



Hillsborough Area Regional Transit Authority

1201 E. 7th Avenue • Tampa, Florida 33605

(813) 223-6831 • fax (813) 223-7976 • www.goHART.org



HILLSBOROUGH TRANSIT AUTHORITY (HART)

RULE ADOPTION

RULE CHAPTER TITLE: Sections 220.02, 220.03, 310.01, 320.01 of HART Board Policies

PURPOSE AND EFFECT: The purpose of this rule development is to repeal the mandatory rulemaking requirement and adopt alternate rule and HART Board of Directors policy development provisions

SUBJECT AREAS TO BE ADDRESSED:

Advanced Notice of Rulemaking Proceedings; Notice of Rulemaking Proceedings; Public Hearings; General Rulemaking Provisions; Rulemaking Procedures, and Conduct of Meetings

SPECIFIC AUTHORITY: Sections 120.52, 120.54, and 163.568, Fla. Stat.

LAW IMPLEMENTED: Chapter 163, Part V, Fla. Stat.

TIME AND DATE: 9:00 a.m., JANUARY 9, 2012

PLACE: HART ADMINISTRATIVE OFFICES
1201 E. 7TH AVENUE, 3RD FLOOR
FLORIDA CONFERENCE ROOM
TAMPA, FL 33605

Agenda

1. Call to Order
2. Introduction of the Subject Areas ~ *Charles "Chip" Fletcher, HART General Counsel*
3. Public Comments
4. Adjournment

~~200: PUBLIC ACCESS AND INFORMATION~~

~~220: NOTICE~~

~~220.02 ADVANCE NOTICE OF RULEMAKING PROCEEDINGS~~

~~Any person may file a written request with HART to be given advance notice of HART proceedings to adopt, amend, or repeal a rule, as provided in Section 120.54(3)(a)3, F.S. The written request may specify that advance notice be requested of all HART rulemaking proceedings, or of only those HART rulemaking proceedings involving specific subjects. HART will provide advance notice to those persons requesting said notice and to any particular class of persons to whom the intended action is directed as prescribed by rule. Said notice shall be by mail or by any method such as hand delivery, facsimile or e-mail which HART determines to be equivalent or better than mail.~~

~~Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.~~

~~Law Implemented: 120.53(1)(a); 120.54(3)(a)3. F.S.~~

~~PROPOSED EFFECTIVE DATE: 09/22/08~~

200: PUBLIC ACCESS AND INFORMATION

220: ~~NOTICE~~ RULEMAKING

220.0302 ~~NOTICE OF~~ RULEMAKING PROCEEDINGS; PUBLIC HEARINGS

(1) Whenever HART ~~engages in rulemaking proceedings~~ seeks to draft, amend or repeal a rule as defined in Section 120.52(16), F.S., HART may hold a public hearing for the purpose of providing affected persons and other members of the public a reasonable opportunity to present evidence, arguments, and oral statements, within reasonable conditions and limitations imposed by HART to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceeding.

(2) The notice of intent to adopt, amend, or repeal a rule may provide that a public hearing will be held.

(3) A request for a public hearing, pursuant to Section 120.54(3)(c)1., F.S., shall be in writing and shall specify how the person requesting the public hearing would be affected by the proposed rule. The request shall be submitted to HART within twenty-one (21) days after notice of intent to adopt, amend, or repeal the rule is published as required by law, in accordance with the procedure for submitting requests for public hearing stated in the notice of intent to adopt, amend, or repeal a rule.

(4) HART shall conduct a public hearing if the proposed rule:

- (a) does not relate exclusively to practice or procedure; and
- (b) if an affected person timely submits a written request.

(5) If the notice of intent to adopt, amend, or repeal a rule did not notice a public hearing and HART determines to hold a public hearing, HART shall publish notice of a public hearing in the same manner as is required for publication of a notice of rulemaking at least seven (7) days

before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of HART contact person who can provide information about the public hearing.

(6) HART will generally follow the Florida Administration Commission model rules for rulemaking as set forth in Chapter 28, Florida Administrative Code.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.

Law Implemented: 120.54 F.S.

