

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1095 w/CS Powers of County Government/School Bus Inspections

**SPONSOR(S):** Garcia

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2282

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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	18 Y, 1 N w/CS	Morris	Cutchins
4)			
5)			

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### SUMMARY ANALYSIS

This bill authorizes counties to inspect and regulate the operation of private school buses. 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.

The bill does not specify the passenger size of such buses or the standards to be used in the inspection and regulation process.

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:** h1095d.lgv.doc

**DATE:** April 1, 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 home rule county government(s) to inspect and regulate the operation of private school buses. To the extent that the bill grants regulatory authority that counties 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

This bill authorizes home rule counties to inspect and regulate the operation of private school buses. 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.

The bill does not specify the passenger size of such buses or the standards to be used in the inspection and regulation process.

#### C. SECTION DIRECTORY:

**Section 1.** Amends s. 316.008, F.S., authorizing home rule chartered counties to inspect and regulate private 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**

The Committee on Local Government & Veterans' Affairs adopted one amendment on April 1, 2004. The amendment authorizes any county operating under a home rule charter to inspect and regulate the operation of private school buses.