

**STORAGE NAME:** h0893.tr  
**DATE:** February 25, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
ANALYSIS**

**BILL #:** HB 893  
**RELATING TO:** The Department of Transportation  
**SPONSOR(S):** Rep. K. Smith  
**TIED BILL(S):** n/a

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

- (1) TRANSPORTATION
  - (2) JUDICIARY
  - (3) COMMUNITY AFFAIRS
  - (4) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
  - (5)
- 

**I. SUMMARY:**

The basis for this bill is the Department of Transportation's (DOT) 2000 legislative proposals. The bill addresses a number of transportation infrastructure financing issues and conforms state law to recent changes in federal transportation law. Many of the provisions in the bill are related to department operations and are intended to allow DOT to operate more efficiently. Major provisions in the bill would:

1. Implement transportation finance programs related to the State Infrastructure Bank and the 'Fast Track' transportation improvement program.
2. Conform state traffic laws related to repeat driving under the influence offenders and open container violations with federal requirements in order to avoid loss of federal construction funds.
3. Improve DOT contract administration process, including allowing design-build contracts to be advertised and let prior to completion of the right-of-way acquisition process.
4. Require that 50 percent of State Comprehensive Enhanced Transportation System (SCETS) tax revenues be expended on projects on the Florida Intrastate Highway System (FIHS) beginning in FY 2005.

The bill results in administrative cost-savings and increased departmental efficiencies which are expected to have an overall positive fiscal impact on DOT operating costs. The State Infrastructure Bank and the 'Fast Track' transportation improvement program provisions in the bill have the potential for significant positive fiscal impacts on DOT's 5-year work program of transportation projects. For more details about these impacts, see the Fiscal Analysis and Economic Impact Statement under Part III.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Because of the comprehensive nature of the transportation related changes contained in this bill, the present situation relating to each issue is set out in the Section-by Section portion of this analysis.

C. EFFECT OF PROPOSED CHANGES:

Because of the comprehensive nature of the transportation related changes contained in this bill the effect of each proposed change is set out in the Section-by Section portion of this analysis.

D. SECTION-BY-SECTION ANALYSIS:

**Section 1. DOT Organizational Changes:** The bill contains several minor changes to the department's organizational structure related to motor carrier compliance. The bill amends s. 20.23, F.S. to move the motor carrier enforcement activities for the Department of Transportation (DOT) from the Assistant Secretary for District Operations to the Assistant Secretary for Transportation Policy and designates the functions of motor carrier compliance as an office within the Department. DOT's Motor Carrier Compliance Office is charged with enforcement of laws relating to the operation of commercial motor vehicles (trucks) within the state.

**Section 2. State Comprehensive Enhanced Transportation System (SCETS) Tax:** Currently, all SCETS tax revenues transferred into the State Transportation Trust Fund (STTF) are required by s. 206.608, F.S., to be used only for projects included in the adopted work program in the district in which the tax proceeds are collected and, to the maximum extent feasible, in the county where collected. The bill provides that, effective July 1, 2005, 50 percent of SCETS tax revenues transferred into the STTF are to be expended on projects on the Florida Intrastate Highway System (FIHS). The FIHS includes Interstate Highways, Florida's Turnpike, other expressways and major arterial highways. The FIHS makes up about a third of all state roadways, yet it carries about half of the traffic and 70 percent of the heavy truck volumes. The system has unmet needs estimated to be more than \$20 billion by 2010. If these needs are left unfunded, Florida's economy will be negatively impacted. This change will provide future resources (\$260 million per year) to help address the needs on the FIHS.

**Section 3. Fixed-Guideway Revenue Bonds/Technical Correction:** The issuance of revenue bonds to finance fixed-guideway systems was authorized last session and is codified at s. 215.615, F.S. Due to a scrivener's error, last year's legislation included an incorrect cross reference. The bill corrects the cross reference.

**Sections 4 & 5. Transportation Equity Act for the 21st Century/Federal Conformance:** These sections of the bill are intended to bring state law into compliance with federal requirements of the Transportation Equity Act for the 21st Century (TEA-21) and to avoid the loss of federal construction funds. TEA-21 established a new program to encourage states to enact repeat intoxicated driver and open container laws. A state which does not have laws meeting the minimum requirements described in the federal act by October 1, 2000, will have certain federal-aid highway funds transferred to the state's safety programs.

**Driving Under the Influence/Penalties:** TEA-21 requires that each state have in effect a repeat intoxicated driver law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence shall, among other penalties, be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles. While Florida has a repeat intoxicated driver law, DOT has been notified by the National Highway Traffic Safety Administration that the state's law does not comply with the TEA-21 requirements. Specifically, Florida's law is not in compliance because it addresses only the motor vehicle being operated by the repeat intoxicated driver and does not address each of the motor vehicles owned by the driver. Also, Florida law must be amended to require that the impoundment occur at the same time that the driver's license is revoked. The bill amends s. 316.193, F.S., to address these requirements.

**Open Container/Possession & Consumption:** TEA-21 requires that each state have in effect an open container law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of the public highway, in the state. While Florida has an open container law, DOT has been notified that the state law does not comply with the TEA-21 requirements. Specifically, Florida's law is not in compliance because it prohibits possession of an alcoholic beverage in a motor vehicle only while the vehicle is being operated and would not prohibit possession, for example, while the vehicle is stopped on the right-of-way (along the side of the road). Further, the U.S. Department of Transportation advised DOT that the federal law requires that open container laws cover motor vehicles located on both a public highway and on the right-of-way of a public highway, whether the vehicle is in motion or at rest. The bill amends s. 316.1936, F.S., to address these issues.

A proposal to address these issues was offered during the 1999 Legislative session but was removed because of concerns relating to the effect of the proposal with respect to tailgate parties. According to DOT the federal law will be interpreted to include, for example, the shoulders of a roadway or parking spaces along the side of the roadway, but that the interpretation would not include parking lots where tailgate parties would typically occur.

**Sections 6 - 8. Motor Carrier Compliance Office:** DOT's Motor Carrier Compliance Office is charged with enforcement of law relating to the operation of commercial motor vehicles within the state, including those safety regulations applicable to owners or drivers engaged in intrastate commerce. The bill addresses the following Motor Carrier Compliance issues:

Federal Regulations/Update Reference: Current law adopts the federal safety regulations as they existed on March 1, 1999. The bill amends section 316.302(2)(b), F.S., to update the reference to the current safety regulations contained in the Code of Federal Regulations (C.F.R.) on March 1, 2000. This update is needed to take into account changes that may have been made to the regulations.

Hours of Service/Enforcement: Commercial motor vehicles are currently subject to 49 C.F.R., part 385, governing hours of service for both interstate and Intrastate commercial motor vehicles, pursuant to section 316.302(1), F.S. However, DOT currently has no authority to enforce these provisions. The bill amends s. 316.302(5), F.S., to add 49 C.F.R., part 385, to DOT's current enforcement authority.

Motor Carrier Compliance/Law Enforcement Officers: Section 316.302(8), F.S., specifies that the entities responsible for the enforcement of the traffic laws of the state include agents of the Department of Transportation described in s. 316.545(9), F.S., the Florida Highway Patrol, and those employed by a sheriff's office or municipal police department. The bill amends ss. 316.302(8), 316.516(1), and 316.545, F.S., to delete references to "weight and safety" officers and to insert references to "law enforcement" officers to conform these subsections to section 316.640, F.S. DOT's Motor Carrier Compliance Officers must meet the same qualifications established by law for any other law enforcement officer. In addition, the bill restores language to s. 316.302(8), F.S., regarding removal of unsafe vehicles from the road. This language was removed due to a drafting error in a prior session.

