

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 155 Central Florida Regional Transportation Authority

**SPONSOR(S):** Government Operations Subcommittee; Cortes

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 738

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee	10 Y, 2 N	Willson	Vickers
2) Government Operations Subcommittee	10 Y, 1 N, As CS	Moore	Williamson
3) Transportation & Economic Development Appropriations Subcommittee	8 Y, 4 N	Davis	Davis
4) Economic Affairs Committee	12 Y, 4 N	Willson	Pitts

### SUMMARY ANALYSIS

The Central Florida Regional Transportation Authority (LYNX) is an agency of the state created pursuant to the Central Florida Regional Transportation Authority Act. Its governing board is composed of the following five members:

- The chair of the Orange County Board of County Commissioners or another member designated by the chair;
- The chair of the Osceola County Board of County Commissioners or another member designated by the chair;
- The chair of the Seminole County Board of County Commissioners or another member designated by the chair;
- The mayor of the City of Orlando or a member of the Orlando City Council designated by the mayor; and
- The Department of Transportation (DOT) district secretary, or his or her designee, for the district within which the area served by LYNX is located.

The bill increases the number of governing board members from five to nine and provides that the board is composed as follows:

- The mayor of the City of Orlando must serve for the full extent of his or her term;
- The chairs of the boards of county commissioners of Orange, Osceola, and Seminole Counties must each appoint one member of the respective board of county commissioners;
- The board of county commissioners of Orange County must appoint one member of the board additional to the member appointed by the chair;
- The Speaker of the House of Representatives and the President of the Senate must alternate the appointment of one legislator whose district includes at least a portion of Orange, Osceola, or Seminole County; and
- The Governor must appoint three citizen members, one from Orange County, one from Osceola County, and one from Seminole County.

The bill provides that the district secretary of DOT within the area served by LYNX will serve as a nonvoting advisor to LYNX's governing board.

The bill establishes the terms of the board members, provides for expiration of the terms of standing board members, and establishes quorum requirements.

The bill may have an indeterminate, but likely minimal fiscal impact on state travel expenditures, but does not appear to have a fiscal impact on local governments.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h0155f.EAC

**DATE:** 2/10/2016

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

###### Central Florida Regional Transportation Authority

In 1993, the Legislature created the Central Florida Regional Transportation Authority, which replaced the Central Florida Commuter Rail Authority, and gave it the right to own, operate, maintain, and manage a public transportation system in the area of Seminole, Orange, and Osceola Counties.<sup>1</sup> On October 1, 1994, the Orange-Seminole-Osceola Transportation Authority, which provided transportation services under the name “LYNX,” merged with the Central Florida Regional Transportation Authority. The consolidated Central Florida Regional Transportation Authority continued the practice of providing transportation services under the name “LYNX.”<sup>2</sup>

The Central Florida Regional Transportation Authority (LYNX) is established in Part III of Ch. 343, F.S. It is created and established as a body politic and corporate and an agency of the state.<sup>3</sup> Its governing board consists of five members:

- The chair of the Seminole County Commission or another member designated by the chair;
- The chair of the Orange County Commission or another member designated by the chair;
- The chair of the Osceola County Commission or another member designated by the chair;
- The mayor of the City of Orlando or a member of the Orlando City Council designated by the mayor; and
- The Department of Transportation (DOT) district secretary, or his or her designee, for the district within which the area served by LYNX is located.<sup>4</sup>

LYNX provides public transportation services to the greater Orlando metropolitan area, which covers Orange, Seminole, and Osceola Counties. LYNX also offers some out-of-county express service to Lake and Volusia Counties and flexible and fixed-route service to Polk County. LYNX provides alternative transportation services in the form of fixed-route bus services, bus rapid transit, neighborhood circulators, paratransit services, and vanpool services.

LYNX has an operating budget for Fiscal Year 2016 of approximately \$127 million and operates a fleet of 300 air-conditioned coaches. In Fiscal Year 2014, LYNX provided 30.1 million passenger trips and traveled more than 16.5 million vehicle miles.<sup>5</sup>

Section 343.64, F.S., authorizes LYNX to employ a secretary, an executive director, professional staff, and other employees as it may require<sup>6</sup> and to delegate its powers to these employees, subject to the supervision and control of the governing board.<sup>7</sup>

In 2014, LYNX employed 744 transportation staff, 200 maintenance staff, and 161 administrative and general staff, for a total of 1,105 employees.<sup>8</sup> The LYNX chief executive officer is responsible for administration and operations, and is supported by a general manager, a government affairs officer,

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<sup>1</sup> Ch. 93-103, Laws of Fla.

<sup>2</sup> CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY D/B/A/ LYNX, *Comprehensive Annual Financial Report for Years Ended Sept. 30, 2014 and 2013*, [http://www.golynx.com/core/fileparse.php/143255/urlt/2014-cfrta-d\\_b\\_a-lynx.pdf](http://www.golynx.com/core/fileparse.php/143255/urlt/2014-cfrta-d_b_a-lynx.pdf) (last visited Dec. 18, 2015).

