

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1480

INTRODUCER: Senator Latvala

SUBJECT: Interlocal Agreements

DATE: April 9, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Favorable
2.	Anderson	Yeatman	CA	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1480 modifies the definition of “public agency” as used in the Florida Interlocal Cooperation Act to include a public transit provider.

This bill amends section 163.01, Florida Statutes.

II. Present Situation:

Pinellas Suncoast Transit Authority (PSTA)

The Pinellas Suncoast Transit Authority, formerly known as Central Pinellas Transit Authority (CPTA), was created by the "Pinellas Suncoast Transit Authority Law"¹ by special act of the Legislature in 1970. Service began in 1973. In 1982 the Central Pinellas Transit Authority was renamed Pinellas Suncoast Transit Authority (PSTA) to more clearly describe the area served. In 1984 PSTA expanded the service area by merging with the St. Petersburg Municipal Transit System. PSTA serves most of the unincorporated area and 21 of the county's 24 municipalities, covering 98 percent of the county's population and 97 percent of its land area. The service area is defined in law.

Hillsborough Area Regional Transit Authority (HART)

The Hillsborough Transit Authority, operating and also known as Hillsborough Area Regional Transit Authority, or HART, was created as a body politic and corporate under Chapter 163,

¹ Chapters 70-907, 82-368, 82-416, 90-449, 91-338, 94-433, 94-438, 99-440, 00-424, and 02-341, L.O.F.

Part V, Sections 163.567, et seq., F.S., on October 3, 1979.^{2,3} HART was chartered for the purpose of providing mass transit service to its two charter members, the City of Tampa and the unincorporated areas of Hillsborough County. The Authority may admit to membership any county or municipality contiguous to one of its members upon application and after approval by a majority vote of the Board of Directors. The City of Temple Terrace has been admitted as a member of the Authority.

House Bill 599 (2012)

In 2012, the Legislature passed HB 599⁴ providing legislative intent to encourage and facilitate a review by PSTA and HART in order to search for possible improvements in regional transit connectivity and implementation of operational efficiencies and service enhancements that are consistent with the regional approach to transit identified in the Tampa Bay Area Regional Transportation Authority's (TBARTA) Regional Transportation Master Plan.⁵ The Legislature found that improvements and efficiencies can best be achieved through a joint review, evaluation, and recommendations by PSTA and HART.

HB 599 required the governing bodies or a designated subcommittee of both PSTA and HART to hold joint meetings in order to consider and identify opportunities for greater efficiency and service improvements, including specific methods for increasing service connectivity between jurisdictions of each agency. The elements to be reviewed must also include:

- governance structure, including governing board membership, terms, responsibilities, officers, powers, duties, and responsibilities;
- funding options and implementation;
- facilities ownership and management;
- current financial obligations and resources; and
- actions to be taken that are consistent with TBARTA's master plan.

The bill required PSTA and HART jointly submit a report to the Speaker of the House of Representatives and the President of the Senate by February 1, 2013, on the elements described above. The report was required to include proposed legislation to implement each recommendation and specific recommendations concerning the reorganization of each agency, the organizational merger of both agencies, or the consolidation of functions within and between each agency. The report was submitted on or about January 28, 2013.

² Sections 163.565 – 163.572, F.S., the Regional Transportation Authority Law, authorize the creation of regional transportation authorities by any two or more contiguous counties, cities or other political subdivisions. This law was created in the early 1970's to create the HART (Hillsborough Area Regional Transit) line transit agency in Hillsborough County and has not been used to create any other agency. The law provides for a charter committee to be formed consisting of representatives of the affected local governments (by population formula) to develop a charter defining the powers and duties of the transportation authority and submit the charter to the Department of State. Once the charter is filed the Governor must appoint two members to the board of directors of the transportation authority. The remaining membership of the board of directors is made up of representatives of the local governments. The authority is authorized to incur debt, levy taxes (up to 3 mills ad valorem tax, with county commission approval and by a majority of voters in the affected area), and has limited eminent domain powers.

³ This should not be confused with the statutory language in ch. 343, F.S., which creates other regional transportation authorities including TBARTA.

⁴ Ch 2012-174, L.O.F.

⁵ A copy of TBARTA's Master Plan is available at <http://www.tbarta.com/update> (last visited March 28, 2013).

One of the scenarios presented in the report was the establishment of a joint powers agency.⁶ Attached to the report, required by HB 599, was a legal opinion from the General Counsels of PSTA and HART discussing legal issues arising out of the consolidation study. One conclusion of the memorandum was transit authorities do not have the statutory authority to enter into joint power agreements.⁷

Florida Interlocal Cooperation Act

The Florida Interlocal Cooperation Act⁸ authorizes public agencies “of this state to exercise jointly with public agency of the state, of any other state or the United States government any power, privilege or authority which such agencies share in common and which might each exercise separately.”⁹ The joint exercise of power is to be made by contract in the form of an interlocal agreement. Pursuant to the statute, the agreements may address numerous terms and conditions including the agreement’s purpose and duration, personnel and financial issues, purchasing and contracting powers, accountability measures, and dispute resolution processes.¹⁰

“Public agency” is currently defined by law as a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, a separate legal entity or administrative entity to administer or execute the agreement, an independently elected county officer, any agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.¹¹

III. Effect of Proposed Changes:

Section 1 amends s. 163.01(3)(b), F.S. modifying the definition of “public agency” as used in the Florida Interlocal Cooperation Act to provide that a public agency includes a public transit provider. This will allow all public transit providers to enter into interlocal agreements.

Section 2 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

⁶ PSTA/HART Consolidation Study (on file with the Senate Transportation Committee).

⁷ November 16, 2012, Report of General Counsels regarding Legal Issues Arising out of Consolidation Study (on file with the Senate Transportation Committee).

⁸ Section 163.01, F.S.

⁹ Section 163.01(4), F.S.

¹⁰ Section 163.01(5), F.S.

¹¹ Section 163.01(3)(b), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

After entering into interlocal agreements, public transit providers may see a reduction in expenditures due to efficiencies or service improvements. However, any reduction would depend upon the specific interlocal agreement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.