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2 An act relating to legislative oversight of  
3 governmental programs; amending s. 11.13, F.S.;  
4 revising requirements for setting the allowance  
5 for intradistrict expenses for members of the  
6 Legislature; amending ss. 11.42, 11.45, F.S.;  
7 defining the term "operational audit"; revising  
8 the duties of the Auditor General; requiring  
9 district school boards to conduct certain  
10 financial audits; transferring the Division of  
11 Public Assistance Fraud from the Auditor  
12 General to the Department of Law Enforcement;  
13 transferring, renumbering, and amending s.  
14 11.50, F.S.; conforming provisions to the  
15 transfer of the Division of Public Assistance  
16 Fraud; amending ss. 402.3015, 414.33, 414.34,  
17 414.39, 414.40, 951.28, F.S.; conforming  
18 provisions to the transfer of the Division of  
19 Public Assistance Fraud; amending ss. 373.589,  
20 195.096, 232.44, 946.516, 283.31, F.S.;  
21 revising the duties of the Auditor General;  
22 providing for audits by independent certified  
23 public accountants; amending s. 944.719, F.S.;  
24 transferring duties from the Auditor General to  
25 the Office of Program Policy Analysis and  
26 Government Accountability; amending ss. 11.511,  
27 11.513, F.S.; revising the duties of the Office  
28 of Program Policy Analysis and Government  
29 Accountability; amending ss. 112.3187,  
30 112.3188, 112.31895, F.S.; eliminating the  
31 Public Counsel's responsibilities associated

1 with the Whistle-blower's Act; transferring  
2 such responsibilities to the Florida Commission  
3 on Human Relations; amending s. 985.401, F.S.;  
4 providing for the composition of the Juvenile  
5 Justice Accountability Board; reassigning the  
6 board from the Joint Legislative Auditing  
7 Committee to the Department of Juvenile  
8 Justice; amending s. 218.502, F.S.; redefining  
9 the term "local governmental entity"; repealing  
10 s. 284.50(4), F.S., which provides for the  
11 Auditor General to audit state agency  
12 loss-prevention programs; repealing s.  
13 475.045(1)(f), F.S., which provides for the  
14 Auditor General to audit the financial  
15 transactions of the Florida Real Estate  
16 Commission Education and Research Foundation;  
17 repealing s. 985.07, F.S., which provides for  
18 the Auditor General to examine some  
19 information-sharing efforts; amending s.  
20 760.06, F.S.; authorizing the Florida  
21 Commission on Human Relations to receive and  
22 coordinate whistle-blowers' complaints;  
23 providing an effective date.

24

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

26

27 Section 1. Subsection (4) of section 11.13, Florida  
28 Statutes, 1998 Supplement, is amended to read:

29

11.13 Compensation of members.--

30

31 (4) Each member of the Legislature shall be entitled  
to receive a monthly allowance for intradistrict expenses in

1 an amount set annually by the President of the Senate for  
2 members of the Senate and the Speaker of the House of  
3 Representatives for members of the House ~~not later than~~  
4 ~~November 1 for the next fiscal year.~~ In setting the amount,  
5 the costs of maintaining a legislative district office or  
6 offices that provide ~~provides~~ an appropriate level of  
7 constituent services shall be considered. The procedure for  
8 disbursement of the monthly intradistrict expense allowed  
9 shall be set from time to time by the Office of Legislative  
10 Services, with the approval of the President of the Senate and  
11 the Speaker of the House of Representatives or their  
12 respective designees. Such expenses shall be a proper expense  
13 of the Legislature and shall be disbursed from the  
14 appropriation for legislative expense. The expenses provided  
15 under this subsection shall not include any travel and per  
16 diem reimbursed under subsections (2) and (3) or the rules of  
17 either house.

18 Section 2. Subsections (3), (6), (8), and (9) of  
19 section 11.42, Florida Statutes, are amended to read:

20 11.42 The Auditor General.--

21 (3)(a) To carry out her or his duties the Auditor  
22 General shall make all spending decisions within the annual  
23 operating budget approved by the President of the Senate and  
24 the Speaker of the House of Representatives. The Auditor  
25 General shall employ qualified persons necessary for the  
26 efficient operation of the Auditor General's office and shall  
27 fix their duties and compensation and, with the approval of  
28 the President of the Senate and the Speaker of the House of  
29 Representatives ~~the Legislative Auditing Committee~~, shall  
30 adopt and administer a uniform personnel, job classification,  
31 and pay plan for such employees.

1 (b)1. No person shall be employed as a financial  
2 auditor who does not possess the qualifications to take the  
3 examination for a certificate as certified public accountant  
4 under the laws of this state, and no person shall be employed  
5 or retained as legal adviser, on either a full-time or a  
6 part-time basis, who is not a member of The Florida Bar.

7 2. Notwithstanding the provisions of subparagraph 1.,  
8 employees in the positions associated with the Florida  
9 Education Finance Program full-time enrollment verification  
10 function that is assigned to the Auditor General pursuant to  
11 s. 229.565(2) may continue to meet the job qualifications that  
12 existed prior to such transfer for a period of 3 years after  
13 such transfer. Thereafter, they shall meet the requirements of  
14 subparagraph 1. This subparagraph is repealed on July 1, 1998.

15 (6)(a) The headquarters of the Auditor General shall  
16 be at the state capital, but to facilitate auditing and to  
17 eliminate unnecessary traveling the Auditor General may  
18 establish divisions and assign auditors to each division and  
19 determine their duties and the areas of the state to be served  
20 by the respective divisions. The Auditor General shall be  
21 provided with adequate quarters to carry out the position's  
22 functions in the state capital and in other areas of the  
23 state.

24 (b) All payrolls and vouchers ~~prepared by the Auditor~~  
25 ~~General~~ for the operations of the Auditor General's ~~her or his~~  
26 office shall be submitted directly to the Comptroller and, if  
27 found to be correct, state warrants shall be issued therefor.

28 (c) The Auditor General shall transmit to the  
29 President of the Senate and the Speaker of the House of  
30 Representatives by January 1 of each year a list of statutory  
31 and fiscal changes recommended by audit reports. The

1 recommendations should be presented in two categories: one  
2 addressing substantive law and policy issues and the other  
3 addressing budget issues. The Auditor General may also  
4 transmit recommendations at other times of the year when the  
5 information would be timely and useful for the Legislature.

6 ~~(8) When authorized to audit the administrative~~  
7 ~~services functions of any state agency, the Auditor General~~  
8 ~~shall include, as a part of that review, a statement regarding~~  
9 ~~agency compliance with the minority business enterprise~~  
10 ~~procurement goals set forth in s. 287.0945.~~

11 (8)(9) No officer or full-time employee of the office  
12 of Auditor General shall actively engage in any other business  
13 or profession; serve as the representative of any political  
14 party or on any executive committee or other governing body  
15 thereof; serve as an executive, officer, or employee of any  
16 political party committee, organization, or association; or be  
17 engaged on behalf of any candidate for public office in the  
18 solicitation of votes or other activities in behalf of such  
19 candidacy. Neither the Auditor General nor any employee of the  
20 Auditor General shall become a candidate for election to  
21 public office unless she or he shall first resign from office  
22 or employment.

23 Section 3. Subsections (1) and (3) and paragraph (f)  
24 of subsection (7) of section 11.45, Florida Statutes, are  
25 amended to read:

26 11.45 Definitions; duties; audits; reports.--

27 (1) As used in this section, the term:

28 (a) "County agency," for the exclusive purposes of  
29 this section, means a board of county commissioners or other  
30 legislative and governing body of a county, however styled,  
31 including that of a consolidated or metropolitan government, a

1 clerk of the circuit court, a separate or ex officio clerk of  
2 the county court, a sheriff, a property appraiser, a tax  
3 collector, a supervisor of elections, or any other officer in  
4 whom any portion of the fiscal duties of the above are under  
5 law separately placed. Each county agency is a local  
6 governmental entity for purposes of subparagraph (3)(a)4.

7 (b) "Financial audit" means an examination of  
8 financial statements in order to express an opinion on the  
9 fairness with which they present financial position, results  
10 of operations, and changes in financial position in conformity  
11 with generally accepted accounting principles and an  
12 examination to determine whether operations are properly  
13 conducted in accordance with legal and regulatory  
14 requirements. Financial audits must be conducted in accordance  
15 with generally accepted auditing standards and governmental  
16 auditing standards as adopted by the Board of Accountancy.

17 (c) "Governmental entity" means a state agency, a  
18 county agency, or any other entity, however styled, that  
19 independently exercises any type of state or local  
20 governmental function.

21 (d) "Local governmental entity" means a county agency,  
22 municipality, or special district as defined in s. 189.403,  
23 but does not include any housing authority established under  
24 chapter 421.

25 (e) "Management letter" means a statement of the  
26 auditor's comments and recommendations.

27 (f) "Operational audit" means a financial-related  
28 audit whose purpose is to evaluate management's performance in  
29 administering assigned responsibilities in accordance with  
30 applicable laws, administrative rules, and other guidelines  
31 and to determine the extent to which the internal control, as

1 designed and placed in operation, promotes and encourages the  
2 achievement of management's control objectives in the  
3 categories of compliance, economic and efficient operations,  
4 reliability of financial records and reports, and safeguarding  
5 of assets.

6 (g)~~(f)~~ "Performance audit" means an examination of a  
7 program, activity, or function of a governmental entity,  
8 conducted in accordance with applicable government auditing  
9 standards or auditing and evaluation standards of other  
10 appropriate authoritative bodies. The term includes an  
11 examination of issues related to:

12 1. Economy, efficiency, or effectiveness of the  
13 program.

14 2. Structure or design of the program to accomplish  
15 its goals and objectives.

16 3. Adequacy of the program to meet the needs  
17 identified by the Legislature or governing body.

18 4. Alternative methods of providing program services  
19 or products.

20 5. Goals, objectives, and performance measures used by  
21 the agency to monitor and report program accomplishments.

22 6. The accuracy or adequacy of public documents,  
23 reports, or requests prepared under the program by state  
24 agencies.

25 7. Compliance of the program with appropriate  
26 policies, rules, or laws.

