

1 A bill to be entitled
 2 An act relating to the work programs for transportation
 3 projects; amending s. 339.135, F.S.; providing that any
 4 amendment to a project under an adopted work program in
 5 the first 3 years which will delay the project is subject
 6 to legislative approval; providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (7) of section 339.135, Florida
 11 Statutes, is amended to read:

12 339.135 Work program; legislative budget request;
 13 definitions; preparation, adoption, execution, and amendment.--

14 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

15 (a) Notwithstanding the provisions of ss. 216.292 and
 16 216.351, the adopted work program may be amended only pursuant
 17 to the provisions of this subsection.

18 (b) The department may not transfer any funds for any
 19 project or project phase between department districts. However,
 20 a district secretary may agree to a loan of funds to another
 21 district, if:

22 1. The funds are used solely to maximize the use or amount
 23 of funds available to the state;

24 2. The loan agreement is executed in writing and is signed
 25 by the district secretaries of the respective districts;

26 3. Repayment of the loan is to be made within 3 years
 27 after the date on which the agreement was entered into; and

28 4. The adopted work program of the district loaning the

29 funds would not be substantially impaired if the loan were made,
 30 according to the district secretary.

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 32 The loan constitutes an amendment to the adopted work program
 33 and is subject to the procedures specified in paragraph (b).

34 (c) The department may amend the adopted work program to
 35 transfer fixed capital outlay appropriations for projects
 36 within the same appropriations category or between
 37 appropriations categories, including the following amendments,
 38 which shall be subject to the procedures in paragraph (d):

39 1. Any amendment that ~~which~~ deletes any project or project
 40 phase;

41 2. Any amendment that ~~which~~ adds a project estimated to
 42 cost over \$150,000 in funds appropriated by the Legislature;

43 3. Any amendment that ~~which~~ advances or defers to another
 44 fiscal year, a right-of-way phase, a construction phase, or a
 45 public transportation project phase estimated to cost over
 46 \$500,000 in funds appropriated by the Legislature, except an
 47 amendment advancing or deferring a phase for a period of 90 days
 48 or less; or

49 4. Any amendment that ~~which~~ advances or defers to another
 50 fiscal year, any preliminary engineering phase or design phase
 51 estimated to cost over \$150,000 in funds appropriated by the
 52 Legislature, except an amendment advancing or deferring a phase
 53 for a period of 90 days or less.

54 (d)1. Whenever the department proposes any amendment to
 55 the adopted work program, which amendment is defined in
 56 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or

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57 | subparagraph (c)4., it shall submit the proposed amendment to
58 | the Governor for approval and shall immediately notify the
59 | chairs of the legislative appropriations committees, the chairs
60 | of the legislative transportation committees, each member of the
61 | Legislature who represents a district affected by the proposed
62 | amendment, each metropolitan planning organization affected by
63 | the proposed amendment, and each unit of local government
64 | affected by the proposed amendment. Such proposed amendment
65 | shall provide a complete justification of the need for the
66 | proposed amendment.

67 | 2. The Governor shall not approve a proposed amendment
68 | until 14 days following the notification required in
69 | subparagraph 1.

70 | 3. If either of the chairs of the legislative
71 | appropriations committees or the President of the Senate or the
72 | Speaker of the House of Representatives objects in writing to a
73 | proposed amendment within 14 days following notification and
74 | specifies the reasons for such objection, the Governor shall
75 | disapprove the proposed amendment.

76 | (e) Notwithstanding the requirements in paragraphs (d) and
77 | (g) and ss. 216.177(2) and 216.351, the secretary may request
78 | the Executive Office of the Governor to amend the adopted work
79 | program when an emergency exists, as defined in s. 252.34(3),
80 | and the emergency relates to the repair or rehabilitation of any
81 | state transportation facility. The Executive Office of the
82 | Governor may approve the amendment to the adopted work program
83 | and amend that portion of the department's approved budget in
84 | the event that the delay incident to the notification

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85 requirements in paragraph (d) would be detrimental to the
86 interests of the state. However, the department shall
87 immediately notify the parties specified in paragraph (d) and
88 shall provide such parties written justification for the
89 emergency action within 7 days after ~~of~~ the approval by the
90 Executive Office of the Governor of the amendment to the adopted
91 work program and the department's budget. In no event may the
92 adopted work program be amended under the provisions of this
93 subsection without the certification by the comptroller of the
94 department that there are sufficient funds available pursuant to
95 the 36-month cash forecast and applicable statutes.

96 (f) The department may authorize the investment of the
97 earnings accrued and collected upon the investment of the
98 minimum balance of funds required to be maintained in the State
99 Transportation Trust Fund pursuant to paragraph (b). Such
100 investment shall be limited as provided in s. 288.9607(7).

101 (g) Any work program amendment that ~~which~~ also requires
102 the transfer of fixed capital outlay appropriations between
103 categories within the department or the increase of an
104 appropriation category is subject to the approval of the
105 Legislative Budget Commission. If a meeting of the Legislative
106 Budget Commission cannot be held within 30 days after ~~of~~ the
107 department submits ~~submitting~~ an amendment to the Legislative
108 Budget Commission, ~~then~~ the chair and vice chair of the
109 Legislative Budget Commission may authorize such amendment to be
110 approved pursuant to the provisions of s. 216.177.

111 (h) Any amendment to a project or project phase scheduled
112 within the first 3 years of the work program which would have

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113 | the effect of deleting or delaying programmed improvements in
114 | traffic-carrying capacity, as typically measured by a local
115 | government's concurrency management system, is subject to the
116 | approval of the Legislature.

117 | Section 2. This act shall take effect October 1, 2007.