

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1541 w/CS Cypress Creek Center Transportation
SPONSOR(S): Gottlieb
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>9 Y, 0 N</u>	<u>Grayson</u>	<u>Highsmith-Smith</u>
2) <u>Local Government & Veterans' Affairs</u>	<u>14 Y, 0 N w/CS</u>	<u>Grayson</u>	<u>Highsmith-Smith</u>
3) <u>Judiciary</u>	<u></u>	<u></u>	<u></u>
4) <u>Finance & Tax</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill w/ CS creates the Cypress Creek Center Transportation Management District as an independent special district in Broward County. The district is intended to improve ride sharing and transit service in the service area.

The bill w/ CS creates a district charter including district boundaries; district purpose; a five member governing board elected by nonpartisan election; non-ad valorem assessment authority; and authority to issue revenue and refunding bonds.

According to the Economic Impact Statement, this bill w/ CS does not appear to impact the state budget. Additionally at the local level, employers will potentially benefit from this bill due to the increased ability of employees to commute to this employment center and reduce the need for additional parking facilities. Employees will benefit from the increased ability to commute to this employment center using public transit. County residents will benefit from a potential decrease in congestion in the I-95/Cypress Creek area, an increase in air quality and a decrease in energy consumption.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

1. This bill w/ CS creates an independent special district.
2. This bill w/ CS authorizes the district governing board to impose non-ad valorem assessments.

B. EFFECT OF PROPOSED CHANGES:

This bill w/ CS creates the Cypress Creek Center Transportation District as an independent special district pursuant to ch. 189, F.S, in Broward County.

The bill w/ CS provides that the District may only be amended by special act of the Legislature.

The bill w/ CS provides the district's boundaries.

The bill w/ CS provides that the district's purpose is to improve ride sharing and transit service in the service area.

The bill w/ CS provides for a five member governing body elected in a nonpartisan election, by electors of the district, to serve four year terms, after the initial election terms are staggered. Additionally, the bill provides that any member may be removed by a majority board vote and vacancies must be filled by election 30 days after vacancy.

The bill w/ CS provides the district board with the powers to sue and be sued.

The bill w/ CS provides the district board with the authority to contract.

The bill w/ CS provides the district board with the authority to purchase and otherwise convey property.

The bill w/ CS provides the district board with the authority to make rules, and to adopt bylaws.

The bill w/ CS provides the district board with the authority to employ consultants or other agents.

The bill w/ CS provides the district board with the authority to plan, develop, and implement ride sharing and transit services.

The bill w/ CS provides the district board with the authority to accept grants and donations.

The bill w/ CS provides the district board with the authority to assess and impose non-ad valorem assessments.

The bill w/ CS provides the district board with the authority to issue revenue and refunding bonds.

The bill w/ CS provides the district board with the authority to do all acts necessary or convenient to carry out the powers granted in the act. However, the district is not authorized to create a debt as against the state.

The bill w/ CS provides that the governing board will meet at least once quarterly or at specially called meetings. The governing board members will serve without compensation, except for reasonable reimbursement.

The bill w/ CS provides that the district will comply with the financial disclosure, noticing, and reporting requirements of s. 189.418, F.S.; and the reporting, budgeting, and auditing requirements of s. 189.415, F.S.

The bill w/ CS provides that elections will be held by the Supervisor of Elections consistent with the provisions of the Florida Election Code.

The bill w/ CS provides that the district will comply with the planning requirements of s. 189.4155, F.S.

C. SECTION DIRECTORY:

Section 1. Creates the Cypress Creek Center Transportation Management District, an independent special district in Broward County; and may be amended only by special act.

Section 2. Provides the district boundaries.

Section 3. Provides the district's purpose.

Section 4. Provides for membership of the governing body elected in a nonpartisan election by electors of the district.

Section 5. Provides the powers of the governing body.

Section 6. Provides for the governing board organization, compensation, and administrative duties.

Section 7. Provides for financial disclosure, noticing, reporting, budgeting and auditing, consistent with the requirements of s. 189.415 and 189.418, F.S.

Section 8. Provides elections procedures.

Section 9. Provides for consistency with planning requirements of s. 189.4155, F.S.

Section 10. Provides for severability.

Section 11. Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 29, 2003.

WHERE?

Sun-Sentinel, a daily newspaper of general circulation in Broward County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill contains rulemaking authority for the governing board in s. 5(5) of the bill as filed.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The bill contains a supremacy provision in s. 11.

Drafting Issue - Supremacy Clause

Many local bills contain language providing that in the event of a conflict of the provisions of the local bill with the provisions of any other general or local law, the provisions of the act being considered controls to the extent of the conflict(s). This is referred to as a "supremacy" clause. This language does not allow interested persons or Members of the Legislature knowledge of the specific laws containing potential conflicts. Unless those specific laws in conflict are identified, it is suggested that the "supremacy" clause be removed from the bill.

This issue was resolved by the adoption of an amendment by the Committee on Local Government & Veterans' Affairs, at its meeting on April 21, 2003.

Other Comments

Broward County

According to the county Administrator of Broward County, this bill, as introduced, is necessary to serve an employment center in north central Broward County by providing a useful tool to implement a public-private partnership for improving local ridesharing and transit service. Creating the TMA [Transportation Management Association] by means of a Special Act is the most efficient way to accomplish this goal in the local community.¹

A letter on behalf of the Board of County Commissioners was sent to the Broward County Legislative Delegation on 10/4/02. The letter requested the delegation consider a local bill to create the Cypress Creek Center Transportation Management Association. This letter and an additional letter dated 4/4/03 addressed to Honorable Steven Geller, State Senator, indicates the Board of County Commissioner's support of the creation of this district, as required by s. 189.404(2)(e)4., F.S.

Economic Impact Statement

According to the Economic Impact Statement, employers will potentially benefit from this bill due to the increased ability of employees to commute to this employment center and a reduction in the need for additional parking facilities. Employees will benefit from the increased ability to commute to this employment center using public transit. County residents will benefit from a potential decrease in

¹ Roger J. Desjarlais, County Administrator, Broward County, letter to Sandra Harris, Executive Director, Broward County Legislative Delegation, 10/4/02.

congestion in the I-95/Cypress Creek area, an increase in air quality and a decrease in energy consumption.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Local Affairs Subcommittee, at its April 15, 2003 meeting, recommended favorably one amendment which removes, s. 11 of the bill as filed, the supremacy provision.

The Committee on Local Government & Veterans' Affairs, at its meeting on April 21, 2003, adopted one amendment offered by the Sponsor to remove the supremacy language contained in s. 11 of the bill as introduced.