



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -- Provisions in PCB EEIC 07-09 implicate this principle by authorizing the FTC to monitor the efficiency, productivity, and management of the authorities created under chapters 343 (Regional Transportation Authorities) and 348 (Expressway Authorities).

#### B. EFFECT OF PROPOSED CHANGES:

### Current Situation

#### Florida Transportation Commission

Section 20.23, F.S., creates the FTC to provide oversight of the Department of Transportation (DOT) and make transportation policy recommendations to the Governor and Legislature. Currently, the four employees of the FTC are classified as Selected Exempt Service personnel for the purposes of salary and benefits.

#### Regional Transportation Authorities (Ch. 343, F.S.)

Four regional transportation authorities are created under ch. 343, F.S. Three of the authorities, the South Florida Regional Transportation Authority (SFRTA), the Central Florida Regional Transportation Authority (LYNX), and the Tampa Bay Commuter Transit Authority (TBCTA) are primarily focused on the development, operation, and maintenance of public transit systems. The Northwest Florida Transportation Corridor Authority (NFTCA) is primarily focused on highway and bridge development.

#### *South Florida Regional Transportation Authority*

The SFRTA coordinates transit and commuter rail planning in the three participating counties of Miami-Dade, Broward, and Palm Beach. The SFRTA was created in 2003, when the Legislature re-established the Tri-County Commuter Rail Authority as the SFRTA to provide a coordinated transportation system within the three counties in order to relieve traffic congestion and move residents and tourists more efficiently throughout the area. In addition, it was believed a single organization would improve the ability to draw down federal matching dollars for public transit, rather than competing for the funds separately.

Although the Tri-Rail commuter rail system remains the authority's primary focal point, the SFRTA is empowered to construct, finance, and manage a variety of public transportation options as an integrated system. The SFRTA has numerous powers and responsibilities, including the power to:

- Acquire, sell, and lease property;
- Use eminent domain;
- Enter into purchasing agreements and other contracts;
- Enforce collection of system rates, fees, and other charges; and
- Approve revenue bonds issued on its behalf by the State Division of Bond Finance.

The SFRTA has a nine-member board comprised of:

- A county commissioner from each of the three counties, selected by his or her peers;

- A citizen selected by each county commission who must live within the county he or she is representing, be a registered voter, and, insofar as practicable, represent civic and business interests of the community;
- One of the FDOT district secretaries who is responsible for one or more of the counties within the SFRTA's boundaries, i.e., either the District 4 secretary (whose region includes Broward and Palm Beach counties) or the District 6 secretary (whose region includes Miami- Dade). At this time, the FDOT District 6 secretary serves on SFRTA;
- Two citizens appointed by the Governor who live in different counties within the SFRTA's jurisdiction, but not the same county as the FDOT district secretary. They also must be registered voters.

### ***Central Florida Regional Transportation Authority***

LYNX provides fixed-route public bus service; a door-to-door van service for medically qualified and other eligible passengers; shuttle service to special community events; commuter assistance with matching riders to car pools; and "Road Rangers" who provide roadside assistance to disabled vehicles on I-4. LYNX has numerous powers and responsibilities, including the power to:

- Acquire, sell, and lease property;
- Use eminent domain;
- Enter into purchasing agreements and other contracts;
- Enforce collection of system rates, fees, and other charges; and
- Approve revenue bonds issued on its behalf by the State Division of Bond Finance.

The LYNX has a 5-member board including:

- The chairs of the Seminole, Orange and Osceola county commissions, or another member of the commission designated by the county chair;
- The mayor of the city of Orlando, or a member of the Orlando City Council designated by the mayor;
- And the FDOT district secretary, or his or her designee, for the district within which the area served by the authority is located.

### ***Tampa Bay Commuter Transit Authority***

The TBCTA was created by the Florida Legislature in 1990 for the purposes of developing and operating a commuter rail or ferry system. The TBCTA has numerous powers and responsibilities, including the power to:

- Acquire, sell, and lease property;
- Use eminent domain;
- Enter into purchasing agreements and other contracts;
- Enforce collection of system rates, fees, and other charges; and
- Approve revenue bonds issued on its behalf by the State Division of Bond Finance.

The TBCTA's board comprises elected and citizen representatives from Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties, as well as the affected FDOT District Secretaries or their designees, and an appointee of the Governor. Representatives from each of the seven counties' local transit authorities serve as ex officio members. The TBCTA has directed some organizational work and feasibility studies; however, the TBCTA has been dormant for several years due to a lack of consensus among local authorities regarding the routes and design features funding the system.

### ***Northwest Florida Transportation Corridor Authority***

The NFTCA was created by the Legislature in 2005 to improve mobility, traffic safety, and economic development along the U.S. 98 corridor stretching through Escambia, Santa Rosa, Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla counties. Another goal of the NFTCA is to identify and develop hurricane evacuation routes. The NFTCA is to adopt a master plan by July 1, 2007, which:

- Identifies areas of the corridor where mobility, traffic safety, and efficient hurricane evacuation need to be improved;
- Evaluates the economic development potential of the corridor and considers strategies to develop that potential;
- Identifies methods of building partnerships with local governments, other state and federal entities, the private-sector business community, and the public in support of corridor improvements; and
- Identifies projects that will accomplish these goals and objectives.

