

By Senator Dockery

15-1783-07

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A bill to be entitled

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

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

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

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

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

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

(b) The department may not transfer any funds for any project or project phase between department districts.

However, a district secretary may agree to a loan of funds to another district, if:

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

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

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

1 4. The adopted work program of the district loaning
2 the funds would not be substantially impaired if the loan were
3 made, according to the district secretary.

4
5 The loan constitutes an amendment to the adopted work program
6 and is subject to the procedures specified in paragraph (b).

7 (c) The department may amend the adopted work program
8 to transfer fixed capital outlay appropriations for projects
9 within the same appropriations category or between
10 appropriations categories, including the following amendments,
11 which shall be subject to the procedures in paragraph (d):

12 1. Any amendment ~~that~~ which deletes any project or
13 project phase;

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

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

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

28 (d)1. Whenever the department proposes any amendment
29 to the adopted work program, which amendment is defined in
30 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
31 subparagraph (c)4., it shall submit the proposed amendment to

1 | the Governor for approval and shall immediately notify the
2 | chairs of the legislative appropriations committees, the
3 | chairs of the legislative transportation committees, each
4 | member of the Legislature who represents a district affected
5 | by the proposed amendment, each metropolitan planning
6 | organization affected by the proposed amendment, and each unit
7 | of local government affected by the proposed amendment. Such
8 | proposed amendment shall provide a complete justification of
9 | the need for the proposed amendment.

10 | 2. The Governor shall not approve a proposed amendment
11 | until 14 days following the notification required in
12 | subparagraph 1.

13 | 3. If either of the chairs of the legislative
14 | appropriations committees or the President of the Senate or
15 | the Speaker of the House of Representatives objects in writing
16 | to a proposed amendment within 14 days following notification
17 | and specifies the reasons for such objection, the Governor
18 | shall disapprove the proposed amendment.

19 | (e) Notwithstanding the requirements in paragraphs (d)
20 | and (g) and ss. 216.177(2) and 216.351, the secretary may
21 | request the Executive Office of the Governor to amend the
22 | adopted work program when an emergency exists, as defined in
23 | s. 252.34(3), and the emergency relates to the repair or
24 | rehabilitation of any state transportation facility. The
25 | Executive Office of the Governor may approve the amendment to
26 | the adopted work program and amend that portion of the
27 | department's approved budget in the event that the delay
28 | incident to the notification requirements in paragraph (d)
29 | would be detrimental to the interests of the state. However,
30 | the department shall immediately notify the parties specified
31 | in paragraph (d) and shall provide such parties written

1 justification for the emergency action within 7 days after ~~of~~
2 the approval by the Executive Office of the Governor of the
3 amendment to the adopted work program and the department's
4 budget. In no event may the adopted work program be amended
5 under the provisions of this subsection without the
6 certification by the comptroller of the department that there
7 are sufficient funds available pursuant to the 36-month cash
8 forecast and applicable statutes.

9 (f) The department may authorize the investment of the
10 earnings accrued and collected upon the investment of the
11 minimum balance of funds required to be maintained in the
12 State Transportation Trust Fund pursuant to paragraph (b).
13 Such investment shall be limited as provided in s.
14 288.9607(7).

15 (g) Any work program amendment that ~~which~~ also
16 requires the transfer of fixed capital outlay appropriations
17 between categories within the department or the increase of an
18 appropriation category is subject to the approval of the
19 Legislative Budget Commission. If a meeting of the Legislative
20 Budget Commission cannot be held within 30 days after ~~of~~ the
21 department submits ~~submitting~~ an amendment to the Legislative
22 Budget Commission, ~~then~~ the chair and vice chair of the
23 Legislative Budget Commission may authorize such amendment to
24 be approved pursuant to the provisions of s. 216.177.

25 (h) Any amendment to a project or project phase
26 scheduled within the first 3 years of the work program which
27 would have the effect of deleting or delaying programmed
28 improvements in traffic-carrying capacity, as typically
29 measured by a local government's concurrency management
30 system, is subject to the approval of the Legislature.

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

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SENATE SUMMARY

Provides that any amendment to a project under the adopted work program in the first 3 years which will delay the project is subject to legislative approval.