

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

**BILL #:** 2514-A

**FINAL HOUSE FLOOR ACTION:**

**SPONSOR(S):** Lee

113 Y's

0 N's

**COMPANION  
BILLS:** None.

**GOVERNOR'S ACTION:** Approved

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**SUMMARY ANALYSIS**

SB 2514-A conforms Florida Statutes relating to the Department of Transportation to the General Appropriations Act for the 2015-16 fiscal year, creating a statewide network of multi-use trails to provide nonmotorized transportation opportunities for bicyclists and pedestrians around Florida. The bill further establishes a means to fund this network of trails in the following manner.

SB 2514-A redirects the portion of the \$225 additional fee imposed on initial registration of motor vehicles (referred to as the "New Wheels Fee") that currently is deposited into the General Revenue Fund to the State Transportation Trust Fund (STTF). The bill further specifies how the revenues from this fee are to be used by the Department of Transportation. Total projected revenues from the New Wheels Fee to the department are \$206 million, and the designated uses include the following programs and amounts:

- The Florida Shared-Use Nonmotorized Trail Network - \$25 million.
- The New Starts Transit Program - 3.4 percent.
- The Small County Outreach Program - 5 percent.
- The Florida Strategic Intermodal System - 20.6 percent.
- The Transportation Regional Incentive Program - 6.9 percent.
- All remaining funds for any transportation purpose authorized by law.

The bill creates the Florida Shared-Use Nonmotorized Trail (SunTrail) network, which is a component of the Florida Greenways and Trails System. The statewide SunTrail network consists of multiuse trails or shared-use paths separated from motor vehicle traffic and constructed with asphalt, concrete or other hard surface which provides nonmotorized transportation opportunities for bicyclists and pedestrians statewide. The bill also provides legislative findings and intent related to the SunTrail network, and includes provisions for the planning, development, operation, and maintenance of the network components. The bill requires the Florida Department of Transportation (FDOT) to annually allocate \$25 million for the SunTrail network in the FDOT work program.

On March 20, 2015, the Revenue Estimating Conference reviewed this language and projected a recurring positive fiscal impact of \$99.1 million to the State Transportation Trust Fund, and a corresponding negative fiscal impact of \$99.1 million to the General Revenue Fund. These estimated impacts are for the 2015-2016 fiscal year; future impacts would be on a recurring basis with the impact depending on the amount of New Wheels Fee revenue collected.

The bill was approved by the Governor on June 23, 2015, ch. 2015-228, L.O.F., and will become effective on July 1, 2015.

**I. SUBSTANTIVE INFORMATION**

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** s2514Az.APC

**DATE:** June 24, 2015

## A. EFFECT OF CHANGES:

### **New Wheels Fee**

Section 320.072, F.S., provides for the New Wheels Fee. Section 320.072(1), F.S., provides for a fee of \$225 on the initial application for registration of automobiles, light truck, motorhomes and truck campers. Section 320.072(4), F.S., provides that 44.5 percent of that fee is deposited into the State Transportation Trust Fund, 41.2 percent is deposited into the General Revenue Fund and 14.3 percent is deposited in the Highway Safety Operating Trust Fund.

The fee was first established in 1989, and is designed primarily to affect only those vehicle owners whose actions result in net additions to the state's number of registered vehicles. This is accomplished by exempting several kinds of registration transactions such as trade-ins and transfers of title between family members living in the same house; and by allowing refunds of the fee, if another eligible vehicle is disposed of within 90 days. The fee applies only to automobiles, light trucks, and certain recreational vehicles.

### **Trail Development**

The development of Florida's bicycle and pedestrian infrastructure did not begin in earnest until the late 20<sup>th</sup> century. The American railroad industry was deregulated by the Staggers Rail Act of 1980, providing Florida with an immediate abundance of abandoned rail corridors.<sup>1</sup> Organizations such as The Rails-to-Trails Conservancy and The Trust for Public Land, the FDOT, and the Department of Environmental Protection (DEP) coordinated to develop numerous abandoned rail corridors as shared-use "rail-trails" for nonmotorized transportation and recreation. Many of Florida's premier nonmotorized trails, including the Pinellas Trail, the Tallahassee-St. Marks Trail, and the West Orange Trail, are a result of rail-trail conversions.