The NFTCA has numerous powers and responsibilities including the power to:

- Build and maintain highways and other transportation facilities within the U.S. 98 corridor that will help meet its statutory goals;
- Issue revenue bonds, either on its own or through the state Division of Bond Finance.
- Set and collect tolls, fees, and other charges;
- Acquire land by purchase, donation, or eminent domain;
- Borrow money;
- Sue and be sued;
- Enter into contracts, agreements, and partnerships;
- Enter into lease-purchase agreements with FDOT to manage the U.S. 98 Corridor System;
- Enter into public-private partnerships to construct, operate, own, or finance transportation facilities that are part of the system.

The governing board is composed of a resident from each of the eight counties, to be appointed by the governor to 4-year terms. The FDOT District 3 secretary serves as an ex-officio, nonvoting member.

### **Expressway and Bridge Authorities (Ch. 348, F.S.)**

Chapter 348, F.S., allows for the formation of expressway authorities within any county, or two or more contiguous counties. Typically, Florida expressway authorities have been formed within single counties with the power to develop, maintain, and operate an expressway system within the geographic boundaries of the county. Nine expressway authorities have been created in ch. 348, F.S., by the Florida Legislature. A tenth, the Miami-Dade County Expressway Authority, was created by the Miami-Dade County Commission pursuant to the process in Part I of ch. 348, F.S.

The purpose of these authorities is to construct, maintain, and operate tolled transportation facilities that complement the State Highway System and the Florida Turnpike Enterprise. Revenue bonds issued for expressway projects must comply with state constitutional requirements. The expressway authorities have boards of directors that typically include a combination of local-government officials or residents and Governor appointees who decide on projects and expenditure of funds.

### ***Tampa-Hillsborough County Expressway Authority***

The Tampa-Hillsborough County Expressway Authority (THCEA) was established in 1963 under Part IV of ch. 348, F.S., to build, operate, and maintain toll-financed expressways in Hillsborough County. The THCEA owns the Lee Roy Selmon Crosstown Expressway (including the elevated reversible lanes) which is currently the only expressway the THCEA operates. The THCEA originally planned the neighboring Veterans Expressway

which was transferred to, and is operated by the DOT's Turnpike Enterprise. A December 2006 report from the Florida Auditor General identified a number of critically needed improvements to the THCEA's management and financial controls.

### ***Orlando-Orange County Expressway Authority***

The Orlando-Orange County Expressway Authority (OOCEA) was created under Part V of ch. 348, F.S., to develop, maintain, and operate an expressway system in Orange County. Unlike other Florida expressway authority statutes, s. 348.754, (2)(n), F.S., gives the OOCEA the ability to develop, maintain, and operate transportation facilities outside the boundaries of Orange County as long as the county with jurisdiction for the location of the facility consents. Currently, the OOCEA is conducting a corridor study in Seminole County.

### ***Southwest Florida Expressway Authority***

The Southwest Florida Expressway Authority (SWFEA) created under Part X of ch. 348, F.S., is an 8-person body including transportation officials from Lee and Collier Counties, the role of which is to raise toll revenue to widen and improve major arteries throughout both counties. Of particular priority is the needed revenue to widen I-75 beyond the 6-lane expansion due to begin in March 2007. The contract has been awarded and is on schedule to begin when the notice to proceed is issued prior to the end of March. The SWFEA is given statutory authority to expand the system into Charlotte County with the consent of the Board of County Commissioners of Charlotte, Collier, and Lee Counties. Consent for SWFEA to expand the system into Charlotte County, remains at the discussion level.

### ***Other Expressway Authorities***

The Brevard County Expressway Authority, Broward County Expressway Authority, Pasco County Expressway Authority, St. Lucie County Expressway and Bridge Authority, Seminole County Expressway Authority and the Santa Rosa Bay Bridge Authority have been created under Parts II, III, VI, VII, VIII, and IX of ch. 348, F.S., respectively. Of these other authorities, Santa Rosa Bay Bridge Authority is currently the only one active.

### **Proposed Changes**

This bill amends s. 20.23, F.S., to require the FTC as part of its primary functions to monitor the efficiency, productivity, and management of the authorities created under chapters 343 and 348. The FTC must also conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles. In addition, the bill prohibits a member of the FTC from entering into the day-to-day operation of a monitored authority. The bill also revises the employment classification of the Executive Director of the FTC from Selected Exempted Services to Senior Management Services.

## **C. SECTION DIRECTORY:**

### **Section 1**

- Creates sub-paragraph 8 in paragraph (b) of subsection (2) of section 20.23, F.S., to direct the FTC to monitor Regional Transportation and Expressway Authorities created under sections 343 and 348, Florida Statutes.
- Revises the employment classification of the Executive Director of the FTC from Selected Exempted Services to Senior Management Services.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None

#### 2. Expenditures:

The DOT and FTC estimate non-recurring expenditures of up to \$36,000 and recurring expenditures of up to \$1,000,000 in consultant services. DOT has indicated that the requirements of this bill could be fulfilled within existing department resources and functions, and costs associated with implementation will be absorbed within DOT's existing State Transportation Trust Fund.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None

#### 2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

### D. FISCAL COMMENTS:

None

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

None

#### 2. Other:

None

### B. RULE-MAKING AUTHORITY:

None

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

### D. STATEMENT OF THE SPONSOR

N/A

#### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES