

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 773 w/CS The Central Florida Regional Transportation Authority
SPONSOR(S): Gardiner
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1720 and HB 331

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--|-----------------------|---------------------|------------------------|
| 1) <u>Transportation</u> | <u>20 Y, 0 N w/CS</u> | <u>PUGH</u> | <u>MILLER</u> |
| 2) <u>Local Government & Veterans' Affairs</u> | _____ | <u>Smith-Boggis</u> | <u>Highsmith-Smith</u> |
| 3) <u>Finance & Tax</u> | _____ | _____ | _____ |
| 4) _____ | _____ | _____ | _____ |
| 5) _____ | _____ | _____ | _____ |

SUMMARY ANALYSIS

The Central Florida Regional Transportation Authority, popularly known as LYNX, provides public transit and paratransit services in Orange, Osceola, and Seminole counties. It serves an average 70,000 customers on weekdays and had a total operating budget of about \$72 million in FY 01-02. The Authority has encountered harsh criticism in the last couple of years, ranging from complaints about inadequate service to clients of the Transportation Disadvantaged program, to excessive expenditures for an out-of-state transit conference.

This bill with committee substitute (CS) reconstitutes the Authority’s membership. It reduces the Authority from 11 voting members to seven, with fewer municipal representatives and citizen appointees by the Governor. The Florida Department of Transportation will no longer have a representative on the Authority.

More than simply reducing the number of Authority members, this bill with CS also seeks to refocus the representation, so that those local governments that contribute the most funds for LYNX’s operations over a four-year period will have more members on the board. Based on the previous four years of budget data supplied by LYNX, Orange County has contributed \$73.8 million and the City of Orlando has contributed \$18.9 million. Under the provisions of this bill with CS, those two local governments will get five of the seven seats on the Authority.

The bill does not impact the state budget.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

The Central Florida Regional Transportation Authority, created in 1972, has undergone a number of transformations in the last 40 years. Popularly known as “LYNX,” the Authority provides fixed-route public bus service; a door-to-door van service called A+ Link 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 claims a ridership of 70,000 per weekday.

The Authority had a total budget of about \$96 million in FY 01-02. Based on information in the National Transit database, LYNX revenues include at least \$17 million in fares; local, state and federal transit grants are other revenue sources.

The Authority has an 11-member board, comprised of one county commissioner each from Orange, Osceola, and Seminole counties; the mayors of Altamonte Springs, Kissimmee, and Orlando – which are the three largest cities in the three counties; five Governor appointees; and the Secretary of the Florida Department of Transportation or his designee. Of the five Governor appointees, two must live in Orange County, while one each must live in Osceola County, Seminole County, and the City of Orlando. The county commissioners’ and mayors terms are two years; the Governor’s appointees serve four-year terms.

This bill with CS revamps the Authority’s membership to include:

- The chairs of the Orange and Osceola county commissions;
- The mayor of the city within Orange, Osceola, or Seminole county that was the largest municipal contributor of funds to the Authority for the four fiscal years preceding the appointment;
- Four members appointed by the Governor:
 - Three of those members shall be appointed from the local government making the largest contribution of funds to the Authority. However, if the sum of the contributions of the remaining local governments total at least 50 percent of the Authority’s total local funding after subtracting the largest contribution, then one of those two appointees shall be from the local government that made the second-highest financial contribution to the Authority. The mayor or commission chair representing the local government(s) entitled to these three appointees shall each submit a list of three names to the Governor, who will select from those lists.

- The fourth Governor appointee shall be a resident of the remaining county that doesn't meet the above criteria. The county commission chairperson shall submit a list of three names to the Governor, who will select an appointee from those six nominees.
- The Seminole County Commission and FDOT representatives are eliminated.

LYNX has provided budget data for FY 99 -00 to FY 02-03. Over that four-year period: Orange County contributed \$73.8 million; the City of Orlando contributed \$19 million; Seminole County contributed \$9.3 million; Osceola County contributed \$ 8.77 million; Kissimmee contributed \$1.49 million; Volusia County contributed \$639,056; Altamonte Springs contributed \$613,415; Sanford contributed \$440,033; St. Cloud contributed \$433,078; UCF contributed \$162,000; and Winter Park has contributed \$105,000, for a total of \$114.75 million.

Based on the above data, Orange County, as the largest local-government contributor, will have four representatives on the Authority – an automatic county commission representative and three of the Governor appointees because its contribution is more than half of the Authority's total local government funding. The mayor of Orlando will have one seat, as the largest municipal contributor. Osceola County will have the final two seats on the Authority -- a county commission representative, plus the Governor's appointee from the county that isn't the biggest contributor.

This bill with CS provides that the terms of the county commission chairs shall be the same as their term as chairing their respective commissioners. The mayoral member shall serve a term concurrent with that of the appointing Governor. The four Governor appointees shall serve four-year terms.

In addition, the terms of the current Authority board members terminate on June 1, 2003, at which time the terms of the newly designated members begin. The Governor is asked to make his three appointees within 30 days of receiving the lists of nominees, or as close to June 1, 2003, as possible.

C. SECTION DIRECTORY:

Section 1: Amends s. 343.63, F.S., to reduce from 11 to seven the voting membership of the Central Florida Regional Transportation Authority. Reduces the number of municipal appointees and citizen appointees made by the governor. Deletes the requirement that a representative of the Florida Department of Transportation be appointed as a non-voting member of the Authority. Specifies June 1, 2003, as the expiration date of the terms of the current Authority members. Directs governor to appoint new members within 30 days of receiving nominations, or as close to June 1, 2003, as practicable. Clarifies that vacancies shall be filled in the same manner as the original appointment.

Section 2: Provides that this act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill with CS does not directly impact local-government revenues or expenditures, it does reward those counties or cities that contribute the most funding for LYNX with additional representation on the Authority. This could encourage local governments in the tri-county region served by LYNX to either donate less, if they think their citizens' needs are not being met, or contribute more in order to gain more representation on the Authority.

The possibility also exists that if this bill with CS becomes law, Seminole County, which would no longer have a representative on the Authority, will reduce its level of funding for LYNX and its transit programs. Were that decision to be made, then questions would arise on whether the other local-government entities would contribute more funds, or would Lynx services be curtailed in Seminole County.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Transportation Committee adopted a strike-everything amendment on March 12, 2003. The amendment removed the Seminole County Commission from having an automatic seat on the Authority, as well as any

opportunity to have a resident appointed by the Governor. The amendment increased the Governor's appointees from three to four, without changing any of the other criteria. The amendment increases Orange County representation on the Authority to four of the seven members, based on its budget contributions over the last four fiscal years.

The bill sponsor offered the amendment after receiving a letter from the Seminole County Commission chairman, requesting that Seminole County be removed entirely from the Authority's governing board because it does not support the reorganization efforts.