

MINUTES

PUBLIC TRANSPORTATION COMMISSION

WEDNESDAY, MAY 12, 2010

COUNTY COMMISSIONERS' BOARD ROOM

601 E. KENNEDY BLVD., SECOND FLOOR

I. CALL TO ORDER

The meeting of the Public Transportation Commission was called to order by Chairman Kevin White at 9:03 a.m. The following Commission members were present:

<i>Chairman Kevin White</i>	<i>Board of County Commissioners</i>
<i>Councilman Joseph Caetano</i>	<i>City of Tampa</i>
<i>Commissioner Ken Hagan</i>	<i>Board of County Commissioners</i>
<i>Commissioner Rose Ferlita</i>	<i>Board of County Commissioners</i>
<i>Commissioner Dan Raulerson</i>	<i>City of Plant City</i>

The following Commission members were absent:

<i>Councilmen Mark A. Knapp</i>	<i>City of Temple Terrace</i>
---------------------------------	-------------------------------

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Raulerson led the Commission in the invocation and pledge of allegiance.

III. SWEARING IN OF WITNESSES

Chairman White performed a mass swearing in of the witnesses wishing to speak before the Commission.

IV. AUDIENCE PARTICIPATION

David Carr came forth to speak regarding item IX.A.4, the application for two additional permits of Crisis Center of Tampa Bay, Inc. d/b/a Transcare. Chairman White informed him that the item would be open to a public hearing and that would be the appropriate time to speak regarding this matter.

The next speak was Mr. Steve Michelini, lobbyist for the towing industry. He wanted the Board to revisit the closing time issue of wrecker companies. The issue was that towing companies want to close at 5:00 p.m., but there is a statute that says that they must close at 6:00 p.m. The towing companies' complaint is that they have to pay additional labor costs due to overtime paid to their employees when they work over 40 hours a week. PTC staff had concerns about whether it was legal to close at 5:00 p.m. Mr. Michelini said that the towing industry has provided as much information as possible to prove that this is not a statutory issue. Therefore, it was requested that this item be put back on the agenda for consideration and adoption.

The Chairman asked Attorney Perez for clarification about the industry's findings so that the listening audience could hear them. Attorney Perez said that wrecker rule 10-19 require storage facilities to

remain open until 6:00 p.m. to accommodate people whose cars have been towed to a storage lot with the intention that they could pick up their cars after work. This rule applies to those wrecker companies under our jurisdiction. However, there is a bill that has passed the Legislature and is now in the Governor's office that may expand the jurisdiction to cover private property impounds as well. The statute in question covers private property impounds which is where the 6:00 closing time applies. If it is violated, it is a felony.

The Chairman opined that he felt that there should be some across the board consistency with no challenges to the State statute and he asked the Director for his thoughts. Director Padilla said that the concern for staff is that the new law has passed the Senate and the House that gives the PTC jurisdiction over private impounds and the question to answer will be that the Inspectors will be enforcing two sets of rules and have to decide who closes at 5:00 p.m. and who closes at 6:00 p.m. He said that the problem is not closing at 5:00 p.m.; the concern is wading through all of the possibilities by putting the enforcement team in a position of having two different sets of rules.

Mr. Michelini said that the issue is not a law yet although he did understand staff's concern. He wanted a motion for staff to bring the rule change back for open debate to the Board because until it is, the towing industry will continue to ask for it since it is possible that the Governor will veto the towing bill. He again mentioned that it is a hardship for towing companies to stay open until 6:00 p.m. In his opinion, it would not be difficult for PTC staff to make sure that the 80 regulate companies close at 5:00 p.m. Chairman White said that if there was not an overriding law or federal statute where the PTC had enough leeway, he did not want to put the Board in violation of State Statute. Attorney Perez said that the statute does not address government tows, so there could be more discretion; but as for the administrative reasons, those seemed that they might be good enough reasons to keep the rule in place. Chairman White felt that there was no harm in being consistent since the public does not know the difference between private and government impounds and rotations so he felt that consistency would be the better choice. Director Padilla said that one of the concerns was that inspectors would be enforcing two sets of rules for this industry. Although he said that he had no problems with the 5:00 p.m. closing time, he just felt that every possibility should be taken into consideration and enforcing two sets of rules is one of those concerns. Again, Mr. Michelini said that the wrecker bill was not a law yet until the governor signs it and he wanted a motion to bring it back to the Board at the next agenda. The Chairman thanked Mr. Michelini for his thoughts.

