

STORAGE NAME: h0713a.sgc.doc
DATE: January 31, 2002

**HOUSE OF REPRESENTATIVES
SMARTER GOVERNMENT COUNCIL
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 713
RELATING TO: Pinellas Suncoast Transit Authority
SPONSOR(S): Representative Carassas

TIED BILL(S):

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS YEAS 8 NAYS 0
 - (2) SMARTER GOVERNMENT COUNCIL YEAS 10 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill allows the Pinellas Suncoast Transit Authority to sell, lease, or transfer any Authority property to another governmental entity without competitive bid.

This bill also adds language that permits the Authority to sell, lease, or transfer surplus personal property, tangible or intangible, pursuant to law.

According to the Economic Impact Statement, this bill does not impact state or local budgets. It will have a positive impact on the ability of other governmental entities in the area to realize a savings on certain properties.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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:

This bill allows the Authority to give preferential treatment to other government districts and agencies in regards to the selling off of Authority property by not requiring a competitive bid process for those districts or agencies.

B. PRESENT SITUATION:

Background

The Pinellas Suncoast Transit Authority (Authority), originally known as The Central Pinellas Transit Authority, was created in 1970, by chapter 70-907, Laws of Florida, and has been subsequently amended by special acts. It is an independent special district.

Pursuant to chapter 2000-424, Laws of Florida, the Authority is permitted to sale, lease, or transfer any real property or interest contingent that it is done through a competitive bidding process.

Special Districts: Sale or Lease of Property

Section 189.442, F.S. states that the authority may sell or lease property of the authority or grant operating agreements for any project of the authority in a manner that will best promote free and open competition, including advertisement for competitive bids; however, if the authority determines that the purposes of this act will be more effectively served, the authority may sell or lease property of the authority upon a negotiated basis or for no or nominal consideration. Notwithstanding any other law, the authority may sell or lease property of the authority in a transaction in which the authority leases the property back from its purchaser or lessee. To facilitate the development of a project by an authority, any governmental entity or other unit of local government may sell or lease its property to an authority upon a negotiated basis, without competitive bid, and for no or nominal consideration, and an authority may resell or sublease or grant an operating agreement for the property to a professional sports franchise in the same manner.

Tangible Personal Property Owned by Local Governments: Surplus Property

Section 274.05, F.S. states that a governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such

property's being desired by the prospective bidder or donee to whom offered, the governmental unit may offer surplus property to other governmental units in the county or district for sale or donation or may offer the property to private nonprofit agencies as defined in s. 273.01(3) by sale or donation. If the surplus property is offered for sale and no acceptable bid is received within a reasonable time, the governmental unit shall offer such property to such other governmental units or private nonprofit agencies as determined by the governmental units on the basis of the foregoing criteria. Such offer shall disclose the value and condition of the property. The best bid shall be accepted by the governmental unit offering such surplus property. The cost of transferring the property shall be paid by the governmental unit or the private nonprofit agency purchasing or receiving the donation of the surplus property.

C. **EFFECT OF PROPOSED CHANGES:**

The bill permits the Pinellas Suncoast Transit Authority to sell, lease, or transfer any real property or interest to another government entity without a competitive bid. The bill also allows the PTSA to sell, lease, or transfer surplus personal property, tangible or intangible, pursuant to Chapter 274, F.S.

D. **SECTION-BY-SECTION ANALYSIS:**

Section 1:

Amends paragraph (c) of subsection (2) of section 4 of section 2 of chapter 2000-424, Laws of Florida. Allows the sell, lease, or transfer of any real property or interest to another government entity without a competitive bid and may sell, lease, or transfer surplus personal property, tangible or intangible, pursuant to Chapter 274, F.S.

Section 2:

Provides severability clause.

Section 3:

This act takes effect upon becoming a law.

III. **NOTICE/REFERENDUM AND OTHER REQUIREMENTS:**

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 7, 2001

WHERE? Tampa Bay Review, Clearwater, 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:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

NONE

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

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Staff Director:

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AS REVISED BY THE SMARTER GOVERNMENT COUNCIL:

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