

**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 Appropriations

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BILL: CS/SB 198

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Tampa Bay Area Regional Transit Authority

DATE: April 12, 2023

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Price</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2. <u>Nortelus</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Favorable</u>
3. <u>Nortelus</u>	<u>Sadberry</u>	<u>AP</u>	<u>Pre-meeting</u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 198 repeals Part III of ch. 343, F. S., relating to the creation and operation of the Tampa Bay Area Regional Transit Authority. The bill dissolves the authority on June 30, 2024, and requires it to provide for discharge of its liabilities, to settle and close its affairs, to close out and dispense any applicable federal or state grants or funds, and to provide for distribution of the authority's assets as specified. The authority is required to provide specified notices and forward its records to the Department of State upon final dissolution. The bill removes a reference to the Tampa Bay Area Regional Authority Master Plan to conform to the repeal.

The bill appears to present no fiscal impact to the state. See the "Fiscal Impact" heading for additional information.

Except as otherwise provided, the bill takes effect July 1, 2023.

**II. Present Situation:**

**History of the Transportation/Transit Authority and Related Entities**

The Tampa Bay Regional *Transportation* Authority (Transportation Authority) was created in 2007 with the express purposes to improve mobility and expand multimodal transportation options for passengers and freight throughout the seven-county area of Citrus, Hernando,

Hillsborough, Pasco, Pinellas, Manatee, and Sarasota counties.<sup>1</sup> At that time, the West Central Florida Metropolitan Planning Organization (MPO) Chairs Coordinating Committee (CCC) appointed one member to the board of the Transportation Authority. The Transportation Authority was required to present its original master plan and updates to the governing bodies of the seven counties, to the West Central Florida MPO CCC, and to the legislative delegation members representing the seven counties. The Transportation Authority was also required to coordinate plans and projects with the West Central Florida MPO CCC, to the extent practicable, and to participate in the regional MPO planning process to ensure regional comprehension of the Transportation Authority's mission, goals, and objectives.<sup>2</sup>

In 2016, the West Central Florida MPO CCC was renamed as the Transportation Authority MPO CCC, and the Transportation Authority was directed to provide administrative support and direction to the Transportation Authority MPO CCC.<sup>3</sup>

In 2017, the Transportation Authority was renamed as the Tampa Bay Area Regional *Transit* Authority (TBARTA), removing Citrus and Sarasota counties as areas covered, leaving Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties, as well as any other contiguous county that is party to an agreement of participation. Appointment by the also-renamed TBARTA MPO CCC of a board member to the TBARTA was repealed.<sup>4</sup>

In 2021, the Legislature repealed certain duties and responsibilities of the TBARTA, including the duty to:

- Present the regional transit development plan and updates to the TBARTA MPO CCC;
- Coordinate plans and projects with the TBARTA MPO CCC;
- Participate in the regional MPO planning process; and
- Provide administrative support to the TBARTA MPO CCC.

References to the "TBARTA MPO" CCC were removed, leaving creation of today's statutory Chairs Coordinating Committee composed of the MPOs serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties.<sup>5</sup>

The Sun Coast Transportation Planning Alliance (SCTPA) is the apparent successor to the West Central Florida MPO CCC and continues serving the West Central Florida area covered by the MPOs and transportation planning organizations in the same counties as the statutory CCC.

The Sun Coast Transportation Planning Alliance (SCTPA), formerly the MPO Chairs Coordinating Committee (CCC), of West Central Florida is the longest-standing regional transportation planning compact among MPOs in the State of Florida, and its members are Hernando/Citrus, Hillsborough, Pasco, Pinellas, Polk, and Sarasota/Manatee. The group also includes advisors from the Tampa Bay Area Regional Transit Authority

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<sup>1</sup> Chapter 2007-254, L.O.F.

<sup>2</sup> *Id.*

<sup>3</sup> Chapter 2016-239, L.O.F.

<sup>4</sup> Chapter 2017-98, L.O.F.

<sup>5</sup> Chapter 2021-188, L.O.F. Section 339.175(6)(i), F.S.

