

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 Transportation

BILL: SB 376

INTRODUCER: Senator Gibson

SUBJECT: Jacksonville Transportation Authority Leases

DATE: January 25, 2021

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Price | Vickers | TR | Pre-meeting |
| 2. | | | CA | |
| 3. | | | RC | |

I. Summary:

SB 376 addresses the authorization of the Jacksonville Transportation Authority (JTA) to enter into lease agreements. The JTA is currently authorized to enter into various types of lease agreements, including leases involving real property. However, unlike other transportation and expressway authorities, the term or duration of such leases is limited to 40 years. The bill removes the 40-year limitation on the term of a lease agreement into which the JTA is authorized to enter.

The bill presents no immediate fiscal impact to the JTA or to state or local revenues. See Section V., “Fiscal Impact Statement.”

The bill takes effect July 1, 2021.

II. Present Situation:

Jacksonville Transportation Authority

Chapter 349, F.S., creates the JTA as a body politic and corporate and an agency of the state.¹ The governing body of the JTA consists of seven members: three appointed by the Governor and confirmed by the Senate; three appointed by the City of Jacksonville Mayor, subject to confirmation by the City of Jacksonville Council; and a seventh member who is the Florida Department of Transportation District 2 Secretary. The six appointed members must be residents and qualified electors of Duval County and generally serve for four-year terms.²

¹ Section 349.03(1), F.S.

² Section 349.03(2), F.S.

The JTA is authorized to acquire, hold, construct, improve, maintain, operate, and own the Jacksonville Expressway System,³ but the authority also has multi-modal responsibilities. The JTA designs and constructs bridges and highways⁴ and provides varied mass transit services including, but not limited to, express and regular bus service;⁵ a downtown Skyway Monorail;⁶ the St. Johns River Ferry;⁷ the Gameday Xpress for various sporting events;⁸ inter-county service between points in Baker, Clay, Nassau, Putnam and St. Johns Counties;⁹ and paratransit service.¹⁰

Leasing Authority

Current law authorizes the JTA to enter into lease agreements, including, but not limited to the authority to lease:

- As lessor, the Jacksonville Expressway System;¹¹ a mass transit system employing motor cars or buses, street railway systems beneath the surface, on the surface, or above the surface, or any other means determined useful to the rapid transfer of large numbers of people among the locations of residence, commerce, industry, and education in Duval County.¹²
- Public transportation projects, such as 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, that are intended to address critical transportation needs or concerns in the Jacksonville, Duval County, metropolitan area.¹³
- As lessee or lessor, and use any franchise or any property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it, including, without limitation, land, buildings, and other facilities located within or comprising transit-oriented developments which enhance the use or utility of transportation facilities owned or constructed by the authority and administrative and other buildings for the use of the authority in carrying out its powers and obligations.¹⁴

³ Section 349.04(1)(a), F.S.

⁴ See the JTA website for a list of projects, available at [JTA Mobility Works - Projects \(jtafla.com\)](https://www.jtafla.com/projects) (retrieved January 15, 2021).

⁵ See the JTA website, *Riding JTA*, available at [Jacksonville Transportation Authority - Riding JTA \(jtafla.com\)](https://www.jtafla.com/riding-jta) (retrieved January 15, 2021).

⁶ See the JTA website, *Skyway*, available at [Jacksonville Transportation Authority - Skyway \(jtafla.com\)](https://www.jtafla.com/skyway) (retrieved January 15, 2021).

⁷ See the JTA website, *St. Johns River Ferry*, available at [JTA Ferry - St. John's River Ferry | Schedule, Costs, Information, Directions | JTA \(jtafla.com\)](https://www.jtafla.com/st-johns-river-ferry) (retrieved January 15, 2021).

⁸ See the JTA website, *Gameday Xpress*, available at [Jacksonville Transportation Authority - Gameday Xpress \(jtafla.com\)](https://www.jtafla.com/gameday-xpress) (retrieved January 15, 2021).

⁹ See the JTA website, *Regional Services*, available at [Jacksonville Transportation Authority - Regional Services \(jtafla.com\)](https://www.jtafla.com/regional-services) (retrieved January 15, 2021).

¹⁰ See the JTA website, *Paratransit*, available at [Jacksonville Transportation Authority - Paratransit \(jtafla.com\)](https://www.jtafla.com/paratransit) (retrieved January 15, 2021). Some of the JTA services listed have been modified or suspended due to the COVID virus.

¹¹ Section 349.04(1)(a), F.S.

¹² Section 349.04(1)(b), F.S.

¹³ Section 349.04(1)(e), F.S.

¹⁴ Section 349.04(2)(c), F.S.

Various transportation, bridge, and expressway authorities are granted the power under current law to enter into agreements for similar or other types of leases, such as the South Florida Regional Transportation Authority,¹⁵ the Central Florida Regional Transportation Authority,¹⁶ the Tampa Bay Area Regional Transit Authority,¹⁷ the Tampa-Hillsborough Expressway Authority,¹⁸ and the Santa Rosa Bay Bridge Authority.¹⁹ The authorization in each of these instances, however, is open-ended and not limited in duration. The duration for which the Central Florida Expressway Authority is authorized to enter into lease agreements is for a term not exceeding 99 years.²⁰

Standing alone among these various transportation, bridge, and expressway authorities, the JTA is the only such entity with leasing authority that is limited in duration to 40 years.

The JTA advises removal of the 40-year limitation is needed “to be able to move forward with advancing properties that will impact the economy in a positive way, by giving [the JTA] the authority to enter into what is a standard lease term [99 years] across the investment industry in order to secure financing for projects.”²¹

III. Effect of Proposed Changes:

The bill amends s. 349.04(2)(d), F.S., to remove the 40-year limitation on the term of a lease into which the Jacksonville Transportation Authority (JTA) is authorized to enter. With the exception of the Central Florida Expressway Authority, the bill grants to the JTA the same authority currently granted to various other transportation, expressway, and bridge authorities with respect to leasing.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁵ Section 343.54(1)(b) and (3)(d), (e), and (i), F.S.

¹⁶ Section 343.64(1)(b) and (3)(d), (e), and (i), F.S.

¹⁷ Section 343.922(5)(d), (e), and (i), F.S.

¹⁸ Section 348.54(3), F.S.

¹⁹ Section 348.968(2)(c), and (d), F.S.

²⁰ Section 348.754(1)(a) and (2)(c), F.S.

²¹ See email to committee staff, January 14, 2021. (On file in the Senate Transportation Committee.)

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:

Unknown.

C. Government Sector Impact:

The bill presents no immediate fiscal impact to the JTA; rather, the bill simply removes the 40-year limitation on the term of leases into which the JTA may enter. The details and terms of any potential lease are currently unknown. The bill otherwise presents no immediate fiscal impact to state or local revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 349.04(2)(d) of the Florida Statutes.

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

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

None.

B. Amendments:

None.