Attorney Jason Robesinski spoke next. He was in attendance to speak on behalf of Alan Levine. Alan Levine was an individual who was denied a PVDL. Chairman White said that those comments should be offered during the time period set aside for driver appeals.

V. REPORTS – For receipt and filing – April, 2010

- A. Inspector's Report – April, 2010
- B. Fiscal Year Status Report
- C. Year-to-Date Report

Motion to approve the reports section of the agenda was made by Commissioner Raulerson seconded by Councilman Caetano and carried unanimously.

VI. CONSENT ITEMS

- A. April 14, 2010 Public Transportation Commission meeting minutes

- B. Approval of Public Vehicle Driver's Licenses – April, 2010
- C. Administrative Change Application from B & D Towing and Recovery, Inc. for a location change.
- D. Administrative Change Application from Evie's Limousine, Inc. for a name change to Rollex Limousine, Inc. and to add Ed Arsenault as an owner.
- E. Application for Wrecker Service to be eligible to be on rotation from Tri County Auto Towing, Inc.

Motion to approve consent portion of the agenda was made by Commissioner Raulerson, seconded by Councilman Caetano and carried unanimously.

VII. ATTORNEY'S REPORT

There was no attorney's report.

VIII. OLD BUSINESS

A. Director Position

Chairman White asked Attorney Perez to give an update regarding this matter. Attorney Perez said that at the last meeting, it was discussed to that the Board might do a national search for this position. He handed out a job description that he and the HR department worked on together. He said that a national search could cost the PTC in the range of \$19,000 to \$25,000 and that would be on the low end of the scale, but it could be exponentially more than that to do the search. He also met with Civil Service, who would be important to doing this task. A subcommittee could be formed for added items or concerns to hone the requirements of the position, etc. The Chairman said that our current Interim Director, Cesar Padilla, has been doing an excellent job in the position and the only reason he did not qualify was because of the four-year degree requirement. Interim Director Padilla said that the Chairman was correct; however, he verified that he finished a Bachelor's degree in Criminal Justice and was awarded the degree as of May 10, 2010 and he handed out documentation. Therefore, the Chairman said that it would be the will of the board to move forward with Civil Service and have them conduct the search or to hire a head hunting firm so he opened the item up for discussion.

Commissioner Raulerson congratulated Director Padilla for getting his degree and applauded the effort that Director Padilla put into getting that degree and functioning as the PTC director. Commissioner Raulerson said that he felt that the Board has had a great experience working with Director Padilla and that the industry has been overwhelmingly supportive. Commissioner Raulerson said that in his opinion, Director Padilla has done a great job and said that he would like to hear from anyone who can tell the Board of any areas wherein Director Padilla has not performed his duties. Therefore, Commissioner Raulerson made a motion in support of keeping Director Padilla as the permanent Director of the PTC and forgo the national search.

Councilman Caetano seconded Commissioner Raulerson's motion.

Chairman White asked for clarification on the motion as to whether it was to take Director Padilla out of the interim status and place him in the permanent director's position. Commissioner Raulerson said that the Chairman was correct. Commissioner Ferlita asked if there were any resume's and where the Board was in the process since she had missed some meetings. The Chairman explained that with the help of Human Resources and Civil Service, research was done regarding this matter so that it could be brought back to this meeting. Commissioner Ferlita asked if the PTC had changed its requirements or qualifications to accommodate this appointment. The Chairman said No; all of the core requirements have remained the same and nothing was deleted. Commissioner Ferlita asked if Director Padilla was compliant with State requirements upon receipt of his degree. The Chairman confirmed that Director Padilla is compliant with all of those requirements. Commissioner Ferlita agreed with Commissioner Raulerson regarding the cost saving of not spending money on a national search. She asked Attorney Perez about what is required. Attorney Perez said that under the Special

Act, the PTC can appoint a director and fix the salary of that person. There is no term provision or contract requirement so the Board can make the appointment just by an action and it could be changed at a later date of the Board wants to remove a director. To appoint a Director there has to be an affirmative vote of five members. Commissioner Ferlita said that she just wanted the Board to be clear on everything today and everyone agreed.

