

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 513

Tampa-Hillsborough County Expressway Authority

SPONSOR(S): Homan

TIED BILLS:

IDEN./SIM. BILLS: SB 1498

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>	<u>8 Y, 0 N</u>	<u>Creamer</u>	<u>Miller</u>
2) <u>Economic Expansion & Infrastructure Council</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 513 revises the Tampa-Hillsborough Expressway Authority's (THCEA) composition and membership. The Authority's board will consist of six voting members to be appointed Hillsborough County and the Cities of Tampa, Temple Terrace and Plant City. The District Secretary of the Department of Transportation (DOT) shall serve as an ex-officio member on the board. In addition to the Governor's authority to remove a member from the THECA board, the bill authorizes the appointing governing board to recall an appointment and remove the appointee from the board as approved by a super majority vote of the appointing governing body.

The bill also revises the definition of "city" to mean any incorporated municipality in Hillsborough County.

There appears to be no fiscal impacts included in this bill.

This bill is effective July 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Nine expressway authorities have been created in chapter 348, F.S., by the Florida Legislature. A tenth, the Miami-Dade County Expressway Authority, was created by the Miami-Dade County Commission pursuant to the process in Part I of Chapter 348, F.S. Their purpose is to construct, maintain, and operate tolled transportation facilities that complement the State Highway System and the Florida Turnpike Enterprise. Bonds issued for expressway projects must comply with state constitutional requirements. The expressway authorities have boards of directors that typically include a combination of local-government officials or residents and Governor appointees who decide on projects and expenditure of funds.

The current definition of “city” described in s. 348.51, F.S., means “the City of Tampa”.

The membership of the THCEA includes:

- Four members to be appointed for a term of 4 years by the Governor and confirmed by the Senate;
- One ex officio member to be appointed by the Mayor , or Mayor’s designee, who is the chair of the of the city council of the largest municipality in Hillsborough County;
- One ex officio member of the Board of County Commissioners of Hillsborough County, who is selected by the board; and
- One ex officio member to be the DOT District Secretary serving the district that includes Hillsborough County.

The Governor currently has the authority to remove any member from office for cause as defined by Florida law.

Proposed Changes

HB 513 amends s. 348.51, F.S., to redefine “city” to mean any incorporated municipality in Hillsborough County.

The bill revises the membership of the THCEA board to include:

- One member to be appointed by the governing body of the City of Tampa;
- One member to be appointed by the governing body of the City of Temple Terrace;
- One member to be appointed by the governing body of the City of Plant City;
- Three members to be appointed by the Board of County Commissioner of Hillsborough County; and
- One ex officio member to be the DOT Secretary serving the district that includes Hillsborough County

In addition to the Governor's removal powers, the bill authorizes the appointing governing board to recall an appointment and remove the appointee from the board as approved by a super majority (majority plus one) vote of the appointing governing body.

HB 513 also provides for four year terms for the appointees, except for the initial term of the appointee from the City of Plant City and one of the three appointees by the Hillsborough Board of County Commissioners, which will be an initial two year appointment to provide staggered representation on the THCEA's governing board.

C. SECTION DIRECTORY:

Section 1. Amends 348.51, F.S., to redefine the definition of "city" to include incorporated municipalities within Hillsborough County.

Section 2. Amends 348.52, F.S., to revise the membership, term limits, and the process of member removal from the THECA's governing board.

Section 3. Provides an effective date of July 1, 2007.

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:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This mandates provision is not applicable to HB 513 because the legislation does not require counties or municipalities to expend local funds or to raise local funds, nor does it reduce their state revenue-sharing.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

HB 513 states that members of the authority may be removed from office by the Governor for cause as defined by law. However, it is not clear as to the definition of "cause". The sponsor has indicated an amendment will be offered to correct this.

The sponsor has also indicated the amendment will change the composition of the board. The change will include seven members plus one ex-officio member, for a total of eight members. The City of Temple Terrace and Plant City will each appoint one non-elected official. The City of Tampa will appoint one non-elected official. Hillsborough County will appoint two non-elected officials. The City of Tampa and Hillsborough County will each appoint one elected official. The ex-officio member will be the DOT District Secretary as described in the bill.

D. STATEMENT OF THE SPONSOR

This bill is the proposal to correct problems uncovered by the Auditor General's report after investigation of the Authority from 7/1/05 through 9/30/06. There were 13 findings of improprieties uncovered that created a lot of newspaper in the local media. There was a public demand for changes in the authority and for the membership to be local, both elected and appointed.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 15, 2007, this bill was considered by the Committee on Infrastructure. An amendment was adopted which clarified the membership of the board and the process by which members of the board may be removed. The bill was reported favorably with an amendment.