

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill removes per diem allowances from the Florida Seaport Transportation and Economic Development Council, and abolishes the Aging Driver Council within the Department of Highway Safety and Motor Vehicles.

The bill also increases the Department of Highway Safety and Motor Vehicles' ability to issue electronic titles, thereby reducing paperwork in the department.

The bill transfers the Office of Motor Carrier Compliance from the Department of Transportation to the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles. This transfer may reduce certain administrative redundancies.

Ensure Lower Taxes – The bill increases the amount of several drivers' license-related fees, particularly those related to driver's license renewal and reinstatement after suspension.

B. EFFECT OF PROPOSED CHANGES:

Department of Community Affairs; funding (Section 1)

Current Situation

Currently, the Grants & Donations Trust Fund in the Department of Community Affairs receives \$3.25 million each fiscal year from documentary stamp tax.¹ These funds are used as follows:

- \$3 million for planning and technical assistance to local governments and school boards to implement the Growth Management Act.
- \$250,000 to fund the Century Commission for a Sustainable Florida, created in section 163.3247, F.S.

Proposed Changes

The bill provides that effective July 1, 2008, the amount distributed from documentary stamp tax collections to the Grants & Donations Trust Fund in the Department of Community Affairs will be redirected to the General Revenue Fund.

Documentary Stamp Taxes; State Transportation Fund (Section 1, 27)

Current Situation

The documentary stamp tax levied under Chapter 201, F.S., provides revenue to the General Revenue Fund and various trust funds. Section 201.15, F.S., provides the distribution of the documentary stamp taxes. Specifically, s. 201.15(1)(d)1., F.S., provides \$541.75 million annually to the State Transportation Trust Fund.

Proposed Changes

The bill reduces the overall amount deposited into the State Transportation Trust Fund from \$541.75 million to \$326.75 million, and provides guidance to the Department of Transportation to fund currently-contracted projects "to the extent practicable" so that such contracts are not impacted by the overall reduction. The bill also provides that the Department of Transportation must reduce work program

¹ Section 201.15(1)(d)1.d., F.S.

levels² through fiscal year 2013 to balance their finance plans to the revised overall funding levels. The bill amends s. 339.135, F.S., regarding work program levels, to conform the guidance in s. 201.15(1)(d)2. – 3., F.S.

Service Charge Exemptions; Department of Transportation (Section 2)

Current Situation

Section 215.20, F.S., levies service charges on an array of state trust funds which receive “income of a revenue nature.” These service charges are deposited into the General Revenue Fund as a reimbursement of the estimated pro rata share of the “cost of general government” paid from the General Revenue Fund.

Pursuant to s. 215.211(1) and (2), F.S., the Department of Transportation is exempt from paying the service charges under s. 215.20, F.S., on certain local option fuel taxes collected by the Department.³ The amount exempted from the General Revenue Fund service charge is deposited into the State Transportation Trust Fund and used to fund the County Incentive Grant Program and the Small County Outreach Program.⁴

Proposed Changes

The bill eliminates the Department of Transportation exemptions in s. 215.211(1) and (2), F.S. The fuel and transportation taxes collected by the Department will be subject to the relevant General Revenue Fund service charges described in s. 215.20, F.S. In order to continue to provide funding for the County Incentive Grant Program and the Small County Outreach Program, the bill directs 7% of the amount collected under s. 336.025, F.S. (but not the amount collected by s. 336.025(1)(b), F.S.), to fund these programs.

Florida Seaport Transportation and Economic Development Council (Section 3)

Current Situation

The Florida Seaport Transportation and Economic Development Council is a public entity created by s. 311.09, F.S., and charged with making recommendations regarding the implementation of seaport capital improvement projects, in line with the Florida Transportation Plan. The Council was created within the Department of Transportation and consists of the port directors of the 14 publicly owned seaports and a representative from the Department of Transportation, the Department of Community Affairs, and the Governor's Office of Tourism, Trade and Economic Development.