**Section 9. Commercial Motor Vehicles/Safety Inspections:** Section 316.610, F.S., provides that motor carriers registered in Florida may request their vehicles be inspected by DOT personnel in order to obtain an inspection sticker valid for 6 months. This was requested by the industry in response to Florida based vehicles being cited in other states for not having an inspection sticker, either from the state it was being operated in, or in the state from which it was based. Federal regulations have since been changed to require annual inspections and documentation of such on the vehicle. The motor carrier may meet the federal requirements through self-inspection, approved third-party inspection, or a periodic inspection performed by any state with a program that meets federal requirements. This satisfies the requirements of the other states that were requiring the stickers. The bill deletes subsection (3) of s. 316.610, F.S., to remove this obsolete reference to inspections of commercial motor vehicles by DOT.

**Section 10. Airport Licenses:** Current law requires joint submission of applications for airport site approval and for an airport license. Airports are not constructed until after site approval, and construction can take up to five years. Issuance of an airport license is contingent on a determination that a constructed site complies with all safety and licensing requirements. The bill amends s. 330.30, F.S., to remove the requirement for joint submission of applications for airport site approval and for an airport license. This change would provide for issuance of an airport license upon completion of a favorable airport inspection report indicating compliance of the constructed airport with all license requirements.

**Section 11. Purchasing/Promotional Items:** DOT has been notified by the State Comptroller's Office that reimbursement of funds expended to purchase promotional items will not be allowed because current statutory language does not provide specific authority to purchase marketing items. DOT and the commuter services, transit agencies, and railroad companies with which DOT works rely on using promotional items to educate the public regarding safety issues and alternative transportation modes. The bill amends s.

334.044, F.S., to provide specific statutory authority allowing DOT to purchase promotional items for use in public education and information campaigns.

**Sections 12 & 24. State Train Speed Regulation:** In a 1993 decision known as CSX Transportation v. Easterwood, 507 U.S. 658 (1993), the U.S. Supreme Court held that regulations adopted by the U.S. Secretary of Transportation under the Federal Railroad Safety Act regarding maximum train speeds covered the same subject matter as relevant state law and, therefore, preempted state authority to regulate train speeds. Thus, DOT's authority to regulate train operating speeds, by virtue of existing regulations under the Federal Railroad Safety Act covering the same subject matter, has been preempted by federal law. The bill deletes s. 335.141(3), F.S., and amends s. 341.302(10), F.S., to remove DOT's authority to regulate train operating speeds.

**Section 13. Design-Build Contracts/Right-of-Way:** Section 337.11(7) F.S., allows DOT to combine the design, construction, construction engineering and inspection, and acceptance requirements for a project into a single contract. This allows the design firm/contractor team to participate in the design in an effort to reduce costs and expedite construction. Section 337.11(3)(c), F.S., prohibits advertising for bids on DOT contracts until all right-of-way needed for the project is acquired. The bill provides that DOT may advertise and award design-build contracts prior to the right-of-way being acquired. The bill specifically prohibits construction activities starting on the project until all needed right-of-way is acquired.

**Section 14. Contractor Prequalification/Financial Statements:** Current law requires that the financial statement used by a contractor for prequalification show the applicant's audited financial condition no more than 4 months prior to the date on which the application is filed with DOT. Most applicants provide an audited financial statement covering 12 months of the applicant's fiscal operations. This 12 months, plus the 4 month period above, results in the current 16-month prequalification period provided in s. 337.14(4), F.S. According to DOT, more than half of prequalified contractors have fiscal years ending December 31, resulting in over half of prequalification renewal applications being received between December 31 and April 30 of each year. The bulk of these applications are received in late March and April each year. Contractors have difficulty in submitting their renewal applications on time because of delays in completion of required audits by their independent CPA's during this time (tax season) each year.

Further, DOT is required to act on these applications within 30 days of filing. The peak for bid lettings usually occurs in May and June. The large volume of prequalified contractor certificates which expire on April 30 and which must be renewed prior to bidding in May and June, coupled with the 30-day application processing time, creates a tremendous workload on DOT's prequalification staff. In addition, contractors report concerns relating to potential loss of bid opportunities for the peak months of May and June. The bill extends the period of qualification from 16 months to 18 months. This should provide sufficient time for submission of applications while ensuring compliance with application processing requirements.

