

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Transportation Committee

BILL: SB 2014

INTRODUCER: Senator Dockery

SUBJECT: Transportation Projects / FDOT Work Program

DATE: March 16, 2007      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Meyer	TR	<b>Favorable</b>
2.			CA	
3.			TA	
4.				
5.				
6.				

**I. Summary:**

This bill requires the Florida Department of Transportation (FDOT) to have the approval of the Legislature for any amendment to the adopted FDOT Work Program which would delete or delay any project in the first three years if the project includes traffic capacity improvements.

This bill substantially amends s. 339.135 of the Florida Statutes.

**II. Present Situation:**

**The Transportation Work Program**

Section 339.135, F.S., authorizes and establishes guidelines for the FDOT to develop a State Transportation Five-Year Work Program. The Work Program comprises a list of transportation projects scheduled for implementation during the ensuing five year period, based on a complete financial plan for the State Transportation Trust Fund (STTF) and other funds managed by FDOT. In developing the Work Program, FDOT coordinates with its seven district offices, the Turnpike Enterprise Office (Turnpike), Metropolitan Planning Organizations (MPOs), and local governments. Essentially, the FDOT Work Program reflects the priorities of MPOs, counties, and FDOT in one program of scheduled activities and improvements.

The Work Program includes all proposed project commitments and is classified by major program and appropriation category. Large projects are typically scheduled in phases (i.e., planning, design, and construction) to allow greater flexibility and liquidity of funds; this prevents large amounts of dollars from being tied up unnecessarily for long periods of time. The allocation of funds for new construction to the districts is based on a statutory formula using equal parts of population and motor fuel tax collections. However, the funding for programs with

quantitative needs assessment (e.g., resurfacing, bridge repair, the Strategic Intermodal System [SIS], etc.) is allocated to the districts based on the results of those assessments. Thus, for example, the funding of SIS projects and projects from other centrally-managed programs are not subject to population/fuel tax collection distribution formula.

### **Developing and Adopting the Work Program**

Development of the Work Program is guided by the Florida Transportation Plan (FTP) and the Program and Resource Plan (PRP). The FTP (part of the State Comprehensive Plan) is a statewide transportation plan that documents FDOT's long and short range goals and objectives. The FTP long range component identifies goals and objectives to be achieved with available resources for the next 20-25 years. The annual short range component identifies objectives and strategies to be implemented over the next five to ten years in moving toward the long range goals and objectives. At the local level, the program must be consistent to the maximum extent feasible with the capital improvement elements of the local government comprehensive plans.

Although the Work Program contains a five-year schedule of programmed transportation improvements, it is updated annually by revising the previous year's Work Program. This "Tentative Work Program" results from rolling the projects in the previous Work Program's last four years' forward (i.e., Years 2, 3, 4, and 5 become Years 1, 2, 3, and 4 in the Tentative Work Program), and the programming of a new fifth year of projects. Section 339.135(4), F.S., requires FDOT to "minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years." Any rescheduling or deletion of a project must be determined to be necessary for specific reasons by the Secretary of Transportation. All changes must be clearly identified. Section 339.135(4), F.S., further provides the legislative intent:

“..that the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely upon for planning and concurrency purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans.”

The Tentative Work Program must be submitted to the Governor, legislative appropriations committees, the Florida Transportation Commission (FTC) and the Department of Community Affairs (DCA) at least 14 days prior to the convening of the regular legislative session. After DCA reviews the Tentative Work Program for consistency with local comprehensive plans, the FTC conducts a statewide public hearing to evaluate the program for compliance with laws and FDOT policies. Following the FTC's evaluation the Legislature, through the General Appropriations Act and any other appropriation, provides the budget for the Work Program which is adopted by FDOT prior to the beginning of the next fiscal year.

### **Amending the Work Program**

After adoption, the Work Program may be amended at any time during the fiscal year to transfer appropriated funds within or between categories. Certain types of amendments are subject to the following notification requirements:

- When an amendment:
  - deletes any project or project phase;
  - adds a project costing over \$150,000 in appropriated funds;

- advances or defers a right-of-way, construction, or public transportation phase from one fiscal year to another when that phase costs \$500,000 or more; or
- advances or defers a preliminary engineering or design phase costing over \$150,000 from one fiscal year to another,
- then, FDOT must notify
  - The Governor;
  - Chairmen of both legislative appropriations committees;
  - Chairmen of both legislative transportation committees;
  - Each legislator who represents a District/Turnpike Enterprise affected by the proposed amendment;
  - Each Metropolitan Planning Organization affected by the proposed amendment; and
  - Each local government affected by the proposed amendment.

Under s. 339.135(7), F.S., the Governor shall not approve a proposed amendment until 14 days after receipt. If either of the chairs of the legislative appropriations committees submits specific reasons for objecting to a proposed Work Program amendment, the Governor must disapprove the proposed amendment. In the event of an emergency as defined by s. 252.34(3), F.S., as:

“any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial harm injury or harm to the population, or substantial damage to or loss of property.”

the Governor may approve the amendment in the event a delay would be detrimental to the interests of the state. Notification of the parties listed above must be made within seven days of an emergency approval.

### **III. Effect of Proposed Changes:**

The bill amends s. 339.135, F.S., to require the Legislature to approve any amendment to the adopted FDOT Work Program which would delete or delay any project in the first three years if the project includes traffic capacity improvements as measured by a local government’s concurrency management system.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

No appropriations are made by the bill. However, according to FDOT: “The delay of a project deferral could result in the projects in the Work Program exceeding available revenues, creating a budget/Work Program out of balance. The State Constitution requires the budget to be balanced.”

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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