

**STORAGE NAME:** h1719.tr

**DATE:** March 26, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TRANSPORTATION  
ANALYSIS**

**BILL #:** HB 1719

**RELATING TO:** Transportation/Roadside Beautification

**SPONSOR(S):** Rep. Putnam

**COMPANION BILL(S):** SB 1446 (c)

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

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

The bill requires the Department of Transportation (DOT) to allocate no less than 2 percent of its total project budget to roadside beautification; 1 percent will be spent on existing roads and 1 percent on new road construction. The bill provides that only large plant materials purchased from Florida-based nurserymen stock can be used. The bill also directs Keep Florida Beautiful, Incorporated to administer the program.

DOT spends approximately \$10 million to \$15 million annually on general roadside landscaping and highway beautification projects. The term "total project budget" is not defined by the bill, and it is unclear what amount should be used to determine the appropriate percentages required by the bill. If the term is interpreted to mean the amount of DOT's construction program (\$1.5 billion annually over the next 5 years), the bill would require that at least \$30 million be used for beautification programs on an annual basis. Therefore, to the extent that the bill requires funds to be used for beautification projects in excess of what is currently used for these purposes, less funds will be available for safety, preservation and capacity improvements on the state highway system.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Pursuant to s. 344.044(26), F.S., DOT has the general power and duty to provide for the conservation of natural roadside growth and scenery and for implementation and maintenance of roadside beautification programs. DOT spends approximately \$10 million to \$15 million annually on general roadside landscaping and highway beautification projects, but there is no specific requirement as to how much funding must be spent on these programs. To accomplish these program activities, DOT may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

DOT's project development process includes developing estimates of the cost of constructing transportation projects, and these estimates generally contain amounts for landscaping and beautification. The amounts to be included in a construction project for landscaping and beautification are determined on a project-by-project basis taking into consideration the type of project being constructed and input from the affected local government.

In addition, some DOT districts have established matching grant programs for beautification projects on existing state highways. In addition to local matches, local governments can agree to assume responsibility for maintaining the portion of the state highway being beautified. These maintenance agreements are sometimes necessary because of increased cost to DOT of maintaining areas with significant landscaping and plantings.

B. EFFECT OF PROPOSED CHANGES:

The bill amends s. 334.044(26), F.S., to require DOT to allocate no less than 2 percent of its total project budget to roadside beautification; 1 percent will be spent on existing roads and 1 percent on new road construction. The term "total project budget" is not defined by the bill, and it is unclear what amount should be used to determine the appropriate percentages required by the bill. If the term is interpreted to mean the amount of DOT's construction program (\$1.5 billion annually over the next 5 years), the bill would require that at least \$30 million be used for beautification programs on an annual basis. Therefore, to the extent that the bill requires funds to be used for beautification projects in excess of what is currently used for these purposes, less funds will be available for safety, preservation and capacity improvements on the state highway system.

The bill provides that only large plant materials purchased from Florida-based nurserymen stock can be used. This provision would provide an economic advantage to those business entities that meet these statutory requirements.

The bill directs Keep Florida Beautiful, Incorporated to administer the program. DOT currently administers the program, with input from local governments and various groups with an interest in beautification. It is unclear from the bill what program functions will be transferred from DOT to Keep Florida Beautiful, Incorporated for administration.

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?

N/A

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

N/A

(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:

Section 334.044, 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 part D. Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

See part D. Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

Those Florida nursery businesses that can meet the requirements of providing "large plant materials" will benefit from the bill's limitation of beautification programs to these kinds of plants.

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

N/A

D. FISCAL COMMENTS:

DOT spends approximately \$10 million to \$15 million annually on general roadside landscaping and highway beautification projects. The term "total project budget" is not defined by the bill, and it is unclear what amount should be used to determine the appropriate percentages required by the bill. If the term is interpreted to mean the amount of DOT's construction program (\$1.5 billion annually over the next 5 years), the bill would require that at least \$30 million be used for beautification programs on an annual basis. Therefore, to the extent that the bill requires funds to be used for beautification projects in excess of what is currently used for these purposes, less funds will be available for safety, preservation and capacity improvements on the state highway system.

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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:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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Phillip B. Miller

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John R. Johnston