



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -- Provisions in HB 251 implicate this principle by creating a new regional transportation authority with the authority to issue revenue bonds and to impose tolls.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

Currently, there are four regional transportation authorities; the South Florida Regional Transportation Authority; the Central Florida Regional Transportation Authority; the Tampa Bay Commuter Transit Authority; and the Northwest Florida Regional Transportation Corridor Authority created in chapter 343, F.S., and one local transportation authority, the Jacksonville Transportation Authority, created in chapter 349, F.S. These five authorities have various membership structures, and powers and duties. All have some form of bond financing authority to carry out their individual transportation missions.

##### **Proposed Changes**

HB 251 creates Part V of chapter 343, F.S., "Bay Area Regional Transportation Authority", encompassing Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota counties. The Authority is established to improve mobility and expand multi-modal transportation options for passengers and freight within the seven-county region.

#### **1) Membership and Organization**

HB 251 contains provisions addressing the membership and organization of the Bay Area Regional Transportation Authority. Specifically the bill:

- Provides that the governing board shall be composed fifteen voting members and one non-voting, ex-officio member to include:
  - One elected official from Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota counties who will serve 2-year terms for not more than three consecutive terms by any person;
  - The West Central Florida Metropolitan Planning Organization's (MPO) Chairs Coordinating Committee appointee, who must be a chair of one of the six MPOs within this region and will serve 2-year terms for not more than three consecutive terms by any person;
  - The Mayor or Mayor's designee from each of the largest municipalities in the region of the Pinellas Suncoast Authority and the Hillsborough Area Regional Transit Authority who will serve 2-year terms for not more than three consecutive terms by any person;
  - One membership shall rotate every two years between the largest municipality in Manatee County and the largest municipality in Sarasota County. The Mayor or Mayor's designee from Manatee County shall serve the first 2-year term.
  - Four Governor appointees from the business sector who are not elected officials shall serve 3-year terms for not more than two consecutive terms by any person; and
  - One non-voting, ex-officio member shall be appointed by DOT and must be the District Secretary, or designee, from one of the department districts (Districts One or Seven) serving the region.

- Provides that board members would serve without compensation, but be eligible to receive per diem and other travel expenses pursuant to s. 112.061, F.S.
- Requires the board to comply with financial disclosure requirements set forth in ss. 112.3145, 112.3148 and 112.3149 F.S.
- Provides that the board shall appoint from its members a chair and vice-chair and a secretary-treasurer.
- Directs the board to establish:
  - A Citizen's Advisory Committee comprised of 16 members from each county and transit provider within the seven-county region; and
  - A Transit Management Committee comprised of the executive directors or general managers (or their designees) from each of the existing transit providers within the seven-county region.
- Provides that the board *may* also establish planning, policy, finance, and technical advisory committees to provide guidance to the board.
- Provides that the appointed committee members shall serve without compensation, but be eligible to receive per diem and other travel expenses pursuant to s. 112.061, F.S.

## **2) Powers and Duties**

The powers and duties of the Bay Area Regional Transportation Authority are established by HB 251. In this regard, the bill:

- Allows the Authority to establish compensation and determine requirements to employ an executive director, an executive secretary, legal council and legal staff, technical experts, engineers, and other temporary or permanent staff as necessary to carry out the responsibilities of the authority;
- Directs the Authority to coordinate with local governments and the DOT to adopt a master plan by July 1, 2009, that identifies regionally integrated multi-modal transportation systems. The Authority shall present the master plan to governing bodies of the counties within the seven-county region and to legislative delegations for these counties within 90 days after adoption. The Authority must also update the master plan every 2 years.
- Directs the Authority to coordinate project planning, development, and implementation with the applicable comprehensive plans of local governments.
- Allows the Authority to set, collect and enforce tolls, fees, and other charges;
- Allows the Authority to acquire land by purchase, donation, or eminent domain;
- Allows the Authority to issue bonds; to borrow money; to sue and be sued; and to enter into contracts, agreements, and partnerships;
- Allows the Authority to adopt bylaws to conduct business;
- Allows the Authority lease, rent, or contract for the operation or management of any portion of a transportation facility built by the Authority;

- Allows the Authority to enter into lease-purchase agreements with DOT. DOT also may be appointed by the Authority as its agent to oversee construction of the system's components.
- Allows the Authority to enter into public-private partnerships to construct, operate, own, or finance transportation facilities that are part of the system;

### **3) Bond Financing**

HB 251 authorizes the Bay Area Regional Transportation Authority to finance system projects through the issuance of revenue bonds. The bond financing provisions of the bill

