

By Representatives Wallace, Laurent, Miller, Littlefield,  
Ogles, Bradley, Murman, Byrd, Culp and Crist

1                                   A bill to be entitled  
2           An act relating to the Hillsborough County  
3           City-County Planning Commission; consolidating,  
4           compiling, and codifying extant laws pertaining  
5           to the district; providing legislative intent;  
6           conforming terminology and improving clarity;  
7           deleting provisions that have had their effect;  
8           deleting provisions duplicative of chapter 163,  
9           part II, F.S., relating to comprehensive  
10          planning; providing notice with respect to the  
11          effect of the Hillsborough County Charter;  
12          providing notice with respect to duties and  
13          responsibilities prescribed by chapter 163,  
14          part II, F.S.; amending special requirements  
15          for local governments and providing an  
16          exception; providing for review and  
17          recodification; repealing chapters 78-523,  
18          81-392, and 82-303, Laws of Florida, relating  
19          to the Hillsborough County City-County Planning  
20          Commission, chapters 75-390, 77-564, 83-421,  
21          84-442, and 86-407, Laws of Florida, relating  
22          to the Hillsborough County Local Government  
23          Comprehensive Planning Act of 1975, chapters  
24          67-1507, 75-399, and 77-566, Laws of Florida,  
25          relating to review of the capital improvements  
26          budgets of local governments by the  
27          Hillsborough County City-County Planning  
28          Commission, and chapters 94-406 and 96-517,  
29          Laws of Florida, relating to the requirement  
30          for performance audits of the Hillsborough  
31          County City-County Planning Commission;

1           providing a saving clause; providing an  
2           effective date.

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4 Be It Enacted by the Legislature of the State of Florida:

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6           Section 1. Legislative intent.--It is the intent of  
7 the Legislature that this act supersede chapter 78-523, Laws  
8 of Florida, which provides for the establishment of the  
9 Hillsborough County City-County Planning Commission, and acts  
10 amendatory thereof, and shall be deemed a codification of  
11 previously existing legislation relating to the Hillsborough  
12 County City-County Planning Commission. It is the further  
13 intent of the Legislature that this act supersede chapter  
14 75-390, Laws of Florida, as amended, which creates the  
15 Hillsborough County Local Government Comprehensive Planning  
16 Act of 1975, transferring duties relating to the Hillsborough  
17 County City-County Planning Commission to this act and  
18 repealing language otherwise duplicated in part II of chapter  
19 163, Florida Statutes. It is also the intent of the  
20 Legislature that this act supersede chapter 67-1507, Laws of  
21 Florida, as amended, relating to the review of the capital  
22 improvements budgets of Hillsborough County and its  
23 municipalities by the Hillsborough County City-County Planning  
24 Commission. It is further the intent of the Legislature that  
25 this act supersede chapter 94-406, Laws of Florida, as  
26 amended, relating to the requirement for a periodic  
27 performance audit of the Hillsborough County City-County  
28 Planning Commission. Said codification is also a reviser,  
29 deleting provisions which have expired, have had their effect,  
30 have served their purpose, or have been impliedly repealed or  
31 superseded; replacing incorrect cross references and

1 citations; correcting grammatical, typographical, and like  
2 errors; removing inconsistencies, redundancies, and  
3 unnecessary repetition; and improving clarity and facilitating  
4 correct interpretation.

5 Section 2. Planning commission; creation;  
6 responsibilities.--

7 (1) There is created the Hillsborough County  
8 City-County Planning Commission, referred to in this act as  
9 the commission, for the purpose of conducting continuous  
10 planning and making recommendations to the Board of County  
11 Commissioners of Hillsborough County, the municipalities in  
12 Hillsborough County and other appropriate public bodies  
13 concerning the orderly growth and development of Hillsborough  
14 County.

15 (2) The commission is the single local planning agency  
16 for Hillsborough County and its municipalities as prescribed  
17 in Section 9.09 of the Hillsborough County Charter, approved  
18 by referendum in September 1983, and has the duties and  
19 responsibilities prescribed by part II of chapter 163, Florida  
20 Statutes, for any such local planning agency and as further  
21 prescribed by this act, including:

22 (a) To prepare, monitor, evaluate, and update the  
23 comprehensive plan and make recommendations to each governing  
24 body regarding the adoption of such plan or element and any  
25 amendments thereto.

26 (b) To recommend to each governing body techniques,  
27 methods, and programs to implement the comprehensive plan.

28 (c) To utilize a process which will ensure that  
29 citizens in local communities and neighborhoods can initiate  
30 and participate in the development and implementation of the  
31 comprehensive plans.

1 (d) To hold public hearings and sponsor public forums.

2 (e) To perform other planning services and ongoing  
3 technical planning assistance in addition to that agreed upon  
4 in the commission's annual work program, upon request of  
5 Hillsborough County or any of its municipalities, subject to  
6 work program, staff, and budget limitations.

7 (3) "Local planning agency" and other terms used in  
8 this act shall be defined in the same manner as such terms are  
9 defined in part II of chapter 163, Florida Statutes.

10 Section 3. Governing body; meetings.--

11 (1) The commission shall be constituted as follows:

12 (a) Four members appointed by the Board of County  
13 Commissioners of Hillsborough County.

14 (b) Four members appointed by the City Council of the  
15 City of Tampa.

16 (c) One member appointed by the governing body of each  
17 additional municipality.

18 (d) Each member shall serve for a term of 4 years or  
19 until his or her successor has been appointed as provided  
20 herein. A majority of the members of the commission shall  
21 constitute a quorum. Any vacancy in the membership of the  
22 commission shall be filled for the unexpired portion of the  
23 term in the same manner as an appointment for a full term.

24 (e) The commission shall elect one of its members as  
25 chair who shall serve for 1 year or until his or her successor  
26 is elected.

27 (f) The commission shall meet at least once each month  
28 at the call of the chair and at such other times as the  
29 commission may determine.

30 (g) The members of the commission shall serve without  
31 compensation but shall be entitled to be reimbursed for

1 necessary travel and other expenses incurred in the work of  
2 the commission.

3 (2) Meetings of the commission are public meetings and  
4 its records are public records.

5 Section 4. Powers.--In addition to the duties and  
6 responsibilities prescribed in part II of chapter 163, Florida  
7 Statutes, the commission has the power to:

8 (1) Maintain an office at such place or places within  
9 Hillsborough County as the board of county commissioners may  
10 designate.

11 (2) Make and adopt bylaws and rules by a two-thirds  
12 majority vote of the total membership for its transaction of  
13 business and orderly meeting of its responsibilities,  
14 including establishing attendance standards, a violation of  
15 which shall authorize the commission to declare a position  
16 vacant whereupon the appropriate governing body shall appoint  
17 a new member.

18 (3) Appoint an executive director, who shall serve at  
19 the pleasure of the commission.

20 (4) Provide for the hiring of such other employees in  
21 conformance with the regulations of the Hillsborough County  
22 Civil Service System respecting personnel as necessary to  
23 perform the duties prescribed by this act.

24 (5) Review prior to adoption all long-range plans and  
25 master plans and any amendments thereto proposed by the Tampa  
26 Sports Authority, the Hillsborough County Aviation Authority,  
27 the Tampa Port Authority, the Florida State Fair Authority,  
28 the Hillsborough County Expressway Authority, the Hillsborough  
29 County Hospital Authority, the Hillsborough Area Regional  
30 Transit Authority, or other authority exercising planning or  
31 land development powers, and make a recommendation to that

1 authority as to the consistency of such plan or amendment with  
2 the adopted comprehensive plan or element or amendments  
3 thereto.

4 (6) Make and enter into contracts and agreements.

5 (7)(a) Accept and expend funds and grants from and  
6 accept and use services from the Federal Government and its  
7 agencies, the state government and its agencies, a county  
8 government and its agencies, any municipalities in  
9 Hillsborough County, the Tampa Bay Regional Planning Council,  
10 and private or civic sources, with all receipts of the  
11 commission paid to the board of county commissioners and  
12 deposited in the general revenue fund of Hillsborough County.

