

STORAGE NAME: h3841z.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 3841
RELATING TO: Hillsborough County City-County Planning Commission
SPONSOR(S): Representative Tamargo & 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 3841 was introduced March 3, 1998 and referred to the Committee on Community Affairs on March 10, 1998. The bill was voted favorably by the committee on March 19, 1998. The bill was placed on the Local House Calendar on April 1, 1998 and passed the House 114 YEAS 0 NAYS. The Senate passed the bill by a vote of 40 NAYS to 0 NAYS on May 1, 1998. On May 29, 1998, the bill became law without the Governor's signature and is chapter 98-480, Laws of Florida.

II. SUMMARY:

This bill amends the Hillsborough County City-Planning Commission (commission) 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 Hillsborough County City-Planning Commission (Commission) was most recently re-created and all its special acts codified by chapter 97-351, Laws of Florida. It was created for the purpose of conducting continuous planning, and making recommendations to the Board of County Commissioners of Hillsborough County, and other appropriate bodies concerning the orderly growth and development of Hillsborough County. It serves as the single local planning agency for Hillsborough County.

The Commission is subject to a performance audit every 4 years. The first audit was completed April 30, 1996. The audits must be conducted in accordance with Government Auditing Standards and include certain audit components and requirements. One year from the final audit report, the chair of the Commission must furnish the Hillsborough County Legislative Delegation Office a written statement of the status of recommendations contained in the audit report.

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 commission is required to follow when contracting for professional service. These procedural clarifications include:

- Requiring the commission 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 commission 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 commission's chair to also submit a written statement of the status of audit responses.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Amends chapter 97-351, 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 7 of chapter 97-351, 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, Florida, 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.]

House Rule 92(a), provides that "if a committee determines that a local bill may be enacted into law under the authority of a local governing body, that committee shall not report the bill to the Clerk."

The purposes of this local bill could be accomplished by a local ordinance but would require that the special acts relating to the planning commission be repealed by the Legislature and converted to local ordinances. The ordinances would then be subject to modification or repeal by the local governing body as are other local ordinances.

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The entire contents of the Act remain in full force and effect during the conversion process.

Because the special acts related to the Planning Commission have not been repealed and converted to local ordinances, House Rule 92(a) does not apply in this instance.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

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:

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