Motion to take Cesar Padilla out of the Interim Director position and appoint him permanently to the position of the Public Transportation Commission Executive Director and forego the nationwide search was made by Commissioner Raulerson, seconded by Councilman Caetano and passed unanimously.

Chairman White congratulated Director Padilla on his degree and appointment to Director. He said that the Director has led the agency through some turbulent times and has done a wonderful job and that the morale of the staff has changed dramatically under Director Padilla's leadership. The industries agree. Director Padilla thanked the Board for the opportunity.

B. Lobbying Services Discussion

Director Padilla said that the end of the 2010 Legislative Session was at hand and the Board would be briefed regarding lobbying services. The PTC is a small agency with budgetary limits. Attorney Perez and Director Padilla met with Edith Stewart, Director of Public Affairs and discussed the possibility of her office providing lobbying services for the PTC. It was a very good meeting and they are will to provide the services to the PTC at no cost. Director Padilla recommended that the contract with DiMaio and Associates not be renewed due to the aforementioned information.

Chairman White asked of Attorney Perez had anything to officer. Attorney Perez said that he did not.

Chairman White asked Brandon Wagner, a member of Ms. Stewart's staff, to come forth and he did saying that he is available to answer questions and is looking forward to helping the PTC.

The Chairman asked Attorney Perez if the contract will just expire and Attorney Perez said yes. Attorney Perez gave a breakdown of the history of Victor DiMaio's contract and then said that the contract would simply die of its own terms. The Chairman asked if Mr. DiMaio wanted to speak and said that he would have three minutes to do so. Mr. DiMaio said that when he gave his legislative report, he would speak at that time. The Chairman said that at that time, this issue will be done with so Mr. DiMaio decided to speak. He said that he appreciated the opportunity that he had for the last three years to be the lobbyist. He said that he was surprised that Ms. Stewart's office would office its services for free and acknowledged that he could not compete with free services. Mr. DiMaio said that the acting County Administrator, Mike Merrill was surprised about the services being free as well and was not aware of it either. Mr. DiMaio said that he did not realize that Edith Stewart had so much spare time on her hands that she would go out and offer these lobbying services. He said that some of the things he does are quite complicated and time consuming and he would be willing to take a cut in pay. He said that when you look at the PTC's budget, you can see whether a new vehicle is going to be purchased of if something could be moved around here or there. He said that his contract is expired in June and he would like to see if he could offer something or come back and negotiate with the Director or the Board, but he does not really have a go to the Director because his contract is with the Board. Mr. DiMaio said that he was disappointed and that he believed there were things he could do for the PTC. Chairman White said that he was sure that Director Padilla would sit down with Mr. DiMaio and discuss if there are any alternatives or options. Chairman White said that he met with Ms. Stewart and she did confirm the same thing with him as he did with Attorney Perez and Director Padilla in that she has worked with the PTC in the past on lobbying issues with items in Tallahassee and that her office is willing to do so again. The Chairman suggested to Director Padilla to put aside a small amount in the budget for lobbying services in case these services are necessary from another source. Mr. DiMaio wanted to debate and the Chairman said no. Director Padilla thanked the Chairman for his recommendation to put money aside in the budget for lobbying services. He said that if he meets with Mr. DiMaio, his decision is final since they have already met and he had explained his position to Mr. DiMaio. In any case, funds will be set aside for unforeseen circumstances in reference to lobbying services. However, at this time, we are not in a position to negotiate anything with Mr. DiMaio. The Chairman said that he appreciated everything that Mr. DiMaio has done in Tallahassee.