<sup>3</sup> s. 343.63(1), F.S.

<sup>4</sup> s. 343.63(2), F.S.

<sup>5</sup> *LYNX Facts at a Glance*, <http://www.golynx.com/corporate-info/facts-glance.shtml> (last visited Dec. 18, 2015).

<sup>6</sup> s. 343.64(4), F.S.

<sup>7</sup> s. 343.64(5), F.S.

<sup>8</sup> CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY D/B/A/ LYNX, *Comprehensive Annual Financial Report for Years Ended Sept. 30, 2014 and 2013*, [http://www.golynx.com/core/fileparse.php/143255/urlt/2014-cfrta-d\\_b\\_a-lynx.pdf](http://www.golynx.com/core/fileparse.php/143255/urlt/2014-cfrta-d_b_a-lynx.pdf) (last visited Dec. 18, 2015).

and a compliance manager, as well as nine directors who oversee the departments of Engineering and Construction, Human Resources, Information Technology, Communications, Planning, Procurement and Contracts, Risk Management and Safety, Transportation and Vehicle Maintenance including the Paratransit division, and Finance including the Accounting and Finance, Budgets, and Material Control divisions.<sup>9</sup>

### Dual Officeholding

Article II, s. 5(a) of the State Constitution prohibits a state, county, or municipal officer from holding another state, county, or municipal office at the same time. In a 1994 advisory opinion, the Supreme Court of Florida concluded that an officer of a special district is not a state, county, or municipal officer within the meaning of Art. II, s. 5(a), and the dual officeholding prohibition therefore does not apply to such officer.<sup>10</sup> In addition, the Attorney General's Office has consistently opined that the dual officeholding prohibition does not apply to officers of independent special districts.<sup>11</sup>

### **Effect of Proposed Changes**

The bill revises the membership of the governing board of LYNX. The number of voting members is increased from five to nine, and the board is composed as follows:

- The mayor of the City of Orlando must serve for the full extent of his or her term;
- The chairs of the boards of county commissioners of Orange, Osceola, and Seminole Counties must each appoint a member of the respective board of county commissioners;
- The board of county commissioners of Orange County must appoint one member of the board additional to the member appointed by the chair;
- The Speaker of the House of Representatives and the President of the Senate must alternate the appointment of one legislator whose district includes at least a portion of Orange, Osceola, or Seminole County; and
- The Governor must appoint three citizen members, one from Orange County, one from Osceola County, and one from Seminole County.

The bill requires the district secretary of DOT within the area served by LYNX to serve as a nonvoting advisor to LYNX's governing board.<sup>12</sup> The bill specifies that members appointed by the Governor will serve three-year terms and all other appointed members will serve two-year terms. The terms of standing board members expire on the effective date of the bill.

The bill requires the LYNX governing board to elect a chair, vice chair, and treasurer from among its membership. The bill provides that five members constitute a quorum, and that the vote of five members is required for any action taken by the board. A vacancy on the board will not impair the ability of the board to obtain a quorum.

#### **B. SECTION DIRECTORY:**

Section 1 Amends s. 343.63, F.S., relating to the governing body of the Central Florida Regional Transportation Authority.

Section 2 Provides an effective date of upon becoming a law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

<sup>9</sup> *Id.*

<sup>10</sup> See *In re Advisory Opinion to the Governor—Dual Office-holding*, 630 So. 2d 1055, 1058 (Fla. 1994).

<sup>11</sup> See, e.g., AGO 08-06 Fla. Op. Att'y Gen. (2008), available at

<http://www.myfloridalegal.com/ago.nsf/Opinions/9FB5875C4283A845852573E90059C7C4>; 13-02 Fla. Op. Att'y Gen. (2013), available at <http://www.myfloridalegal.com/ago.nsf/Opinions/4E2D2F1DA93A8C5885257B03005C0F49>.

<sup>12</sup> District 5 includes Orange, Osceola, and Seminole Counties. FLORIDA DEPARTMENT OF TRANSPORTATION, *About District Five*, <http://www.dot.state.fl.us/publicinformationoffice/moreDOT/districts/dist5.shtm> (last visited Dec. 18, 2015).

1. Revenues:

None.

2. Expenditures:

The bill may have a minimal fiscal impact on state travel expenditures resulting from the addition of four members to the governing board.

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:

The bill does not require a municipality 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. The bill does not require a reduction of the percentage of state tax shared with municipalities of counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 20, 2016, the Government Operations Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The proposed committee substitute:

- Revised the composition of LYNX's governing board by removing the mayor or designee of the largest municipalities in Osceola and Seminole Counties, adding an additional member of the Orange County Board of County Commissioners, and adding a member of the Legislature whose district includes at least a portion of Orange, Osceola, or Seminole County;
- Removed the requirement for LYNX to develop a request for proposals and negotiate a service contract for the management and supervision of LYNX; and
- Removed the requirement for OPPAGA to study the organizational structure and operational effectiveness of LYNX.

This analysis is drafted to the committee substitute as passed by the Government Operations Subcommittee.