

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Transportation and Economic Development Appropriations Committee

BILL: CS/SB 1454

INTRODUCER: Community Affairs Committee and Senators Webster and Fasano

SUBJECT: Transportation Authorities/Reviews

DATE: March 20, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/1 amendment
2.	Herrin	Yeatman	CA	Fav/CS
3.	Weaver/Kastroll	Noble	TA	Favorable
4.				
5.				
6.				

I. Summary:

The committee substitute (CS) requires the Florida Transportation Commission (FTC), as part of its primary functions, to monitor the efficiency, productivity, and management of regional transportation and transit authorities and expressway and bridge authorities. 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. The CS prohibits the FTC from entering into the day-to-day operation of a monitored authority. In addition, the CS requires the salary and benefits of the executive director of the FTC to be set in accordance with the Senior Management Service.

This CS substantially amends section 20.23 of the Florida Statutes.

II. Present Situation:

Florida Transportation Commission

Section 20.23, F.S., creates the FTC to provide oversight of the Florida Department of Transportation (FDOT) and makes transportation policy recommendations to the Governor and Legislature. The FTC is required to appoint an executive director and assistant executive director who serve under the direction, supervision, and control of the commission. The executive director is authorized to employ staff as necessary and within budgetary limitations.¹ Currently, there are four employees at the FTC and they are classified as Selected Exempt Service personnel for the purposes of salary and benefits.

¹ Section 20.23(2)(h), F.S.

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

Four 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 passed SB 686 which 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 comprising:

- 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;
- Two citizens who are registered voters, appointed by the Governor, and who live in different counties within the SFRTA's jurisdiction, but not the same county as the FDOT district secretary.

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;
- mayor of the city of Orlando, or a member of the Orlando City Council designated by the mayor; and
- 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 funding of a system, routes and design features.

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; and
- 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, non-voting 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. Their purpose is to construct, maintain, and operate tolled transportation facilities that complement the State Highway System and the Florida Turnpike Enterprise. 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 FDOT. 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.

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 the I-75 freeway beyond the 6-lane expansion due to begin in March 2007. 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.

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.

III. Effect of Proposed Changes:

This CS amends s. 20.23, F.S., to require the FTC, as part of its primary functions, to monitor the efficiency, productivity, and management of regional transportation and transit authorities and expressway and bridge authorities created under chapters 343 and 348, F.S., respectively, and including any authority formed using the process under part I of ch. 348, F.S.

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. The FTC and its members are prohibited from entering into the day-to-day operation of any of the monitored authorities.

In addition, the CS requires the salary and benefits of the executive director of the FTC to be set in accordance with the Senior Management Service.

The bill takes effect July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDOT and FTC estimate non-recurring expenditures of up to \$36,000 and recurring expenditures of up to \$600,000 (salary, benefits and travel expenses) to perform the reviews required by this CS. Alternatively, FDOT and FTC estimate outsourcing of the required reviews may cost up to \$1 million per year.

Although FDOT and FTC noted a potential fiscal impact, s. 20.23, F.S., requires the FDOT to provide to FTC, such assistance, information, and documents as are requested by the FTC to enable the FTC to fulfill its duties and responsibilities. Therefore, any fiscal impact would be absorbed within FDOT through a reallocation of funds in the State Transportation Trust Fund.

The FTC will incur minimal costs in providing the executive director enhanced retirement benefits.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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