C. Taxi, Limousine, Van, Handicab and BLS Ambulance Service Rule Changes

Director Padilla explained that at the last meeting, the PTC did not have a quorum so these rule changes had to be moved to the May meeting. A workshop was held on November 6, 2009 and a set of rule changes are included in this month's agenda backup. Attorney Perez said that he wanted to elaborate in that there are items in the rules that are duplicative and already in the Special Act and are not on that list of changes. Director Padilla informed Attorney Perez that the rule package with those changes was handed out to the Board members and to him as well. Attorney Perez then asked the Board to include those changes in their action. Director Padilla again drew the Board's attention to the rule changes and said that there was necessary housecleaning to make the rules easier to read and then asked the Board how they would like to review them. It was decided to read them off one by one and Director Padilla did so.

After Director Padilla read off each rule change, Chairman White asked the Board for any input or questions.

Motion to bring back these rules and changes in draft form for discussion to the next PTC meeting was made by Commissioner Ferlita, seconded by Commissioner Raulerson and passed unanimously.

IX. NEW BUSINESS

A. Public Hearings

1. Waiver Request from A-1 Limousine of Central Florida for Rule 8.4.3: A stretch Limousine may not be older than five (5) model years when initially inspected to be placed into service. (*Moved to 5/12/10 PTC meeting – 3/10/10 meeting was canceled and moved from 4/14/10 due to the need for a Supermajority to be present*)

Director Padilla explained that A-1 Limousine of Central Florida submitted a waiver request from rule 8.4.3, which says that the stretch limousine may not be older than five model years when initially inspected to be placed into service. They submitted to the board for review and vote to approve or disapprove the waiver of this rule. A-1 Limousine included pictures of the vehicle. This limousine exceeded the model years requirement. Some waivers of this kind were approved in the past due to the uniqueness of the vehicle. It was Director Padilla's to deny this waiver to avoid setting precedence that everyone else will also want this rule waived unless there is some compelling points that would convince the Board otherwise. The Chairman asked if anyone from A-1 Limousine was present and Kyle West came forth. He said that the vehicle was in excellent condition. The vehicle is not currently permitted, but he wanted to bring a new vehicle in and transfer a plate to it. In A-1 Limousine's opinion, it is a unique vehicle. It is a Tuxedo Hummer Limousine and in his opinion, it meets or exceeds the PTC's vehicle requirements except for the model year. The 2003 and 2008 models are exactly the same and one cannot tell the difference. The Chairman asked if anyone else wanted to speak and no one did. The Chairman asked if there was a motion from the Board. Commissioner Ferlita agreed with Director Padilla that whether or not one can tell the difference between model years is not the point. A precedent will be set and the PTC would be on a slippery slope if they approved this waiver even if there is hardship. She felt that the inspector was well-intentioned, but the rules must stand. Director Padilla clarified that staff cannot approve or disapprove a waiver. Waivers must be brought to the Board. The Chairman compared these types of petitions to the PVDL denials and the Director agreed that they are similar.

Commissioner Ferlita moved to deny A-1 Limousine of Central Florida's waiver request, seconded by Commissioner Hagan and passes unanimously

2. Limousine Service Applications

- a. Prime Time Security Services, LLC (Tampa, FL) – limousine certificate and three (3) unrestricted limousine permits

Director Padilla gave a summary of the Hearing Officer’s recommendation for approval of the application for a limousine certificate and three (3) unrestricted limousine permits requested by Prime Time Security Services, LLC. Chairman White asked if anyone wanted to speak regarding the application. The owner was present, but did not want to speak.

Motion to approve the application of Prime Time Security Services, LLC for a limousine certificate and three (3) permits was made by Commissioner Raulerson, seconded by Commissioner Ferlita and passed unanimously.