**Section 15. Advertising Toll Facilities/Turnpike:** Currently, s. 338.161(1), F.S., allows DOT to pay for advertising, marketing and promotion of electronic toll collection products and services. This section does not allow DOT to pay for advertising, marketing and promotion of the actual toll facility. The bill amends this section to allow DOT to pay for advertising, marketing and promotion of toll facilities. This would allow the promotion of the Turnpike and other toll roads and bridges. If these promotions result in increased use of toll facilities, more toll revenues would be collected.

**Sections 16 & 19. Public Hearings/Transportation Planning:** Section 339.155(6), F.S., sets out the requirements for DOT procedures for public participation in the transportation planning process, including public hearings and notice requirements for such hearings. The bill amends this section to clarify current language relating to public participation in transportation planning, to delete the current 14 consecutive day notice requirement, and to provide definitions to more clearly define the public's opportunities for hearing under Chapter 120, Florida Statutes. The bill also amends s. 338.223(1), F.S., to make conforming changes to cross references to s. 339.155(6), F.S.

**Section 17. Local Government Advance Reimbursement Program:** Pursuant to s. 339.12 F.S., DOT and a local government may enter into an agreement by which the local government agrees to perform a highway project or project phase in DOT's adopted work program. DOT may agree to reimburse the governmental entity the actual cost for the project or project phase. Reimbursement is to begin in the year the project or project phase was originally scheduled in the work program. DOT is also authorized to enter into agreements for a project or project phase not included in the adopted work program. The project must be a high priority of the local government. However, because of concerns about excessive use of these agreements, the Legislature limited the total amount of DOT agreements for advancement of projects not included in the adopted work program to \$50 million. DOT agreements are currently near this amount. The bill increases the current statutory cap from \$50 million to \$100 million. This change would allow more local governmental entities to advance their highest priority transportation needs.

**Section 18. Tentative Work Program/Advanced Right-of-Way Acquisition Projects:** The bill amends s. 339.135(4), F.S., to delete a requirement that the tentative work program specifically identify advanced right-of-way acquisition projects and separately allocate funds for advanced right-of-way acquisition in each fiscal year. In 1996 the Legislature removed the requirement that a certain portion of advanced right-of-way acquisition bond proceeds be used to support the construction phase of projects planned 3 to 4 years from the date of acquisition, and removed the requirement that remaining bond proceeds be spent on right of way for projects with construction phases planned a minimum of 5 years from acquisition. This revision removes a tentative work program development requirement that is no longer applicable to the advanced acquisition program.

**Section 20. State Infrastructure Bank (SIB):** A state infrastructure bank (SIB) is designed to be a self-sustaining revolving loan fund operating like a bank. A SIB can be capitalized with state or federal seed money and can offer loans and credit enhancement assistance to public and private entities. DOT currently has a Federally funded SIB, but the uses of these funds are limited to projects that meet federal standards. Federal law authorized four pilot states for a SIB program including Florida, California, Rhode Island and Missouri. The current SIB has awarded loans totaling \$140 million that supports over \$500 million in total project costs.

The bill creates s. 339.55, F.S., which provides for a State-funded Infrastructure Bank within DOT. The SIB would offer loans, credit enhancements, and other forms of financial assistance to public and private entities for transportation projects on the state highway system or that relieve congestion on the state highway system. Loans from the SIB may bear interest, and repayment of SIB loans must commence 5 years after project completion and be repaid within 30 years. To be eligible for consideration, projects must be consistent with local plans and must have a dedicated repayment source to ensure loan repayment. Criteria that DOT may consider for evaluation of SIB candidate projects include: credit worthiness; project economic benefits; the likelihood of project advancement; innovative public-private partnerships; use of new technologies; environmental impacts; intermodal

transportation benefits; and, encouragement of local and private participation. SIB loans would be included in the 5-year work program submitted to the Legislature each year.

The SIB will be capitalized by DOT as approved in the general appropriations act. DOT has recommended funding for the SIB at \$30 million per year for 5 years. A state funded SIB can provide DOT with more flexibility in project selection and financial management than the federally funded infrastructure bank, and can provide a mechanism to significantly increase the state's ability to meet unfunded transportation needs.

