

STORAGE NAME: h1543.ca

DATE: April 11, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1543

RELATING TO: Pinellas Suncoast Transit Authority/Pinellas County

SPONSOR(S): Representative Waters

TIED BILL(S): None

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

- (1) TRANSPORTATION (EDC) YEAS 11 NAYS 0
 - (2) COMMUNITY AFFAIRS (PRC)
 - (3) FINANCE & TAXATION (FRC)
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to the Pinellas Suncoast Transit Authority (Authority) in Pinellas County into a single act.

The bill makes changes to the following areas of the Authority's current charter:

- Adds two members to the Authority and restructures the Authority's membership to reflect municipalities currently included in the Authority's service area. The service area boundaries are also updated.
- Limits members to three terms of three years each for a term limit of nine years.
- Combines the offices of secretary and treasurer into one office.
- Repeals a special act requiring performance audits of the Authority every five years.

No fiscal impacts are anticipated for either fiscal year 2000-01 or 2001-02 according to the Economic Impact Statement.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | 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. PRESENT SITUATION:

In 1970, the Florida Legislature created the Central Pinellas Transit Authority, through special act (Chapter 70-907, Laws of Florida). The 1982 Florida Legislature changed the name of the Authority to the Pinellas Suncoast Transit Authority (Chapter 82-368, Laws of Florida) It has been amended since 1970, seven times by the Legislature. The Authority was created to provide public transit services in the Pinellas County area.

The Authority's service area originally included the communities of Belleair, Belleair Bluffs, Clearwater, Dunedin, Indian Rocks Beach, Largo, Safety Harbor, and unincorporated areas directly between these municipalities. Pursuant to a charter provision allowing other municipalities and unincorporated areas to become part of the service area, the Authority later expanded to include St. Petersburg, Gulfport, Oldsmar, Seminole, Indian Shores, South Pasadena, Madeira Beach, North Redington Beach, Pinellas Park, Redington Beach, Redington Shores, Tarpon Springs, and additional unincorporated areas.

Codification

Codification is the process of bringing up-to-date a special act. Special acts are not codified, and after the Legislature passes the initial enabling act, special acts continuously amend or alter previously enacted special acts. To ascertain the current status of any special act, it is necessary to research all amendments or changes made to the act since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to go to one special act to determine the current charter of a district, instead of two, ten, twenty, or sometimes more special acts.

Codification of special districts' charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, to provide for codification either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, requires that no changes be made to a district's charter as it existed on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 189.429, Florida Statutes, by: (1) extending the deadline to codify to December 1, 2004; (2) allowing for the adoption of the codification schedule provided for in an October 3, 1997 memorandum issued by the Chair of the Committee on Community Affairs; (3) removing the prohibition of substantive amendments

in a district's codification bill; and (4) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline.

SCHEDULE OF SUBMITTALS OF SPECIAL DISTRICTS' CHARTERS

Special Districts with 2 special acts (45 districts)	1999 Legislative Session
Special Districts with 3 or 4 special acts (63 districts)	2000 Legislative Session
Special Districts with 5, 6 or 7 special acts (53 districts)	2001 Legislative Session
Special Districts with 8, 9, 10, 11 or 12 special acts (56 districts)	2002 Legislative Session
Special Districts with 13 or more (54 districts)	2003 Legislative Session
Special Fire Control Districts (47 districts)	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 36 special districts have codified their charters. Following is a list of special districts which have been codified pursuant to sections 189.429 and 191.015, Florida Statutes, and the corresponding Laws of Florida:

Alachua County Library District	Ch. 98-502
Anastasia Mosquito Control District	Ch. 99-449
Baker County Hospital District	Ch. 99-431
Carrollwood Recreation District	Ch. 98-475, as amended by Ch. 99-418
Cedar Key Water & Sewer District	Ch. 98-473
Central Broward Water Control District	Ch. 98-501
Charlotte County Airport Authority	Ch. 98-508
Citrus County Hospital Board	Ch. 99-442
Citrus County Mosquito Control District	Ch. 99-432
County Line Drainage District	Ch. 99-417
East Charlotte Drainage District	Ch. 99-439

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Flagler Estates Road & Water District	Ch. 98-529
Florosa Fire Control District	Ch. 99-479
Hillsboro Inlet District	Ch. 99-433
Immokalee Water & Sewer District	Ch. 98-495
Joshua Water Control District	Ch. 99-460
Lake Apopka Natural Gas District	Ch. 99-454
Lake Worth Drainage District	Ch. 98-525, as amended by Ch. 99-422
Lee County Bonita Springs Fire Control District	Ch. 98-464
Lee County Hyacinth Control District	Ch. 98-462
Lee County Mosquito Control District	Ch. 98-461
Loxahatchee Groves Water Control District	Ch. 99-425
North Bay Fire Control District	Ch. 98-470
North Naples Fire District	Ch. 99-450
Ocean City-Wright District	Ch. 99-478
Old Plantation Water Control District	Ch. 99-435
Orange County Library District	Ch. 99-486
Panama City-Bay Co. Airport	Ch. 98-527
Ranger Drainage District	Ch. 99-453
South Broward Drainage District	Ch. 98-524
Tindall Hammock Irrigation District	Ch. 98-523
Twelve Oaks Special District	Ch. 99-452
West Coast Inland Navigation District	Ch. 98-526

In 1998, the Environmental Protection Commission in Hillsborough County unsuccessfully attempted to codify its charter. The District is scheduled to codify in 2002. In 1999, there were two unsuccessful codifications. Mid-Bay Bridge Authority's codification bill passed the Legislature, but was vetoed by the Governor. The Authority was scheduled to codify its charter in 1999. The South Walton Fire District's codification bill died on the House Calendar on April 30, 1999. The District is scheduled to codify its charter in 2004.