- b. Unique Car Service (Wesley Chapel, FL) – limousine certificate and one (1) unrestricted limousine permit

Director Padilla gave a summary of the Hearing Officer’s recommendation for approval of the application for a limousine certificate and one (1) unrestricted limousine permit requested by Unique Car Service. Chairman White asked if anyone wanted to speak regarding the application. The owner introduced himself and let the Board know that he would answer their questions—they had none.

Motion to approve the application of Unique Car Service for a limousine certificate and one (1) permit was made by Commissioner Raulerson, seconded by Commissioner Ferlita and passed unanimously.

3. Handicab Service Applications

- a. MMG Transportation, Inc. (Tampa, FL) - application for two (2) additional handicab permits on their already existing handicab certificate

Director Padilla gave a summary of the staff’s recommendation for approval of the two (2) additional Handicab permits requested by MMG Transportation, Inc. Chairman White asked if anyone wanted to speak regarding the application. The owner was present, but did not want to speak.

Motion to approve the application of MMG Transportation, Inc. for two (2) additional handicab permits was made by Commissioner Raulerson, seconded by Councilman Caetano and passed unanimously.

4. BLS Ambulance Service Applications

- a. Crisis Center of Tampa Bay, Inc. d/b/a TransCare Medical Transportation Service – application for two (2) additional BLS ambulance permits on their already existing BLS Ambulance certificate

Director Padilla informed the Board that correspondence was received from another certificate holder that there was a problem with Transcare’s existing certificate. It was determined that it was a limited certificate. A copy of that letter was provided to the Board at this meeting and the Director’s recommendation was not able to move this item until we have had a chance to investigate the matter through a hearing officer since legal input would probably be required. Commissioner Ferlita asked Attorney Perez what he would recommend as the most comprehensive action to take. Attorney Perez said that normally, requests for two additional permits do not normally go before the Board. At the time, it appeared that everything was in order with this application; however, the late correspondence received from Mr. Carr changed that so further review is necessary. The Board would be under no obligation to approve the application at this Board meeting if they would like to defer. Commissioner Ferlita said that it could go to a Hearing Officer and she felt that Mr. Carr’s request for an investigation was fair.

Commissioner Ferlita made a motion to forward the application to the hearing officer and defer the application from Crisis Center of Tampa Bay, Inc. d/b/a TransCare Medical Transportation Service pending further investigation seconded by Commissioner Raulerson and passed unanimously.

Hearing Officer Paul Marino also had a hearing pending with the EMPC and said that he would hear the application for ALS from the EMPC and the PTC for BLS. It was determined that these would be separate hearings as recommended by Attorney Perez.

B. Appeals of Public Vehicle Driver's License

1. Steven Eckhardt – Super Shuttle

Chairman White asked if Mr. Eckhardt was present. Mr. Eckhart came forth.

Director Padilla read staff's recommendation for denial the application for PVDL made by Steven Eckhardt and that he was on the last meeting agenda, but the Board told him to come back with more documentation.

Steven Eckhardt introduced himself and thanked the Board for allowing him to come back. He said that the issue was a matter of clarification regarding previous charges that had come forward and he said that he has since taken the opportunity to speak with his attorney at this time. He said that the criminal event was due to a nasty divorce. He said it took years to get through it and that it was financially devastating. He was instructed by his attorney to take a class to have the charges eliminated. He thought it was handled, but he did not realize that in Florida, this matter would be looked at differently. He hopes the matter has been clarified. He said that he has applied for a City of St. Petersburg taxicab license and is working with them and would like to do pickups for Bats Taxi at TIA. He asked is future employer, Karen Smith, to be present but she could not. However, he said that she was interested in him working for her. The Chairman asked if anyone else wanted to speak, but no one did. Commissioner Ferlita said that she would not support this appeal and made a motion to deny. Chairman White passed the gavel and seconded the motion.

Motion to deny the appeal of the denial of Steven Eckhardt's application for a PVDL was made by Commissioner Ferlita, seconded by Chairman White and passed unanimously.

2. Ryan Knittle – Advantage Limousine, LLC

Chairman White asked if Mr. Knittle was present. Mr. Knittle came forth.

