

STORAGE NAME: h0947
DATE: March 4, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Community Affairs
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 947
RELATING TO: Pinellas Suncoast Transit Authority
SPONSOR(S): Representative Waters
COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) Community Affairs
- (2) Transportation
- (3) Finance & Taxation
- (4)
- (5)

I. SUMMARY:

The bill clarifies that the Pinellas Suncoast Transit Authority is an independent special district, not an agency of the county.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Central Pinellas Transit Authority was created in 1970 by Chapter 70-907, Laws of Florida. The name of the Authority was changed to the Pinellas Suncoast Transit Authority by Chapter 82-368, Laws of Florida. The Authority was created to provide public transit systems in the Authority's service area.

The Authority's service area originally included the communities of Belleair, Belleair Bluffs, Clearwater, Dunedin, Indian Rocks Beach, Largo, Oldsmar, Safety Harbor, Seminole, and unincorporated areas directly between the aforementioned municipalities. The area was later expanded to include Indian Shores, Madeira Beach, North Redington Beach, Pinellas Park, Redington Beach, Redington Shores, Tarpon Springs, and additional unincorporated areas.

The Pinellas Suncoast Transit Authority is listed as an independent special district in the *1998 Official List of Special Districts*, published by the Department of Community Affairs.

Pursuant to section 189.403(3), Florida Statutes, an independent special district is a special district which is not a dependent district. Dependent districts are special districts which have at least one of the following characteristics as provided in section 189.404(2), Florida Statutes:

- (i) the district's governing board is identical to that of the governing body of a single county or single municipality;
- (ii) the members of the district's governing board are appointed by the governing body of a single county or single municipality;
- (iii) district governing board members are subject to removal by the governing body of a single county or single municipality;
- (iv) the district's budget requires approval through an affirmative vote by the governing body of a single county or single municipality.

The Pinellas Suncoast Transit Authority does not meet any of the criteria to be a dependent special district. Specifically, the membership of the Authority's governing body is not identical to that of the governing body of a single county or a single municipality. The members of the Authority's governing body are not appointed by the governing body of a single county or a single municipality. During their unexpired terms, members of the Authority's governing body are not subject to removal at will by the governing body of a single county or a single municipality. And, finally, the Authority's budget does not need approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality. Since the Authority does not appear to qualify to be a dependent district, it is an independent district.

In addition, section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department's determination or declaratory statement regarding the status of the district.

B. EFFECT OF PROPOSED CHANGES:

The bill clarifies that the Pinellas Suncoast Transit Authority is an independent special district, not an agency of the county.

This bill complies with the statutorily required status statement provision.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Subsection (1) of section 2 of Chapter 70-907, Laws of Florida; Subsection (1) of 3 of Chapter 70-907, Laws of Florida, as amended by section 1 of Chapter 82-368, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

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(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends definition of "authority" in District's charter by inserting "an independent special district," and removing "an agency of the county."

Section 2: Amends existing special acts to provide that the District is an independent special district.

Section 3: Provides effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 22, 1999

WHERE? Warfield's Tampa Bay Review

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

The removal of "an agency of the county" is due to a request by the county of Pinellas. The county's attorney reviewed the Authority's charter language and requested clarification that the Authority is not a dependent district due to a concern that the county could be found liable for the Authority's actions. The Authority is and has always been an independent special district. It is unclear why the "an agency of the county" language was inserted in the Authority's original charter.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VI. SIGNATURES:

COMMITTEE ON Community Affairs:

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