According to the Schedule of Submittals of Special Districts' Charters and information relating to charters previously codified, there are 94 special districts that should have been codified during the 1999 session but were not. There are 56 special districts that are scheduled for codification during the 2000 Legislative Session.

Status Statement Language

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.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special acts relating to the Pinellas Suncoast Transit Authority in Pinellas County into a single act.

The bill makes changes to the following areas of the Authority's current charter:

- Adds two members to the Authority and restructures the Authority's membership to reflect municipalities currently included in the Authority's service area. The service area boundaries are also updated to include areas currently served by the Authority.
- Limits members to three consecutive terms of three years each for a term limit of nine consecutive years.
- Combines the offices of secretary and treasurer into one office, previously this was required to be two individuals.
- Repeals a special act (Chapter 94-433, Laws of Florida) requiring performance audits of the Authority every five years.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Codifies, reenacts, amends, and repeals special acts relating to the Pinellas Suncoast Transit Authority.

Section 2: Provides for the recreation of the Authority and the charter for the Authority with the following provisions:

Section 1: Provides for the Short title cited as the Pinellas Suncoast Transit Authority Act.

Section 2: Provides definitions, including updating the service area to reflect current municipalities served.

Section 3: Creates and establishes the Authority; designates an eleven-member governing body; provides for the appointment of the membership; provides for the term limits of the governing board; provides for vacancies; provides for reappointment of a membership; provides for each appointed member to be a qualified elector; prohibits an officer or employee of any city or county, except an elected official to be an appointed member; prohibits financial interest or

private business relationship to any operator of a public transit system in the Pinellas Suncoast Transit Area; provides for organization of the membership; provides for a quorum; provides for the authority of a quorum; provides for the duties of the members; provides for the employment of an executive director; provides for employees for the administration of the duties and functions of the Authority; provides for the qualifications of the employees; provides for the compensation of the employees; authorizes contracts for services of attorneys, engineers, consultants, and agents; provides for reimbursement of expenses; provides members receive no salaries or other compensation; provides for the removal of members; provides for reports to the legislative delegation.

Section 4: Sets forth the right and power to purchase, own, and/or operate transit facilities, to contract for transit services, to exercise the power of eminent domain, to conduct studies, and to contract with other governmental agencies, private companies, and individuals; Grants all powers for Authority to carry out its purposes.

Section 5: Provides for the Authority's's boundaries and updates the area's reflecting the current municipalities in the service area.

Section 6: Exempts Authority transit systems from regulation by the Public Service Commission.

Section 7: Exempts property and revenues of the Authority from taxation.

Section 8: Authorizes the levy of ad valorem taxes on real property not to exceed three-quarters of a mill; requires voter approval to levy tax; provides for property taxes levied to be certified by the Authority to the county property appraiser; provides for the proceeds to be remitted by the tax collector to the treasurer to credit the funds of the Authority; authorizes Authority to issue tax anticipation notes of indebtedness in anticipation of the collection of such taxes.

Section 9: Provides for expansion of the Authority service area if approved by a municipality, or by the county commission for unincorporated areas.

Section 10: Provides grandfather clause applicable to existing Authority members regarding appointment, terms, and term limits.

Section 11: Provides severability clause.

Section 12: Provides this act supersedes any general or local law in conflict with the intent and purposes of this act.

Section 13: Repeals all prior special acts relating to the Authority's charter.

Section 3: Provides effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 28, 2000

WHERE? Tampa Bay Review in Clearwater, Pinellas County, Florida.

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:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The attorney representing the District, Mr. Alan Zimmet, has submitted a letter regarding the millage rate for the Authority which was increased in 1982. In 1982, there were two special acts chapters 82-368 and 82-416, Laws of Florida, that were passed concerning section 8 of the Authority's original special act, chapter 70-907, Laws of Florida. Chapter 82-368, Laws of Florida, became law on March 18, 1982. This Act increased the Authority's maximum millage rate to 3/4 mill from 1/4 mill. The millage increase was approved by referendum. The Pinellas Suncoast Transit Authority's current millage rate is 0.6501. Chapter 82-416, Laws of Florida, became law on July 12, 1982 and inserted the word "real" after the word "taxable" in the first sentence of Section 8. The Act was approved by referendum.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Phillip B. Miller

Staff Director:

John R. Johnston

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AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Kyle V. Mitchell/Terri S. Boggis

Joan Highsmith-Smith