



1 A bill to be entitled

2 An act relating to government accountability; amending s.
3 11.40, F.S.; combining the Office of the Auditor General
4 and the Office of Program Policy Analysis and Government
5 Accountability into the Office of Government
6 Accountability; amending s. 11.42, F.S.; deleting
7 qualifications for employees of the Auditor General's
8 Office; deleting the provisions relating to the
9 headquarters of the Auditor General; deleting provisions
10 relating to payrolls and vouchers of the Auditor General;
11 deleting the provisions relating to employment
12 restrictions for employees of the Auditor General;
13 authorizing the Office of Government Accountability to
14 perform certain reviews; creating s. 11.421, F.S.;
15 creating the Office of Government Accountability;
16 designating the Auditor General as the head of the Office
17 of Government Accountability; requiring the Auditor
18 General to appoint a Deputy Auditor General to direct the
19 Division of Policy Analysis and Agency Review; requiring
20 the Deputy Auditor General to have experience in policy
21 analysis and program evaluation; providing for the
22 Legislative Auditing Committee to confirm appointment of
23 the Deputy Auditor General; providing qualifications for
24 employees of the Office of Government Accountability;
25 authorizing certain persons to be employed as a financial
26 auditor or a legal advisor in the Office of Government
27 Accountability; providing for the headquarters and field
28 offices of the Office of Government Accountability;
29 providing for payrolls and vouchers of the Office of



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30 Government Accountability; prohibiting employees of the
31 Office of Government Accountability from certain
32 activities; amending s. 11.45, F.S.; assigning certain
33 duties to the Office of Government Accountability;
34 assigning the authority to conduct audits and other
35 engagements to the Office of Government Accountability;
36 requiring audited entities to provide for a corrective
37 action plan when determined necessary by the Auditor
38 General; requiring certain entities to provide additional
39 data and other information related to their corrective
40 action plan; requiring the Office of Government
41 Accountability to perform followup procedures; requiring
42 the Office of Government Accountability to provide a copy
43 of its determination of the audited entity's progress to
44 certain entities; providing for certain responsibilities
45 of the Office of Government Accountability; providing
46 criteria for audits of municipalities based on a certified
47 petition; providing for the adoption of rules by the
48 Office of Government Accountability; amending s. 11.47,
49 F.S.; replacing the Office of the Auditor General and the
50 Office of Program Policy Analysis and Government
51 Accountability with the Office of Government
52 Accountability; repealing ss. 11.51 and 11.511, F.S.,
53 relating to the Office of Program Policy Analysis and
54 Government Accountability and its director; amending s.
55 11.513, F.S.; requiring certain reviews to be conducted by
56 the Office of Government Accountability instead of the
57 Office of Program Policy Analysis and Government
58 Accountability; deleting the due dates for reviews;



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59 amending s. 14.203, F.S.; assigning responsibilities to
60 the Office of Government Accountability formerly held by
61 the Office of Program Policy Analysis and Government
62 Accountability; amending s. 17.041, F.S.; assigning
63 responsibilities to the Office of Government
64 Accountability formerly held by the Auditor General;
65 amending s. 20.055, F.S.; assigning responsibilities to
66 the Office of Government Accountability formerly held by
67 the Auditor General; revising responsibilities of state
68 agency inspectors general concerning followup of reports
69 issued by the Office of Government Accountability;
70 amending s. 20.50, F.S.; correcting a cross reference;
71 amending ss. 20.23, 24.105, 24.108, 24.120, 24.123,
72 25.075, 39.202, 68.085, and 68.087, F.S.; assigning
73 responsibilities to the Office of Government
74 Accountability formerly held by the Auditor General or the
75 Office of Program Policy Analysis and Government
76 Accountability; repealing s. 70.20(13), F.S., relating to
77 a review conducted by the Office of Program Policy
78 Analysis and Government Accountability; amending ss.
79 110.116, 112.061, and 112.324, F.S.; assigning
80 responsibilities to the Office of Government
81 Accountability formerly held by the Auditor General or the
82 Office of Program Policy Analysis and Government
83 Accountability; repealing s. 112.658, F.S., relating to a
84 review by the Office of Program Policy Analysis and
85 Government Accountability of the Florida Retirement
86 System; amending ss. 119.07, 121.051, 121.055, 125.01,
87 136.08, 154.11, 163.2526, 163.3246, 189.4035, 189.412,