Director Padilla read staff's recommendation for denial the application for PVDL made by Ryan Knittle.

Mr. Knittle apologized for his past, but said that he has lived on the straight and narrow path for 23 years. He been in the construction business and spoke of some of his accomplishments, but that he had been laid off. The Chairman asked if there was an employer willing to hire him and Mr. Knittle said that John Thompson, of Advantage Limousine, would be willing. The Chairman asked if anyone in the audience wanted to speak on Mr. Knittle's behalf. The Chairman asked if all of the history took place in George in 1985 and 1986 and Mr. Knittle said yes. The Chairman asked if there was anything on his history before or after and Mr. Knittle said no. The Chairman asked if he went to rehab and Mr. Knittle said yes. Commissioner Ferlita asked if there was any documentation to substantiate the rehab and Mr. Knittle said he might still have it at the house. The Board made comments about the length of time being so long ago, but they wanted documentation.

Motion made by Commissioner Raulerson to approve the application of Ryan Knittle due to the time period, with documentation of the rehab and proof of drug testing and on a one year probationary period seconded by Joseph Caetano motion passes 4 to 1 with Commissioner Ferlita dissenting.

3. Alan Levine – Metro Cars

Chairman White asked if Mr. Levine was present. Mr. Levine came forth.

Director Padilla read staff's recommendation for denial the application for PVDL made by Alan Levine.

Alan Levine said that he wanted to clarify and brought his attorney forward to speak on his behalf. Attorney Jason Robesinski said that Mr. Levine had a lot of issues and are 40 and 50 years old, but there are some newer issues, like one that happened in 1994 which is the marijuana trafficking charges. He said that it was very hard to pull this document. He said that he was in a limited role in this case and he was out of it and never present when these discussions took place and he said that it is clear by the arrest affidavit that Mr. Levine received one year and one day and he would have received three years in Hillsborough County. All of the other issues are financially related with bad checks and Mr. Levine had served his time and full restitution had been paid. The other issue is the possession of a weapon and impersonation and it was a changed to disorderly conduct. Attorney Robesinski said that he had copies of everything and would provide them. He asked the Bboard to reconsider and allow Mr. Levine to have a PVDL.

Chairman White asked if anyone else wanted to speak. Caroline Levine, Mr. Levine's wife, came forth to speak on Mr. Levine's behalf. She said that she has known him for ten years and has three kids and would not have brought him around them if she did not feel comfortable. She said that he has shown great love to her family and he is a man of great pride and integrity and he has worked hard to get where he is today. She said it would be a higher income into her home and more income and revenue into the county. He is a changed person and he took the time to get the clemency paper from the State Of Florida which was not easy to get and they have a letter of recommendation from his employer now. She said that Mr. Levine is a part-time driver for a private limousine owner.

Attorney Jason Robesinski said that Mr. Levine has no DUI and has had a license since 1974. He asked the Board please consider all of this information. He said that on September 9, 2009, they have done a lot of research and have found that someone else was trafficking in crack, not Mr. Levine, so the license was approved.

Chairman White asked if anyone else wanted to speak. No one did.

Commissioner Ferlita thanked Mr. Levine's wife for coming forth and said it seemed to be a relationship grounded in honesty. She said that although he may not have a guilty verdict, the history was too long entertain approval. She felt she would be putting the public at risk and passengers as well and she could not support it. She said that although everyone has right to be rehabbed, it can not be at the risk of passengers.

Motion to deny Mr. Alan Levine's appeal of the denial of his application for a PVDL was made by Commissioner Ferlita seconded by Commissioner Raulerson, motion passed 3 to 1 Councilman Caetano dissenting.

X. PTC Audit – final

Chairman White said that the board had its final PTC audit, and the executive order or report from Ernst & Young. An Ernst & Young representative come to the last PTC meeting and gave the audit a glowing recommendation. With that said, the chairman wanted to entertain a motion to accept the final audit report.