Section 311.09, F.S., tasks the council with developing programs for further action, adopting rules for evaluating projects, and approving or disapproving projects. The approved projects are sent to the Department of Transportation, the Office of Tourism, Trade and Economic Development, and the Department of Community Affairs for review. The Department of Transportation, the Department of Community Affairs, or the Office of Tourism, Trade and Economic Development may overrule any action of the council approving a project.⁵

Proposed Changes

The bill modifies the workflow processes of the council, and clarifies that the ultimate project “approval” is made by the Department of Transportation, based on “submitted” projects from the council. The bill removes a requirement that the council meet at least semiannually, and removes the ability for members of the council to claim per diem expenses. The bill also eliminates the council’s obligation to review existing job-training programs for minorities and secondary-school students in the maritime industry, develop similar programs, and report to the President of the Senate and the Speaker of the

² Work program levels are detailed in s. 339.135, F.S.

³ See generally, s. 336.025, F.S.

⁴ Section 215.211, F.S., specifically the ‘flush-left’ material following paragraph (3).

⁵ Section 311.09(11), F.S.

House of Representatives. The bill requires that no state or federal revenues be used to fund the administrative services of the council.

License Renewal and Reinstatement Fees (Section 5, 6, 19, 21, 22, 23)

Current Situation

Section 322.17, F.S., provides that a replacement driver's license or a license with an updated name or address may be issued upon the payment of a \$10 fee. In the former case, \$5 of the \$10 is directed to the Highway Safety Operating Trust Fund. In the latter case, \$9 of the \$10 is directed to the Highway Safety Operating Trust Fund.

Several sections of law create additional fees for driver's license reinstatement if the license has been suspended for particular reasons. Specifically:

- Section 318.15(1)(a), F.S., requires a fee of \$47.50 if a person is in violation of a civil penalty related to non-criminal traffic infractions. Of the \$47.50 charge collected by the clerk of the court or driver licensing agent, \$10 shall be remitted to the Department of Revenue to be deposited into the Highway Safety Operating Trust Fund.
- Section 318.18(8)(a), F.S., requires any person who fails to timely pay a traffic fine included in 318.15(1)(a), F.S., to pay an additional \$12 civil penalty, \$2.50 of which is remitted to the General Revenue Fund and \$9.50 of which is remitted to the Highway Safety Operating Trust Fund.
- Section 322.21, F.S., requires any person who applies for reinstatement after a the suspension or revocation of the person's driver's license shall pay a service fee of \$35 following a suspension, and \$60 following a revocation, which is in addition to the fee for a license. Any person who applies for reinstatement of a commercial driver's license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service fee of \$60, which is in addition to the fee for a license. In addition, if the revocation or suspension of the driver's license was for the refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$115 must be charged.
- Section 322.29, F.S., requires that every person applying for the return of a license suspended for a civil penalty under s. 318.15, F.S., or for the failure to pay child support under s. 322.245, F.S., shall present to the department certification from the court that he or she has complied with all obligations and penalties imposed and has complied with all directives of the court and shall pay to the department a nonrefundable service fee of \$47.50, of which \$37.50 shall be deposited into the General Revenue Fund and \$10 shall be deposited into the Highway Safety Operating Trust Fund. If reinstated by the clerk of the court or tax collector, \$37.50 shall be retained and \$10 shall be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. However, the service fee is not required if the person is required to pay a \$35 fee or \$60 fee under the provisions of s. 322.21, F.S.
- Section 324.071, F.S., requires drivers to carry certain insurance on their vehicles. Failing to do so may result in the suspension of a license. This section implements a \$15 fee for license reinstatement after a driver's license has been suspended for this reason. The fees collected under this section are deposited into the Highway Safety Operating Trust Fund.

Proposed Changes

The bill amends s. 322.17, F.S., to eliminate the \$9 deposit to the Highway Safety Operating Trust Fund from license replacements or address corrections, respectively. The \$10 fee will be deposited in the General Revenue Fund.

The bill amends s. 318.15(1)(a), F.S., to increase the fees for civil penalties from \$47.50 to \$60. The increased amount of \$12.50 shall be deposited into the Law Enforcement Trust Fund to be used exclusively to establish a recruitment and retention plan for law enforcement officers.