EFFECTIVE DATE FOR REVISION: 09/22/08

~~300: RULEMAKING PROCEEDINGS~~

~~310: GENERAL PROVISIONS~~

~~310.01 GENERAL RULEMAKING PROVISIONS~~

~~(1)The Hillsborough Transit Authority, an agency of the State of Florida, was established by authorization of Chapter 163, Florida Statutes, for the purpose of planning, financing, acquiring, constructing, operating, and maintaining mass transit facilities, together with such supplementary transportation assistance as may be necessary or advisable to service the mass transit needs of its members and of such areas with which HART may contract for service.~~

~~(2)All powers and duties of HART shall be consistent with the Amendment and Restatement of the Charter of the Hillsborough Transit Authority dated January 21, 1980 and attached to this Chapter 300 as Exhibit A, Part V, Chapter 163, Florida Statutes and other applicable provisions of federal and state law and regulations that either govern or are adopted by HART.~~

~~(3)The establishment and adoption of policy shall be the responsibility of HART's Board of Directors and the execution of that policy shall be the responsibility of the CEO, under the direction of the Board.~~

~~(4)HART will generally follow the provisions of the model rules for rulemaking proceedings as set forth in Chapter 28, Florida Administrative Code and incorporated by reference herein.~~

~~Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.~~

~~Law Implemented: 120.53(1)(a) F.S. ; Chapter 28, Florida Administrative Code~~

~~EFFECTIVE DATE FOR REVISION: 09/22/08~~

300: ~~RULEMAKING PROCEEDINGS~~BOARD PROCEDURES

320310: ~~PROCEDURE~~CONDUCT OF MEETINGS

320310.01 ~~RULEMAKING PROCEDURE~~CONDUCT OF MEETINGS

- (1) All official action of HART shall be by or at the direction of, the Board.
- (2) A vacancy on the Board shall not impair its right to exercise all of its powers or perform all its duties.
- (3) A majority of the directors serving on the Board at the time shall constitute a quorum.
- (4) Official action may only be conducted at meetings of the Board, and official action may only be taken where there is a quorum of directors present at such meeting.
- (5) The Board shall act by motion or resolution.
- (6) All Resolutions shall be in writing prior to the vote taken thereon, except in those circumstances where the Chair determines that a prior written resolution is not practical.
- (7) All motions duly adopted by the Board and recorded upon the minutes of the meeting shall be deemed and taken to have the same force and effect as resolutions, except that a resolution shall be necessary where approval and execution of the following documents by the HART Board of Directors is necessary on behalf of HART:

- (a) Contract;
- (b) Federal grant application or any document in connection with a federal grant;
- (c) Approval of a budget;
- (d) Employment of attorneys, engineers, consultants or other agents to carry out the duties and powers of HART; and
- (e) Any other matter which shall require a resolution as determined by the Chair.

(8) All motions and resolutions shall be confined to one subject matter, and in the case of resolutions, that subject matter shall be briefly expressed in the title.

(9) The numerical ayes and noes taken upon the passage of all resolutions and motions shall be recorded in the minutes of the proceedings of the Board.

(10) The roll shall be called by the Secretary upon any question wherever demanded by the Chair or two members of the Board, and the Secretary shall record the vote of each member taken upon such roll call.

(11) The ~~rules-policies~~ set forth in this section may be amended ~~at any time by a majority vote of the Board members present at any regular or special meeting of the Board~~ as provided in Section 320.01.

(12) Any of the ~~rules-policies~~ in this section 310.01 may be temporarily suspended for a meeting then in session by a unanimous vote of the Board members present at the meeting.

(13) Roberts Rules of Order, Newly Revised, shall govern the proceedings of the Board of HART in all cases not specifically addressed herein.

Specific Authority: 120.52(1)(b); 163.568(2)(k) F.S.

Law Implemented: 163.567; 163.568(2) F.S.

EFFECTIVE DATE FOR REVISION: ~~09/22/08~~ _____

300: BOARD PROCEDURES

320: AMENDMENT OF POLICIES

320.01 PROCEDURE FOR AMENDMENT OF POLICIES

(1) The Board may from time to time amend these Policies or other procedures. The amendment process shall be initiated by an affirmative vote of the Board of Directors. Upon affirmative vote of the Board of Directors, the Clerk shall establish an amendment development, review and adoption schedule based on the following requirements.

(2) Written proposed amendment(s) of the Board Policies or other procedures shall be placed on the agenda for the next regular board meeting, or such other meeting of the Board as the Board deems appropriate. The Board may elect to assign development and review of the proposed policy amendment(s) to one or more standing or ad hoc committees.

(3) After consideration of the written proposed amendment(s) by the Board, the Board may set the proposed amendment(s) for final adoption at the next regular board meeting, or such other meeting of the Board as the Board deems appropriate. The Board may also direct revisions to the proposed amendment or additional committee review of the proposed amendment(s) prior to the final adoption Board meeting.

(4) If it is determined that the proposed policy amendment(s) is a rule as defined in Section 120.52, Florida Statutes, the rule adoption procedure in Policy 220.03 shall be followed. Notice shall be made as provided in Policy 220.03 as soon a practical after the amendment process is initiated pursuant to paragraph (1) herein. The public hearing referenced in Policy 220.03 shall

be the Board meeting where the proposed policy amendment(s) is considered by the Board for final adoption.

DRAFT