13 (b) Expend funds, exclusive of gifts to the commission  
14 or contract receipts, within the amounts appropriated for the  
15 purpose by the Board of County Commissioners of Hillsborough  
16 County.

17 (c) Withdraw funds only upon requisitions approved by  
18 the chair of the commission and make necessary expenditures  
19 for equipment and supplies, and for carrying out the purpose  
20 of this act.

21 (d) Make an annual report of its receipts and  
22 disbursements to the board of county commissioners and each of  
23 the participating municipalities.

24 (8) Perform all other acts necessary to accomplish the  
25 purposes of this act.

26 Section 5. Special requirements; local governments.--

27 (1)(a) In addition to the notice requirements provided  
28 by general law, if a proposed future land use element or  
29 amendment thereto involves less than 5 percent of the total  
30 land area of the local government unit, the governing body  
31 shall direct the clerk of the governing body to notify by mail

1 each real property owner the use of whose land the governing  
2 body will alter by enactment of the proposal and whose address  
3 is known by reference to the latest ad valorem tax records.  
4 The notice shall state the substance of the proposal as it  
5 affects that property owner and shall set forth the time and  
6 place of the scheduled public hearings to be held by the  
7 governing body on the proposal. Such notice shall be mailed  
8 at least 30 days prior to the date set for the first public  
9 hearing by the governing body. A copy of such notice shall be  
10 kept available for public inspection during regular business  
11 hours in the office of the clerk of the governing body.

12 (b) The procedure for amendment of an adopted  
13 comprehensive plan shall be as provided by general law and  
14 this act.

15 (c) After a comprehensive plan, or element or  
16 amendments thereto, has been adopted for Hillsborough County  
17 or one of its municipalities, no land development regulation,  
18 land development code, or amendment thereto may be adopted by  
19 the governing body until such regulation, code, or amendment  
20 has been referred to the commission for review and  
21 recommendation as to the relationship and consistency of such  
22 regulation, code, or amendment with the adopted comprehensive  
23 plan or element or amendments thereto. The commission and the  
24 governing body shall establish procedures for referral and  
25 recommendation. A recommendation shall be made by the  
26 commission within the time provided in the established  
27 procedures. However, if no recommendation is so made, then  
28 the governing body may proceed to act on the adoption of the  
29 regulation, code, or amendment. The time of reference shall  
30 be determined as provided in the procedures for referral and  
31 recommendation established by the commission and the governing

1 body. Notwithstanding the foregoing, recommendations on  
2 rezoning in the City of Tampa shall be made no later than the  
3 time of the scheduled public hearing on the rezoning petition.  
4 (2)(a) The Legislature recognizes that public capital  
5 improvements have a vital relationship to the degree and  
6 direction of community development within Hillsborough County  
7 and its municipalities and that their cost is a sizable part  
8 of all public expenditures within their jurisdictions.  
9 Capital improvements projects must be efficiently planned,  
10 budgeted, and related within an overall program for the  
11 benefit of the taxpayers. A capital improvements budgeting  
12 and priorities program by each local government must:  
13 1. Provide a means whereby projects will be carried  
14 out in accordance with both predetermined priorities and the  
15 ability of the community to pay.  
16 2. Protect against the influence of special interest  
17 groups.  
18 3. Provide a means for anticipating and scheduling  
19 major expenditures so that local governments can maintain a  
20 sound financial standing and a balanced program of bonded  
21 indebtedness.  
22 4. Schedule the timing of projects so as to make the  
23 best and most of economical use of large pieces of equipment  
24 and of personnel.  
25 5. Allow department heads as well as local  
26 governmental officials to better anticipate the capital needs  
27 of their agencies over a period of years.  
28 6. Allow sufficient time for proper technical design  
29 of the proposed public improvements.  
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1           7. Permit the advance acquisition of land needed for  
2 improvement by purchase in a favorable market or the retention  
3 of unused public lands.

