

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1095 Powers of County Government/School Bus Inspections
SPONSOR(S): Garcia
TIED BILLS: **IDEN./SIM. BILLS:** SB 2282

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	7 Y, 0 N	Garner	Miller
2) Transportation	17 Y, 1 N	Garner	Miller
3) Local Government & Veterans' Affairs		Morris	Cutchins
4)			
5)			

SUMMARY ANALYSIS

This bill authorizes counties to require inspections of motor vehicles with a seating capacity of 24 students or more that are regularly used for the transportation of students to or from school or school activities. However, any such inspection requirement imposed by a county may not apply to any vehicle that is required to be inspected by state law, rule of a state agency, or the district school board in that county. Because public school buses must be inspected as required by s. 1006.22, F.S., the bill will primarily impact entities using buses for transporting students to private schools.

The bill is not expected to have a significant fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1095c.lgv.doc
DATE: March 17, 2004

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 type="checkbox"/> | N/A <input checked="" 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:

Reduce government?

The bill grants authority to a county government to require inspections of school buses if such inspections are not already otherwise required. To the extent that the bill grants counties regulatory authority that they do not already have, the bill appears to expand the scope of government rather than reduce it.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Current law requires each district school board to designate and adopt a specific plan for adequate examination of, maintenance, and repair of transportation equipment. Examination of the mechanical and safety condition of each school bus must be made pursuant to rules of the State Board of Education.

Any school bus of a district that is in unsafe condition must be withdrawn from use until the bus meets all safety requirements provided in the law or rules of the State Board of Education. The Department of Education may inspect, or have inspected, any school bus to determine whether it meets requirements. The department may also order an unsafe bus withdrawn from use.

These laws and rules do not apply to vehicles owned by private schools that are used to transport private school students.

Effect of Proposed Changes

HB 1095 authorizes counties to require inspections of motor vehicles with a seating capacity of 24 or more that are regularly used for the transportation of students to or from school or school activities. However, any such inspection requirement imposed by a county may not apply to any vehicle that is required to be inspected by state law, rule of a state agency, or the district school board in that county. Because school boards are required to provide for the examination of, maintenance, and repair of transportation equipment owned or contracted by the district for the purpose of transporting students, the provisions of this bill appear to apply mainly to entities transporting students to private schools.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.008, F.S., authorizing counties to inspect certain school buses.

Section 2. Provides that the act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent that a county imposes new inspection requirements pursuant to the bill, private schools and other organizations transporting students in a motor vehicle with a seating capacity of 24 students or more may be required to submit to the new inspection program. The bill does not contain language providing for the nature of such programs, and does not specify whether fees or penalties may be imposed.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES