

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1487 Pinellas Suncoast Transit Authority, Pinellas County  
**SPONSOR(S):** Local Administration, Federal Affairs & Special Districts Subcommittee, Chaney  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	14 Y, 2 N, As CS	Mwakyanjala	Darden
2) Infrastructure Strategies Committee	16 Y, 8 N	Walker	Harrington
3) State Affairs Committee	16 Y, 4 N	Mwakyanjala	Williamson

### SUMMARY ANALYSIS

Special districts are units of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet. A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.

Any two or more contiguous counties, municipalities, other political subdivisions, or combinations thereof, are authorized to constitute, compose, and operate a regional transportation authority. Among other powers, regional transportation authorities have the ability to purchase, own, or operate, or provide for the operation of, transportation facilities, contract for transit services, and exercise power of eminent domain limited to right-of-way acquisition.

The Pinellas Suncoast Transit Authority (PSTA) was created by special act in 1982 with the intent to provide Pinellas County with a cohesive public transit system. PSTA operates a fleet of 191 buses and 20 trolleys that serve 41 fixed routes including two express routes to Hillsborough County. PSTA is governed by a 15-member board (Board) that consists of one appointee each by the Pinellas County Commission and the City Council of the City of St. Petersburg, both of whom are not elected officials, and 13 appointees chosen by local governments in Pinellas County from their own membership.

The bill revises PSTA's charter by:

- Removing PSTA's ability to operate a street railway, elevated railway, subway.
- Reducing the size of the Board from 15 members to 11 members and revising the appointment procedures.
- Requiring the Board to follow specific procedures when executing the power of eminent domain.
- Removes PSTA's authority to regulate other public transit entities within its boundaries.
- Establishing requirements for window coverings and advertisements on PSTA assets.
- Requiring PSTA to adhere to specified budgetary guidelines.
- Establishing procedures for and limiting the use of lane elimination, lane repurposing, lane diet, and bus lane allocations.
- Requiring semiannual reporting by PSTA to the Pinellas County Board of County Commissioners.

The Economic Impact Statement states that the bill is not expected to have a fiscal impact.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>1</sup> Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>3</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>4</sup>

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.<sup>5</sup>

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of a single municipality.<sup>6</sup>

##### Regional Transportation Authorities

Under Florida law, any two or more contiguous counties, municipalities, other political subdivisions, or combinations thereof, are authorized to convene a charter committee for the purpose of developing a charter under which a regional transportation authority (RTA) may be constituted, composed, and operated.<sup>7</sup> No county, municipality, or other political subdivision may be a member of more than one RTA.<sup>8</sup>

RTAs have the ability to purchase, own, or operate, or provide for the operation of, transportation facilities; to contract for transit services; to exercise power of eminent domain for right-of-way and contiguous transportation facility acquisition; to conduct studies; and to contract with other governmental agencies, private companies, and individuals.<sup>9</sup> An RTA may not purchase, own, or operate a public transportation system that would compete with existing private transportation

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<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>2</sup> See ss. 189.02(1), 189.031(3), and 190.005(1), F.S. See generally ss. 189.012(6), F.S.

<sup>3</sup> Local Administration, Federal Affairs & Special Districts Subcommittee, *The Local Government Formation Manual*, 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited January 18, 2024).

<sup>4</sup> The method of financing a district must be stated in its charter. Ss. 189.02(4)(g) and 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). See also, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), and 388.221, F.S. (mosquito control), and ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

<sup>5</sup> S. 189.012(2), F.S.

<sup>6</sup> S. 189.012(3), F.S.

<sup>7</sup> S. 163.567(1), F.S.

<sup>8</sup> *Id.* This authority should not be confused with ch. 343, F.S., which creates other regional transportation authorities, including the South Florida Regional Transportation Authority and the Central Florida Transportation Authority.

<sup>9</sup> S. 163.568(1), F.S.

companies, or implement a new transportation system of the same mode where comparable service is operating without first purchasing through negotiation.<sup>10</sup>

RTAs also have the power to develop transportation plans and to coordinate planning and programs with those of appropriate local and state agencies.<sup>11</sup> All transportation plans are subject to review and approval by the Department of Transportation (DOT) and by the regional planning agency, if any, for consistency with programs or planning for the area and region.

### Pinellas Suncoast Transit Authority

The Pinellas Suncoast Transit Authority (PSTA) was created by special act in 1982.<sup>12</sup> The charter of the authority was recodified in 2000.<sup>13</sup> PSTA was created by the merger of the St. Petersburg Municipal Transit System and the Central Pinellas Transit Authority to provide Pinellas County with a cohesive public transit system.<sup>14</sup> PSTA operates a fleet of 191 buses and 20 trolleys that serve 41 fixed routes, including two express routes to Hillsborough County.<sup>15</sup>

PSTA is governed by a 15-member board (Board) that consists of one appointee each by the Pinellas County Board of County Commissioners and the St. Petersburg City Council, both of whom are not elected officials, and 13 appointees chosen from the following local governing bodies from their membership:

- Four members appointed by Pinellas County.
- Two members appointed by the City of St. Petersburg.
- One member appointed by the City of Clearwater.
- One member appointed by the City of Dunedin.
- One member appointed by the City of Largo.
- One member appointed by the City of Pinellas Park.
- One member appointed by the combined municipal governing bodies of the Cities of Oldsmar, Safety Harbor, and Tarpon Springs.
- One member appointed by the combined municipal governing bodies of the Cities of Belleair, Belleair Bluffs, Gulfport, Kenneth City, Seminole, and South Pasadena.
- One member appointed by the combined municipal governing bodies of the Cities of Belleair Beach, Belleair Shores, Indian Rocks Beach, Indian Shores, Madeira Beach North Redington Beach, Redington Beach, Redington Shores, St. Pete Beach, and Treasure Island.<sup>16</sup>

During the 2022 Fiscal Year (FY), PSTA directly operated vehicles that traveled a total of 8.8 million miles, providing approximately 631,271 hours of service and 8.5 million passenger trips.<sup>17</sup> PSTA also contracts with partners that provide public transit services on the authority's behalf. With partner participation, PSTA provided an estimated 10.8 million miles, 772,653 hours of service, and 8.9 million passenger trips in the 2022 FY.

PSTA is authorized to levy an ad valorem tax of up to 0.75 mills.<sup>18</sup> According to PSTA's audited financial statement, the authority is "heavily dependent on a millage levy" and levies the maximum rate provided in its charter.<sup>19</sup> PSTA's adopted budget for the 2024 FY projects revenues of \$114,539,670, including \$77,816,710 in taxes, and expenditures of \$114,511,920.<sup>20</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> S. 163.568(2)(i), F.S.

<sup>12</sup> Ch. 82-368, Laws of Fla.

<sup>13</sup> Ch. 2000-424, Laws of Fla. Ch. 2000-424, s. 2, Laws of Fla., amended by chs. 2002-341 and 2006-327, Laws of Fla., contain the charter of the district (hereinafter District Charter).

<sup>14</sup> Pinellas Suncoast Transit Authority, *FY 2022 Annual Comprehensive Financial Report*, 3, <https://www.psta.net/media/6490/fy-22-annual-financial-report-04-27-2023-final.pdf> (last visited Feb. 8, 2024).

<sup>15</sup> *Id.*

<sup>16</sup> District Charter, s. 3(2)(a).

<sup>17</sup> *Supra* note 14 at 3.

<sup>18</sup> District Charter, s. 8.

<sup>19</sup> *Supra* note 14 at 7.

<sup>20</sup> Pinellas Suncoast Transit Authority, *Adopted FY 2024 Budget*, 13, <https://www.psta.net/media/6689/fy-2024-adopted-budget-updated-20231114.pdf> (last visited Feb. 8, 2024).

## Effect of Proposed Changes

The bill revises a number of provisions within PSTA's charter. The bill revises the definition of "public transit," removing PSTA's ability to operate street railways, elevated railways, and subways as means of conveyance.

The bill reduces the size of PSTA's governing body from 15 members to 11 members appointed as follows:

- Four members of the Pinellas County Board of County Commissioners.
- One member of the St. Petersburg City Council.
- One member of the Clearwater City Council.
- Two members appointed by the municipal governing bodies of Tarpon Springs, Safety Harbor, Oldsmar, Dunedin, Belleair, Belleair Beach, and Belleair Bluffs from among their membership, rotating among the cities in descending order based on population.
- Two members appointed by the municipal governing bodies of Largo, Seminole, South Pasadena, Gulfport, Kenneth City, and Pinellas Park from among their membership, rotating among the cities in descending order based on population.
- One member appointed by the municipal governing bodies of Belleair Shore, Indian Rocks Beach, Indian Shores, North Redington Beach, Redington Beach, Redington Shores, Madeira Beach, Treasure Island, and St. Pete Beach from among their membership, rotating among the cities in descending order based on population.

The bill limits PSTA's power of eminent domain by providing that it may only be exercised by a two-thirds vote of the Board at a public meeting held with public notice provided at least 30 days in advance and requiring reporting to the Pinellas Board of County Commissioners semiannually in a public meeting with public notice provided at least 30 days in advance.

The bill removes the authority of PSTA to regulate other public transit providers within its boundaries.

The bill establishes requirements for window coverings and advertisements on PSTA modes of transit. Any new window covering or advertisement must adhere to legal requirements regarding the tinting of rear windows.<sup>21</sup> The bill prohibits PSTA from engaging in non-paid advertising, promotion, or messaging on its assets, except for acknowledgements of veterans or any acknowledgement of statutory recognized holidays.<sup>22</sup>

The bill requires PSTA to adhere to best budgetary guidelines as outlined by, but not limited to, guidelines provided by the Florida Government Finance Officers Association and the Government Finance Officers Association.

The bill requires that any lane elimination, lane repurposing, lane diet, or bus lane allocation request, recommendation, or application relating to a public transit project, or any change in current use or functionality, be approved by a two-thirds vote of the Board in a public meeting held with a 30-day notice. The Board then must present the proposal to the Pinellas Board of County Commissioners before conducting a second two-thirds vote for final approval. The bill prohibits PSTA from conducting a lane elimination, lane repurposing, lane diet, or bus lane allocation for the purpose of eliminating, reallocating, or repurposing public lanes for usage by the authority. The bill provides that these requirements do not apply to any local or municipally-owned roadway, but does include plans for lane elimination, lane repurposing, lane diet, or bus lane allocation calling for the loss of an existing lane to become a bus use only lane or a business access and transit lane.

The bill requires PSTA to submit reports to the Pinellas Board of County Commissioners on a semiannual basis containing any gifts accepted in exchange for contracts; any contract over \$500,000; any sale, lease, or transfer of any property or interest over \$500,000; and ridership performance and

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<sup>21</sup> See s. 316.2954, F.S.

<sup>22</sup> New Year's Day, the birthday of Martin Luther King, Jr. (observed on the third Monday in January), Memorial Day, Independence Day, Labor Day, Veteran's Day (November 11), Thanksgiving Day, the Friday after Thanksgiving, and Christmas Day. S. 110.117, F.S.

metrics. The bill authorizes the Pinellas County Board of County Commissioners to call for an in-person presentation of the reports at least once a year.

The Economic Impact Statement filed with the bill states that the bill is not expected to have a fiscal impact.

**B. SECTION DIRECTORY:**

Section 1: Amends ch. 2000-424, s. 2, Laws of Fla., as amended by chs. 2002-341 and 2006-327, Laws of Fla., relating to PSTA.

Section 2: Provides an effective date of July 1, 2024.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 6, 2023.

WHERE? The *Tampa Bay Times*, a newspaper of general circulation within Pinellas County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On January 25, 2024, the Local Administration, Federal Affairs & Special Districts Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment revised the appointment process for the Board, clarified that the Board may not regulate charter services, and required any change in the current lane use or functionality to be approved by a two-thirds vote of the Board.

The analysis is drafted to the committee substitute as passed by the Local Administration, Federal Affairs & Special Districts Subcommittee.