- Allows the Authority to issue revenue bonds, either on its own or through the state Division of Bond Finance for construction of or improvements to commuter rail systems, transit systems, ferry systems, highways, bridges, toll collection facilities, interchanges, and any other transportation facility necessary to the system;
- Provides bonds issued by the Authority or through the state Division of Bond Finance must conform to the State Bond Act requirements and that the bonds' term shall not exceed 40 years;
- Provides the bonds shall not be pledges against the credit of the State of Florida;
- Provides for rights and remedies of bondholders to take action upon default by the Authority or DOT to comply with provisions of any bond agreement;

### **4) Effects on Other Government Entities**

HB 251 clarifies that the Bay Area Regional Transportation Authority's powers do not encroach on any existing laws relating to other governmental entities. The bill:

- Does not repeal, rescind, or modify any existing laws related to the State Board of Administration; the DOT; the Tampa-Hillsborough County Expressway Authority; or the Division of Bond Finance.
- Does not preclude DOT from developing and producing projects in their five-year work program, which are on the state highway system in the same geographical area as the Bay Area Regional Transportation Authority.

## **C. SECTION DIRECTORY:**

Section 1. creates Part V of chapter 343, F.S. to include:

- s. 343.90, to provide for short title of the Bay Area Regional Transportation Authority Act.
- s. 343.91 to establish definitions.
- s. 343.92 to provide for the governing board of the authority.
- s. 343.922 to define powers and duties of the authority.
- s. 343.94 to define bond financing ability for the authority.
- s. 343.943 to provide for the newly created authorities bond covenant.
- s. 343.944 to provide for bondholders rights and remedies.
- s. 343.945 to provide for enforcement actions for covenants and agreements between bondholders and the authority.

- s. 343.946 to authorize the authority to enter into lease-purchase agreements with DOT.
- s. 343.95 to authorize the authority to acquire private or public property and property rights.
- s. 343.96 to authorize any political subdivision, board, commission, or individual in or of the state to make and enter into contracts, conveyances, leases, partnerships, or other agreements with the authority.
- s. 343.962 to establish that the authority may solicit and/or receive proposals to enter into public-private partnerships.
- s. 343.97 to provide the authority with specific tax exemptions.
- s. 343.973 to provide investment security to the authority.
- s. 343.975 to clarify the authority's powers conferred by this new statute.

Section 2. provides an effective date of July 1, 2007.

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

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

#### **1. Revenues:**

See D. Fiscal Comments, below.

#### **2. Expenditures:**

See D. Fiscal Comments, below.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

See D. Fiscal Comments, below.

#### **2. Expenditures:**

See D. Fiscal Comments, below.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Economic impact to the private sector is unknown at this time, as no projects (or project details) have been identified. Tolls, fees or other charges to be collected by the Authority cannot be determined until projects are identified.

### **D. FISCAL COMMENTS:**

The fiscal impacts to Local Governments and DOT, including tolls, fees and other charges, are unknown at this time as no projects or contractual agreements have been identified. Unless operational and maintenance expenses necessary to the authority are funded by local governments or from other sources, DOT may be requested to fund these costs from the State Transportation Trust Fund (STTF).

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

This mandates provision is not applicable to HB 251 because the legislation does not require counties or municipalities to expend local funds or to raise local funds, nor does it reduce their state revenue-sharing.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill creates s. 343.962(8), F.S., which gives the Authority rule-making powers to implement public-private partnerships.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

D. STATEMENT OF THE SPONSOR

The establishment of a Regional Transportation Authority in the Tampa Bay Area will help our citizens address the transportation needs of the region as well as allow for innovative programs. The idea of multimodal transportation is vital to Florida's future, while the idea of public-private transportation partnerships is supported by idea # 47 of the 100 great ideas for Florida.

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

On March 15, 2007, this bill was considered by the Committee on Infrastructure.

Amendment No. 1, a technical amendment, was adopted.

Amendment No. 2 was adopted to revised the board membership to require one nonvoting, ex officio member of the board to be appointed by the secretary of DOT, who is district secretary for one of the department districts within the seven-county area of the authority.

Amendment No. 3 was adopted that revised the requirements of transportation projects related to local government comprehensive plans. This amendment requires projects to be consistent, to the maximum extent practical, with the adopted local government comprehensive plans at the time they are funded for construction.

An Amendment to Amendment 3 was adopted which deleted the phrase "to the maximum extent practical". This amendment stiffens the requirements for these transportation projects in relation to local government comprehensive plans.

The bill was reported favorably with four amendments.