The bill amends s. 318.18(8)(a), F.S., to increase the late fees civil penalties from \$12 to \$20. The increased amount of \$8 shall be deposited into the Law Enforcement Trust Fund to be used exclusively to establish a recruitment and retention plan for law enforcement officers.

The bill amends s. 322.21, F.S., to increase the fees for reinstatement after a the suspension or revocation of the person's driver's license from \$35 to \$45 following a suspension, and from \$60 to \$75 following a revocation, which is in addition to the fee for a license. And for reinstatement of a commercial driver's license the fee is increased from \$60 to \$75, which is in addition to the fee for a license. In addition, if the revocation or suspension of the driver's license was for the refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$115 is increased to \$130. The increased amounts shall be deposited into the Law Enforcement Trust Fund to be used exclusively to establish a recruitment and retention plan for law enforcement officers.

The bill amends s. 322.29, F.S., to increase the fees for the return of a license suspended for a civil penalty under s. 318.15, F.S., or for the failure to pay child support under s. 322.245, F.S., from \$47.50 to \$60, of which \$37.50 shall be deposited into the General Revenue Fund and \$10 shall be deposited into the Highway Safety Operating Trust Fund, and \$12.50 shall be deposited into the Law Enforcement Trust Fund to be used exclusively to establish a recruitment and retention plan for law enforcement officers.

The bill further provides that the fees collected under s. 324.071, F.S., are to be deposited in the General Revenue Fund.

Motor Vehicle Certificates of Title; Electronic Transactions (Section 7, 8)

Current Situation

Chapter 319 governs vehicle title certificates issued in Florida as well as fees, liens, and related issues, but does not specifically define "certificate of title." Section 319.40, F.S., authorizes the Department of Highway Safety and Motor Vehicles to accept any application provided for in Chapter 319, Florida Statutes, by "electronic or telephonic means."

Proposed Changes

The bill adds a formal definition for the term "certificate of title," stating that a certificate of title is the ownership record for a vehicle, "whether a paper document authorized by the department or a certificate consisting of information that is stored in an electronic form in the department's database." The bill amends s. 319.40, F.S., to authorize the Department to issue electronic certificates of title and to collect e-mail addresses of vehicle owners and registrants for notification purposes related to vehicle titles.

Motor Vehicle Registration Service Charge (Section 9)

Current Situation

Section 320.04, F.S. provides for a \$2.50 service charge for each application handled "in connection with the original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker; or with the transfer or duplicate issuance of any registration certificate." In addition, the Department of Highway Safety and Motor Vehicles may charge an additional \$1 for the issuance of these items by way of an automated vending facility or printer dispenser machine. This additional \$1 is currently retained by the Department to provide for the automated facilities in use by county tax collectors or other license tag agents.

Proposed Changes

The bill redirects the additional \$1 service charge, providing that it must be immediately deposited into the General Revenue Fund.

Motor Vehicle Registration and Renewal; Retroreflectivity Fee (Section 10)

Current Situation

Section 320.06 (3)(b), F.S., requires the Department of Highway Safety and Motor Vehicles to collect an additional 50 cents on each motor vehicle registration or motor vehicle renewal registration, in order to ensure that “all license plates and validation stickers be fully treated with retroreflective material.” This fee is currently deposited into the State Transportation Trust Fund.

Proposed Changes

The bill directs the 50 cent retroreflectivity fee to be deposited into the Highway Safety Operating Trust Fund.

Motorcycle License Taxes; Florida Motorcycle Safety Education Program (Section 11, 17, 18)

Current Situation

Currently, s. 320.08(1)(c), F.S., provides that for each motorcycle registered in Florida, a \$2.50 motorcycle safety education fee is collected and deposited into the Highway Safety Operating Trust Fund. These funds are used *exclusively* to fund motorcycle driver improvement programs implemented pursuant to s. 322.025, F.S., or the Florida Motorcycle Safety Education Program. This program was established in 1989 to provide motorcycle safety courses in Florida.⁶ Organizations participating in the Florida Rider Training Program charge students a registration fee to attend a course, not to exceed \$20 per student.⁷

Proposed Changes

The bill amends s. 320.08, F.S., and 322.025, F.S., to allow the \$2.50 education fee to fund a motorcycle driver improvement program *or* for the general operations of the Department of Highway Safety and Motor Vehicles. The bill also amends s. 322.0255, F.S., to eliminate certain potential reimbursements from the Department to motorcycle course providers.

