

STORAGE NAME: h0777.tr.doc

DATE: March 29, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 777

RELATING TO: Public Transportation Commission

SPONSOR(S): Representative Hart and others

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 7 NAYS 0
 - (2) TRANSPORTATION (RIC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to the Hillsborough County Public Transportation Commission (the District) into a single act. The bill also includes standard business practices of the District not previously enumerated.

No fiscal impacts are anticipated according to the Economic Impact Statement (EIS).

HB 777 takes effect upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

In 1998, the Hillsborough County Local Legislative Delegation (Delegation) requested studies from three state entities: The Center for Urban Transportation Research (CUTR), the Office of Program Policy Analysis and Government Accountability (OPPAGA), and the Joint Administrative Procedures Committee (JAPC). Thereafter, the Delegation appointed an ad hoc committee to make proposals to the full Delegation; and the outcome was the enactment of chapter 2000-441, Laws of Florida. While the 2000 enactment made inroads into the problems outlined particularly in the JAPC report (dated April 20, 1999), it did not serve as the codification required by law.

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, to provide for codification of all special district charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. Section 189.429, Florida Statutes (1997), also required that no changes be made to a district's charter, as it existed on October 1, 1997. However, the 1998 Legislature amended section 189.429, Florida Statutes, to: (1) extend the codification deadline to December 1, 2004; (2) allow for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs; (3) remove the prohibition of substantive amendments in a district's codification bill; and (4) remove the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district.

Schedule of Submittals of Special Districts' Charters

Special Districts with less than 2 special acts

1999 Legislative Session

Special Districts with 3 - 4 special acts	2000 Legislative Session
Special Districts with 5 - 7 special acts	2001 Legislative Session
Special Districts with 8 - 12 special acts	2002 Legislative Session
Special Districts with more than 12 special acts	2003 Legislative Session
Special Fire Control Districts	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 89 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, Florida Statutes, is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

Status Statement Language

Section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform to the department's determination or declaratory statement regarding the status of the district.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies chapters 83-423, 87-496, 88-493, 95-490, and 200-441, Laws of Florida, relating to the Hillsborough County Public Transportation Commission (District) into a single act. The bill also includes standard business practices of the District not previously enumerated.

In compliance with section 189.404(5), Florida Statutes, this bill provides that the District is an independent special district. This bill also repeals special acts relating to the District's charter.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the codification required under section 189.429, Florida Statutes; states the Legislative intent for the act; provides that this act will not impair or infringe upon any rights, privileges, or benefits of any current District employee.

Section 2: Provides the method for establishing the District; provides the purpose of the District; provides the District has exclusive jurisdiction in the exercise of the authority provided by this act; provides that no other public entity within the county may charge a fee for the privileges granted by this act and any rules adopted in accordance with this act; provides the status of the District as an independent special district; provides the fiscal year of the District; prohibits discriminatory practices by the District; provides that the District will not establish zones, rates, fares, or charges based on socioeconomic profile.

Section 3: Defines terms as used in this act; provides that "basic life support ambulance" excludes vehicles operated by any municipality; reenacts the definitions of "benefits" and "board"; defines "capacity"; reenacts the definition of "certificate"; defines "citation" and "classifications"; reenacts the definitions of "commission", "contingency fund", and "county"; defines "for hire"; reenacts the definitions for "handicab", "hearing officer", "inspector", "liability insurance", "limousine", and "municipality"; defines "parties"; reenacts the definition of "permit", "person", "public highway", "public transportation",

and "public vehicle"; defines "public vehicle driver's license: and "repeated violations"; reenacts the definition of "revenues"; defines "rule"; reenacts the definition of "surplus funds" and "taxicab"; defines "taximeter" and "type of service"; reenacts the definition of "van" and "wrecker"; removes definitions of "city", "authority", "body politic".

Section 4: Describes the membership and organization of the governing board of the District; provides the number of members of the governing board of the District that constitutes a quorum; provides the term and compensation of each member of the governing board of the District; provides that no binding action may be taken by the governing board of the District unless taken at a meeting at which a majority of the members of the governing board are present and cast their vote in favor thereof; provides for the election of the chair of the governing board of the District.

Section 5: Describes the powers, functions, and duties of the governing board of the District.

Section 1: Provides that the District must regulate and supervise public transportation; adopt rules in conformance with chapter 120, Florida Statutes; meet at least once a month unless modified in advance at a regularly scheduled meeting of the District; record and make minutes of its proceedings; make copies of its records as provided by general law; publish notices as defined in chapter 50, Florida Statutes; provide for the safety and mechanical inspection of any public vehicle; determine whether public convenience and necessity require the operation of any vehicle for which application for a certificate or permit is made; adopt rules for determining and changing taxicab color scheme, insignia, and cruise light design; fix or approve taxicab zones, rates, fares, and charges; require installation of a taximeter in each taxicab for which a permit is issued; adopt rules for safety, equipment requirements, and voice communications for all public vehicles; investigate data stated in an application for a public vehicle driver's license; prescribe by rule the size and manner of the photographs for a public vehicle driver's license; approve, amend, or reject a salary schedule for classified employees in accordance with the Hillsborough County Civil Service Act.

