

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 2512

INTRODUCER: Senator Dockery

SUBJECT: Department of Transportation

DATE: March 26, 2008      REVISED: \_\_\_\_\_

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

**I. Summary:**

SB 2512 expands the Florida Department of Transportation’s (FDOT) Work Program legislative notification process by requiring the department to annually provide a listing of large, high-dollar transportation projects (greater than \$75 million) to each member of the Legislature.

This bill substantially amends s. 339.135, F.S.

**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, which comprises a list of transportation projects scheduled for implementation during the ensuing five year period, is 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. To prevent large amounts of dollars from being tied up unnecessarily for long periods of time, large transportation development projects are typically scheduled in five phases:

1. Planning,

2. Project Development and Environmental review (PD&E),
3. Design,
4. Right-of-way acquisition (ROW), and
5. Construction.

Programming by phase allows greater flexibility and liquidity of funds. A project's life cycle of phases can run seven or more years from "concept to concrete," thus, a given project's lifespan can extend beyond the timeframe of the Work Program.

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 adding 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.

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.

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

Generally, the bill expands FDOT's legislative notification process by requiring the department to annually provide a listing of large, high-dollar transportation projects to each member of the Legislature.

SB 2512 amends s. 339.135, F.S., to require FDOT to submit to each member of the Legislature, a listing of projects costing more than \$75 million. The list is to be provided 14 days prior to the convening of the regular legislative session, concurrent with the submittal of the tentative work program to the legislative appropriations committees. The list must include:

- the project's location,
- the total estimated cost of the project for all phases (including phases not included in the current work program),
- the proposed schedule for the entire project's completion, and
- a description of the project's benefit to the state and its citizens.

The bill takes effect July 1, 2008.

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

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

None.

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

None.

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

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

---

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

---