Specialty License Plates; Prestige License Plates; Processing Fees (Section 12, 13)

Current Situation

Section 320.0805, F.S., governs the issuance of personalized prestige license plates. To receive a personalized prestige license plate, the motor vehicle owner must pay the appropriate license tax, an annual use fee of \$10, and a processing fee of \$2. This \$2 fee is currently deposited into the State Transportation Trust Fund.

Section 320.08056, F.S., governs the issuance of specialty license plates. To receive a specialty plate, the motor vehicle owner must pay the appropriate license tax, license plate fee, license plate annual use fee,⁸ and a processing fee of \$2. This \$2 fee is currently deposited into the State Transportation Trust Fund.

Proposed Changes

The bill directs the \$2 processing fees for both personalized prestige license plates and specialty license plates to be deposited into the Highway Safety Operating Trust Fund.

License Tax Fees; Florida Highway Patrol funding (Section 14)

⁶ Section 322.0255(1), F.S. See also section 7, ch. 88-405, Laws of Florida.

⁷ Section 322.0255(6), F.S.

⁸ The available plates and associated fees are listed in subsections 320.08056(4)(a) - (III), F.S.

Current Situation

Section 320.20, F.S. specifies the annual distribution of vehicle license taxes for various constitutional and statutory purposes. To comply with constitutional requirements, the “first proceeds” from these taxes must be deposited into the district Capital Outlay and Debt Service School Trust Fund. Remaining distributions are made from the remaining collected taxes, primarily to the State Transportation Trust Fund with the Department of Transportation.

Currently, there are no revenue sources designated specifically for the recruitment and retention of Florida Highway Patrol officers. The vacancy rate for sworn personnel for June 2007 was 12%. Since January 2000, more than 260 troopers have resigned (excluding dismissals and retirements.) According to the Department of Highway Safety and Motor Vehicles, the primary reason for the loss of trained and experienced troopers “is not dissatisfaction with employment conditions, but the lack of compensation for experience. In Fiscal Year 2006-2007, of 83 trooper separations surveyed 41% cited salary as unacceptable.”⁹

Proposed Changes

The bill creates a new distribution to the Law Enforcement Trust Fund. After the “first proceeds” are distributed, 45% of the remaining proceeds are to be distributed to the Law Enforcement Trust Fund exclusively for the benefit of the Florida Highway Patrol’s general operations.

Motor Vehicle Licenses – Electronic Transactions (Section 16)

Current Situation

Section 320.95, F.S., permits the Department of Highway Safety and Motor Vehicles to engage in motor vehicle license transactions by electronic or telephonic means.

Proposed Changes

The bill amends s. 320.95, F.S., to expressly permit the Department of Highway Safety and Motor Vehicles to collect and use e-mail addresses as a method of notification relating to motor vehicle licenses.

Effects of Aging on Driving Ability; Advisory Council (Section 20)

Current Situation

Section 322.181, F.S., creates an advisory council to study the effects of aging on driving ability. This council was created July 11, 2003, mandating the Department of Highway Safety and Motor Vehicles to study the effects of aging on driving ability. The purpose of the study was to develop a comprehensive approach to licensing drivers. The Department was to report the results of the study to the Senate President and House Speaker by February 1, 2004.¹⁰ This report has been completed and this council last met in September 2006.

Proposed Changes

The bill repeals s. 322.181, F.S., removing the council from the Florida Statutes.

Vessel Registration – Electronic Transactions (Section 24, 25)

Current Situation

Chapter 328, F.S., governs title certificates and registration of vessels in Florida. Section 328.30, F.S., authorizes the Department of Highway Safety and Motor Vehicles to accept any application required

⁹ Florida Department of Highway Safety and Motor Vehicles HB 831 Bill Analysis, March 24, 2008. This document is on file with the committee.