4           8. Permit residents of Hillsborough County and its  
5 municipalities to better understand their community needs and  
6 the plans of their officials for meeting them.

7           9. Promote efficiency and economy through sound  
8 long-range financial planning to complement existing land use  
9 planning.

10           (b) As used in this section:

11           1. "Capital improvements" means those projects  
12 requiring the expenditure of public moneys for the acquisition  
13 of land or property, the construction of any building,  
14 structure, work or improvement, including, but not limited to,  
15 the widening, extension, or relocation of any road, street, or  
16 public way, the expansion of any building or structure so as  
17 to increase or change its basic use or function, and the  
18 improvement of any park, open area, or other public place.

19           2. "Fiscal officer" means the clerk of the circuit  
20 court or his or her designated deputy for Hillsborough County,  
21 the Comptroller for the City of Tampa, the City Clerk for the  
22 City of Plant City, and the Director of Finance and  
23 Administration for the City of Temple Terrace.

24           3. "Executive authority" means the Board of County  
25 Commissioners of Hillsborough County, the mayor of the City of  
26 Tampa, and the city managers for the cities of Plant City and  
27 Temple Terrace.

28           4. "Legislative body" means the Board of County  
29 Commissioners of Hillsborough County, the council for the City  
30 of Tampa, the commissioners for the City of Plant City, and  
31 the council for the City of Temple Terrace.

1           (c) The legislative body of Hillsborough County and  
2 the legislative body of each municipality therein shall  
3 annually adopt a separate budget or a separate section within  
4 its respective annual budget to be known as the capital  
5 improvements priority budget. In addition to the designation  
6 of capital improvement projects, said budget shall contain a  
7 tentative estimate of the cost of such projects and the  
8 estimated sources of revenues necessary to finance each. With  
9 respect to Hillsborough County, this section shall be  
10 supplemental to s. 129.02(4), Florida Statutes, and the board  
11 of county commissioners shall adopt this budget as a  
12 consolidated budget and not a budget for the several  
13 districts.

14           (d) On or before February 15 of each year, the  
15 executive director or his or her staff designees of the  
16 commission shall meet separately with the county administrator  
17 or his or her designees and with the fiscal officer or the  
18 designees of each municipality in Hillsborough County to  
19 assist in developing a proposed annual capital improvements  
20 budget and a proposed 5-year capital improvements program  
21 which conforms with the adopted comprehensive plans and are  
22 coordinated with the adopted plans of the adjacent counties  
23 and municipalities. The proposed capital improvements budget  
24 and proposed 5-year capital improvements program must include  
25 a priority system prepared by the commission staff and a  
26 priority system prepared by the county administrator and the  
27 fiscal officers of each municipality or their designees. The  
28 proposed capital improvements budget and proposed 5-year  
29 capital improvements program must be submitted by the county  
30 administrator and the fiscal officers to the respective  
31 executive authorities on or before June 1 of each year.

1           (e) Each executive authority shall review the proposed  
2 capital improvements budget and proposed 5-year capital  
3 improvements program and shall submit same to the commission  
4 with comments, notes, lists of priorities, and other  
5 information relating to the capital projects proposed for each  
6 of the affected years; the proposed method of financing each;  
7 and comment as to the effect on the debt structure of the  
8 county or municipality. Said documents must be submitted to  
9 the commission by July 1 of each year.

10           (f) The commission shall submit to the Board of County  
11 Commissioners of Hillsborough County by August 15 of each year  
12 and to each executive authority of the Cities of Tampa, Plant  
13 City, and Temple Terrace by August 1 of each year, its report  
14 and recommendations on the proposed capital improvements  
15 budget and proposed 5-year capital improvements program for  
16 each.

17           (g) Each executive authority of each municipality in  
18 Hillsborough County shall review the capital improvements  
19 budget as then compiled, together with recommendations of the  
20 commission, and each shall submit a recommended final budget  
21 to its respective legislative body by August 15 of each year.

