

STORAGE NAME: h3837z.ca
DATE: June 23, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 3837
RELATING TO: Hillsborough County/Tampa Port Authority
SPONSOR(S): Representative Tamargo and others
COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

House Bill 3837 was introduced in the House on March 3, 1998. The bill was referred to the Committee on Community Affairs on March 10, 1998. On March 19, 1998, the Community Affairs Committee voted favorably to pass the bill. The bill was placed on the House Local Calendar on April 1, 1998 and passed the House 114 YEAS 0 NAYS. The bill was received by the Senate, referred to the Rules and Calendar Committee on April 15, 1998, withdrawn from the Rules and Calendar Committee on May 1, 1998, and placed on the Senate Local Calendar. The bill passed the Senate 40 YEAS 0 NAYS. On May 29, 1998, the bill became law without the Governor's signature and is chapter 98-478, Laws of Florida.

II. SUMMARY:

This bill amends the Tampa Port Authority (authority) special act. The bill adds two components to the list of required performance audit components. The bill clarifies a non-exhaustive list of standard procedures used when the commission contracts for professional services.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Tampa Port Authority is listed in the **1997 Official List of Special Districts** as an independent special district. The Tampa Port Authority (authority) special acts were codified in 1995 by chapter 95-488, Laws of Florida and subsequently amended by chapter 96-518, Laws of Florida. The Tampa Port Authority is the governing body for the Hillsborough County Port District. The authority specifically plans and carries out the long-range development of the facilities of and traffic through the port. The authority consists of five members, all appointed and residents and qualified electors of the county.

The first audit of the authority was completed April 30, 1996.

B. EFFECT OF PROPOSED CHANGES:

The bill adds two required components to the performance audit. Specifically, the performance audit must also include:

- A financial impact assessment, if any, of any of the recommendations contained in the final audit report; and
- A progress assessment made on the most recent previous performance audit recommendations, if any.

The bill clarifies a non-exhaustive list of standard procedures that the authority is required to follow when contracting for professional service. These procedural clarifications include:

- Requiring the authority to issue a public "notice" for professional auditing services which must include a general description of the audit and state how interested firms or individuals can apply for consideration.
- Requiring the applicant to provide a statement of qualifications and performance data.
- Providing a statement that the applicant meets continuing professional educational requirements as prescribed by the Florida Department of Business and Professional Regulation, Board of Accountancy.

The bill provides that the authority must also base its finding that an applicant is fully qualified pursuant to the law and not solely on an adopted evaluation procedure.

The bill makes technical and conforming changes to the law and requires the authority's chair to also submit a written statement of the status of audit responses.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Section 27 of chapter 95-488 as amended by section 1 of chapter 96-518, Laws of Florida. Chapter 97-341, Laws of Florida, amended Section 7 of chapter 95-488, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1 -- Amends section 20 of chapter 96-519, Laws of Florida, to provide performance audit every four years; requires that the performance audit also contain a financial impact assessment and a progress assessment on the most recent previous performance audit recommendations; clarifies standard procedures for any public body when contracting for professional services; requires that the adopted procedures for professional auditing services evaluation include: (a) a statement that the audit applicant meets the required continuing professional educational requirements as prescribed by the Florida Department of Business and Professional Regulation, Board of Accountancy; and (b) the results of their most recent external quality control review; clarifies that audit applicant's qualification findings must also be based on lawful

qualifications; and clarifies that the entity performing the audit must provide relevant supporting documents of preliminary audit findings, upon request.

Section 2 -- Provides an effective date of upon becoming a law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 30, 1998

WHERE? Tampa, FL, The Times

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

V. COMMENTS:

The Hillsborough County Home Rule Charter took effect May 1985. The charter provides for local self-determination and grants all powers of a chartered county under Section I, Article VIII, Florida Constitution, 1968, as amended. One of the features of the Hillsborough County charter as described in "Home Rule Charter for Hillsborough County Florida, Approved by Hillsborough County Voters, September, 1983," is:

Special laws enacted by the Florida Legislature may be effective in Hillsborough County without approval by County electors if they relate to the following: civil service, aviation, **the port**, sports, transportation, hospitals, planning, environment, solid waste management, consumer affairs, resource recovery, criminal justice, historic preservation, and the arts. [Emphasis added.]

Special District Status Statement

Section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department's determination or declaratory statement regarding the status of the district.

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An examination of this charter reveals that this statement is not contained in the district's charter.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Joan E. Highsmith-Smith

Joan E. Highsmith-Smith

FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Joan E. Highsmith-Smith

Joan E. Highsmith-Smith