The second major thrust in trail development came in 1991 when Congress shifted surface transportation policy through passage of the Intermodal Surface Transportation Efficiency Act.<sup>2</sup> For the first time, pedestrian and bicycle facilities were identified as components of the nation's transportation infrastructure, and a dedicated funding source was created for multiuse trails and paths with local governments serving as project sponsors.<sup>3</sup> Many of the resulting projects are community-centric, short-distance trails, initiated by local governments and other governmental entities not traditionally associated with transportation development, such as water management districts and school districts.

### **Trail Connectivity**

While many locales have benefited from federal trail funding, an unintended consequence of trail development being initiated by numerous state entities and local governments is a collection of random trails rather than a statewide system. As a result, many trails lack connectivity with other trails and often serve no meaningful origins and destinations. Trail users are often required to use roads, sidewalks, and highways to connect trails or to complete a trip. Many trail trips are "out-and-back" trips in which the origin and destination are the same location. Such trips serve little to no transportation function and do not realize the full economic potential of a trail network.

In 1995, the Legislature recognized the benefits of an expanded greenways and trails network and created the Florida Greenways Coordinating Council (FGCC).<sup>4</sup> The Legislature tasked the FGCC with promoting the creation of a statewide greenways and trails system and designated the DEP as the lead

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<sup>1</sup> Pub. Law No. 96-448, H.R. 72365, 96th Cong. (Oct. 14, 1980).

<sup>2</sup> Pub. Law No. 102-240, H.R. 2950, 102nd Cong. (Dec. 18, 1991).

<sup>3</sup> Joe Maher, *Federal Funding for Conservation and Recreation Trails* (Feb. 2009), available at [http://www.rff.org/RFF/Documents/RFF-BCK-ORRG\\_DOT.pdf](http://www.rff.org/RFF/Documents/RFF-BCK-ORRG_DOT.pdf) (last visited Mar. 11, 2015).

<sup>4</sup> Chapter 95-260, Laws of Fla.

agency of the system.<sup>5</sup> The FGCC published the Connecting Florida Communities with Greenways and Trails Plan in 1998. The plan contains a multiuse recreational Opportunity Trail Map and is considered the first visioning document for connecting Florida's greenways and trails. The plan provides a comprehensive approach to the Florida Greenways and Trails System (FGTS) by providing a review of existing greenways and trails and recommendations to complete the system. The plan recommends:

- The DEP establish a process to prioritize greenways and trails for ecological, recreational, and cultural significance;
- The DEP identify the critical linkages in the statewide greenways and trails system;
- The FGCC evaluate and prioritize greenways and trails proposed by the DEP based on:
  - Willingness of the landowner;
  - Ecological, recreational, and cultural significance;
  - Acquisition considerations;
  - Management considerations;
  - Community support; and
  - Identification of critical linkages.
- The DEP develop a process for designating lands for the statewide greenways and trails system;
- The FGCC promote awareness and generate support of the greenways and trails system;
- Encouraging landowners to voluntarily sell or donate conservation easements or fee simple title to land;
- Coordinating with owners to acquire linear facilities;
- Encouraging developers to include trails in residential areas and to link residential trails with the statewide system;
- Identifying a funding mechanism for the creation and maintenance of trail systems;
- Directing the Legislature to create the Florida Greenways and Trails Council; and
- Measuring the success of the statewide trails system by:
  - Tracking the current trail system and new land designations in a database;
  - Maintaining natural areas so they may be considered for designation or remain designated;
  - Creating a system that provides public access to a trail within 15 minutes of every Floridian; and
  - Ensuring a 95 percent satisfaction rate for visitors to greenways and trails facilities.<sup>6</sup>

In 1999, the Legislature created the Florida Greenways and Trails Council as recommended by the 1998 Connecting Communities with Greenways and Trails Plan. Section 260.0142(4), F.S., directs the council to:

- Facilitate a statewide system of interconnected landscape linkages, conservation corridors, greenbelts, recreational corridors and trails, scenic corridors, utilitarian corridors, reserves, regional parks and preserves, ecological sites, and cultural/historic/recreational sites using land-based trails that connect, urban, suburban, and rural areas of the state;
- Recommend priorities for critical links in the FGTS;
- Review recommendations for acquisition funding;
- Review designation proposals to be include in the FGTS;
- Encourage public-private partnerships;
- Review the established benchmarks and make recommendations for appropriate action;
- Recommend updates to the implementation plan for the FGTS;
- Promote greenways and trails support organizations; and
- Support the FGTS through intergovernmental coordination, budget recommendations, and any other appropriate way.

