

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 155 Tampa Bay Area Regional Transit Authority

**SPONSOR(S):** Transportation & Modals Subcommittee, Holcomb

**TIED BILLS:**           **IDEN./SIM. BILLS:** CS/SB 198

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	16 Y, 0 N, As CS	Johnson	Hinshelwood
2) Infrastructure & Tourism Appropriations Subcommittee	10 Y, 0 N	Hicks	Davis
3) Infrastructure Strategies Committee			

### SUMMARY ANALYSIS

Created in 2007, the Tampa Bay Area Regional Transit Authority (TBARTA) covers Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties. TBARTA currently offers a vanpool service, known as Commute Tampa Bay. It has also conducted various transit planning studies for the Tampa Bay area, including its Envision 2030 plan. On January 20, 2023, TBARTA's board adopted a plan to wind down and close its operations.

The bill repeals chapter 343, part III, F.S., relating to TBARTA. The bill dissolves TBARTA effective June 30, 2024, and requires TBARTA to provide for the discharge of any liabilities, settle and close its affairs, transfer any pending activities such as its vanpool program, close and appropriately dispense any applicable federal or state funds, provide for the distribution of any remaining assets, notify the Department of Economic Opportunity and each entity represented on TBARTA's board that it is dissolved, and forward its records to the Department of State.

The bill does not appear to have a fiscal impact on state government or the private sector. The bill has an indeterminate fiscal impact on TBARTA's member counties. See Fiscal Comments.

The bill provides an effective date of July 1, 2023.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### Tampa Bay Area Regional Transit Authority

Created in 2007,<sup>1</sup> the Tampa Bay Area Regional Transit Authority (TBARTA) covers Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties.<sup>2</sup> TBARTA currently offers a vanpool service, known as Commute Tampa Bay.<sup>3</sup> It has also conducted various transit planning studies for the Tampa Bay area, including its Envision 2030 plan.<sup>4</sup>

TBARTA's purposes are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout its 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.
- Serve, with the consent of the Governor or his or her 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>5</sup>

TBARTA's governing board consists of the following 13 voting members:

- The county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties each appoint one county commissioner to the board.
- Two members must be the mayor, or the mayor's designated alternate, of the largest municipality within the service area of each of the following independent transit agencies: Pinellas Suncoast Transit Authority (St. Petersburg) and Hillsborough Area Regional Transit Authority (Tampa).
- The Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority each appoint one member.
- The Governor appoints four members from the regional business community, each of whom must reside in one of the counties governed by TBARTA and may not be an elected official.<sup>6</sup>

Additionally, the secretary of the Department of Transportation (DOT) appoints two non-voting advisors to the board, who are the district secretaries for each of the DOT districts within TBARTA's designated area.<sup>7</sup>

TBARTA may employ an executive director and other employees.<sup>8</sup> TBARTA currently has four employees, including the executive director.<sup>9</sup>

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<sup>1</sup> Chapter 2007-254, Laws of Florida. The name of the authority changed from Tampa Bay Area Regional Transportation Authority to the Tampa Bay Area Regional Transit Authority in 2017. Chapter 2017-98, Laws of Florida.

<sup>2</sup> S. 343.91(1)(a), F.S. TBARTA may also include any other contiguous county that is party to a participation agreement.

<sup>3</sup> Tampa Bay Area Regional Transit Authority (TBARTA), *Commute Tampa Bay helps Employers and Employees!* <https://www.tbarta.com/en/commute-tampa-bay/commute-tampa-bay/> (last visited Jan. 27, 2023).

<sup>4</sup> TBARTA, *Review the Vision 2030 Plan*, <https://www.tbarta.com/en/planning-programs/envision-2030/> (last visited Jan. 27, 2023).

<sup>5</sup> S. 343.922(1), F.S.

<sup>6</sup> S. 343.92(2), F.S. The statute also provides for the length of terms for various board members.

<sup>7</sup> S. 343.92(2)(a), F.S.

<sup>8</sup> S. 343.92(9), F.S.

<sup>9</sup> TBARTA, *Staff Directory*, <https://www.tbarta.com/en/about/staff-directory/> (last visited Jan. 27, 2023).

TBARTA may plan, develop, finance, construct, own, purchase, operate, maintain, relocate, equip, repair, and manage public transportation projects<sup>10</sup> that are intended to address critical transportation needs or concerns in the region.<sup>11</sup>

TBARTA must coordinate and consult with local governments on transit or commuter rail station area plans that provide for compact, mixed-use, transit-oriented development that will support transit investments and provide a variety of workforce housing choices, recognizing the need for housing alternatives for a variety of income ranges.<sup>12</sup>

TBARTA must develop and adopt a regional transit development plan that provides a vision for a regionally integrated transportation system, which must meet specified requirements.<sup>13</sup>

TBARTA may undertake projects or other improvements in the regional transit development plan in phases as particular projects or segments become feasible. TBARTA must coordinate project planning, development, and implementation with the applicable local governments. TBARTA's projects that are transportation oriented must be consistent to the maximum extent feasible with the adopted local government comprehensive plans at the time such projects are funded for construction.<sup>14</sup>

TBARTA has been granted various powers, including, but not limited to:

