significant criteria.

B. EFFECT OF PROPOSED CHANGES:

The bill provides legislative findings acknowledging that DOT has reclassified many state roads as county roads, and that this reclassification has caused a hardship on small counties to pay for the upkeep of these roads. The bill also provides that it is the intent of the Legislature to provide a remedy for these counties for the resurfacing or reconstruction of these roads.

The bill creates the Small County Road Assistance Program within DOT. The program will assist small counties in resurfacing or reconstructing roads originally classified as state roads which have been reclassified as county roads. For the purposes of the bill, "small county" means any county which had a population of 75,000 or less in the 1990 federal census. There are 33 counties which meet this population requirement.

Small counties would compete for Small County Road Assistance Program funds to resurface or reconstruct state roads which have been reclassified as county roads. Any road reclassified as a county road, either in the past or in the future, would be eligible for the program. The following criteria would be used to rank roads for funding consideration:

- ▶ Roads used as evacuation routes.
- ▶ Roads that experience high levels of agricultural travel.
- ▶ Roads which are considered major arterial routes.
- ▶ Roads that are considered feeder roads.
- ▶ General roads.

To fund the program the bill provides that for an 11 year period, from fiscal year 1999-2000 until fiscal year 2009-2010, \$25 million is to be deposited annually into the General Transportation Trust Fund (see part V. Comments, below) for the Small County Road Assistance Program. The source of these funds is specified as \$10 million dollars from the General Revenue Fund and \$15 million from existing DOT funds. If a county is selected to receive program funds, DOT would deposit the funds into the county's transportation trust fund established under s. 336.022, F.S.

County projects funded under the program would be subject to the same bidding process that applies to other DOT projects. The bill also directs DOT to adopt rules to implement program funding.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes, DOT is directed to adopt rules for the program created by the bill.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, DOT would be responsible for evaluating requests from small counties for funding under the program created by the bill.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

The bill creates s. 339.2816, F.S.

E. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

See D. Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

See D. Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

See D. Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. **FISCAL COMMENTS:**

The bill provides that for an 11 year period, from fiscal year 1999-2000 until fiscal year 2009-2010, \$25 million is to be deposited annually into the General Transportation Trust Fund (see part V. Comments, below) for the Small County Road Assistance Program. The source of these funds is specified as \$10 million dollars from the General Revenue Fund and \$15 million from existing DOT funds.

Over the eleven year period a total of \$275 million in state funds would be transferred to small counties for county road resurfacing and reconstruction. Of this total \$110 million would come from the General Revenue Fund and \$165 million would come from the transportation trust fund.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. **APPLICABILITY OF THE MANDATES PROVISION:**

N/A

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

N/A

C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

N/A

V. COMMENTS:

The bill references the "General Transportation Trust Fund" in a number of places and no such trust fund has been created by the Legislature. It is recommended that the bill be amended to change these references to the "State Transportation Trust Fund" (STTF) created in s. 206.46, F.S.

Section 339.08, F.S., restricts the purposes for which moneys in the STTF may be used. It is recommended that the bill be amended to include a reference in s. 339.08, F.S., to authorize expenditures of STTF moneys for the Small County Road Assistance Program.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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Phillip B. Miller

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John R. Johnston