

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 368

INTRODUCER: Infrastructure and Security Committee and Senator Rouson

SUBJECT: Tampa Bay Area Regional Transit Authority

DATE: February 24, 2020      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<b>Fav/CS</b>
2.	<u>Paglialonga</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
3.	<u>Proctor</u>	<u>Phelps</u>	<u>RC</u>	<b>Favorable</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 368:

- Renames the Tampa Bay Area Regional Transit Authority (TBARTA) Metropolitan Planning Organization (MPO) Chairs Coordinating Committee (CCC) as the CCC;
- Authorizes mayors who are members of the board to appoint a designee to attend a board meeting to act in their place with full voting rights on all issues;
- Requires the mayor's designee to be an elected official of the governing body of the mayor's municipality and be voted on by such body;
- Provides that a simple majority of board members constitutes a quorum and a simple majority of the voting members present will be necessary for any action to be taken by the board;
- Deletes the requirement that TBARTA present the original regional transit development plan and updates to the governing bodies of the counties within the designated region;
- Deletes the requirement that TBARTA coordinate plans and projects with the TBARTA MPO CCC and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Deletes the requirement that TBARTA provide administrative support and direction to the CCC.

The bill has an effective date of July 1, 2020.

## II. Present Situation:

### Tampa Bay Area Regional Transit Authority

Part V of ch. 343, F.S., creates the TBARTA. The TBARTA covers Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties and any other contiguous county that is a party to an agreement of participation.<sup>1</sup> The TBARTA's express purposes are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the designated region;
- Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities; and
- Serve with the consent of the Governor or designee, as the recipient of federal funds supporting an intercounty project or an intracounty capital project that represents a phase of an intercounty project that exists in a single county within the designated region.<sup>2</sup>

The membership of the TBARTA's 13-member governing board (the board) consists of:

- One county commissioner from each of the boards of county commissioners of Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties. Members are appointed to serve 2-year terms with not more than three consecutive terms being served by any person;
- The Mayors of the two largest municipalities within the service area of each of the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority, or their legislatively created successor agencies;
- Four members of the regional business community appointed by the Governor, each of whom must reside in one of the counties governed by the authority, and none of whom may be an elected official. They serve a 2-year term with not more than three consecutive terms being served by any person; and
- Two members appointed from the governing boards of the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority, or their legislatively created successor agencies. Each member appointed will serve a 2-year term with not more than three consecutive terms being served by any person.<sup>3</sup>

Seven members of the board are required to constitute a quorum, and the vote of seven members is necessary for any action to be taken by the TBARTA. The TBARTA may meet upon the constitution of a quorum, and a vacancy does not impair the right of a quorum of the board to exercise all rights and the ability to perform all duties of the TBARTA.<sup>4</sup>

Beginning July 1, 2017, the board was required to evaluate the abolishment, continuance, modification, or establishment of the following committees:<sup>5</sup>

- Planning committee;
- Policy committee;

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<sup>1</sup> Section 343.91(1)(a), F.S.

<sup>2</sup> Section 343.922(1), F.S.

<sup>3</sup> Section 343.92(2)(b), F.S.

<sup>4</sup> Section 343.92(8), F.S.

<sup>5</sup> Section 343.92(9), F.S.

- Finance committee;
- Citizens advisory committee;
- TBARTA MPO CCC;
- Transit management committee; and
- Technical advisory committee.

After the board completed its evaluation, it was required to submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.<sup>6</sup>

The TBARTA MPO CCC was created within the TBARTA, composed of the MPO's serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties. The TBARTA is required to provide administrative support and direction to the CCC. The CCC must, at a minimum:

- Coordinate transportation projects deemed to be regionally significant by the committee;
- Review the impact of regionally significant land use decisions on the region;
- Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the MPO's represented on the committee; and
- Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.<sup>7</sup>

The CCC conducts two meetings a year, one in the summer and one in the fall. Every year, the CCC receives public comment and adopts the West Central Florida Regional Roadway Network, Transportation Regional Incentive Program Priority Projects, and Regional Multi-Use Trail Priority Projects. The CCC transmits these priorities to the District 1 and 7 offices of the Florida Department of Transportation. The CCC also makes a yearly recommendation to the TBARTA Board for the TBARTA Regional Priority Projects.<sup>8</sup>

### III. Effect of Proposed Changes:

The bill amends s. 339.175(6), F.S., to:

- Modify the organization of the CCC so it is no longer created within the TBARTA;
- Modify the name TBARTA MPO CCC to only the CCC, with the composition of the CCC remaining the same; and
- Remove the requirement that the TBARTA provide administrative support and direction to the CCC.

The bill amends s. 343.92(2)(b), F.S., to provide that a mayor may appoint a designee to attend a TBARTA meeting to act in his or her place with full voting rights on all issues. The designee

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<sup>6</sup> *Id.*

<sup>7</sup> Section 339.175(6)(i), F.S.

<sup>8</sup> Tampa Bay Area Regional Transit Authority, *MPOs Chairs Coordinating Committee*, available at <https://tbarta.com/en/boards-committees/mpo-chairs-coordinating-committee/> (last visited Jan. 27, 2020).

must be an elected member of the municipality's city council and approved as the mayor's designated alternate by the municipality's city council.

The bill amends s. 343.92(8), F.S., to allow a simple majority of the TBARTA board to constitute a quorum and a simple majority of the voting members to be present for the board to take any action.

The bill amends s. 343.92(9), F.S., to remove language, which no longer serves a purpose with the passage of the 2018 Regular Legislative Session, that required the TBARTA to evaluate the abolishment, continuance, modification, or establishment of select TBARTA committees and submit those recommendations to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.

The bill amends s. 343.922(3), F.S., to remove the requirements that TBARTA:

- Present the original regional transit development plan and updates to the governing bodies of the counties within the designated region;
- Coordinate plans and projects with the TBARTA MPO Chairs Coordinating Committee and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Provide administrative support and direction to the TBARTA MPO Chairs Coordinating Committee.

The bill has an effective date of July 1, 2020.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

TBARTA may realize cost savings and improvement in efficiency from not having to:

- Cancel a noticed meeting due to a lack of quorum;
- Present the original regional transit development plan and updates to the governing bodies of the counties within the designated region;
- Coordinate plans and projects with the TBARTA MPO Chairs Coordinating Committee and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Provide administrative support and direction to the TBARTA MPO Chairs Coordinating Committee.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends the following sections of the Florida Statutes: 339.175, 343.92, and 343.922

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

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

**CS by Infrastructure and Security on January 27, 2020:**

- Renames the TBARTA MPO CCC as the CCC;
- Authorizes mayors who are members of the board to appoint a designee to attend a board meeting to act in their place with full voting rights on all issues;
- Requires the mayor's designee to be an elected official of the governing body of the mayor's municipality and be voted on by such body;
- Provide that a simple majority of board members constitutes a quorum and a simple majority of the voting members present will be necessary for any action to be taken by the board;

- Deletes an obsolete provision related to the TBARTA committees;
- Deletes requirement that TBARTA present the original regional transit development plan and updates to the governing bodies of the counties within the designated region;
- Deletes requirement that TBARTA coordinate plans and projects with the TBARTA MPO Chairs Coordinating Committee and participate in the regional MPO planning process to ensure regional comprehension of TBARTA's mission, goals, and objectives; and
- Deletes requirement that TBARTA provide administrative support and direction to the TBARTA MPO Chairs Coordinating Committee.

B. Amendments:

None.