22           (h) The legislative body of each municipality, after  
23 holding an advertised public hearing upon its respective  
24 budget, shall adopt, with or without amendments or revisions,  
25 said capital improvements budget and the proposed projects and  
26 means of financing each within 30 days after having received  
27 such proposed budgets from its executive authority. Final  
28 approval of each capital improvements budget shall be made by  
29 October 1 of each year.

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1           (i) This section is supplemental to any existing law  
2 relating to budgetary procedures for Hillsborough County and  
3 each of its municipalities.

4           (3) The City of Plant City is exempt from the  
5 provisions of subsections (1) and (2).

6           Section 6. Special requirements; other entities.--The  
7 Tampa Sports Authority, Hillsborough County Aviation  
8 Authority, Tampa Port Authority, Florida State Fair Authority,  
9 Hillsborough County Expressway Authority, Hillsborough County  
10 Hospital Authority, the Hillsborough Area Regional Transit  
11 Authority, and any other authority exercising planning or land  
12 development powers shall submit to the commission its  
13 long-range and master plans and cooperate with the commission  
14 by providing such data and information to the commission as it  
15 may require to implement its duties and responsibilities  
16 hereunder.

17           Section 7. Performance audits required.--The  
18 commission is subject to a performance audit every 4 years,  
19 with the first of such audits having been completed April 30,  
20 1996, as follows:

21           (1) For purposes of this act, the performance audit,  
22 which shall be conducted in accordance with Government  
23 Auditing Standards as promulgated by the United States  
24 Comptroller General, shall contain the following components:

25           (a) An appraisal of management performance, including  
26 the effectiveness of administration and the efficiency and  
27 adequacy of the program the entity is authorized by law to  
28 perform.

29           (b) An assessment of adherence to general and special  
30 law and any rules promulgated thereunder.

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1 (c) Recommendations for changes required in general or  
2 special law which, if enacted, would enhance the efficiency  
3 and effectiveness of the program.

4 (d) An examination and evaluation of alternative  
5 methods of providing program services or products more  
6 efficiently and effectively.

7 (e) The adequacy of operating controls and operating  
8 procedures.

9 (f) An assessment of relations with employees and the  
10 public generally.

11 (g) A copy of the response received pursuant to  
12 subparagraph (3)(b)3.

13 (2) The audit may not be performed by any agency of  
14 state or local government, with the exception of the Auditor  
15 General of the State of Florida as provided by general law.  
16 However, nothing in this act shall be construed to prohibit  
17 other audits authorized by law.

18 (3)(a) In contracting for the audit, the governing  
19 board of the commission shall utilize standard procedures for  
20 any public body when contracting for professional services,  
21 including, but not limited to:

22 1. Public announcement, in a uniform and consistent  
23 manner, when auditing services are required to be purchased, a  
24 general description of the audit, and an indication of how  
25 interested parties may apply for consideration;

26 2. Adoption of procedures for the evaluation of  
27 professional auditing services, including, but not limited to,  
28 capabilities; adequacy and ability of professional personnel;  
29 past record; experience; basis for fees; ability to meet time  
30 requirements; and such other factors as may be determined by  
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1 the commission to be applicable to its particular  
2 requirements.

3 3. Making a finding that the firm or individual to be  
4 employed is fully qualified pursuant to the adopted evaluation  
5 procedures.

6 (b) The contract shall be evidenced by a written  
7 document embodying all provisions and conditions of the  
8 procurement of such services, which shall include, but shall  
9 not be limited to:

10 1. A provision that bills for fees or other  
11 compensation for services or expenses be submitted in detail  
12 with supporting documentation sufficient for a proper preaudit  
13 and postaudit thereof.

14 2. A provision that bills for any travel and per diem  
15 expenses be submitted in accordance with s. 112.061, Florida  
16 Statutes.

