

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 647 Hillsborough County Public Transportation Commission
SPONSOR(S): Grant, J., Toledo, and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	11 Y, 0 N	Banner	Miller
2) Transportation & Infrastructure Subcommittee	13 Y, 0 N	Johnson	Vickers
3) Government Accountability Committee	23 Y, 0 N	Banner	Williamson

SUMMARY ANALYSIS

The Hillsborough County Public Transportation Commission (PTC) is an independent special district created to regulate the operation of vehicles for-hire in Hillsborough County, including taxicabs, limousines, vans, basic life support ambulances, and wrecker services used by both public and private entities. The PTC conducts safety inspections, controls the number of taxicab permits issued, and sets rates, fares, zones, and charges for taxicabs and other vehicles for-hire.

The bill dissolves the Hillsborough County Public Transportation Commission. The bill requires the PTC to liquidate all assets and satisfy all obligations and indebtedness by December 31, 2017, at such time all assets will be transferred to the appropriate local government entity.

The Economic Impact Statement identifies a projected cost of \$250,000 for FY 2017-2018 to cover no more than 6 months of payroll expenses, rent on business facilities, utilities, supplies and associated costs. The costs would be paid from present funds of the Commission.

Section 5 of the bill takes effect upon becoming law. The remainder of the bill takes effect on December 31, 2017.

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since the bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

A “special district” is a “local unit of special purpose...government within a limited boundary, created by special law, special act, local ordinance, or by rule of the Governor and Cabinet.”¹ Special districts are created to provide a variety of services, such as mosquito control,² children’s services,³ fire control and rescue,⁴ or drainage control.⁵

An “independent special district” is characterized by having a governing board comprised of members which are not identical in membership to, nor all appointed by, nor any removable at will by, the governing body of a single county or municipality, and the district budget cannot be affirmed or vetoed by the governing body of a single county or municipality.⁶ Additionally, a district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

The Hillsborough County Public Transportation Commission (PTC) is an independent special district created in 1983.⁷ The PTC regulates the operation of vehicles for-hire in Hillsborough County, including taxicabs, limousines, vans, basic life support ambulances, and wrecker services used by both public and private entities.⁸ The PTC conducts safety inspections, controls the number of taxicab permits issued, and sets rates, fares, zones, and charges for taxicabs and other vehicles for-hire.⁹

The PTC is governed by a seven member board.¹⁰ The board consists of two members of the Tampa City Council, one member of the City Commission for Plant City, and one member of the Temple Terrace City Council, each selected by their respective governing boards, and three members selected by the board.¹¹ Members serve two-year terms and receive no compensation.¹²

General law outlines the dissolution of an active special district by the Legislature, including the approval in a referendum by a majority of the electors of the district.¹³ However, there is no constitutional or statutory provision prohibiting the Legislature from taking such action, as s. 189.072, F.S., was not created pursuant to art. III, s. 11(a)(21) of the Florida Constitution. The dissolution acts to transfer all assets of the special district to the local general purpose government, which also becomes responsible for all district debts.¹⁴

Effect of Proposed Changes

The bill dissolves the PTC, an independent special district, located in Hillsborough County. The bill provides an exemption from the requirements of s. 189.076(2), F.S., in that the assets and liabilities of the PTC remain with the Commission until December 31, 2017, for the purpose of winding up the

¹ Section 189.012(6), F.S.

² See s. 388.021, F.S.

³ See s. 125.901, F.S.

⁴ See ch. 191, F.S.

⁵ See ch. 298, F.S.

⁶ Section 189.012(3), F.S.

⁷ Ch. 2001-299, Laws of Fla., codifying ch. 83-423, Laws of Fla. and subsequent special acts.

⁸ Hillsborough County, Public Transportation Commission, <http://www.hillsboroughcountypct.com> (last visited February 26, 2017).

⁹ Ch. 2001-299, s. 5(1)-(2), Laws of Fla.

¹⁰ Ch. 2001-299, s. 4, Laws of Fla.

¹¹ *Id.*

¹² *Id.*

¹³ Section 189.072(2)(a), F.S.

¹⁴ Section 189.076(2), F.S.

affairs of the PTC. The bill also provides an exemption from the referendum requirements of s. 189.072(2), F.S.

Effective upon the bill becoming law, the district is prohibited from incurring any additional obligations or indebtedness. The bill also requires all obligations and indebtedness be satisfied and all assets transferred to the county, per operation of s. 189.076, F.S., no later than December 31, 2017.

The Economic Impact Statement identifies a projected cost of \$250,000 for FY 2017-2018 to cover no more than 6 months of payroll expenses, rent on business facilities, utilities, supplies and associated costs. The costs would be paid from present funds of the Commission.

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since the bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

B. SECTION DIRECTORY:

Section 1 prohibits the district from incurring any additional debt or obligations effective upon the bill becoming law and authorizes the district to liquidate assets and satisfy all obligations and indebtedness by December 31, 2017.

Section 2 repeals chapters 98-451, 2001-299, 2007-297, 2008-290, 2010-265, 2010-272, and 2012-247, Laws of Florida.

Section 3 dissolves the Hillsborough County Public Transportation Commission.

Section 4 removes the PTC from the Hillsborough County Civil Service Act.

Section 5 provides an effective date of December 31, 2017, except as otherwise provided, and except that section 5 is effective upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 4, 2017

WHERE? Tampa Bay Times

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES: None
None.

B. RULE-MAKING AUTHORITY:

The bill neither requires nor authorizes administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.