¹⁰ The report is available online at: www.flhsmv.gov/ddl/atriskdriver.pdf

under Chapter 328 by “electronic or telephonic means,” relating to vessel titles. Section 328.80, F.S., similarly authorizes the Department¹¹ to accept electronic or telephonic applications.

Proposed Changes

The bill amends 328.30, F.S., to provide that the Department may issue an electronic certificate of title in lieu of printing a paper title. The bill also amends s. 328.30, F.S., and s. 328.80, F.S., to permit the Department to collect and use e-mail addresses as a method of notification regarding vessel titles and registration.

Roadside Beautification Programs (Section 26)

Current Situation

Section 334.044, F.S., provides the Department of Transportation with general powers and duties regarding transportation administration. Among these duties is a roadside beautification program requiring the Department to reserve 1.5% of contracted construction costs for plant installation. With certain exceptions, at least half of the reserved amount must be spent on “large plant materials” purchased from “Florida-based nurseryman stock.”

Proposed Changes

The bill eliminates the 1.5% roadside beautification “set-aside” for Department of Transportation construction contracts contained in s. 334.044, F.S.

University Concurrency Trust Fund (Section 31)

Current Situation

Section 1013.63, F.S., creates the University Concurrency Trust Fund within the Department of Education. This trust fund is funded in part by the service charge¹² on revenues raised by local-option motor fuel taxes levied pursuant to s. 336.025(1)(b), F.S. This fund is subsequently exempt from the general revenue service charge.

Proposed Changes

The bill revises s. 1013.63, F.S., to provide that funding for the University Concurrency Trust Fund will be as provided in the General Appropriations Act, instead of by service charges on local option fuel taxes.

Office of Motor Carrier Compliance; Type Two Transfer (Section 32)

Current Situation

The primary purposes of the Office of Motor Carrier Compliance, currently housed within the Florida Department of Transportation, are to protect the highway system’s pavement and structures from excessive damage due to overweight and oversize vehicles, and to reduce the number and severity of crashes involving commercial vehicles.¹³ The Office enforces state and federal laws and agency rules that regulate the weight and size of vehicles operating on the state’s highways, and the safety of commercial motor vehicles and their drivers.

The program uses both non-sworn weight inspectors and sworn law enforcement officers to enforce vehicle weight, size, fuel tax, and registration requirements. These inspectors weigh trucks and check registration and fuel tax compliance at fixed scale locations along major highways. The program’s law

¹¹ Section 328.80, F.S. actually directs the “commission” to use electronic means, however, a reviser’s note from 1999 suggests that the “Department” may be the correct intent.

¹² The service charge process is described in detail in s. 215.20, F.S.

¹³ *Office of Program Policy Analysis and Government Accountability Report # 01-45*, October 2001.

enforcement officers patrol the state's highways and use portable scales to weigh trucks that do not pass fixed scale stations.¹⁴

As part of their patrol duties on state highways, the program's law enforcement officers also enforce commercial motor vehicle safety regulations by performing safety inspections and enforcing traffic laws. The program's safety enforcement responsibilities also include compliance reviews at carrier places of business, which are performed by specially trained law enforcement staff.¹⁵

Proposed Changes

The bill directs the Office of Motor Carrier Compliance to be transferred via type two transfer¹⁶ to the Florida Highway Patrol, within the Florida Department of Highway Safety and Motor Vehicles.

Technical Changes (Section 4, 15, 28, 29, 30, 33)

The bill makes technical changes to ss. 316.251, F.S., 320.203, F.S., 403.890, F.S., 403.891, F.S., and s. 501.976, F.S., to conform cross-references made by the bill. It also requests the Division of Statutory Revision, within the Joint Legislative Management Committee, to prepare a reviser's bill to conform the statutes to the organizational changes made in the bill.