88 189.428, 192.0105, 193.074, 193.1142, 195.027, and
 89 195.084, F.S.; assigning responsibilities to the Office of
 90 Government Accountability formerly held by the Auditor
 91 General or the Office of Program Policy Analysis and
 92 Government Accountability; amending ss. 196.101 and
 93 213.053, F.S.; deleting references to the Office of
 94 Program Policy Analysis and Government Accountability and
 95 the director of the office; repealing s. 215.44(6), F.S.,
 96 relating to a review of State Board of Administration by
 97 the Office of Program Policy Analysis and Government
 98 Accountability; amending ss. 215.93, 215.94, 215.97,
 99 215.981, 216.023, 216.102, 216.141, 216.163, 216.177,
 100 216.178, 216.181, 216.192, 216.231, and 216.262, F.S.;
 101 assigning responsibilities to the Office of Government
 102 Accountability formerly held by the Auditor General or the
 103 Office of Program Policy Analysis and Government
 104 Accountability; amending s. 216.292, F.S.; deleting
 105 references to the director of the Office of Program Policy
 106 Analysis and Government Accountability; amending ss.
 107 216.301, 218.31, 218.32, 218.39, 220.187, 243.73, 253.025,
 108 259.037, 259.041, 267.1732, 273.02, 273.05, 273.055,
 109 274.02, 282.318, 282.322, 287.045, 287.058, 287.0943,
 110 287.115, and 287.17, F.S.; assigning responsibilities to
 111 the Office of Government Accountability formerly held by
 112 the Auditor General or the Office of Program Policy
 113 Analysis and Government Accountability; amending s.
 114 288.1224, F.S.; assigning responsibilities to the Office
 115 of Government Accountability formerly held by the Office
 116 of Program Policy Analysis and Government Accountability;



117 deleting a review completed by the Office of Program
 118 Policy Analysis and Government Accountability; amending s.
 119 288.1226, 288.1227, 288.7011, 288.7091, 288.7092, and
 120 288.90151, F.S.; assigning responsibilities to the Office
 121 of Government Accountability formerly held by the Auditor
 122 General or the Office of Program Policy Analysis and
 123 Government Accountability; amending s. 288.905, F.S.;
 124 assigning responsibilities to the Office of Government
 125 Accountability formerly held by the Office of Program
 126 Policy Analysis and Government Accountability; deleting
 127 provisions relating to a review completed by the Office of
 128 Program Policy Analysis and Government Accountability;
 129 amending ss. 288.906, 288.9517, 288.9604, 290.00689,
 130 296.17, 296.41, 298.17, 310.131, 320.023, 320.08058,
 131 320.08062, 322.081, and 322.135, F.S.; assigning
 132 responsibilities to the Office of Government
 133 Accountability formerly held by the Auditor General or the
 134 Office of Program Policy Analysis and Government
 135 Accountability; repealing s. 324.202, F.S., relating to a
 136 completed pilot project in the Department of Highway
 137 Safety and Motor Vehicles and a review completed by the
 138 Office of Program Policy Analysis and Government
 139 Accountability; amending ss. 331.419, 334.0445, 336.022,
 140 339.406, 365.173, 373.45926, 373.4595, 373.536, 403.1835,
 141 403.8532, and 409.2563, F.S.; assigning responsibilities
 142 to the Office of Government Accountability formerly held
 143 by the Auditor General or the Office of Program Policy
 144 Analysis and Government Accountability; amending s.
 145 411.01, F.S.; assigning responsibilities to the Office of



146 Government Accountability formerly held by the Office of
147 Program Policy Analysis and Government Accountability;
148 deleting an obsolete requirement relating to a completed
149 review by the Office of Program Policy Analysis and
150 Government Accountability; amending ss. 411.011, 411.221,
151 421.091, and 427.705, F.S.; assigning responsibilities to
152 the Office of Government Accountability formerly held by
153 the Auditor General or the Office of Program Policy
154 Analysis and Government Accountability; amending ss.
155 443.1316 and 445.003, F.S.; deleting an obsolete
156 requirement relating to a review completed by the Office
157 of Program Policy Analysis and Government Accountability;
158 amending s. 445.004, F.S.; deleting the Auditor General's
159 authority to conduct an audit of Workforce Florida, Inc.;
160 assigning responsibilities to the Office of Government
161 Accountability formerly held by the Office of Program
162 Policy Analysis and Government Accountability; amending s.
163 445.009, F.S.; deleting an obsolete requirement relating
164 to a review completed by the Office of Program Policy
165 Analysis and Government Accountability; amending s.
166 445.011, F.S.; correcting a cross reference; amending ss.
167 446.609, 455.32, 471.038, and 527.22, F.S.; assigning
168 responsibilities to the Office of Government
169 Accountability formerly held by the Auditor General or the
170 Office of Program Policy Analysis and Government
171 Accountability; amending s. 550.125, F.S.; providing that
172 certain audits and examinations by the Office of
173 Government Accountability shall take place pursuant to the
174 direction of the Auditor General and the Legislative



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175 Auditing Committee; amending ss. 601.15, 616.263, 744.708,
 176 943.25, 944.105, 944.512, 944.719, 946.516, 948.15,
 177 957.07, 957.11, 985.31, 985.311, 985.412, 985.416,
 178 1001.24, 1001.453, and 1002.22, F.S.; assigning
 179 responsibilities to the Office of Government
 180 Accountability formerly held by the Auditor General or the
 181 Office of Program Policy Analysis and Government
 182 Accountability; repealing s. 1002.36(3), F.S., relating to
 183 audit by the Auditor General of the Florida School for the
 184 Deaf and the Blind; amending ss. 1002.37, 1004.28,
 185 1004.29, 1004.43, and 1004.445, F.S.; assigning
 186 responsibilities to the Office of Government
 187 Accountability formerly held by the Auditor General or the
 188 Office of Program Policy Analysis and Government
 189 Accountability; amending s. 1004.58, F.S.; removing the
 190 director of the Office of Program Policy Analysis and
 191 Government Accountability from the Leadership Board for
 192 Applied Research and Public Service; amending ss. 1004.70,
 193 1004.78, 1005.37, 1006.07, 1006.19, 1008.35, 1008.46,
 194 1009.265, 1009.53, 1009.976, 1009.983, 1010.305, 1011.10,
 195 1011.51, 1013.35, and 1013.512, F.S.; assigning
 196 responsibilities to the Office of Government
 197 Accountability formerly held by the Auditor General or the
 198 Office of Program Policy Analysis and Government
 199 Accountability; amending s. 34, ch. 2002-22, Laws of
 200 Florida; requiring the Office of Government Accountability
 201 rather than the Office of Program Policy Analysis and
 202 Government Accountability to conduct a review of the
 203 progress of the Division of Vocational Rehabilitation and



204 to prepare a report; providing an effective date.

205

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

207

208 Section 1. Subsections (3), (4), and (5) of section 11.40,
209 Florida Statutes, are amended to read:

210 11.40 Legislative Auditing Committee.--

211 (3) The Legislative Auditing Committee may direct the
212 Office of Government Accountability ~~Auditor General or the~~
213 ~~Office of Program Policy Analysis and Government Accountability~~
214 to conduct an audit, review, or examination of any entity or
215 record described in s. 11.45(2) or (3).

216 (4) The Legislative Auditing Committee may take under
217 investigation any matter within the scope of an audit, review,
218 or examination either completed or then being conducted by the
219 Office of Government Accountability ~~Auditor General or the~~
220 ~~Office of Program Policy Analysis and Government Accountability,~~
221 and, in connection with such investigation, may exercise the
222 powers of subpoena by law vested in a standing committee of the
223 Legislature.