Section 2: Provides that the District may receive and expend funds; sue and be sued; maintain liability insurance coverage; prepare and adopt a budget; establish a fee schedule by rule; establish accounting systems and procedures; choose a qualified public depository for District funds; establish, maintain, invest, and expend surplus and contingency funds; establish written bylaw for internal governance; enter into contracts and interlocal agreements; contract for and conduct performance audits; hire and appoint employees; provide a benefits plan to employees; authorize employees and members of the governing board of the District to attend conferences and travel; acquire real and personal property; designate and compensate hearing officers; adopt rules for the payment of costs associated with the use of hearing officers; create an advisory council; establish a cap on the number of taxicab permits to be issued; develop and issue citations; adopt procedural rules for and convene administrative hearings for violations of this act; adopt rules assessing civil penalties; adopt rules delegating administrative hearings; obtain from the state attorney a warrant or capias for violation of this act; obtain assistance from local law enforcement to enforce this act; require filing of reports and forms; suspend or revoke and refuse to issue or renew a certificate, permit, or license provided by this act; request and receive criminal

history record information for applicants for certificates and public vehicle driver's licenses; adopt rules requiring an additional health certificate for any applicant for a public vehicle driver's license; require additional insurance coverage for certificate holders; require certificate holders to post rates and other advisory statements; make classifications by type of service and fix or approve zones, rates, fares, and charges for each such classification; fix or approve zones, rates, fares, and charges for public vehicles other than taxicabs; issue temporary permits for no more than 7 days and for no more than 4 successive seven-day periods without notice and public hearing; adopt emergency rules; grant variances and waivers; provide the minimum requirements of a drug free workplace; perform any other acts reasonable and necessary to implement and enforce the provisions of this act.

- Section 6:** Provides for the employment and qualifications of a District director; provides the procedures for filling a vacancy in the position of District director.
- Section 7:** Provides that it is unlawful for any person to engage in the business of operating a public vehicle on public highways unless the person has complied with the provisions of this act and rules adopted in accordance with this act; provides the procedures for applying for a certificate authorizing a person to engage in the business of operating a public vehicle on public highways.
- Section 8:** Provides that a person operating a public vehicle in the county or any of its municipalities must have a public vehicle driver's license; provides the procedures for applying for a public vehicle driver's license.
- Section 9:** Provides additional safety and equipment requirements and prohibitions for operators of public vehicles.
- Section 10:** Provides the enforcement of this act and the rules adopted in accordance with this act.
- Section 11:** Provides civil penalties for the violation of this act.
- Section 12:** Provides for the issuance of citations for violation of this act or rules adopted in accordance with this act; provides for administrative hearings to abate, correct, or assess civil penalties for a violation for which a citation has been served.
- Section 13:** Provides limitations upon, and procedures for, the granting of a variance or waiver from the provisions of this act or rules adopted in accordance with this act; provides for judicial review of any decision to grant or deny a petition for a variance or waiver.
- Section 14:** Reenacts a provision requiring an interlocal agreement including an appropriation of money to the District from the county for a period of 3 years beginning October 1, 2000.
- Section 15:** Provides for the re-codification of special acts pertaining to the District prior to July 1, 2011, and every 10 years thereafter, or as may be required by the Legislature or the Hillsborough County Legislative Delegation.
- Section 16:** Provides a savings clause for rules whereby rules in effect on the effective date of this act will remain in effect for a period not to exceed 1 year to allow time for the District to revise or repeal its rules in conformance with this act.

Section 17: Provides that dissolution of the District is governed by section 189.4042, Florida Statutes.

Section 18: Provides for the severability of any invalid provision.

Section 19: Repeals special acts relating to the District's charter.

Section 20: Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 30, 2001

WHERE?

The Times, an edition of the *St. Petersburg Times*, Tampa, Hillsborough County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

N/A

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill reenacts authority contained in the Hillsborough County Public Transportation Commission's charter to adopt rules in conformance with chapter 120, Florida Statutes, the Administrative Procedures Act.

C. OTHER COMMENTS:

Local Government & Veterans Affairs Committee:

This bill was unanimously approved by the Hillsborough County Local Legislative Delegation.

Transportation Committee:

Upon review, HB 777 does not appear to impact statewide transportation policies, projects, or funding, nor does it appear to impact the responsibilities and funding of the Department of Highway Safety and Motor Vehicles.

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V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Christopher J. Shipley

Joan Highsmith-Smith

COMMITTEE ON TRANSPORTATION:

Prepared by:

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