Motion to accept the final audit report which was done by Ernst & Young for FY 2009 was made by Commissioner Ferlita, seconded by Commissioner Raulerson and passed unanimously.

XI. Procurement of Debt Collection Services

Director Padilla briefed the Board regarding collection of outstanding debts and fines owned to the PTC. Staff and Attorney Perez have worked on this contract together. Director Padilla requested that the Board read and approve this contract for a collection agency.

Chairman White asked what the ratio of debt collection was back to the PTC and Director Padilla said he believed that it was 15%. Attorney Perez agreed that there is a 15% contingency on what they collect so it would be 15/85. The Chairman asked if there were any questions and there were none.

Motion to approve the collection services contract was made by Commissioner Raulerson, seconded by Commissioner Ferlita and passed unanimously.

XII. PTC Budget 2011 (*Deferred to the next PTC meeting*)

The budget item was deferred to the next PTC meeting.

XIII. Legislative Update by Mr. DiMaio

Victor DiMaio came for to give a legislative update. He said that the session is concluded. There were two ptc bills, 1485 and 1629 and the nonconsensual towing bill was passed by house and senate and he said that now the nonconsensual towing will be regulated by the PTC. Mr. DiMaio thanked Mr. Michellini and the wrecker association and now the bill is at the governor's office. Victor said that he is in contact with governor's office right now to provide information they have asked for. It looks like there will be no problem with it. He said that 1629 was not initiated by the PTC. It was initiated by a couple of people who tried to sue the PTC for various issues and have sued us in different courts and took it to DOAH. It was dismissed and the special act was not clear. The PTC's special act has references to chapter 120 in the eyes of the state, chapter 120 gives the idea that it is a state agency. He looked at other agencies and none of those agencies have 120 or the administrative procedures act as part of their act in Tallahassee. He offered an amendment to tweak the bill which means that a person who wishes to sue can go to court and sue us. Mr. DiMaio said that going to DOAH means that the PTC will have to pay \$140.00 per hour and the person suing pays nothing to file and it is expensive for the agency. He said that in his mind it encourages frivolous lawsuits. He was not able to offer the amendment. He said that he is in contact with governor's office. Mr. DiMaio said that the governor has vetoed PTC bills in the past. Also there is an option to amend the act when the legislature meets in the fall and then have those references taken out of the special act. Mr. DiMaio's recommendation is to continue contacting the governor's office and say that this is the avenue that the PTC would like to pursue. He said that met with Brian Moore whose office oversees all agencies in the State of Florida and this was Mr. Moore's recommendation. Victor's recommendation is to continue contacting the governor's office.

Mr. DiMaio said that he and Brandon were aides together 15 years ago. The county does have a contract with a separate lobbying agency in Tallahassee, but if they go outside the scope they charge several hundred dollars an hour. Mr. DiMaio said there was a situation where the county had to hire an outside lobbyist in the past and this may happen. Mr. DiMaio said that he is still willing to work with the PTC. In addition, he worked as a point person with the Superbowl and by 2:00 p.m. we will find out if the republican national convention will be here and he'd like to work with the board on that. He told the Board to watch out for the word, "free".

Chairman White asked Brandon Wagner, of Edith Stewart's office to come forward to clarify what Mr. DiMaio said. Mr. Wagner said that if the board wants Ms. Stewart's office to handle something, they have to ask the BOCC for it to be on their agenda for approval. They have worked with Mr. Brian Myers who has not charged anything extra so they do not anticipate any extra money being speak. However, they re here at and follow the BOCC's direction. Mr. Wagner said that there is not going to be an increased cost. There may be certain circumstances, but in general, they dot no anticipate any increases.

The Chairman thanked Mr. Wagner for his clarification.

XIV. ADJOURNMENT

*There being no further business, the meeting of the Public Transportation Commission adjourned at
Adjourned 10:35 a.m.*

****This is not an official, verbatim transcript of the April 14, 2010 PTC meeting. It should be used for
informational purposes only****

Jacqueline E. Calleja, Administrative Specialist

NEXT COMMISSION MEETING – June 9, 2010