224 (5) Following notification by the Office of Government
225 Accountability ~~Auditor General~~, the Department of Banking and
226 Finance, or the Division of Bond Finance of the State Board of
227 Administration of the failure of a local governmental entity,
228 district school board, charter school, or charter technical
229 career center to comply with the applicable provisions within s.
230 11.45(5)-(7), s. 218.32(1), or s. 218.38, the Legislative
231 Auditing Committee may schedule a hearing. If a hearing is
232 scheduled, the committee shall determine if the entity should be



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233 subject to further state action. If the committee determines
 234 that the entity should be subject to further state action, the
 235 committee shall:

236 (a) In the case of a local governmental entity or district
 237 school board, request the Department of Revenue and the
 238 Department of Banking and Finance to withhold any funds not
 239 pledged for bond debt service satisfaction which are payable to
 240 such entity until the entity complies with the law. The
 241 committee, in its request, shall specify the date such action
 242 shall begin, and the request must be received by the Department
 243 of Revenue and the Department of Banking and Finance 30 days
 244 before the date of the distribution mandated by law. The
 245 Department of Revenue and the Department of Banking and Finance
 246 are authorized to implement the provisions of this paragraph.

247 (b) In the case of a special district, notify the
 248 Department of Community Affairs that the special district has
 249 failed to comply with the law. Upon receipt of notification, the
 250 Department of Community Affairs shall proceed pursuant to the
 251 provisions specified in ss. 189.421 and 189.422.

252 (c) In the case of a charter school or charter technical
 253 career center, notify the appropriate sponsoring entity, which
 254 may terminate the charter pursuant to ss. 1002.33 and 1002.34.

255 Section 2. Section 11.42, Florida Statutes, is amended to
 256 read:

257 11.42 The Auditor General.--

258 (1) The Auditor General appointed in this section is the
 259 auditor that is required by s. 2, Art. III of the State
 260 Constitution.

261 (2) The Auditor General shall be appointed to office to



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262 serve at the pleasure of the Legislature, by a majority vote of
263 the members of the Legislative Auditing Committee, subject to
264 confirmation by both houses of the Legislature. At the time of
265 her or his appointment, the Auditor General shall have been
266 certified under the Public Accountancy Law in this state for a
267 period of at least 10 years and shall have had not less than 10
268 years' experience in an accounting or auditing related field.
269 Vacancies in the office shall be filled in the same manner as
270 the original appointment.

271 (3) The Auditor General shall perform his or her duties
272 independently but under the general policies established by the
273 Legislative Auditing Committee.

274 (4)(3)(a) To carry out ~~her or his~~ or her duties the
275 Auditor General shall make all spending decisions within the
276 annual operating budget of the Office of Government
277 Accountability approved by the President of the Senate and the
278 Speaker of the House of Representatives. ~~The Auditor General~~
279 ~~shall employ qualified persons necessary for the efficient~~
280 ~~operation of the Auditor General's office and shall fix their~~
281 ~~duties and compensation and, with the approval of the President~~
282 ~~of the Senate and the Speaker of the House of Representatives,~~
283 ~~shall adopt and administer a uniform personnel, job~~
284 ~~classification, and pay plan for such employees.~~

285 ~~(b) No person shall be employed as a financial auditor who~~
286 ~~does not possess the qualifications to take the examination for~~
287 ~~a certificate as certified public accountant under the laws of~~
288 ~~this state, and no person shall be employed or retained as legal~~
289 ~~adviser, on either a full-time or a part-time basis, who is not~~
290 ~~a member of The Florida Bar.~~



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291 ~~(5)(4)~~ The Auditor General, before entering upon the
292 duties of the office, shall take and subscribe the oath of
293 office required of state officers by the State Constitution.

294 ~~(6)(5)~~ The appointment of the Auditor General may be
295 terminated at any time by a majority vote of both houses of the
296 Legislature.

297 ~~(6)(a)~~ ~~The headquarters of the Auditor General shall be at~~
298 ~~the state capital, but to facilitate auditing and to eliminate~~
299 ~~unnecessary traveling the Auditor General may establish field~~
300 ~~offices located outside the state capital. The Auditor General~~
301 ~~shall be provided with adequate quarters to carry out the~~
302 ~~position's functions in the state capital and in other areas of~~
303 ~~the state.~~

304 ~~(b)~~ ~~All payrolls and vouchers for the operations of the~~
305 ~~Auditor General's office shall be submitted to the Comptroller~~
306 ~~and, if found to be correct, payments shall be issued therefor.~~

307 (7) The Auditor General may make and enforce reasonable
308 rules and regulations necessary to facilitate audits, including,
309 but not limited to, examinations, policy analyses, program
310 evaluations and justification reviews, reviews, and other
311 engagements that the Office of Government Accountability ~~which~~
312 ~~she or he~~ is authorized to perform.

313 ~~(8)~~ ~~No officer or salaried employee of the Office of the~~
314 ~~Auditor General shall serve as the representative of any~~
315 ~~political party or on any executive committee or other governing~~
316 ~~body thereof; serve as an executive, officer, or employee of any~~
317 ~~political party committee, organization, or association; or be~~
318 ~~engaged on behalf of any candidate for public office in the~~
319 ~~solicitation of votes or other activities in behalf of such~~



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320 ~~candidacy. Neither the Auditor General nor any employee of the~~
321 ~~Auditor General may become a candidate for election to public~~
322 ~~office unless she or he first resigns from office or employment.~~
323 ~~No officer or salaried employee of the Auditor General shall~~
324 ~~actively engage in any other business or profession or be~~
325 ~~otherwise employed without the prior written permission of the~~
326 ~~Auditor General.~~

327 Section 3. Section 11.421, Florida Statutes, is created to
328 read:

329 11.421 The Office of Government Accountability.--

330 (1) There is created an Office of Government
331 Accountability.

332 (2) The Auditor General is the head of the Office of
333 Government Accountability.

334 (3) The Office of Government Accountability shall consist
335 of a Division of Policy Analysis and Agency Review and any other
336 divisions deemed necessary by the Auditor General. The Division
337 of Policy Analysis and Agency Review shall be responsible for
338 conducting examinations, policy analysis, program evaluation and
339 justification reviews, and other engagements as directed by the
340 Auditor General or as directed by the Legislative Auditing
341 Committee. The Division of Policy Analysis and Agency Review
342 shall also be responsible for maintaining the Florida Government
343 Accountability Report, which summarizes accountability
344 information on all major state programs, and providing this
345 information to the Legislature electronically and by other
346 means.

347 (4) The Auditor General shall appoint a Deputy Auditor
348 General to direct the Division of Policy Analysis and Agency



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349 Review. At the time of the appointment, the Deputy Auditor
350 General must have had 10 years' experience in policy analysis
351 and program evaluation. The appointment shall be subject to
352 confirmation by a majority vote of the Legislative Auditing
353 Committee.

354 (5) The Auditor General shall employ qualified persons
355 necessary for the efficient operation of the Office of
356 Government Accountability. The staff must be chosen to provide a
357 broad background of experience and expertise and, to the maximum
358 extent possible, represent a range of disciplines that includes
359 auditing, accounting, law, engineering, public administration,
360 environmental science, policy analysis, economics, sociology,
361 and philosophy. The Auditor General shall fix their duties and
362 compensation and, with the approval of the President of the
363 Senate and the Speaker of the House of Representatives, shall
364 adopt and administer a uniform personnel, job classification,
365 and pay plan for such employees.

366 (6) No person shall be employed as a financial auditor who
367 does not possess the qualifications to take the examination for
368 a certificate as certified public accountant under the laws of
369 this state and no person shall be employed or retained as legal
370 adviser, on either a full-time or a part-time basis, who is not
371 a member in good standing of The Florida Bar.

372 (7)(a) The headquarters of the Office of Government
373 Accountability shall be at the state capital, but to facilitate
374 auditing and to eliminate unnecessary travel, the Office of
375 Government Accountability may establish field offices located
376 outside the state capital. The Office of Government
377 Accountability shall be provided with adequate quarters to carry



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378 out its duties and responsibilities in the state capital and in
 379 other areas of the state.

380 (b) All payrolls and vouchers for the operations of the
 381 Office of Government Accountability shall be submitted to the
 382 Chief Financial Officer and, if found to be correct, payments
 383 shall be issued therefor.

384 (8) No officer or salaried employee of the Office of
 385 Government Accountability shall serve as the representative of
 386 any political party or on any executive committee or other
 387 governing body thereof; serve as an executive, officer, or
 388 employee of any political party committee, organization, or
 389 association; or be engaged on behalf of any candidate for public
 390 office in the solicitation of votes or other activities on
 391 behalf of such candidacy. Neither the Auditor General nor any
 392 employee of the Office of Government Accountability may become a
 393 candidate for election to public office unless he or she first
 394 resigns from office or employment. No officer or salaried
 395 employee of the Office of Government Accountability shall
 396 actively engage in any other business or profession or be
 397 otherwise employed without the prior written permission of the
 398 Auditor General.

399 Section 4. Subsections (2) through (9) of section 11.45,
 400 Florida Statutes, are amended to read:

401 11.45 Definitions; duties; authorities; reports; rules.--

402 (2) DUTIES.--The Office of Government Accountability
 403 ~~Auditor General~~ shall:

404 (a) Conduct audits, including, but not limited to,
 405 examinations, policy analysis, program evaluations and
 406 justification reviews, reviews, and other engagements ~~of records~~



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407 and perform related duties as prescribed by law, concurrent
408 resolution of the Legislature, or as directed by the Legislative
409 Auditing Committee.

410 (b) Annually conduct a financial audit of state
411 government.

412 (c) Annually conduct financial audits of all universities
413 and district boards of trustees of community colleges.

414 (d) Annually conduct financial and operational audits of
415 the accounts and records of all district school boards in
416 counties with populations of fewer than 150,000, according to
417 the most recent federal decennial statewide census.

418 (e) Annually conduct an audit of the Wireless Emergency
419 Telephone System Fund as described in s. 365.173.

420 (f) At least every 2 years, conduct operational audits of
421 the accounts and records of state agencies, ~~and~~ universities,
422 and district boards of trustees of community colleges. In
423 connection with these audits, the Auditor General shall give
424 appropriate consideration to reports issued by state agencies'
425 inspectors general, ~~or~~ universities' inspectors general, or
426 internal auditors and the resolution of findings therein.

427 (g) At least every 2 years, conduct a performance audit of
428 the local government financial reporting system, which, for the
429 purpose of this chapter, means any statutory provisions related
430 to local government financial reporting. The purpose of such an
431 audit is to determine the accuracy, efficiency, and
432 effectiveness of the reporting system in achieving its goals and
433 to make recommendations to the local governments, the Governor,
434 and the Legislature as to how the reporting system can be
435 improved and how program costs can be reduced. The local



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436 government financial reporting system should provide for the
 437 timely, accurate, uniform, and cost-effective accumulation of
 438 financial and other information that can be used by the members
 439 of the Legislature and other appropriate officials to accomplish
 440 the following goals:

- 441 1. Enhance citizen participation in local government;
- 442 2. Improve the financial condition of local governments;
- 443 3. Provide essential government services in an efficient
 444 and effective manner; and
- 445 4. Improve decisionmaking on the part of the Legislature,
 446 state agencies, and local government officials on matters
 447 relating to local government.

448 (h) At least every 2 years, determine through the
 449 examination of actuarial reviews, financial statements, and the
 450 practices and procedures of the Department of Management
 451 Services, the compliance of the Florida Retirement System with
 452 the provisions of part VII of chapter 112. The Office of
 453 Government Accountability shall employ an independent consulting
 454 actuary who is an enrolled actuary as defined in part VII of
 455 chapter 112, to assist in the determination of compliance. The
 456 Office of Government Accountability shall employ the same
 457 actuarial standards to monitor the Department of Management
 458 Services as the Department of Management Services uses to
 459 monitor local governmental entities.