- To acquire and use property.
- To dispose of any property.
- To establish and collect rates as charges for use of any TBARTA-owned or operated transportation facility.
- To borrow money and issue revenue bonds.
- To lease, rent, or contract for the operation or management of any part of a transportation facility it builds.
- To enforce the collection charges and to establish and enforce penalties for violations of its rules.
- To promote regional transit services and facilities, freight mobility plans and projects, and TBARTA's general activities.
- To cooperate with and contract with other governmental entities.
- To enter into agreements with public and private entities.
- To accept grants and other funds from other governmental sources and to accept private donations.
- To purchase insurance.
- To enter into lease-purchase agreements with DOT.
- To make contracts for partnerships providing for participation in ownership and revenues, and to execute all instruments necessary or convenient for the carrying on of its business.
- To do all acts necessary or convenient to conduct its business.<sup>15</sup>

In the three most recent General Appropriations Acts, Governor DeSantis, vetoed specific appropriations for TBARTA.<sup>16</sup>

### TBARTA's Plan to Close

On January 20, 2023, TBARTA's board agreed to a plan to discontinue its operations by December 31, 2023 and to complete final closure by March 31, 2024. At the same meeting, it agreed to extend its

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<sup>10</sup> Public transportation projects include express bus services; bus rapid transit services; light rail, commuter rail, heavy rail, or other transit services; ferry services; transit stations; park-and-ride lots; transit-oriented development nodes; or feeder roads, reliever roads, connector roads, bypasses, or appurtenant facilities.

<sup>11</sup> S. 343.922(2)(a), F.S.

<sup>12</sup> S. 343.922(2)(c), F.S.

<sup>13</sup> S. 343.922(3), F.S.

<sup>14</sup> S. 343.922(4), F.S.

<sup>15</sup> S. 343.922(5), F.S.

<sup>16</sup> See Specific Appropriation 1988A in chapter 2022-156, L.O.F.; Specific Appropriation 1915A in chapter 2021-36, Laws of Florida; and Specific Appropriation 1958A in chapter 2020-111, Laws of Florida.

existing vanpool contract until December 31, 2023, to allow DOT sufficient time to procure a new contract for the vanpool service. TBARTA's plan includes the dispensing of liabilities and the allocation of outstanding assets to member counties. Upon final closure, agency records will be forwarded to the Department of State.<sup>17</sup>

### **Effect of the Bill**

The bill repeals chapter 343, part III, F.S., relating to TBARTA.

The bill dissolves TBARTA effective June 30, 2024. TBARTA must:

- Provide for the discharge of its liabilities. Any liabilities in excess of its assets will be assumed by each county represented on TBARTA's board in proportion to what each county contributed to TBARTA in the 2021-2022 fiscal year.
- Settle and close its affairs, and transfer any pending activities, including, but not limited to, the administration of its vanpool program.
- Close and appropriately dispense any applicable federal or state grants or funds.
- Provide for distribution of any remaining assets such that each county represented on TBARTA's board receives an amount in proportion to what each county contributed to TBARTA in the 2021-2022 fiscal year.
- Provide written notice of final dissolution to the Department of Economic Opportunity and each entity represented on TBARTA's board.
- Forward its records to the Department of State upon final dissolution.

The bill provides an effective date of July 1, 2023.

#### **B. SECTION DIRECTORY:**

**Section 1** Repeals chapter 343, part III, F.S., relating to TBARTA.

**Section 2** Directs and provides an effective date for TBARTA's dissolution.

**Section 3** Provides an effective date of July 1, 2023.

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

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

1. Revenues:

None.

2. Expenditures:

None.

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

1. Revenues:

Indeterminate. See FISCAL COMMENTS below.

2. Expenditures:

Indeterminate. See FISCAL COMMENTS below.

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<sup>17</sup> TBARTA, *Board Meeting Packet* (Jan. 20, 2023), <https://www.tbarta.com/media/2381/012023-board-meeting-packet.pdf> (last visited January 26, 2023).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None. Responsibility for TBARTA's vanpool service is expected to be transferred to DOT.<sup>18</sup> The cost to operate the vanpool service is expected to be financed through ridership fees and federal funds.

D. FISCAL COMMENTS:

The bill requires the counties that contributed funds to TBARTA to pay liabilities in excess of outstanding assets in proportion to what each county contributed to TBARTA in the 2021-2022 fiscal year. If remaining assets exceed liabilities, the counties will receive TBARTA's remaining assets in that same proportion upon final closure of the authority. Although the ultimate financial outcome of TBARTA's dissolution is unknown, TBARTA anticipates having sufficient assets such that affected counties will receive apportioned reimbursements.<sup>19</sup>

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipal mandates provision of Art. VII, section 18, of the Florida Constitution may apply because the bill requires certain counties to pay an apportioned share of TBARTA's outstanding liabilities if liabilities exceed remaining assets. However, TBARTA anticipates having sufficient assets such that affected counties will receive apportioned reimbursements.<sup>20</sup>

2. Other:

None

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 8, 2023, the Transportation & Modals Subcommittee considered a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute differs from HB 155 in that it:

- Provides further specificity regarding the winding down and closure of TBARTA and conforms to TBARTA's plan for winding down.
- Provides a date certain (June 30, 2024) for the dissolution of TBARTA.
- Removes provisions from the bill relating to the Metropolitan Planning Organization Chairs Coordinating Committee and relating to the use of a TBARTA report by the Department of Transportation in developing its rail plan.
- Changes the effective date of the bill from June 30, 2024, to July 1, 2023.

This analysis is drafted to the committee substitute as approved by the Transportation & Modals Subcommittee.

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<sup>18</sup> *Id.* at 56.

<sup>19</sup> *Id.* at 67-68.

<sup>20</sup> *Id.*