27 8. Any other issues related to governmental entities  
28 as directed by the Legislative Auditing Committee.

29 (h)~~(g)~~ "Political subdivision" means a separate agency  
30 or unit of local government created or established by law and  
31 includes, but is not limited to, the following and the

1 officers thereof: authority, board, branch, bureau, city,  
2 commission, consolidated government, county, department,  
3 district, institution, metropolitan government, municipality,  
4 office, officer, public corporation, town, or village.

5 (i)~~(h)~~ "State agency" means a separate agency or unit  
6 of state government created or established by law and  
7 includes, but is not limited to, the following and the  
8 officers thereof: authority, board, branch, bureau,  
9 commission, department, division, institution, office,  
10 officer, or public corporation, as the case may be, except any  
11 such agency or unit other than the Florida Public Service  
12 Commission within the legislative branch of state government.

13 (3)(a)1. The Auditor General shall annually make  
14 financial audits of the accounts and records of all state  
15 agencies, as defined in this section, of all district school  
16 boards in counties with populations of fewer than 125,000,  
17 according to the most recent federal decennial statewide  
18 census, and of all district boards of trustees of community  
19 colleges. The Auditor General shall, at least every other  
20 year, make operational audits of the accounts and records of  
21 all state agencies, as defined in this section. The Auditor  
22 General shall, at least once every 3 years, make financial  
23 audits of the accounts and records of all district school  
24 boards in counties with populations of 125,000 or more. For  
25 each of the 2 years that the Auditor General does not make the  
26 financial audit, each district school board shall contract for  
27 an independent certified public accountant to perform a  
28 financial audit as defined in paragraph (1)(b). This section  
29 does not limit the Auditor General's discretionary authority  
30 to conduct performance audits of these governmental entities  
31 as authorized in subparagraph 3.2. A district school board



1 may select an independent certified public accountant ~~auditor~~  
2 to perform a financial audit as defined in paragraph (1)(b)  
3 notwithstanding the notification provisions of this section.  
4 In addition, a district school board may employ an internal  
5 auditor to perform ongoing financial verification of the  
6 financial records of a school district, who must report  
7 directly to the district school board or its designee. The  
8 Auditor General shall, at a minimum, provide to the successor  
9 independent certified public accountant of a district school  
10 board the prior year's working papers, including documentation  
11 of planning, internal control, audit results, and other  
12 matters of continuing accounting and auditing significance,  
13 such as the working paper analysis of balance sheet accounts  
14 and those relating to contingencies.

15 2. Each charter school established under s. 228.056  
16 shall have an annual financial audit of its accounts and  
17 records completed within 12 months after the end of its fiscal  
18 year by an independent certified public accountant retained by  
19 it and paid from its funds. The independent certified public  
20 accountant who is selected to perform an annual financial  
21 audit of the charter school shall provide a copy of the audit  
22 report to the district school board, the Department of  
23 Education, and the Auditor General. A management letter must  
24 be prepared and included as a part of each financial audit  
25 report. The Auditor General may, pursuant to his or her own  
26 authority or at the direction of the Joint Legislative  
27 Auditing Committee, conduct an audit of a charter school.

28 3.2. The Auditor General may at any time make  
29 financial audits and performance audits of the accounts and  
30 records of all governmental entities created pursuant to law.  
31 The audits referred to in this subparagraph must be made

1 whenever determined by the Auditor General, whenever directed  
2 by the Legislative Auditing Committee, or whenever otherwise  
3 required by law or concurrent resolution. A district school  
4 board, expressway authority, or bridge authority may require  
5 that the annual financial audit of its accounts and records be  
6 completed within 12 months after the end of its fiscal year.  
7 If the Auditor General is unable to meet that requirement, the  
8 Auditor General shall notify the school board, the expressway  
9 authority, or the bridge authority pursuant to subparagraph 5.  
10 ~~4.~~

11 4.3. The Office of Program Policy Analysis and  
12 Government Accountability within the Office of the Auditor  
13 General shall maintain a schedule of performance audits of  
14 state programs. In conducting a performance audit of a state  
15 program, the Office of Program Policy Analysis and Government  
16 Accountability, when appropriate, shall identify and comment  
17 upon alternatives for accomplishing the goals of the program  
18 being audited. Such alternatives may include funding  
19 techniques and, if appropriate, must describe how other states  
20 or governmental units accomplish similar goals.

21 5.4. If by July 1 in any fiscal year a district school  
22 board or local governmental entity has not been notified that  
23 a financial audit for that fiscal year will be performed by  
24 the Auditor General pursuant to subparagraph 3.2., each  
25 municipality with either revenues or expenditures of more than  
26 \$100,000, each special district with either revenues or  
27 expenditures of more than \$50,000, and each county agency  
28 shall, and each district school board may, require that an  
29 annual financial audit of its accounts and records be  
30 completed, within 12 months after the end of its respective  
31 fiscal year, by an independent certified public accountant

1 retained by it and paid from its public funds. An independent  
2 certified public accountant who is selected to perform an  
3 annual financial audit of a school district must report  
4 directly to the district school board or its designee. A  
5 management letter must be prepared and included as a part of  
6 each financial audit report. Each local government finance  
7 commission, board, or council, and each municipal power  
8 corporation, created as a separate legal or administrative  
9 entity by interlocal agreement under s. 163.01(7), shall  
10 provide the Auditor General, within 12 months after the end of  
11 its fiscal year, with an annual financial audit report of its  
12 accounts and records and a written statement or explanation or  
13 rebuttal concerning the auditor's comments, including  
14 corrective action to be taken. The county audit shall be one  
15 document that includes a separate audit of each county agency.  
16 The county audit must include an audit of the deposits into  
17 and expenditures from the Public Records Modernization Trust  
18 Fund. The Auditor General shall tabulate the results of the  
19 audits of the Public Records Modernization Trust Fund and  
20 report a summary of the audits to the Legislature annually.

21 ~~6.5.~~ The governing body of a municipality, ~~or a~~  
22 special district, or charter school must establish an auditor  
23 selection committee and competitive auditor selection  
24 procedures. The governing board may elect to use its own  
25 competitive auditor selection procedures or the procedures  
26 outlined in subparagraph ~~7.6.~~

27 ~~7.6.~~ The governing body of a noncharter county or  
28 district school board that retains ~~elects to use~~ a certified  
29 public accountant must establish an auditor selection  
30 committee and select ~~other than the Auditor General is~~  
31 ~~responsible for selecting~~ an independent certified public

- 1 ~~accountant to audit the county agencies of the county or~~  
2 ~~district school board~~ according to the following procedure:
- 3       a. For each noncharter county, the ~~an~~ auditor  
4 selection committee must consist ~~be established~~, consisting of  
5 the county officers elected pursuant to s. 1(d), Art. VIII of  
6 the State Constitution, and one member of the board of county  
7 commissioners or its designee.
- 8       b. The committee shall publicly announce, in a uniform  
9 and consistent manner, each occasion when auditing services  
10 are required to be purchased. Public notice must include a  
11 general description of the audit and must indicate how  
12 interested certified public accountants can apply for  
13 consideration.
- 14       c. The committee shall encourage firms engaged in the  
15 lawful practice of public accounting who desire to provide  
16 professional services to submit annually a statement of  
17 qualifications and performance data.
- 18       d. Any certified public accountant desiring to provide  
19 auditing services must first be qualified pursuant to law. The  
20 committee shall make a finding that the firm or individual to  
21 be employed is fully qualified to render the required  
22 services. Among the factors to be considered in making this  
23 finding are the capabilities, adequacy of personnel, past  
24 record, and experience of the firm or individual.
- 25       e. The committee shall adopt procedures for the  
26 evaluation of professional services, including, but not  
27 limited to, capabilities, adequacy of personnel, past record,  
28 experience, results of recent external quality control  
29 reviews, and such other factors as may be determined by the  
30 committee to be applicable to its particular requirements.  
31

1 f. The public must not be excluded from the  
2 proceedings under this subparagraph.

3 g. The committee shall evaluate current statements of  
4 qualifications and performance data on file with the  
5 committee, together with those that may be submitted by other  
6 firms regarding the proposed audit, and shall conduct  
7 discussions with, and may require public presentations by, no  
8 fewer than three firms regarding their qualifications,  
9 approach to the audit, and ability to furnish the required  
10 services.

11 h. The committee shall select no fewer than three  
12 firms deemed to be the most highly qualified to perform the  
13 required services after considering such factors as the  
14 ability of professional personnel; past performance;  
15 willingness to meet time requirements; location; recent,  
16 current, and projected workloads of the firms; and the volume  
17 of work previously awarded to the firm by the agency, with the  
18 object of effecting an equitable distribution of contracts  
19 among qualified firms, provided such distribution does not  
20 violate the principle of selection of the most highly  
21 qualified firms. If fewer than three firms desire to perform  
22 the services, the committee shall recommend such firms as it  
23 determines to be qualified.

24 i. If the governing board receives more than one  
25 proposal for the same engagement, the board may rank, in order  
26 of preference, the firms to perform the engagement. The firm  
27 ranked first may then negotiate a contract with the board  
28 giving, among other things, a basis of its fee for that  
29 engagement. If the board is unable to negotiate a  
30 satisfactory contract with that firm, negotiations with that  
31 firm shall be formally terminated, and the board shall then

1 undertake negotiations with the second-ranked firm. Failing  
2 accord with the second-ranked firm, negotiations shall then be  
3 terminated with that firm and undertaken with the third-ranked  
4 firm. Negotiations with the other ranked firms shall be  
5 undertaken in the same manner. The board, in negotiating with  
6 firms, may reopen formal negotiations with any one of the  
7 three top-ranked firms, but it may not negotiate with more  
8 than one firm at a time. The board shall also negotiate on the  
9 scope and quality of services. In making such determination,  
10 the board shall conduct a detailed analysis of the cost of the  
11 professional services required in addition to considering  
12 their scope and complexity. For contracts over \$50,000, the  
13 board shall require the firm receiving the award to execute a  
14 truth-in-negotiation certificate stating that the rates of  
15 compensation and other factual unit costs supporting the  
16 compensation are accurate, complete, and current at the time  
17 of contracting. Such certificate shall also contain a  
18 description and disclosure of any understanding that places a  
19 limit on current or future years' audit contract fees,  
20 including any arrangements under which fixed limits on fees  
21 will not be subject to reconsideration if unexpected  
22 accounting or auditing issues are encountered. Such  
23 certificate shall also contain a description of any services  
24 rendered by the certified public accountant or firm of  
25 certified public accountants at rates or terms that are not  
26 customary. Any auditing service contract under which such a  
27 certificate is required must contain a provision that the  
28 original contract price and any additions thereto shall be  
29 adjusted to exclude any significant sums by which the board  
30 determines the contract price was increased due to inaccurate  
31 or incomplete factual unit costs. All such contract

1 adjustments shall be made within 1 year following the end of  
2 the contract.

3 j. If the board is unable to negotiate a satisfactory  
4 contract with any of the selected firms, the committee shall  
5 select additional firms, and the board shall continue  
6 negotiations in accordance with this subsection until an  
7 agreement is reached.

8 ~~8.7.~~ At the conclusion of the audit field work, the  
9 independent certified public accountant shall discuss with the  
10 head of each local governmental entity or the chair's designee  
11 or with the chair of the district school board or the chair's  
12 designee, or with the chair of the board of the charter school  
13 or the chair's designee, as appropriate, all of the auditor's  
14 comments that will be included in the audit report. If the  
15 officer is not available to discuss the auditor's comments,  
16 their discussion is presumed when the comments are delivered  
17 in writing to his or her office. The auditor shall notify each  
18 member of the governing body of a local governmental entity  
19 for which deteriorating financial conditions exist which may  
20 cause a condition described in s. 218.503(1) to occur if  
21 actions are not taken to address such conditions.

22 ~~9.8.~~ The officer's written statement of explanation or  
23 rebuttal concerning the auditor's comments, including  
24 corrective action to be taken, must be filed with the  
25 governing body of the local governmental entity, or district  
26 school board, or charter school within 30 days after the  
27 delivery of the financial audit report.

28 ~~10.9.~~ The Auditor General, in consultation with the  
29 Board of Accountancy, shall adopt rules for the form and  
30 conduct of all financial audits subject to this section and  
31 conducted by independent certified public accountants ~~local~~

1 ~~governmental entity audits.~~ The Auditor General, in  
2 consultation with the Department of Education, shall develop a  
3 compliance supplement for the financial audit of a district  
4 school board conducted by an independent certified public  
5 accountant.The rules for audits of local governmental  
6 entities and district school boards must include, but are not  
7 limited to, requirements for the reporting of information  
8 necessary to carry out the purposes of the Local Government  
9 Financial Emergencies Act as stated in s. 218.501.

10 ~~11.10.~~ Any local governmental entity or district  
11 school board financial audit report required under  
12 subparagraph 5.4 or charter school financial audit report  
13 required under subparagraph 2.and the officer's written  
14 statement of explanation or rebuttal concerning the auditor's  
15 comments, including corrective action to be taken, must be  
16 submitted to the Auditor General within 45 days after delivery  
17 of the audit report to the local governmental entity, ~~or~~  
18 district school board, or charter school,but no later than 12  
19 months after the end of the fiscal year. If the Auditor  
20 General does not receive the financial audit report within the  
21 prescribed period, he or she must notify the Legislative  
22 Auditing Committee that the governmental entity or charter  
23 school has not complied with this subparagraph. Following  
24 notification of failure to submit the required audit report or  
25 items required by rule adopted by the Auditor General, a  
26 hearing must be scheduled by rule of the committee. After the  
27 hearing, the committee shall determine which ~~local~~  
28 governmental entities or charter schools will be subjected to  
29 further state action. If it finds that one or more ~~local~~  
30 governmental entities or charter schools should be subjected  
31 to further state action, the committee shall:



1           a. In the case of a local governmental entity,  
2 district school board, or charter school, request the  
3 Department of Revenue and the Department of Banking and  
4 Finance to withhold any funds payable to such governmental  
5 entity or charter school until the required financial audit is  
6 received by the Auditor General.

7           b. In the case of a special district, notify the  
8 Department of Community Affairs that the special district has  
9 failed to provide the required audits. Upon receipt of  
10 notification, the Department of Community Affairs shall  
11 proceed pursuant to ss. 189.421 and 189.422.

12           ~~12.11~~.a. The Auditor General, in consultation with the  
13 Board of Accountancy, shall review all audit reports submitted  
14 ~~by local governmental entities~~ pursuant to subparagraph ~~11.9~~.  
15 The Auditor General shall request any significant items that  
16 were omitted in violation of a rule adopted by the Auditor  
17 General. The items must be provided within 45 days after the  
18 date of the request. If the Auditor General does not receive  
19 the requested items, he or she shall notify the Joint  
20 Legislative Auditing Committee.

21           b. The Auditor General shall notify the Governor and  
22 the Joint Legislative Auditing Committee of any audit report  
23 reviewed by the Auditor General which contains a statement  
24 that the local governmental entity or district school board is  
25 in a state of financial emergency as provided in s. 218.503.  
26 If the Auditor General, in reviewing any audit report,  
27 identifies additional information which indicates that the  
28 local governmental entity or district school board may be in a  
29 state of financial emergency as provided in s. 218.503, the  
30 Auditor General shall request appropriate clarification from  
31 the local governmental entity or district school board. The

1 requested clarification must be provided within 45 days after  
2 the date of the request. If the Auditor General does not  
3 receive the requested clarification, he or she shall notify  
4 the Joint Legislative Auditing Committee. If, after obtaining  
5 the requested clarification, the Auditor General determines  
6 that the local governmental entity or district school board is  
7 in a state of financial emergency as provided in s. 218.503,  
8 he or she shall notify the Governor and the Joint Legislative  
9 Auditing Committee.

10 c. The Auditor General shall annually compile and  
11 transmit to the President of the Senate, the Speaker of the  
12 House of Representatives, and the Joint Legislative Auditing  
13 Committee a summary of significant findings and financial  
14 trends identified in audits of local governmental entities,  
15 district school boards, and charter schools performed by the  
16 independent certified public accountants.

17 ~~13.12.~~ In conducting a performance audit of any  
18 agency, the Auditor General shall use the Agency Strategic  
19 Plan of the agency in evaluating the performance of the  
20 agency.

21 (b) The Legislative Auditing Committee ~~may authorize~~  
22 ~~and direct the Auditor General to make a financial audit of~~  
23 ~~any municipality or independent agency or authority of any~~  
24 ~~municipality within the state, and the committee shall direct~~  
25 the Auditor General to make a financial audit of any  
26 municipality ~~such audit~~ whenever petitioned to do so by at  
27 least 20 percent of the electors of that ~~any~~ municipality.  
28 The supervisor of elections of the county in which the  
29 municipality is located shall certify whether or not the  
30 petition contains the signatures of at least 20 percent of the  
31 electors of the municipality. After the completion of the

1 audit, the Auditor General shall determine whether the  
2 municipality has the fiscal resources necessary to pay the  
3 cost of the audit. The municipality shall pay the cost of the  
4 audit within 90 days after the Auditor General's determination  
5 that the municipality has the available resources. If ~~The~~  
6 ~~expenses of such audit shall be paid by the municipality and,~~  
7 ~~in the event~~ the municipality fails to pay the cost of the  
8 audit, the Department of Revenue shall, upon certification of  
9 the Auditor General, withhold from that portion of the  
10 municipal financial assistance trust fund for municipalities  
11 which is derived from the cigarette tax imposed under chapter  
12 210, and which is distributable to such municipality, a sum  
13 sufficient to pay the cost of the audit and shall deposit that  
14 sum into the General Revenue Fund of the state.

15 (c) The Auditor General shall at least every 2 years  
16 make a performance audit of the local government financial  
17 reporting system, which, for the purpose of this chapter,  
18 means the reporting provisions of this subsection and  
19 subsection (4); s. 27.3455(1) and (2); part VII of chapter  
20 112; s. 163.05; s. 166.241; chapter 189; parts III and V of  
21 chapter 218; and s. 925.037(5). The performance audit shall  
22 analyze each component of the reporting system separately and  
23 analyze the reporting system as a whole. The purpose of such  
24 an audit is to determine the accuracy, efficiency, and  
25 effectiveness of the reporting system in achieving its goals  
26 and objectives and to make recommendations to the local  
27 governments, the Governor, and the Legislature as to how the  
28 reporting system can be improved and how program costs can be  
29 reduced. Such goals and objectives must include, but need not  
30 be limited to, the timely, accurate, uniform, and  
31 cost-effective accumulation of financial and other information

1 that can be used by the members of the Legislature and other  
2 appropriate officials in order to:

- 3 1. Compare and contrast revenue sources and  
4 expenditures of local governmental entities;
- 5 2. Assess the fiscal impact of the formation,  
6 dissolution, and activity of special districts;
- 7 3. Evaluate the fiscal impact of state mandates on  
8 local governmental entities;
- 9 4. Assess financial or economic conditions of local  
10 governmental entities; and
- 11 5. Improve communication and coordination among state  
12 agencies and local governmental entities.

13 (d) Whenever a local governmental entity requests the  
14 Auditor General to conduct an audit of all or part of its  
15 operations and the Auditor General conducts the audit under  
16 his or her own authority or at the direction of the  
17 Legislative Auditing Committee ~~conducts the audit~~, the  
18 expenses of the audit shall be paid ~~for~~ by the local  
19 governmental entity. The Auditor General shall estimate the  
20 cost of the audit. Fifty percent of the cost estimate shall be  
21 paid by the local governmental entity before the initiation of  
22 the audit and deposited into the General Revenue Fund of the  
23 state. After the completion of the audit, the Auditor General  
24 shall forward the actual cost of the audit to the local  
25 governmental entity. The local governmental entity shall remit  
26 the remainder of the cost of the audit to the Auditor General  
27 for deposit into the General Revenue Fund of the state. If the  
28 local governmental entity fails to pay the cost of the audit,  
29 the Auditor General shall notify the Legislative Auditing  
30 Committee. Following the notification, the committee may  
31 schedule a hearing. After the hearing, the committee shall

1 determine if the local governmental entity should be subject  
2 to further state action. If the committee determines that the  
3 local governmental entity should be subject to further state  
4 action, the committee shall:

5 1. In the case of a local governmental entity, request  
6 the Department of Revenue and the Department of Banking and  
7 Finance to withhold any funds payable to the governmental  
8 entity until the required payment is received by the Auditor  
9 General.