C. SECTION DIRECTORY:

- Section 1 Amends s. 201.15, F.S.; reducing certain funding to the State Transportation Trust Fund; deleting a provision for distributing certain taxes distributed to the State Transportation Trust Fund; providing guidance to avoid fiscal impact to certain contracts; providing guidance to reduce certain work plan levels; deleting a provision for distributing certain documentary stamp tax proceeds to the Grants and Donations Trust Fund in the Department of Community Affairs for certain purposes.
- Section 2 Amends s. 215.211, F.S.; removing provisions eliminating specified service charges on certain revenues distributed to the State Transportation Trust Fund; revising provisions for funds to be used to fund the County Incentive Grant Program and the Small County Outreach Program.
- Section 3 Amends s. 311.09, F.S.; revising the Florida Seaport Transportation and Economic Development Council's duty to prepare a list of certain projects for submission to DOT, OTTED, and DCA; clarifying workflow and approval requirements for such projects.
- Section 4 Amends s. 316.251, F.S.; conforming a cross-reference.
- Section 5 Amends s. 318.15, F.S.; increasing certain fees for license reinstatement; directing fees to the Law Enforcement Trust Fund.
- Section 6 Amends s. 318.18, F.S.; increasing the additional civil penalty for late payment of civil traffic penalties; providing for distribution of fees; requiring that the deposited funds be appropriated to establish a recruitment and retention plan for officers of the highway patrol.
- Section 7 Amends s. 319.001, F.S.; providing a definition of "certificate of title," for motor vehicle registration purposes.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Type two transfers are contemplated by s. 20.06(2), F.S. This type of transfer maintains, in the unit's power, all "statutory powers, duties, and functions, and its records, personnel, property, and unexpended balances of appropriations, allocations or other funds, except those transferred elsewhere or abolished."

- Section 8 Amends s. 319.40, F.S.; allowing the Department of Highway Safety and Motor Vehicles to issue electronic titles; allowing the Department to collect e-mail addresses for notification purposes relating to vehicle registration.
- Section 9 Amends s. 320.04, F.S.; redirecting certain service charges collected by automated facilities of the Department of Highway Safety and Motor Vehicles to the General Revenue Fund.
- Section 10 Amends s. 320.06, F.S.; redirecting a registration renewal fee collected by the Department of Highway Safety and Motor Vehicles to the Highway Safety Operating Trust Fund.
- Section 11 Amends s. 320.08, F.S.; permitting motorcycle and moped taxes to fund the general operations of the Department of Highway Safety and Motor Vehicles.
- Section 12 Amends s. 320.0805, F.S.; redirecting a personalized prestige license plate processing fee collected by the Department of Highway Safety and Motor Vehicles to the Highway Safety Operating Trust Fund.
- Section 13 Amends s. 320.08056, F.S.; redirecting a specialty license plate processing fee collected by the Department of Highway Safety and Motor Vehicles to the Highway Safety Operating Trust Fund.
- Section 14 Amends s. 320.20, F.S.; providing for disposition of license tax fees; revising the project approval process and oversight related to the Florida Seaport Transportation and Economic Development Program (see Section 3).
- Section 15 Amends s. 320.203, F.S.; conforming a cross reference.
- Section 16 Amends s. 320.95, F.S.; allowing the Department of Highway Safety and Motor Vehicles to collect e-mail addresses for notification purposes relating to driver's licenses.
- Section 17 Amends s. 322.025, F.S.; revising the use of funding for the driver improvement program.
- Section 18 Amends s. 322.0255, F.S.; eliminating provisions regarding certain reimbursements to motorcycle safety education providers.
- Section 19 Amends 322.17, F.S.; removing funding requirements of the Highway Safety Operating Trust Fund from driver's license replacement fees.
- Section 20 Repeals s. 322.181, F.S.; removing obsolete Department of Highway Safety and Motor Vehicles study requirements and programs relating to the effects of aging on driving ability.
- Section 21 Amends s. 322.21, F.S.; increasing certain fees for license reinstatement; directing fees to Highway Safety and Motor Vehicles' Law Enforcement Trust Fund to recruit and retain Florida Highway Patrol officers.
- Section 22 Amends s. 322.29, F.S.; increasing certain fees for license reinstatement; directing fees to Highway Safety and Motor Vehicles' Law Enforcement Trust Fund.
- Section 23 Amends s. 324.071, F.S.; providing for the disposition of driver's license reinstatement fees from "a department trust fund" to the General Revenue Fund.
- Section 24 Amends s. 328.30, F.S.; allowing the Department to issue electronic titles for vessels; allowing the Department to collect e-mail addresses for notification purposes relating to vessel titles.
- Section 25 Amends s. 328.80, F.S.; allowing the Department to collect e-mail addresses for notification purposes relating to vessels registration.
- Section 26 Amends s. 334.044, F.S.; eliminating certain roadside beautification provisions.