(TBARTA), the Florida Department of Transportation (FDOT), the Tampa Bay Regional Planning Council (TBRPC), Pinellas Suncoast Transit Authority (PSTA), and Hillsborough Area Regional Transit (HART).<sup>6</sup>

A review of the SCTPA's website suggests it is actively engaged in regional transportation planning.<sup>7</sup> Among other relevant information such as transit and trails visions, the Regional Long-Range Transportation Plan, and funding priorities, the website offers items such as assistance relating to public involvement with the SCTPA's activities and services such as an interactive Tri-County Trails Map reflecting trails and bike lanes throughout the Tampa Bay Region.<sup>8</sup>

The CCC's minimum statutory duties remain as follows:

- 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>9</sup>

### **Current TBARTA Duties and Responsibilities**

Currently, the TBARTA, an agency of the state, is established in Part III of Ch. 343, F.S., covering Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties, and any other county that is party to an agreement for participation.<sup>10</sup> The express purposes of TBARTA 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 intercounty capital project that represents a phase of an intercounty project that exists in a single county within the designated region.<sup>11</sup>

The TBARTA's governing board is composed of 13 voting members as follows:

- Each of the boards of county commissioners of Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties appoint one member, each of whom serve two-year terms with not more than three consecutive terms being served by any person;

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<sup>6</sup> Suncoasttpa, *Alliance Members*, available at [Alliance Members – Sun Coast TPA](#) (last visited January 26, 2023).

<sup>7</sup> Suncoasttpa, *Our Board*, available at [Our Board – Sun Coast TPA](#) (last visited January 26, 2023).

<sup>8</sup> Suncoasttpa.org,

<sup>9</sup> Section 339.175(6)(i), F.S.

<sup>10</sup> Section 343.91(1)(a), F.S.

<sup>11</sup> Section 343.922(1), F.S.

- Two members must be the mayors, or their designated alternates,<sup>12</sup> of the two largest municipalities within the respective service areas of the Pinellas Suncoast Transit Authority (PSTA) and the Hillsborough Area Regional Transit Authority (HART), or their legislatively created successor agencies;
- The PSTA and the HART, or their legislatively created successor agencies, each appoint one member from their respective governing bodies; and
- The Governor appoints four members of the regional business community, 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 two-year term with not more than three consecutive terms being served by any person. Each member appointed will serve a two-year term with not more than three consecutive terms being served by any person.<sup>13</sup>

In recent years, apparently based on concerns relating to duplication of functions performed by other entities, a shift of focus to studying and planning rather than on deliverable transit programs,<sup>14</sup> and concerns at the local level,<sup>15</sup> the efficacy of the TBARTA's continued existence appears to be in question. For the last three years, funding for the TBARTA in the annual General Appropriations Act has been vetoed.<sup>16</sup>

On January 20, 2023, the TBARTA's executive director recommended to the governing board support for the repeal of the TBARTA's enabling act and approval of the director's proposed plan to settle and close the agency's affairs. Among other details of the executive director's recommendation were provisions for:

- Severance and benefits for the executive director and the director of accounting, as well as payout of unused vacation hours for all staff;
- Close-out of state and federal grants and return of funds, as appropriate;
- Termination of state lobbying services, office lease, and telephone service;
- Transfer of the vanpool program;<sup>17</sup>
- Reimbursement to Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties in March of 2024 in the same proportion as funds contributed;<sup>18</sup>
- Discontinuance of operations on December 31, 2023, with final closure completed on March 31, 2024; and
- Transfer of agency records to the Department of State by March 31, 2024.<sup>19</sup>

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<sup>12</sup> The mayors' designated alternates must be an elected member of the municipality's city council and approved as the mayors' alternates by the city council. Section 343.92(2)2.b., F.S.

<sup>13</sup> Section 343.92(2)(b), F.S.