**Sections 21 - 22. Evaluation Methodologies/Public Transit Capital Projects:** DOT is required by s. 341.051, F.S., to develop a major capital investment policy, including criteria and guidelines for the use of state funds for public transit capital projects. The policy is supposed to include methods: to be used to determine consistency of a transit project with the approved local government comprehensive plans; for evaluating the level of local commitment to the project; and, for evaluating alternative transit systems and alternative methods for providing transit service.

The bill deletes the requirement that DOT develop methodologies for evaluating public transit capital projects. Capital investments of this type are very rare, and the methodologies have never been developed by DOT. Other portions of the same statute, specifically 341.051(5)(a), F.S., limits DOT's participation in financing public transit capital projects. Further, the necessity for state evaluation methodologies would be duplicative of federal laws regarding transit project evaluation methodologies. The bill also amends s. 341.031, F.S., to conform a cross-reference to this change.

**Section 23. "Fast Track" Economic Growth Transportation Program:** The bill creates s. 341.054, F.S., which is the "Fast Track" Economic Growth Transportation Program. This program is intended to accelerate transportation projects which substantially impact Florida's economic competitiveness by funding statewide or major regional transportation needs. Eligible projects include planning, design, right-of-way acquisition, or construction of rail, transit, aviation, seaport and intermodal infrastructure which carry substantial flows of domestic or international trade or tourism.

The "Fast Track" Economic Growth Transportation Program replaces the intermodal development discretionary program established by procedure within DOT. The program will be implemented by establishment of a new procedure once enabling legislation is passed. Intermodal Development Program formula allocations to the DOT District Offices under section 341.053, F.S., will not be affected by this proposal.

Program funds will be allocated for discretionary economic growth transportation projects that enhance domestic and/or international trade and tourism. Funding will come from existing public transportation appropriations authorized by the Legislature from the State Transportation Trust Fund. "Fast Track" projects may be proposed by any form of local government, regional organizations, economic development organizations, public-private partnerships, metropolitan planning organizations and statewide groups. Proposals would be submitted by November 1st of each year to DOT. The economic and transportation impact of proposed projects will be evaluated by DOT, including checking for consistency with local or regional MPO plans, within 45 days.

Project selection criteria will be determined by DOT, with the amount of the non-state share of project costs being a factor in project selection. Projects selected will be made a part of the 5-year work program.

**Section 24. Technical Correction/Environmental Mitigation:** Section 373.4137(2)(a), F.S., relating to environmental mitigation requirements for transportation projects was amended during the 1999 legislative session. The legislation that passed contained incorrect references to the adopted work program and tentative rules. The bill corrects these references to DOT's tentative work program and to adopted rules.

**Section 25. Effective Date:** Except for section 2 of the bill which is effective July 1, 2005, the bill becomes effective October 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments, below.

2. Expenditures:

See Fiscal Comments, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments, below.

2. Expenditures:

See Fiscal Comments, below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Provisions of the bill related to the Local Government Advance Reimbursement Program, the State Infrastructure Bank, and the "Fast Track" Economic Growth Transportation Program have the potential to advance or accelerate transportation infrastructure projects. To the extent that these provisions help to advance transportation projects, the engineering firms, contractors, material suppliers, laborers, and other businesses involved in construction of these projects will benefit. Further, construction of these projects sooner will benefit those businesses and citizens that rely on the state's transportation system to move goods, to provide access for customers, and to get to and from work.

D. FISCAL COMMENTS:

**Section 2. State Comprehensive Enhanced Transportation System (SCETS) Tax:** The bill provides that, effective July 1, 2005, 50 percent of SCETS tax revenues transferred into the STTF are to be expended on projects on the Florida Intrastate Highway System (FIHS). In fiscal year 2005-06, SCETS tax revenues are projected to be about \$520 million, therefore about \$260 million would be dedicated to the FIHS. Because the FIHS is critical to moving people and goods in the state, not funding its unmet needs will have serious consequences for Florida's economy. This change will provide resources to address these needs on the FIHS. The remaining 50 percent of SCETS revenues will continue to be used only for



projects in the district in which the taxes are collected and, to the maximum extent feasible, in the county of collection.

