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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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