In 2008, Florida was recognized as a leader in greenways and trails and awarded the Best Trails State Award by American Trail. Although the statewide system of trails had expanded to include thousands of

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<sup>5</sup>*Id.*

<sup>6</sup> The DEP, Florida Greenways Coordinating Council, *Connecting Florida's Communities with Greenways and Trails* (1998), available at [http://www.dep.state.fl.us/gwt/FGTS\\_Plan/PDF/1998FGTSPPlanConnectingFlorida'sCommunities.pdf](http://www.dep.state.fl.us/gwt/FGTS_Plan/PDF/1998FGTSPPlanConnectingFlorida'sCommunities.pdf) (last visited Mar. 5, 2015).

miles of paved, unpaved, and paddling trails to accommodate hikers, bikers, equestrians, and paddlers, many gaps to the trail system remain.<sup>7</sup>

In 2013, the DEP published the 2013-2017 Florida Greenways and Trails System Plan. The 2013-2017 plan was the first update to the FGTS since the Connecting Florida Communities with Greenways and Trails Plan was published in 1998. The updated plan provides goals for the FGTS to advance Florida's economy, tourism, health, transportation, recreation, conservation, and quality of life. Specifically, the plan:

- Establishes priorities for coordinating, directing, and focusing resources;
- Provides a new framework for systematically closing the gaps in trails and connecting priority corridors within the FGTS to establish a fully connected and integrated statewide trail network; and
- Provides linkages between additional state planning efforts and the FGTS. The additional state planning efforts include:
  - The Florida Five-year Strategic Plan for Economic Development;
  - The VISIT Florida Marketing Plan;
  - The Florida State Health Improvement Plan;
  - The Florida Transportation Plan 2060;
  - The Florida Statewide Comprehensive Outdoor Recreation Plan; and
  - The Cooperative Conservation Blueprint and Wildlife Action Plan.

The Coast-to-Coast Connector (C2C) is an essential component of the 2013-2017 FGTS plan and the Florida Greenways and Trails Foundation "Close the Gaps" campaign.<sup>8</sup> The C2C is an approximately 275-mile system of local, regional, state, and federal trails crossing nine counties from Titusville to St. Petersburg. Approximately 200 miles of the corridor are developed or funded for completion. The remaining portion of the C2C will cost an estimated \$42 million to complete.<sup>9</sup>

### ***Interagency Coordination***

The FDOT created the Florida Bicycle and Pedestrian Partnership Council in 2010, which includes representatives from the FDOT, state agencies, local governments, and non-profit organizations. The council provides policy recommendations for the state's walking, biking, and trail facilities to the FDOT and its partners. The primary focus of the council is to implement bicycle and pedestrian connections, promote bicycle and pedestrian safety, promote the use of design discretion to accommodate bicycle and pedestrian needs, and to promote the State Health Improvement Plan.<sup>10</sup>

The council has directed the FDOT to partner with the DEP to pursue opportunities that contribute to the full implementation of the FGTS Priority Network including:

- Considering additional right of ways for separate shared-use paths during all transportation corridor planning;
- Expanding the limited access pilot-projects;
- Developing an interagency Memoranda of Agreements to promote cooperation; and
- Working with metropolitan planning organizations and other regional entities.

**Section 1** amends s. 320.072 (4), F.S., to provide for the redistribution of the New Wheels Fee of \$225 on the initial application for registration of automobiles, light truck, motorhomes and truck campers. This section of the bill increases the percentage of revenues from the fee that is to be deposited into the

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<sup>7</sup> The DEP, *Coast to Coast Connector, Status Report : July 1, 2014 to December 31, 2014*, available at [http://www.dep.state.fl.us/gwt/FGTS\\_Plan/Long%20Distance%20Corridors/1st%20Edition%20Jan%202015.pdf](http://www.dep.state.fl.us/gwt/FGTS_Plan/Long%20Distance%20Corridors/1st%20Edition%20Jan%202015.pdf) (last visited Mar. 5, 2015).

<sup>8</sup> The Florida Greenways and Trails Foundation is a non-profit organization that supports the mission and programs of the DEP Office of Greenways and Trails.

<sup>9</sup> *Supra* note 7.

<sup>10</sup> The DOT, *The Florida Bicycle and Pedestrian Partnership Council: 2012/2013 Annual Progress Report* (Oct. 2013), available at <http://www.dot.state.fl.us/planning/policy/bikeped/Annualrpt2012-13.pdf> (last visited Mar. 11, 2015).