17 3. A provision that, at the conclusion of the audit,  
18 the entity conducting the audit shall discuss the audit with  
19 the chair of the commission, and submit to that person  
20 preliminary audit findings, including relevant supporting  
21 documentation, which may be included in the final audit  
22 report. If the chair is not available for receipt of the  
23 audit findings, with any adverse findings clearly designated  
24 as such, then delivery thereof is presumed to be made when it  
25 is delivered to the commission's executive office. The chair  
26 shall submit to the entity conducting the audit, within 60  
27 days of receipt of the preliminary findings, his or her  
28 written response concerning all such findings, including  
29 corrective action to be taken to preclude a recurrence of any  
30 adverse findings. Thereafter, a final audit report shall be

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1 issued which shall include the chair's response and any  
2 rebuttal thereto by the entity conducting the audit.

3 4. A provision that those workpapers necessary to  
4 support the conclusions in the final audit report shall be  
5 retained by the entity conducting the audit for a period of 2  
6 years following delivery of the final audit and shall be made  
7 available to the commission upon a vote of the majority of the  
8 governing board of the commission. The audit report, when  
9 final, shall be retained by the commission pursuant to chapter  
10 119, Florida Statutes.

11 5. A provision that, upon completion of the audit,  
12 sufficient copies shall be filed with the Office of the  
13 Hillsborough County Legislative Delegation for distribution to  
14 members of the delegation and that sufficient copies be  
15 provided to the commission to meet anticipated public demand  
16 for copies of such audit.

17 (c) In the event the audit is to be paid for by the  
18 Board of County Commissioners of Hillsborough County as  
19 provided herein, the contract document may not be executed  
20 without the advice and consent of the board, although the  
21 board may not unreasonably withhold confirmation.

22 (4) Funds shall be appropriated by the Board of County  
23 Commissioners of Hillsborough County for payment of costs  
24 incurred in connection with such audit. The commission shall  
25 request the estimated funding required for the audit in  
26 accordance with county budgeting procedures in a manner that  
27 will assure funds will be appropriated for that purpose during  
28 the fiscal year in which the audit is to be completed.

29 (5) In the event the Hillsborough County Board of  
30 County Commissioners has ordered a performance audit pursuant  
31 to general law by any appropriately qualified entity not a

1 part of county government which was completed within 2 years  
2 prior to April 30 of the year the performance audit herein is  
3 to be completed, or which will be completed within 3 months  
4 after April 30 of the year the performance audit herein is to  
5 be completed, and the audit contains the mandatory components  
6 contained in subsection (1), that audit may be used to fulfill  
7 the requirement for the performance audit. In the event an  
8 audit so ordered is to be submitted to fulfill the  
9 requirements of this act and will be completed after the April  
10 30 deadline, the commission shall notify the Office of the  
11 Hillsborough County Legislative Delegation by April 30 that  
12 the audit will be so delayed, the reason for the delay, and  
13 the date it will be delivered, which date shall not be later  
14 than July 31 in the year in which the audit is due.

15 (6) One year from the date of the final audit report,  
16 the chair of the commission shall submit to the Office of the  
17 Hillsborough County Legislative Delegation a written statement  
18 of the status of recommendations contained in the audit  
19 report.

20 Section 8. Recodification.--Prior to July 1, 2006, and  
21 prior to July 1 every 10 years thereafter, the Hillsborough  
22 County Legislative Delegation shall review this act for the  
23 purpose of determining whether there is a need for  
24 consolidating, compiling, revising, and recodifying such acts.  
25 If it is determined there is such a need, the delegation may  
26 require the planning commission to prepare or cause to be  
27 prepared legislation necessary for that purpose.

28 Section 9. Severability.--If any provision of this act  
29 or the application thereof to any person or circumstance is  
30 held invalid, such invalidity shall not affect other  
31 provisions or applications of this act which can be given



1 effect without the invalid provision or application, and to  
2 this end the provisions of this act are declared severable.

3 Section 10. (1) Chapters 67-1507, 75-390, 75-399,  
4 77-564, 77-566, 78-523, 81-392, 82-303, 83-421, 84-442,  
5 86-407, 94-406, and 96-517, Laws of Florida, are repealed.

6 (2) The repeal of said chapters does not affect the  
7 prosecution of or the continued prosecution of any cause of  
8 action that accrued before the effective date of the repeal.

9 Section 11. This act shall take effect July 1, 1997.

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