- Section 27 Amends s. 339.135, F.S.; providing for use of transportation revenues; providing for revised funding levels for Department of Transportation projects.
- Section 28 Amends s. 403.890, F.S.; conforming a cross-reference.
- Section 29 Amends s. 403.891, F.S.; conforming a cross-reference.
- Section 30 Amends s. 501.976, F.S.; conforming a cross-reference.
- Section 31 Amends s. 1013.63, F.S.; revising provisions for funding for the University Concurrency Trust Fund as provided in the general appropriations act.
- Section 32 Transfers the Office of Motor Carrier Compliance, part of the Department of Transportation, to the Florida Highway Patrol, part of the Department of Highway Safety and Motor Vehicles.
- Section 33 Requests a reviser's bill from the Joint Legislative Management Committee to conform the organizational changes made by this bill.
- Section 34 Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The net impact to each affected trust fund is as follows (*all figures in \$Millions*):

| | |
|---|------------|
| General Revenue Fund | \$436.05 |
| DHSMV's Law Enforcement Trust Fund | \$280.392 |
| DHSMV's Highway Safety Operating Trust Fund | (\$42.846) |
| DCA's Grants & Donations Trust Fund | (\$3.25) |
| DOT's State Transportation Trust Fund | (\$639.2) |

The section-by-section breakdown of revenue impacts, by fund, is as follows:

- Section 1 of the bill increases the General Revenue Fund by \$218.25 million, while reducing the State Transportation Trust Fund by \$215 million and the Grants & Donations Trust Fund of the Department of Community Affairs by \$3.25 million.
- Section 2 of the bill increases the General Revenue Fund by \$147.7 million while reducing the State Transportation Trust Fund by the same amount.
- Section 5 of the bill increases the Law Enforcement Trust Fund by \$3.3 million.
- Section 6 of the bill increases the Law Enforcement Trust Fund by \$11.2 million.
- Section 8 of the bill increases the Highway Safety Operating Trust Fund by \$717,000.
- Section 9 of the bill increases the General Revenue Fund by \$19.5 million while reducing the Highway Safety Operating Trust Fund by the same amount.
- Section 10 of the bill increases the Highway Safety Operating Trust Fund by \$9 million, while reducing the State Transportation Trust Fund by the same amount.
- Section 11 of the bill increases the Highway Safety Operating Trust Fund by \$269,000.

- Sections 12 & 13 of the bill increase the Highway Safety Operating Trust Fund by \$3.9 million while reducing the State Transportation Trust Fund by the same amount.
- Section 14 of the bill increases the Law Enforcement Trust Fund by \$263.6 million while reducing the State Transportation Trust Fund by the same amount.
- Section 18 of the bill increases the Highway Safety Operating Trust Fund by \$368,000.
- Section 19 of the bill increases the General Revenue Fund by \$9.5 million while reducing the Highway Safety Operating Trust Fund by the same amount.
- Section 21 of the bill increases the Law Enforcement Trust Fund by approximately \$2.3 million.
- Section 23 of the bill increases the General Revenue Fund by \$28.1 million while reducing the Highway Safety Operating Trust Fund by the same amount.
- Section 31 of the bill increases the General Revenue Fund by approximately \$13 million.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

3. Revenues:

N/A

4. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds. This bill does not reduce the percentage of state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

B. RULE-MAKING AUTHORITY:
N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:
N/A

D. STATEMENT OF THE SPONSOR
Not applicable.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On Thursday, March 27, 2008, the Economic Expansion and Infrastructure Council reported the bill favorably with a strike-everything amendment and an amendment to the strike-everything amendment. This analysis is written to the amendment as amended.