**Section 4. Driving Under the Influence/Penalties:** On October 1, 2000, and October 1, 2001, if a state has not enacted and is not enforcing a repeat intoxicated driver law meeting the requirements of federal law, an amount equal to 1.5 percent (\$12.3 million) of federal construction funds apportioned to the state will be transferred by the USDOT to the state's safety program. On October 1, 2002, and each October 1 thereafter, if a state has not enacted and is not enforcing a repeat intoxicated driver law meeting federal requirements, the transferred amount increases to 3 percent (\$24.6 million) of the state's apportionment for federal-aid programs.

**Section 5. Open Container/Possession & Consumption:** On October 1, 2000, and October 1, 2001, if a state has not enacted and is not enforcing an open container law meeting the requirements of federal law, an amount equal to 1.5 percent (\$12.3 million) of construction funds apportioned to the state will be transferred by the USDOT to the state's safety programs. On October 1, 2002, and each October 1 thereafter, if a state has not enacted and is not enforcing an open container law meeting federal requirements, the transferred amount increases to 3 percent (\$24.6 million) of the state's apportionment for federal-aid programs.

**Section 15. Advertising Toll Facilities/Turnpike:** The bill allows DOT to pay for advertising, marketing and promotion of toll facilities. This would allow the promotion of the Turnpike and other toll roads and bridges. If these promotions result in increased use of toll facilities, more toll revenues would be collected.

**Section 17. Local Government Advance Reimbursement Program:** The bill increases the current statutory cap on the value of agreements between DOT and local governments to advance projects not included in the adopted work program from \$50 million to \$100 million. DOT agreements are currently near the \$50 million cap. This change would allow more local governmental entities to advance their highest priority transportation needs.

**Section 19. Public Hearings/Transportation Planning:** The bill deletes the current 14 consecutive day notice requirement for public hearings and requires the hearings to be noticed twice between 30 and 15 days before the meeting. The current cost in advertising to the Department for one public hearing per district per year is estimated to range from \$123,475 - \$143,908, depending upon hearing site location and the general circulation newspaper used. By reducing the number of days that notice must be published, the bill would provide a cost savings to the Department.

**Section 20. State Infrastructure Bank (SIB):** A state infrastructure bank (SIB) is designed to be self-sustaining revolving loan fund operating like a bank. DOT currently has a federally funded SIB, but the uses of these funds are limited to projects that meet federal standards. The federally funded SIB has awarded loans totaling \$140 million that supports over \$500 million in total project costs. The bill creates a State-funded Infrastructure Bank within DOT. The SIB will be capitalized by DOT as approved in the general appropriations act. DOT has recommended funding for the SIB at \$30 million per year for 5 years. A state funded SIB can provide DOT with more flexibility in project selection and financial management than the federally funded infrastructure bank, and can provide a mechanism to significantly increase the state's ability to meet unfunded transportation needs.

**Section 23. "Fast Track" Economic Growth Transportation Program:** The bill creates the "Fast Track" Economic Growth Transportation Program. This program is intended to

accelerate transportation projects which substantially impact Florida's economic competitiveness by funding statewide or major regional transportation needs. Program funds will be allocated for discretionary economic growth transportation projects that enhance domestic and/or international trade and tourism. Funding will come from existing public transportation appropriations authorized by the Legislature which were previously allocated to the High Speed Rail project. Program funding equals \$59 million per year through fiscal year 2004-05, and increases to \$70 million per year beginning in fiscal year 2005-06.

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:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

The Department of Transportation has sufficient rule-making authority to implement most of the bill's provisions. However, the bill does not provide DOT with specific rule-making authority to implement the provisions creating the State Infrastructure Bank (section 22) and the Fast Track Program (section 24). Specific rules will need to be approved and promulgated by DOT to properly implement these new programs.

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

**STORAGE NAME:** h0893.tr

**DATE:** February 25, 2000

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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