State Transportation Trust Fund from 44.5 percent to 85.7 percent; and eliminates the requirement that 41.2 percent of the revenues from the fee be deposited into the General Revenue Fund. The 14.3 percent that is deposited in the Highway Safety Operating Trust Fund would remain unchanged.

This section further specifies how the revenues from this fee are to be used by the FDOT. The designated uses include the following programs and amounts:

- The Florida Shared-Use Nonmotorized Trail Network<sup>11</sup> - \$25 million.
- The New Starts Transit Program<sup>12</sup> - 3.4 percent.
- The Small County Outreach Program<sup>13</sup> - 5 percent.
- The Florida Strategic Intermodal System<sup>14</sup> - 20.6 percent.
- The Transportation Regional Incentive Program<sup>15</sup> - 6.9 percent.
- All remaining funds for any transportation purpose authorized by law.

**Section 2** creates s. 339.81, F.S., to establish for the Florida Shared-Use Nonmotorized Trail (SunTrail) network, as a component of the Florida Greenways and Trails System.<sup>16</sup> The bill provides legislative findings and intent related to the SunTrail network. The bill specifies that SunTrails are constructed with asphalt, concrete, or another hard surface, and by the virtue of the design, location, extent of connectivity or potential connectivity, and allowable uses, provide nonmotorized transportation opportunities for bicyclists and pedestrians statewide. SunTrails would include many points of origin and destinations including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions.

The SunTrail components would not include sidewalks, nature trails, or loop trails in a single park or natural area, or on-road facilities, other than:

- An on-road facility that is no greater than one-half mile in length connecting two or more nonmotorized trails, if the provision of the non-road facility is unfeasible and if the on-road facility is signed and marked for nonmotorized use; and
- On-road components of the Florida Keys Overseas Heritage Trail.

The bill specifies that the planning, development, operation, and maintenance of the SunTrail network is a public purpose. The FDOT and other agencies and units of government are authorized to expend funds and accept gifts and grants of funds, property, and property rights for the development of the SunTrail network.

The bill requires the FDOT to include SunTrail network projects within the five-year work program.<sup>17</sup> The bill requires the FDOT to annually allocate \$25 million for the SunTrail network. The FDOT is authorized to enter into memoranda of agreement with other governmental entities and contract with private entities to provide maintenance services on individual components of the network and may adopt rules to assist in developing and maintaining the network. The bill also provides FDOT with authority to adopt rules related to the SunTrail network.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

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<sup>11</sup> Created as s. 339.81, F.S. by section 2 of this bill.

<sup>12</sup> Title 49, U.S.C. s. 5309 and s. 341.051, F.S.

<sup>13</sup> Section 339.2818, F.S.

<sup>14</sup> Sections 339.61, 339.62, 339.63, and 339.64, F.S.

<sup>15</sup> Section 339.2819, F.S.

<sup>16</sup> Established in ch. 260, F.S.

<sup>17</sup> Section 339.135, F.S.

1. Revenues:

The bill provides for the redistribution of the New Wheels Fee of \$225 on the initial application for registration of automobiles, light truck, motorhomes and truck campers. On March 20, 2015, the Revenue Estimating Conference reviewed this language and projected a recurring positive fiscal impact of \$99.1 million to the State Transportation Trust Fund, and a corresponding negative fiscal impact of \$99.1 million to the General Revenue Fund. These estimated impacts are for the 2015-2016 fiscal year; future impacts would be on a recurring basis with the impact depending on the amount of New Wheels Fee revenue collected. With this increased adjustment, total New Wheels Fee revenues projected for deposit in the State Transportation Trust Fund are \$206 million.

2. Expenditures:

The bill further specifies how the revenues from this fee are to be used by the FDOT. The designated uses include the following programs and amounts:

- The Florida Shared-Use Nonmotorized Trail Network - \$25 million.
- The New Starts Transit Program - 3.4 percent.
- The Small County Outreach Program - 5 percent.
- The Florida Strategic Intermodal System - 20.6 percent.
- The Transportation Regional Incentive Program - 6.9 percent.
- All remaining funds for any transportation purpose authorized by law.

The bill creates the SunTrail network, and requires the FDOT to annually allocate \$25 million for the SunTrail network in the FDOT work program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Under SB 2514-A, expanding the state's trail network has the potential of producing economic benefits as well as serving a variety of statewide trip purposes including work, school, shopping, social, recreational, and personal fitness purposes.

D. FISCAL COMMENTS:

None.