10 2. In the case of a special district, notify the  
11 Department of Community Affairs that the special district has  
12 failed to pay for the cost of the audit. Upon receipt of  
13 notification, the Department of Community Affairs shall  
14 proceed pursuant to the provisions specified in ss. 189.421  
15 and 189.422.

16 (7)

17 (f) No later than 18 months after the release of a  
18 performance audit report, the agencies which are the subject  
19 of that report shall provide data and other information that  
20 describes with specificity what the agencies have done to  
21 respond to the recommendations contained in the report. The  
22 Auditor General or the Office of Program Policy Analysis and  
23 Government Accountability may verify the data and information  
24 provided by the agencies. If the data and information  
25 provided by the agencies are deemed sufficient and accurate,  
26 the Auditor General or the Office of Program Policy Analysis  
27 and Government Accountability shall report to the Joint  
28 Legislative Auditing Committee and to the legislative standing  
29 committees concerned with the subject areas of the audit. The  
30 report shall include a summary of the agencies' responses, the  
31 evaluation of those responses, and any recommendations deemed

1 to be appropriate. The follow-up report required by this  
2 paragraph may be waived by joint action of the President of  
3 the Senate and the Speaker of the House of Representatives  
4 upon the recommendation of the Director of the Office of  
5 Program Policy Analysis and Government Accountability.

6 Section 4. All statutory powers, duties, and functions  
7 related to investigating public assistance fraud are  
8 transferred from the Auditor General to the Department of Law  
9 Enforcement by a type one transfer, as defined in section  
10 20.06, Florida Statutes, effective October 1, 1999.

11 Section 5. Section 11.50, Florida Statutes, is  
12 transferred, renumbered as section 943.401, Florida Statutes,  
13 and amended to read:

14 943.401 ~~11.50~~ ~~Division of Public Assistance Fraud.--~~

15 (1)(a) The Department of Law Enforcement Auditor  
16 ~~General~~ shall investigate, ~~on his or her own initiative or~~  
17 ~~when required by the Legislative Auditing Committee,~~ public  
18 assistance made under the provisions of chapter 409 or chapter  
19 414. In the course of such investigation the Department of Law  
20 Enforcement Auditor General shall examine all records,  
21 including electronic benefits transfer records and make  
22 inquiry of all persons who may have knowledge as to any  
23 irregularity incidental to the disbursement of public moneys,  
24 food stamps, or other items or benefits authorizations to  
25 recipients.

26 (b) All public assistance recipients, as a condition  
27 precedent to qualification for assistance under the provisions  
28 of chapter 409 or chapter 414, shall first give in writing, to  
29 the Agency for Health Care Administration, ~~or~~ the Department  
30 of Health, and the Department of Children and Family  
31 ~~Rehabilitative~~ Services, as appropriate, and to the Department

1 of Law Enforcement ~~Division of Public Assistance Fraud,~~  
2 consent to make inquiry of past or present employers and  
3 records, financial or otherwise.

4 (2) In the conduct of such investigation the  
5 Department of Law Enforcement ~~Auditor General~~ may employ  
6 persons having such qualifications as are useful in the  
7 performance of this duty, ~~and those individuals shall be~~  
8 ~~assigned to the Division of Public Assistance Fraud which is~~  
9 ~~hereby created within the office of the Auditor General.~~

10 (3) The results of such investigation shall be  
11 reported by the Department of Law Enforcement ~~Auditor General~~  
12 to the appropriate legislative committees ~~Auditing Committee,~~  
13 the Agency for Health Care Administration, the Department of  
14 Health, and the Department of Children and Family  
15 ~~Rehabilitative~~ Services, and to such others as the Department  
16 of Law Enforcement ~~Legislative Auditing Committee or the~~  
17 ~~Auditor General~~ may determine.

18 (4) The Department of Health and the Department of  
19 Children and Family ~~Rehabilitative~~ Services shall report to  
20 the Department of Law Enforcement ~~Auditor General~~ the final  
21 disposition of all cases wherein action has been taken  
22 pursuant to s. 414.39, based upon information furnished by the  
23 Department of Law Enforcement ~~Division of Public Assistance~~  
24 ~~Fraud.~~

25 (5) All lawful fees and expenses of officers and  
26 witnesses, expenses incident to taking testimony and  
27 transcripts of testimony and proceedings are ~~requested by the~~  
28 ~~Legislative Auditing Committee or the Auditor General shall be~~  
29 a proper charge to the Department of Law Enforcement  
30 ~~appropriation of the Auditor General. All payments for these~~  
31 ~~purposes shall be on vouchers approved by the Auditor General.~~

1           (6) The provisions of this section shall be liberally  
2 construed in order to carry out effectively the purposes of  
3 this section in the interest of protecting public moneys and  
4 other public property.

5           Section 6. Paragraph (b) of subsection (6) of section  
6 402.3015, Florida Statutes, is amended to read:

7           402.3015 Subsidized child care program; purpose; fees;  
8 contracts.--

9           (6)

10          (b) Child care services, unless directly operated by a  
11 community child care coordinating agency, shall be provided  
12 under a service agreement or by voucher, which ensures, to the  
13 maximum extent possible, parental choice through flexibility  
14 in child care arrangements and payment arrangements. When  
15 used, a voucher must bear the name of the beneficiary and the  
16 child care provider and, when redeemed, must bear the  
17 signature of both the beneficiary and an authorized  
18 representative of the child care provider. If it is determined  
19 that a child care provider has provided any cash to the  
20 beneficiary in return for receiving the voucher, the license  
21 for each child care facility operated by the provider shall be  
22 immediately revoked and any facility operated by the provider  
23 is ineligible for relicensure for 3 years. Whether or not the  
24 provider is licensed, the department shall refer the matter to  
25 the Department of Law Enforcement ~~Division of Public~~  
26 ~~Assistance Fraud of the Office of the Auditor General~~ for  
27 investigation.

28          Section 7. Subsection (2) of section 414.33, Florida  
29 Statutes, is amended to read:

30          414.33 Violations of food stamp program.--

31



1           (2) In addition, the department shall establish  
2 procedures for referring to the Department of Law Enforcement  
3 ~~Division of Public Assistance Fraud within the Office of the~~  
4 ~~Auditor General~~ any case that involves a suspected violation  
5 of federal or state law or rules governing the administration  
6 of the food stamp program.

7           Section 8. Section 414.34, Florida Statutes, is  
8 amended to read:

9           414.34 Annual report concerning administrative  
10 complaints and disciplinary actions involving food stamp  
11 program violations.--The department shall prepare and submit a  
12 report to the President of the Senate, the Speaker of the  
13 House of Representatives, the chairs of the appropriate  
14 legislative ~~Health and Rehabilitative Services~~ committees, and  
15 the Department of Law Enforcement ~~Division of Public~~  
16 ~~Assistance Fraud~~ by January 1 of each year. In addition to  
17 any other information the Legislature may require, the report  
18 must include statistics and relevant information detailing:

19           (1) The number of complaints received and  
20 investigated.

21           (2) The number of findings of probable cause made.

22           (3) The number of findings of no probable cause made.

23           (4) The number of administrative complaints filed.

24           (5) The disposition of all administrative complaints.

25           (6) The number of criminal complaints brought under s.  
26 414.39, and their disposition.

27           (7) The status of the development and implementation  
28 of rules governing the electronic benefits transfer program,  
29 including any recommendations for statutory changes.

30           Section 9. Subsection (9) of section 414.39, Florida  
31 Statutes, is amended to read:

1           414.39 Fraud.--

2           (9) All records relating to investigations of public  
3 assistance fraud in the custody of the department and the  
4 Agency for Health Care Administration are available for  
5 examination by the Department of Law Enforcement ~~Division of~~  
6 ~~Public Assistance Fraud of the office of the Auditor General~~  
7 pursuant to s. 11.50 and are admissible into evidence in  
8 proceedings brought under this section as business records  
9 within the meaning of s. 90.803(6).

10           Section 10. Section 414.40, Florida Statutes, is  
11 amended to read:

12           414.40 Stop Inmate Fraud Program established;  
13 guidelines.--

14           (1) There is created within the Department of Law  
15 Enforcement ~~Division of Public Assistance Fraud of the Office~~  
16 ~~of the Auditor General~~ a Stop Inmate Fraud Program.

17           (2) The Department of Law Enforcement ~~division~~ is  
18 directed to implement the Stop Inmate Fraud Program in  
19 accordance with the following guidelines:

20           (a) The program shall establish procedures for sharing  
21 public records not exempt from the public records law among  
22 social services agencies regarding the identities of persons  
23 incarcerated in state correctional institutions, as defined in  
24 s. 944.02(6), or in county, municipal, or regional jails or  
25 other detention facilities of local governments under chapter  
26 950 or chapter 951 who are wrongfully receiving public  
27 assistance benefits or entitlement benefits.

28           (b) Pursuant to these procedures, the program shall  
29 have access to records containing correctional information not  
30 exempt from the public records law on incarcerated persons  
31 which have been generated as criminal justice information. As

1 used in this paragraph, the term "record" is defined as  
2 provided in s. 943.045(7), and the term "criminal justice  
3 information" is defined as provided in s. 943.045(3).

4 (c) Database searches shall be conducted of the inmate  
5 population at each correctional institution or other detention  
6 facility. A correctional institution or a detention facility  
7 shall provide the Stop Inmate Fraud Program with the  
8 information necessary to identify persons wrongfully receiving  
9 benefits in the medium requested by the Stop Inmate Fraud  
10 Program if the correctional institution or detention facility  
11 maintains the information in that medium.

12 (d) Data obtained from correctional institutions or  
13 other detention facilities shall be compared with the client  
14 files of the Department of Children and Family Services, the  
15 Department of Labor and Employment Security, and other state  
16 or local agencies as needed to identify persons wrongfully  
17 obtaining benefits. Data comparisons shall be accomplished  
18 during periods of low information demand by agency personnel  
19 to minimize inconvenience to the agency.

20 (e) Results of data comparisons shall be furnished to  
21 the appropriate office for use in the county in which the data  
22 originated. The program may provide reports of the data it  
23 obtains to appropriate state, federal, and local government  
24 agencies or governmental entities, including, but not limited  
25 to:

26 1. The Child Support Enforcement Program of the  
27 Department of Revenue, so that the data may be used as locator  
28 information on persons being sought for purposes of child  
29 support.

30  
31

1           2. The Social Security Administration, so that the  
2 data may be used to reduce federal entitlement fraud within  
3 the state.

4           (f) Reports by the program to another agency or entity  
5 shall be generated bimonthly, or as otherwise directed, and  
6 shall be designed to accommodate that agency's or entity's  
7 particular needs for data.

8           (g) Only those persons with active cases, or with  
9 cases that were active during the incarceration period, shall  
10 be reported, in order that the funding agency or entity, upon  
11 verification of the data, may take whatever action is deemed  
12 appropriate.

13           (h) For purposes of program review and analysis, each  
14 agency or entity receiving data from the program shall submit  
15 reports to the program which indicate the results of how the  
16 data was used.

17           Section 11. Section 951.28, Florida Statutes, is  
18 amended to read:

19           951.28 Transmitting prisoner information to reduce  
20 public assistance fraud.--Upon consultation with the  
21 Department of Law Enforcement ~~Division of Public Assistance~~  
22 ~~Fraud of the Office of the Auditor General~~ and the Social  
23 Security Administration, the county sheriff or chief  
24 correctional officer or his or her designee shall establish  
25 and implement a process to submit to the Social Security  
26 Administration, directly or indirectly, sufficient and  
27 necessary information to identify incarcerated persons who are  
28 wrongfully receiving entitlement benefits and payments.

29           Section 12. Section 373.589, Florida Statutes, is  
30 amended to read:

31

1           373.589 Water management district audit by Auditor  
2 ~~General.~~--Each water management district shall have an annual  
3 financial audit of its accounts and records as provided in s.  
4 11.45. A copy of the audit shall be filed with the Governor,  
5 the Department of Environmental Protection, the Auditor  
6 General, the governing board of the district, and the clerks  
7 of the circuit courts of each county within or partly within  
8 the district.~~At the direction of the Governor, audit of the~~  
9 ~~district's accounts may be made from time to time by the~~  
10 ~~Auditor General, and such audit shall be within the authority~~  
11 ~~of said Auditor General, to make. Copy of such audit shall be~~  
12 ~~furnished the Governor and the governing board of the~~  
13 ~~district, and a copy shall be filed with the clerks of the~~  
14 ~~circuit courts of each county within or partly within said~~  
15 ~~district. The expense of said audit shall be paid by the~~  
16 ~~district upon a statement thereof rendered to the district by~~  
17 ~~the Auditor General. Payment of the amount thereof shall be~~  
18 ~~made to the State Department of Banking and Finance to be~~  
19 ~~entered in and to reimburse the account of the Auditor General~~  
20 ~~so as not to reduce the legislative appropriation for said~~  
21 ~~Auditor General.~~

22           Section 13. Subsection (7) of section 195.096, Florida  
23 Statutes, is amended to read:

24           195.096 Review of assessment rolls.--

25           (7) The Auditor General shall have the responsibility  
26 to perform performance audits of the administration of ad  
27 valorem tax laws by the department pursuant to the general  
28 authority granted in chapter 11. Such performance audits  
29 shall be conducted triennially ~~biennially~~ following completion  
30 of reviews pursuant to this section. The performance audit  
31 conducted pursuant to this subsection shall be formally

1 submitted to the Legislature no later than April 1, on a  
2 triennial ~~biennial~~ basis, reporting on the activities of the  
3 ad valorem tax program of the Department of Revenue related to  
4 the ad valorem tax rolls. The Auditor General shall include,  
5 for at least four counties so reviewed, findings as to the  
6 accuracy of assessment procedures, projections, and  
7 computations made by the division, utilizing the same  
8 generally accepted appraisal standards and procedures to which  
9 the division and the property appraisers are required to  
10 adhere. However, the report shall not include any findings or  
11 statistics related to any ad valorem tax roll which is in  
12 litigation between the state and county officials at the time  
13 the report is to be issued.

14 Section 14. Subsection (1) of section 232.44, Florida  
15 Statutes, is amended to read:

16 232.44 Audit of records of nonprofit corporations and  
17 associations handling interscholastic activities.--

18 (1) Each ~~The Auditor General shall, at least every 6~~  
19 ~~months, audit the books and records of any~~ nonprofit  
20 association or corporation that ~~which~~ operates for the purpose  
21 of supervising and controlling interscholastic activities of  
22 the public high schools in the state and whose membership is  
23 composed of duly certified representatives of public high  
24 schools in the state, and whose rules and regulations are  
25 established by members thereof, shall have an annual financial  
26 audit of its accounts and records by an independent certified  
27 public accountant retained by it and paid from its funds. The  
28 accountant shall furnish a copy of the audit report to the  
29 Auditor General for review.

30 Section 15. Section 946.516, Florida Statutes, is  
31 amended to read:

1           946.516 Report to Governor, ~~and~~ Legislature, and  
2 Auditor General by the corporation; Department of Corrections  
3 report; annual financial audit ~~report to Governor and~~  
4 ~~Legislature by Auditor General.~~--

5           (1) The corporation shall submit to the Governor and  
6 the Legislature, on or before January 1 of each year, a report  
7 on the status of the correctional work programs, including,  
8 but not limited to, the proposed use of the profits from such  
9 programs, a breakdown of the amount of noninmate labor used,  
10 work subcontracted to other vendors, use of consultants,  
11 finished goods purchased for resale, and the number of inmates  
12 working in the correctional work programs at the time of such  
13 report. In addition, the corporation shall submit to the  
14 department, the Governor, ~~and~~ the Legislature, and the Auditor  
15 General an annual ~~independently audited~~ financial audit report  
16 ~~statement~~ and such other information as may be requested by  
17 the Legislature, together with recommendations relating to  
18 provisions for reasonable tax incentives to private  
19 enterprises which employ inmates, parolees, or former inmates  
20 who have participated in correctional work programs.

21           (2) The department shall include, as a portion of its  
22 annual report, a report on postrelease job placement and the  
23 rate of subsequent contact with the correctional system for  
24 those inmates who have participated in the correctional work  
25 programs operated by the corporation and by the department.

26           (3) The corporation shall have an annual financial  
27 audit of its accounts and records by an independent certified  
28 public accountant retained by it and paid from its funds. The  
29 Auditor General or the director of the Office of Program  
30 Policy Analysis and Government Accountability may, pursuant to  
31 his or her own authority or at the direction of the Joint

1 Legislative Auditing Committee, conduct an audit of the  
2 corporation. ~~The Auditor General shall biennially conduct a~~  
3 ~~financial and performance audit of the corporation, which~~  
4 ~~shall be conducted in conjunction with an independent audit~~  
5 ~~conducted by the auditors of the corporation. The Auditor~~  
6 ~~General shall conduct additional audits upon the request of~~  
7 ~~the Joint Legislative Auditing Committee.~~

8 (4) The corporation shall be governed by the generally  
9 accepted accounting principles as established by the Financial  
10 Accounting Standards Board (FASB) in order to carry out the  
11 intent of s. 946.502(2) and (5).

12 Section 16. Section 283.31, Florida Statutes, is  
13 amended to read:

14 283.31 Records of executive agency publications.--Each  
15 agency shall maintain a record of any publication the printing  
16 of which costs in excess of the threshold amount provided in  
17 s. 287.017 for CATEGORY THREE, at least part of which is paid  
18 for by state funds appropriated by the Legislature. Such  
19 record shall also contain the following: written  
20 justification of the need for such publication, purpose of  
21 such publication, legislative or administrative authority,  
22 sources of funding, frequency and number of issues, and  
23 reasons for deciding to have the publication printed in-house,  
24 by another agency or the Legislature, or purchased on bid. In  
25 addition, such record shall contain the comparative costs of  
26 alternative printing methods when such costs were a factor in  
27 deciding upon a method. The record of the corporation  
28 operating the correctional industry printing program  
29 ~~Compliance with the provisions of this section shall be~~  
30 ~~included within the scope of audits performed by the Auditor~~  
31 ~~General on each agency, and such audits shall be performed not~~



1 ~~less than once every 3 years. The Auditor General shall also~~  
2 ~~conduct a financial-related and performance audit of the~~  
3 ~~corporation operating the correctional industry program. Such~~  
4 ~~audit shall be conducted once every 3 years, and the first~~  
5 ~~audit shall be for the period July 1, 1988, through June 30,~~  
6 ~~1990, to be completed prior to the 1991 regular legislative~~  
7 ~~session. Such audit shall include a review of the printing~~  
8 ~~that the corporation has done for state agencies. This review~~  
9 shall include the cost of materials used, the cost of labor,  
10 the cost of overhead, the amount of profit made by the  
11 corporation for such printing, and whether the state agencies  
12 that contract with the corporation for printing are prudently  
13 determining the price paid for such printing. ~~Such audits~~  
14 ~~shall be completed no later than the first day of the regular~~  
15 ~~legislative session.~~

16 Section 17. Subsection (5) of section 944.719, Florida  
17 Statutes, is amended to read:

18 944.719 Adoption of rules, monitoring, and  
19 reporting.--

20 (5) The Office of Program Policy Analysis and  
21 Government Accountability Auditor General shall conduct a  
22 performance audit, including a review of the annual financial  
23 audit of the private entity and shall deliver a report to the  
24 Legislature by February ~~April~~ 1 of the third ~~first~~ year  
25 following any contract awarded by the department for the  
26 operation of a correctional facility by a private vendor.

27 (a) The report shall determine the reasonableness of  
28 the cost analysis procedures used by the department for  
29 comparing services provided under the contract and for  
30 comparing the quality of the services provided under the  
31

1 contract with the costs and quality of similar services  
2 provided by the department.

3 (b) In preparing the report, the office Auditor  
4 ~~General~~ shall consider, in addition to other factors he or she  
5 determines are significant:

6 1. The extent to which the private vendor and the  
7 department have complied with the terms of the contract and  
8 ss. 944.710-944.719.

9 2. The wages and benefits that are provided to the  
10 staff of the private correctional facility as compared to  
11 wages and benefits provided to employees of the department  
12 performing comparable tasks.

13 Section 18. Paragraph (a) of subsection (3) and  
14 subsection (6) of section 11.511, Florida Statutes, are  
15 amended to read:

16 11.511 Director of the Office of Program Policy  
17 Analysis and Government Accountability; appointment;  
18 employment of staff; powers and duties.--

19 (3)(a) ~~Within available funds,~~The director shall make  
20 all spending decisions under the annual operating budget  
21 approved by the President of the Senate and the Speaker of the  
22 House of Representatives. The director shall employ and set  
23 the compensation of such professional, technical, legal, and  
24 clerical staff as may be necessary to perform all the  
25 requirements of this section and s. 11.513, in accordance with  
26 the joint policies and procedures of the President of the  
27 Senate and the Speaker of the House of Representatives ~~the~~  
28 ~~Legislative Auditing Committee~~, and may remove these  
29 personnel. The staff must be chosen to provide a broad  
30 background of experience and expertise and, to the maximum  
31 extent possible, to represent a range of disciplines that

1 includes law, engineering, public administration,  
2 environmental science, policy science, economics, sociology,  
3 and philosophy.

4 ~~(6) The director, with the consent of the Legislative~~  
5 ~~Auditing Committee, may enter into contracts on behalf of the~~  
6 ~~Office of Program Policy Analysis and Government~~  
7 ~~Accountability.~~

8 (6) The director, with the consent of the President of  
9 the Senate and the Speaker of the House of Representatives,  
10 may modify the work schedule of the office in order to  
11 concentrate its efforts on agency programs that are determined  
12 to have high oversight priority. The modification may include  
13 reduction or elimination of recurring performance audits  
14 existing in law on July 1, 1999, but which do not appear to be  
15 of critical interest to the Legislature. The director may at  
16 any time conduct a performance review of a governmental entity  
17 created by law.

18 Section 19. Subsection (4) of section 11.513, Florida  
19 Statutes, is amended, and subsection (8) is added to that  
20 section, to read:

21 11.513 Program evaluation and justification review.--

22 (4) No later than December ~~July~~ 1 of the second year  
23 following the year in which an agency begins operating under a  
24 performance-based program budget, the Office of Program Policy  
25 Analysis and Government Accountability shall submit a report  
26 of evaluation and justification review findings and  
27 recommendations to the President of the Senate, the Speaker of  
28 the House of Representatives, the chairpersons of the  
29 appropriate substantive committees, the chairpersons of the  
30 appropriations committees, the Legislative Auditing Committee,  
31 the Governor, the head of each state agency that was the

1 subject of the evaluation and justification review, and the  
2 head of any state agency that is substantially affected by the  
3 findings and recommendations.

4 (8) If recommended by the director of the Office of  
5 Program Policy Analysis and Government Accountability, the  
6 President of the Senate and the Speaker of the House of  
7 Representatives may jointly direct that any program evaluation  
8 and justification review requirement existing on July 1, 1999,  
9 be postponed to allow the Office of Program Policy Analysis  
10 and Government Accountability to conduct a review of another  
11 program considered more urgent.

12 Section 20. Subsections (6) and (7), paragraph (a) of  
13 subsection (8), and paragraph (f) of subsection (9) of section  
14 112.3187, Florida Statutes, are amended to read:

15 112.3187 Adverse action against employee for  
16 disclosing information of specified nature prohibited;  
17 employee remedy and relief.--

18 (6) TO WHOM INFORMATION DISCLOSED.--The information  
19 disclosed under this section must be disclosed to any agency  
20 or federal government entity having the authority to  
21 investigate, police, manage, or otherwise remedy the violation  
22 or act, including, but not limited to, the Office of the Chief  
23 Inspector General, an agency inspector general or the employee  
24 designated as agency inspector general under s. 112.3189(1) or  
25 inspectors general under s. 20.055, the Florida Commission on  
26 Human Relations ~~Office of the Public Counsel~~, and the  
27 whistle-blower's hotline created under s. 112.3189. However,  
28 for disclosures concerning a local governmental entity,  
29 including any regional, county, or municipal entity, special  
30 district, community college district, or school district or  
31 any political subdivision of any of the foregoing, the

1 information must be disclosed to a chief executive officer as  
2 defined in s. 447.203(9) or other appropriate local official.

3 (7) EMPLOYEES AND PERSONS PROTECTED.--This section  
4 protects employees and persons who disclose information on  
5 their own initiative in a written and signed complaint; who  
6 are requested to participate in an investigation, hearing, or  
7 other inquiry conducted by any agency or federal government  
8 entity; who refuse to participate in any adverse action  
9 prohibited by this section; or who initiate a complaint  
10 through the whistle-blower's hotline; or employees who file  
11 any written complaint to their supervisory officials or  
12 employees who submit a complaint to the Chief Inspector  
13 General in the Executive Office of the Governor, to the  
14 employee designated as agency inspector general under s.  
15 112.3189(1), or to the Florida Commission on Human Relations  
16 ~~Office of the Public Counsel~~. The provisions of this section  
17 may not be used by a person while he or she is under the care,  
18 custody, or control of the state correctional system or, after  
19 release from the care, custody, or control of the state  
20 correctional system, with respect to circumstances that  
21 occurred during any period of incarceration. No remedy or  
22 other protection under ss. 112.3187-112.31895 applies to any  
23 person who has committed or intentionally participated in  
24 committing the violation or suspected violation for which  
25 protection under ss. 112.3187-112.31895 is being sought.

26 (8) REMEDIES.--

27 (a) Any employee of or applicant for employment with  
28 any state agency, as the term "state agency" is defined in s.  
29 216.011, who is discharged, disciplined, or subjected to other  
30 adverse personnel action, or denied employment, because he or  
31 she engaged in an activity protected by this section may file

1 a complaint, which complaint must be made in accordance with  
2 s. 112.31895. Upon receipt of notice from the Florida  
3 Commission on Human Relations ~~Public Counsel~~ of termination of  
4 the investigation, the complainant may elect to pursue the  
5 administrative remedy available under s. 112.31895 or bring a  
6 civil action within 180 days after receipt of the notice.

7 (9) RELIEF.--In any action brought under this section,  
8 the relief must include the following:

9 (f) Temporary reinstatement to the employee's former  
10 position or to an equivalent position, pending the final  
11 outcome on the complaint, if an employee complains of being  
12 discharged in retaliation for a protected disclosure and if a  
13 court of competent jurisdiction or the Florida Commission on  
14 Human Relations ~~Public Counsel~~, as applicable under s.  
15 112.31895, determines that the disclosure was not made in bad  
16 faith or for a wrongful purpose or occurred after an agency's  
17 initiation of a personnel action against the employee which  
18 includes documentation of the employee's violation of a  
19 disciplinary standard or performance deficiency. This  
20 paragraph does not apply to an employee of a municipality.

21 Section 21. Paragraph (a) of subsection (2) of section  
22 112.3188, Florida Statutes, is amended to read:

23 112.3188 Confidentiality of information given to the  
24 Chief Inspector General, internal auditors, inspectors  
25 general, local chief executive officers, or other appropriate  
26 local officials.--

27 (2)(a) Except as specifically authorized by s.  
28 112.3189, all information received by the Chief Inspector  
29 General or an agency inspector general or information produced  
30 or derived from fact-finding or other investigations conducted  
31 by the Florida Commission on Human Relations ~~Department of~~

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1 ~~Legal Affairs, the Office of the Public Counsel,~~ or the  
2 Department of Law Enforcement is confidential and exempt from  
3 s. 119.07(1) if the information is being received or derived  
4 from allegations as set forth in paragraph (1)(a) or paragraph  
5 (1)(b), and an investigation is active.

6 Section 22. Section 112.31895, Florida Statutes, is  
7 amended to read:

8 112.31895 Investigative procedures in response to  
9 prohibited personnel actions.--

10 (1)(a) If a disclosure under s. 112.3187 includes or  
11 results in alleged retaliation by an employer, the employee or  
12 former employee of, or applicant for employment with, a state  
13 agency, as defined in s. 216.011, that is so affected may file  
14 a complaint alleging a prohibited personnel action, which  
15 complaint must be made by filing a written complaint with the  
16 Office of the Chief Inspector General in the Executive Office  
17 of the Governor, ~~the Department of Legal Affairs,~~ or the  
18 Florida Commission on Human Relations ~~Office of the Public~~  
19 ~~Counsel,~~ no later than 60 days after the prohibited personnel  
20 action.

21 (b) Within three working days after receiving a  
22 complaint under this section, the office or officer receiving  
23 the complaint shall acknowledge receipt of the complaint and  
24 provide copies of the complaint and any other preliminary  
25 information available concerning the disclosure of information  
26 under s. 112.3187 to each of the other parties named in  
27 paragraph (a), which parties shall each acknowledge receipt of  
28 such copies to the complainant.

29 (2) FACT FINDING.--The Florida Commission on Human  
30 Relations ~~Department of Legal Affairs~~ shall:

31

1 (a) Receive any allegation of a personnel action  
2 prohibited by s. 112.3187, including a proposed or potential  
3 action, and conduct informal fact finding regarding any  
4 allegation under this section, to the extent necessary to  
5 determine whether there are reasonable grounds to believe that  
6 a prohibited personnel action under s. 112.3187 has occurred,  
7 is occurring, or is to be taken.

8 (b) Notify the complainant, within 15 days after  
9 receiving a complaint, that the complaint has been received by  
10 the department.

11 (c) Within 90 days after receiving the complaint,  
12 ~~provide the Public Counsel,~~the agency head, and the  
13 complainant with a fact-finding report that may include  
14 recommendations to the parties or proposed resolution of the  
15 complaint. The fact-finding report shall be presumed  
16 admissible in any subsequent or related administrative or  
17 judicial review.

18 (3) CORRECTIVE ACTION AND TERMINATION OF  
19 INVESTIGATION.--

20 (a) The Florida Commission on Human Relations ~~Public~~  
21 ~~Counsel established by s. 350.061,~~ in accordance with this act  
22 and for the sole purpose of this act, is empowered to:

23 1. Receive and investigate complaints from employees  
24 alleging retaliation by state agencies, as the term "state  
25 agency" is defined in s. 216.011.

26 2. Protect employees and applicants for employment  
27 with such agencies from prohibited personnel practices under  
28 s. 112.3187.

29 3. Petition for stays and petition for corrective  
30 actions, including, but not limited to, temporary  
31 reinstatement.



1           4. Recommend disciplinary proceedings pursuant to  
2 investigation and appropriate agency rules and procedures.

3           5. Coordinate with the Chief Inspector General in the  
4 Executive Office of the Governor and the Florida Commission on  
5 Human Relations ~~Department of Legal Affairs~~ to receive,  
6 review, and forward to appropriate agencies, legislative  
7 entities, or the Department of Law Enforcement disclosures of  
8 a violation of any law, rule, or regulation, or disclosures of  
9 gross mismanagement, malfeasance, misfeasance, nonfeasance,  
10 neglect of duty, or gross waste of public funds.

11           6. Review rules pertaining to personnel matters issued  
12 or proposed by the Department of Management Services, the  
13 Public Employees Relations Commission, and other agencies,  
14 and, if the Florida Commission on Human Relations ~~Public~~  
15 ~~Counsel~~ finds that any rule or proposed rule, on its face or  
16 as implemented, requires the commission of a prohibited  
17 personnel practice, provide a written comment to the  
18 appropriate agency.

19           7. Investigate, request assistance from other  
20 governmental entities, and, if appropriate, bring actions  
21 concerning, allegations of retaliation by state agencies under  
22 subparagraph 1.

23           8. Administer oaths, examine witnesses, take  
24 statements, issue subpoenas, order the taking of depositions,  
25 order responses to written interrogatories, and make  
26 appropriate motions to limit discovery, pursuant to  
27 investigations under subparagraph 1.

28           9. Intervene or otherwise participate, as a matter of  
29 right, in any appeal or other proceeding arising under this  
30 section before the Public Employees Relations Commission or  
31 any other appropriate agency, except that the Florida

1 Commission on Human Relations ~~Public Counsel~~ must comply with  
2 the rules of the commission or other agency and may not seek  
3 corrective action or intervene in an appeal or other  
4 proceeding without the consent of the person protected under  
5 ss. 112.3187-112.31895.

6 10. Conduct an investigation, in the absence of an  
7 allegation, to determine whether reasonable grounds exist to  
8 believe that a prohibited action or a pattern of prohibited  
9 action has occurred, is occurring, or is to be taken.

10 (b) Within 15 days after receiving a complaint that a  
11 person has been discharged from employment allegedly for  
12 disclosing protected information under s. 112.3187, the  
13 Florida Commission on Human Relations ~~Public Counsel~~ shall  
14 review the information and determine whether temporary  
15 reinstatement is appropriate under s. 112.3187(9)(f). If the  
16 Florida Commission on Human Relations ~~Public Counsel~~ so  
17 determines, it ~~he or she~~ shall apply for an expedited order  
18 from the appropriate agency or circuit court for the immediate  
19 reinstatement of the employee who has been discharged  
20 subsequent to the disclosure made under s. 112.3187, pending  
21 the issuance of the final order on the complaint.

22 (c) The Florida Commission on Human Relations ~~Public~~  
23 ~~Counsel~~ shall notify a complainant of the status of the  
24 investigation and any action taken ~~by the Public Counsel~~ at  
25 such times as the commission ~~Public Counsel~~ considers  
26 appropriate.

27 ~~(d) The Public Counsel shall review the fact-finding~~  
28 ~~reports submitted by the Department of Legal Affairs and may~~  
29 ~~rely upon the findings and recommendations of those reports.~~

30 (d)(e) If the Florida Commission on Human Relations  
31 ~~Public Counsel~~ is unable to conciliate a complaint within 60

1 days after receipt of the fact-finding report, the Florida  
2 Commission on Human Relations ~~Public Counsel~~ shall terminate  
3 the investigation. Upon termination of any investigation, the  
4 Florida Commission on Human Relations ~~Public Counsel~~ shall  
5 notify the complainant and the agency head of the termination  
6 of the investigation, providing a summary of relevant facts  
7 found during the investigation and the reasons for terminating  
8 the investigation. A written statement under this paragraph  
9 is presumed admissible as evidence in any judicial or  
10 administrative proceeding but is not admissible without the  
11 consent of the complainant.

12 (e)(f)1. The Florida Commission on Human Relations  
13 ~~Public Counsel~~ may request an agency or circuit court to order  
14 a stay, on such terms as the court requires, of any personnel  
15 action for 45 days if the Florida Commission on Human  
16 Relations ~~Public Counsel~~ determines that reasonable grounds  
17 exist to believe that a prohibited personnel action has  
18 occurred, is occurring, or is to be taken. The Florida  
19 Commission on Human Relations ~~Public Counsel~~ may request that  
20 such stay be extended for appropriate periods of time.

21 2. If, in connection with any investigation, the  
22 Florida Commission on Human Relations ~~Public Counsel~~  
23 determines that reasonable grounds exist to believe that a  
24 prohibited action has occurred, is occurring, or is to be  
25 taken which requires corrective action, the Florida Commission  
26 on Human Relations ~~Public Counsel~~ shall report the  
27 determination together with any findings or recommendations to  
28 the agency head and may report that determination and those  
29 findings and recommendations to the Governor and the  
30 Comptroller. The Florida Commission on Human Relations ~~Public~~  
31

1 ~~Counsel~~ may include in the report recommendations for  
2 corrective action to be taken.

3           3. If, after 20 days, the agency does not implement  
4 the recommended action, the Florida Commission on Human  
5 Relations ~~Public Counsel~~ shall terminate the investigation and  
6 notify the complainant of the right to appeal under subsection  
7 (4), or may petition the agency for corrective action under  
8 this subsection.

9           4. If the Florida Commission on Human Relations ~~Public~~  
10 ~~Counsel~~ finds, in consultation with the ~~Department of Legal~~  
11 ~~Affairs or the~~ individual subject to the prohibited action,  
12 that the agency has implemented the corrective action, the  
13 commission ~~Public Counsel~~ shall file such finding with the  
14 agency head, together with any written comments that the  
15 individual provides, and terminate the investigation.

16           (f)(g) If the Florida Commission on Human Relations  
17 ~~Public Counsel~~ finds that there are no reasonable grounds to  
18 believe that a prohibited personnel action has occurred, is  
19 occurring, or is to be taken, the commission ~~he or she~~ shall  
20 terminate the investigation.

21           (g)(h)1. If, in connection with any investigation  
22 under this section, it is determined that reasonable grounds  
23 exist to believe that a criminal violation has occurred which  
24 has not been previously reported, the Florida Commission on  
25 Human Relations ~~Public Counsel~~ shall report this determination  
26 to the Department of Law Enforcement and to the state attorney  
27 having jurisdiction over the matter.

28           2. If an alleged criminal violation has been reported,  
29 the Florida Commission on Human Relations ~~Public Counsel~~ shall  
30 confer with the Department of Law Enforcement and the state  
31 attorney before proceeding with the investigation of the

1 prohibited personnel action and may defer the investigation  
2 pending completion of the criminal investigation and  
3 proceedings. The Florida Commission on Human Relations ~~Public~~  
4 ~~Counsel~~ shall inform the complainant of the decision to defer  
5 the investigation and, if appropriate, of the confidentiality  
6 of the investigation.

7        (h)~~(i)~~ If, in connection with any investigation under  
8 this section, the Florida Commission on Human Relations ~~Public~~  
9 ~~Counsel~~ determines that reasonable grounds exist to believe  
10 that a violation of a law, rule, or regulation has occurred,  
11 other than a criminal violation or a prohibited action under  
12 this section, the commission ~~Public Counsel~~ may report such  
13 violation to the head of the agency involved. Within 30 days  
14 after the agency receives the report, the agency head shall  
15 provide to the commission ~~Public Counsel~~ a certification that  
16 states that the head of the agency has personally reviewed the  
17 report and indicates what action has been or is to be taken  
18 and when the action will be completed.

19        (i)~~(j)~~ During any investigation under this section,  
20 disciplinary action may not be taken against any employee of a  
21 state agency, as the term "state agency" is defined in s.  
22 216.011, for reporting an alleged prohibited personnel action  
23 that is under investigation, or for reporting any related  
24 activity, or against any employee for participating in an  
25 investigation without notifying the Florida Commission on  
26 Human Relations ~~Public Counsel~~.

27        (j)~~(k)~~ The Florida Commission on Human Relations  
28 ~~Public Counsel~~ may also petition for an award of reasonable  
29 attorney's fees and expenses from a state agency, as the term  
30 "state agency" is defined in s. 216.011, pursuant to s.  
31 112.3187(9).

1 (4) RIGHT TO APPEAL.--

2 (a) Not more than 60 days after receipt of a notice of  
3 termination of the investigation from the Florida Commission  
4 on Human Relations ~~Public Counsel~~, the complainant may file,  
5 with the Public Employees Relations Commission, a complaint  
6 against the employer-agency regarding the alleged prohibited  
7 personnel action. The Public Employees Relations Commission  
8 shall have jurisdiction over such complaints under ss.  
9 112.3187 and 447.503(4) and (5).

10 (b) Judicial review of any final order of the  
11 commission shall be as provided in s. 120.68.

