

JACKSONVILLE TRANSPORTATION AUTHORITY

**RULEMAKING RULE
(RULE NO.001)**

DATE OF ADOPTION: February 28, 2008

LAST REVISED: February 28, 2008

RULEMAKING RULE

I. Purpose and Scope.

(a) Purpose. The purpose of this rule is to establish the procedures that the Jacksonville Transportation Authority (“JTA”) will follow for the adoption, amendment and repeal of rules that carry out the statutory powers and obligations of the JTA. This rule is also created to provide the public with knowledge of how JTA will adopt rules and to provide public access to and availability of JTA rules to open and transparent government and fair administration of JTA’s dealings with the public.

(b) Scope. The procedures set forth in this rule shall apply when the JTA adopts, amends or repeals a rule, which is any statement of general applicability that affects the private and substantial interests of a broad class of persons and that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of JTA in its external affairs. This rule shall not apply when the intended action relates exclusively to internal procedure or practice. If JTA finds that an immediate danger to the public health, safety, or welfare requires immediate action, JTA may adopt rules by emergency procedures set forth below.

II. Advance Notice of Agency Rulemaking Proceedings.

(a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, upon approval of the Executive Director, JTA shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action. The full text of the proposed rule or amendment shall be available from JTA upon request of any person, without charge. The notice must state the date, place and time of the public hearing on the proposed rule. The notice shall include a reference both to the date on which and to the place where the notice of rule development, if required under Section III, appeared.

(b) The notice shall be published in newspaper of general circulation throughout the Jacksonville metropolitan area not less than 14 days prior to the intended public hearing. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.

(c) In addition, the notice shall be mailed to all persons named in the proposed rule and to all persons who, during the rule development workshop, have made written requests for advance notice of proposed rule adoption to JTA at least 14 days prior to issuance of notice of rule development.

III. Rule Development Workshops. JTA shall conduct a rule development workshop whenever it determines that a workshop would help JTA understand and address concerns of affected persons.

IV. Public Hearing.

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

(b) The purpose of a public hearing is to provide affected persons and other members of the public a reasonable opportunity for presentation of evidence, argument and oral statements. To avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceeding, speakers shall be limited to three minutes. JTA's hearing officer may ask questions of any speaker, and may eject persons who fail to remain quiet while others are speaking, exceed their time limit or cause a public disturbance of the peace.

(c) JTA shall prepare an agenda for the hearing that provides affected persons, who request the same, the opportunity to present evidence, oral statements, and other information.

(d) The Executive Director or any person designated by the Executive Director may preside at the public hearing. JTA must ensure that the persons responsible for preparing the proposed rule are available to explain JTA's proposal and to respond to questions or comments regarding the proposed rule.

(e) Written statements may be submitted by any person prior to or within 3 days following the public hearing. All timely submitted written statements shall be considered by JTA and made a part of the rulemaking record.

(f) If the submitted material is officially recognized by JTA, this material shall be part of the record and available for review or copying at JTA. Affected persons requesting the same shall be given not less than five (5) days to examine it and offer comments and rebuttal.

(g) Upon request of any affected person, JTA shall cause to be made a transcript of the proceeding and copies of the transcript shall be available to the public. Cost of preparing the transcript and having the proceeding recorded shall be paid by the requesting person. A copy of the transcript shall be available for public inspection, and copies shall be available to the public at cost.

(h) The record of the proceeding shall include the notice and agenda, all written statements, petitions, requests, and all evidence presented to JTA. If a transcript is requested, a copy of the transcript shall also be included in the record.

V. Requirements of Rules; Indexing.

(a) Each rule shall contain such definitions as are required of special-use terms, such forms as may be referenced therein, an effective date, and a reference to such Florida statutes under which adopted.

(b) JTA shall maintain all final orders and a current hierarchical subject-matter index, identifying for the public any rule adopted or order issued. The final orders shall be maintained in accordance with Chapter 119.021, Florida Statutes.

(c) In lieu of the requirement for making available for public inspection and copying a hierarchical subject-matter index of rules and orders, JTA may, but is not required to, maintain and make available for public use an electronic database of its rules or orders that allows users to research and retrieve the full texts of agency orders by employing any logical search terms in common usage which are composed by the user and which are contained in the rules and orders

of JTA or by descriptive information about the rule or order which may not be specifically contained in the order. Any person requiring assistance in retrieving rules or final orders may contact the office of the Chief of Staff.

(c) All orders and rules will be indexed or listed within 120 days after the rule is adopted or order is rendered.

VI. Emergency Rule Hearing.

(a) JTA may adopt an emergency rule if it finds that immediate danger to the public health, safety and welfare exists which requires immediate action.

(b) Unless it is impractical under the circumstances requiring an emergency rule, JTA will notify major media services and notice all affected persons before adopting an emergency rule. Such notice shall state a time and place, if any, when such emergency rule shall be considered. JTA shall permit, upon request, all affected persons to present testimony, evidence, and submit written statements.

(c) Upon the request of any affected person, JTA shall cause a transcript to be made of the proceeding and shall compile a record consisting of the transcript, copies of the notice, and any other matter or information considered by JTA in adopting the emergency rule. Cost of preparing the transcript shall be paid by the requesting person.

(d) Nothing herein requires JTA to hold a hearing for adoption, amendment or repeal of a rule under emergency circumstances, upon a determination of emergency by the Executive Director.

(e) An emergency rule adopted under this subsection shall not be effective for a period longer than 180 days and shall not be renewable, except during the pendency of a challenge to proposed rules addressing the subject of the emergency rule. However, JTA may take identical action by the rulemaking procedures specified in this rule.

(f) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 30 days thereafter if specified in the rule, if the Executive Director finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.