<sup>14</sup> See, e.g., Florida Politics, *Tampa Bay transit authority survives attempt to dissolve it*, April 27, 2021, available at [Tampa Bay transit authority survives attempt to dissolve it \(floridapolitics.com\)](https://www.floridapolitics.com/story/news/politics/2021/04/27/tampa-bay-transit-authority-survives-attempt-to-dissolve-it/7444440002), and [Nick DiCeglie carries Jeff Brandes' TBARTA torch, again files to repeal agency \(floridapolitics.com\)](https://www.floridapolitics.com/story/news/politics/2023/01/26/nick-di-ceglie-carries-jeff-brandes-tbarta-torch-again-files-to-repeal-agency/7444440002) (last visited January 26, 2023).

<sup>15</sup> See TransitTalent, *Tampa Bay transit agency heads for derailment*, October 21, 2022, available at [Tampa Bay transit agency heads for derailment \(transittalent.com\)](https://www.transittalent.com/news/2022/10/21/tampa-bay-transit-agency-heads-for-derailment/) (last visited January 26, 2023).

<sup>16</sup> See the 2020 Veto List, Line Item # 1958 A, p. 14, available at [2020-Veto-List.pdf \(flgov.com\)](https://www.flgov.com/veto-list/2020-veto-list/), the 2021 Veto List, Line Item #1915 A, p. 4, available at [2021-Veto-List-Final.pdf \(flgov.com\)](https://www.flgov.com/veto-list/2021-veto-list-final/), and the 2022 Veto List, Line Item #1988 A, p. 9, available at [2022-Veto-List-Final.pdf \(flgov.com\)](https://www.flgov.com/veto-list/2022-veto-list-final/) (last visited January 26, 2023).

<sup>17</sup> For details on the TBARTA vanpool program, see [tbarta.com, Commute Tampa Bay](https://www.tbarta.com/commute-tampa-bay/), available at [Commuter Tampa Bay | TBARTA](https://www.tbarta.com/commute-tampa-bay/) (last visited January 31, 2023).

<sup>18</sup> See *Infra* note 19, p. 68, for a table reflecting the estimated reimbursements.

<sup>19</sup> For more details on the closure plan, see [PowerPoint Presentation \(tbarta.com\)](https://www.tbarta.com/powerpoint-presentation/), starting at p. 61.

The board approved the recommendation.<sup>20</sup>

### III. Effect of Proposed Changes:

The bill repeals Part III of Ch 343, F.S., relating to the creation and operation of the TBARTA. The TBARTA is dissolved effective July 1, 2024.

The bill directs the TBARTA to:

- Provide for the discharge of its liabilities. Any liabilities in excess of its assets must be assumed by each county represented on the TBARTA board in proportion to each county's contribution to the 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 its remaining assets, if any, such that each county represented on its board receives an amount in proportion to each entity's contribution to the TBARTA in the 2021-2022 fiscal year;
- Provide written notice of final dissolution to the Department of Economic Opportunity and each entity represented on the TBARTA board; and
- Forward its records to the Department of State upon final dissolution.

Lastly, the bill amends s. 341.302(3)(b), F.S., to make a conforming revision by removing a reference to "the Tampa Bay Area Regional Authority Master Plan."

### 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 identified.

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<sup>20</sup> A video of the board meeting is available at [January Board Meeting|TBARTA](#) (last visited January 26, 2026).

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

None.

**B. Private Sector Impact:**

Unknown.

**C. Government Sector Impact:**

Indeterminate, but likely insignificant. While the ultimate fiscal impact of dissolving the TBARTA is indeterminate, the board-approved closure plan indicates the expectation of apportioned reimbursements to the affected counties.<sup>21</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill repeals Part III of chapter 343 of the Florida Statutes, consisting of the following sections: 343.90, 343.91, 343.92, 343.922, 343.94, 343.941, 343.943, 343.944, 343.947, 343.95, 343.96, 343.962, 343.97, 343.973, 343.975, and 343.976.

This bill creates an undesignated section of law.

This bill amends section 341.302 of the Florida Statutes.

**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 Transportation on February 7, 2023:**

The committee substitute provides more specific instructions for closing out the TBARTA's affairs, adds provisions for assumption of any remaining liability in excess of assets, requires specified notices of dissolution, and requires forwarding of the TBARTA's records to the Department of State upon final dissolution.

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<sup>21</sup> *Supra* note 18.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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