12 Section 23. Section 985.401, Florida Statutes, 1998  
13 Supplement, is amended to read:

14 985.401 Juvenile Justice Accountability Board.--

15 (1) The Juvenile Justice Accountability Board shall be  
16 composed of seven ~~nine~~ members appointed by the Governor.  
17 Members of the board shall have direct experience and a strong  
18 interest in juvenile justice issues. ~~The authority to appoint~~  
19 ~~the board is allocated as follows:~~

20 ~~(a) Three members appointed by the Governor.~~

21 ~~(b) Three members appointed by the President of the~~  
22 ~~Senate.~~

23 ~~(c) Three members appointed by the Speaker of the~~  
24 ~~House of Representatives.~~

25 (2)(a) A full term shall be 3 years, and the term for  
26 each seat on the board commences on October 1 and expires on  
27 September 30, without regard to the date of appointment. Each  
28 appointing authority shall appoint a member to fill one of the  
29 three vacancies that occurs with the expiration of terms on  
30 September 30 of each year. A member is not eligible for  
31 appointment to more than two full, consecutive terms. A

1 vacancy on the board shall be filled within 60 days after the  
2 date on which the vacancy occurs. The Governor ~~appointing~~  
3 ~~authority that made the original appointment~~ shall make the  
4 appointment to fill a vacancy that occurs for any reason other  
5 than the expiration of a term, and the appointment shall be  
6 for the remainder of the unexpired term. For the purpose of  
7 implementing the provisions of this paragraph, vacancies that  
8 occur before October 1, 1999, shall not be filled until  
9 October 1, 1999, and the Governor shall make only one  
10 appointment to fill the vacancies that result from expiration  
11 of terms on September 30, 1999.

12 (b) The composition of the board must be broadly  
13 reflective of the public and must include minorities and  
14 women. The term "minorities" as used in this paragraph means a  
15 member of a socially or economically disadvantaged group and  
16 includes African Americans, Hispanics, and American Indians.

17 (c)~~(b)~~ The board shall annually select a chairperson  
18 from among its members.

19 (d)~~(c)~~ The board shall meet at least once each  
20 quarter. A member may not authorize a designee to attend a  
21 meeting of the board in place of the member. A member who  
22 fails to attend two consecutive regularly scheduled meetings  
23 of the board, unless the member is excused by the chairperson,  
24 shall be deemed to have abandoned the position, and the  
25 position shall be declared vacant by the board.

26 (3)(a) The board members shall serve without  
27 compensation, but are entitled to reimbursement for per diem  
28 and travel expenses pursuant to s. 112.061.

29 ~~(b) The board shall appoint an executive director and~~  
30 ~~other personnel who are exempt from part II of chapter 110,~~  
31 ~~relating to the Career Service System.~~

1           **(b)(c)** Effective July 1, 1999, the board and its staff  
2 are is assigned, for the purpose of general oversight, to the  
3 Department of Juvenile Justice Joint Legislative Auditing  
4 Committee. The board shall develop a budget pursuant to  
5 procedures established by the Joint Legislative Auditing  
6 Committee. For the purpose of implementing this paragraph, all  
7 of the duties and functions, records, personnel, property, and  
8 unexpended balances of appropriations, allocations, or other  
9 funds of the board are transferred to the Department of  
10 Juvenile Justice. The transfer of segregated funds shall be  
11 made in such a manner that the relation between program and  
12 revenue source, as provided in law, is maintained.

13           ~~(d) The composition of the board shall be broadly~~  
14 ~~reflective of the public and shall include minorities and~~  
15 ~~women. The term "minorities" as used in this paragraph means a~~  
16 ~~member of a socially or economically disadvantaged group that~~  
17 ~~includes African Americans, Hispanics, and American Indians.~~  
18 ~~Members of the board shall have direct experience and a strong~~  
19 ~~interest in juvenile justice issues.~~

20           (4)(a) The board shall establish and operate a  
21 comprehensive system to annually measure and report program  
22 outcomes and effectiveness for each program operated by the  
23 Department of Juvenile Justice or operated by a provider under  
24 contract with the department. The system shall include a  
25 standard methodology for interpreting the board's outcome  
26 evaluation reports, using, where appropriate, the  
27 performance-based program budgeting measures approved by the  
28 Legislature. The methodology must include:

29           1. Common terminology and operational definitions for  
30 measuring the performance of system administration, program  
31 administration, program outputs, and client outcomes.



1           2. Program outputs for each group of programs within  
2 each level of the juvenile justice continuum and specific  
3 program outputs for each program or program type.

4           3. Specification of desired client outcomes and  
5 methods by which to measure client outcomes for each program  
6 operated by the department or by a provider under contract  
7 with the department.

8           4. Recommended annual minimum thresholds of  
9 satisfactory performance for client outcomes and program  
10 outputs.

11  
12 For the purposes of this section, the term "program" or  
13 "program type" means an individual state-operated or  
14 contracted facility, site, or service delivered to at-risk or  
15 delinquent youth as prescribed in a contract, program  
16 description, or program services manual; and the term "program  
17 group" means a collection of programs or program types with  
18 sufficient similarity of function, services, and clientele to  
19 permit appropriate comparisons among programs within the  
20 program group.

21           (b) In developing the standard methodology, the board  
22 shall consult with the department, the Office ~~Division~~ of  
23 Economic and Demographic Research, contract service providers,  
24 and other interested parties. It is the intent of the  
25 Legislature that this effort result in consensus  
26 recommendations, and, to the greatest extent possible,  
27 integrate the goals and legislatively approved measures of  
28 performance-based program budgeting provided in chapter  
29 94-249, Laws of Florida, the quality assurance program  
30 provided in s. 985.412, and the cost-effectiveness model  
31 provided in s. 985.404(11). The board shall notify the Office

1 of Program Policy Analysis and Government Accountability of  
2 any meetings to develop the methodology.

3 (c) The board shall annually submit its outcome  
4 evaluation report to the Secretary of the Department of  
5 Juvenile Justice, the Governor, and the Legislature by  
6 February 15, which must describe:

7 1. The methodology for interpreting outcome  
8 evaluations, including common terminology and operational  
9 definitions.

10 2. The recommended minimum thresholds of satisfactory  
11 performance for client outcomes and program outputs applicable  
12 to the year for which the data are reported.

13 3. The actual client outcomes and program outputs  
14 achieved by each program operated by the department or by a  
15 provider under contract with the department, compared with the  
16 recommended minimum thresholds of satisfactory performance for  
17 client outcomes and program outputs for the year under review.  
18 The report shall group programs or program types with  
19 similarity of function and services and make appropriate  
20 comparisons between programs within the program group.

21 (d) The board shall use its evaluation research to  
22 make advisory recommendations to the Legislature, the  
23 Governor, and the department concerning the effectiveness and  
24 future funding priorities of juvenile justice programs.

25 (e) The board shall annually review and revise the  
26 methodology as necessary to ensure the continuing improvement  
27 and validity of the evaluation process.

28 (5) The board shall:

29 (a) Review and recommend programmatic and fiscal  
30 policies governing the operation of programs, services, and  
31

1 facilities for which the Department of Juvenile Justice is  
2 responsible.

3 (b) Monitor the development and implementation of  
4 long-range juvenile justice policies, including prevention,  
5 early intervention, diversion, adjudication, and commitment.

6 (c) Monitor all activities of the executive and  
7 judicial branch and their effectiveness in implementing  
8 policies pursuant to this chapter.

9 (d) Advise the President of the Senate, the Speaker of  
10 the House of Representatives, the Governor, and the department  
11 on matters relating to this chapter.

12 (e) In coordination with the Department of Juvenile  
13 Justice, serve as a clearinghouse to provide information and  
14 assistance to the district juvenile justice boards and county  
15 juvenile justice councils.

16 (f) Hold public hearings and inform the public of  
17 activities of the board and of the Department of Juvenile  
18 Justice, as appropriate.

19 (g) Monitor the delivery and use of services,  
20 programs, or facilities operated, funded, regulated, or  
21 licensed by the Department of Juvenile Justice for juvenile  
22 offenders or alleged juvenile offenders, and for prevention,  
23 diversion, or early intervention of delinquency, and to  
24 develop programs to educate the citizenry about such services,  
25 programs, and facilities and about the need and procedure for  
26 siting new facilities.

27 ~~(h) Contract for consultants as necessary and~~  
28 ~~appropriate. The board may apply for and receive grants for~~  
29 ~~the purposes of conducting research and evaluation activities.~~

30 (h)(i) Conduct such other activities as the board may  
31 determine are necessary and appropriate to monitor the

1 effectiveness of the delivery of juvenile justice programs and  
2 services under this chapter.

3 ~~(i)(j) The board shall~~ Submit an annual report to the  
4 President of the Senate, the Speaker of the House of  
5 Representatives, the Governor, and the secretary of the  
6 department not later than February 15 of each calendar year,  
7 summarizing the activities and reports of the board for the  
8 preceding year, and any recommendations of the board for the  
9 following year.

10 (6) ~~Each state agency shall provide assistance when~~  
11 ~~requested by the board.~~ The board shall have access to all  
12 records, files, and reports that are material to its duties  
13 and that are in the custody of a school board, a law  
14 enforcement agency, a state attorney, a public defender, the  
15 court, the Department of Children and Family Services, and the  
16 department.

17 (7) Unless reenacted by the Legislature, this section  
18 expires June 30, 2001.

19 Section 24. Section 218.502, Florida Statutes, is  
20 amended to read:

21 218.502 Definition.--As used in ss. 218.50-218.504,  
22 the term "local governmental entity" means a county,  
23 municipality, ~~or special district, or district school board.~~

24 Section 25. Subsection (4) of section 284.50,  
25 paragraph (f) of subsection (1) of section 475.045, and  
26 section 985.07, Florida Statutes, are repealed.

27 Section 26. Subsection (13) is added to section  
28 760.06, Florida Statutes, to read:

29 760.06 Powers of the commission.--Within the  
30 limitations provided by law, the commission shall have the  
31 following powers:

1           (13) To receive complaints and coordinate all  
2 activities as required by the Whistle-blower's Act pursuant to  
3 ss. 112.3187-112.31895.

4           Section 27. This act shall take effect July 1, 1999.

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