460 (i) At least every 2 years, examine the State Board of
 461 Administration's management of investments.

462 (j)~~(h)~~ Once every 3 years, conduct performance audits of
 463 the Department of Revenue's administration of the ad valorem tax
 464 laws as described in s. 195.096.



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465 (k)(i) Once every 3 years, conduct financial and
466 operational audits of the accounts and records of all district
467 school boards in counties with populations of 150,000 ~~125,000~~ or
468 more, according to the most recent federal decennial statewide
469 census.

470 (l)(j) Once every 3 years, review a sample of each state
471 agency's internal audit reports to determine compliance with
472 current Standards for the Professional Practice of Internal
473 Auditing or, if appropriate, government auditing standards.

474 (m)(k) Conduct audits of local governmental entities when
475 determined to be necessary by the Auditor General, when directed
476 by the Legislative Auditing Committee, or when otherwise
477 required by law. ~~No later than 18 months after the release of~~
478 ~~the audit report, the Auditor General shall perform such~~
479 ~~appropriate followup procedures as he or she deems necessary to~~
480 ~~determine the audited entity's progress in addressing the~~
481 ~~findings and recommendations contained within the Auditor~~
482 ~~General's previous report. The Auditor General shall provide a~~
483 ~~copy of his or her determination to each member of the audited~~
484 ~~entity's governing body and to the Legislative Auditing~~
485 ~~Committee.~~

486 (n) Conduct program evaluation and justification reviews
487 as described in s. 11.513 at the discretion of the Auditor
488 General upon consultation with the Legislative Auditing
489 Committee or the Legislative Budget Commission.

490 (o) Provide a statement in its reports whether the entity
491 audited by the Office of Government Accountability must file a
492 corrective action plan to address findings and recommendations
493 included in the report. Whenever determined necessary by the



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494 Office of Government Accountability, the audited entity shall
495 provide a corrective action plan to the Legislative Auditing
496 Committee. The audited entity shall provide the corrective
497 action plan no later than 2 months after the release of the
498 report by the Office of Government Accountability. The
499 corrective action plan shall include completion dates, data, and
500 other information that describes in detail what the entity will
501 do to implement the recommendations within the report. The
502 entity shall provide data and other information that describes
503 with specificity the progress the entity has made in
504 implementing the corrective action plan. The entity shall
505 provide such data within 12 months after the submission of the
506 corrective action plan or the time period specified by the
507 Office of Government Accountability. The Office of Government
508 Accountability shall perform followup procedures to verify the
509 entity's progress in addressing findings and recommendations
510 contained within the report issued by the Office of Government
511 Accountability. The Office of Government Accountability shall
512 provide a copy of its determination to the audited entity, the
513 Legislative Auditing Committee, and the appropriate legislative
514 standing committees.

515
516 ~~The Auditor General shall perform his or her duties~~
517 ~~independently but under the general policies established by the~~
518 ~~Legislative Auditing Committee. This subsection does not limit~~
519 ~~the Office of Government Accountability's Auditor General's~~
520 ~~discretionary authority to conduct other audits or engagements~~
521 ~~of governmental entities as authorized in subsection (3).~~

522 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--



523 ~~(a)~~ The Office of Government Accountability Auditor General
 524 may, pursuant to the direction of the Auditor General ~~his or her~~
 525 ~~own authority~~, or at the direction of the Legislative Auditing
 526 Committee, conduct audits, including, but not limited to,
 527 examinations, policy analysis, program evaluation and
 528 justification reviews, and ~~or~~ other engagements as determined
 529 appropriate by the Auditor General of:

530 (a)1- The accounts and records of any governmental entity
 531 created or established by law.

532 (b)2- The information technology programs, activities,
 533 functions, or systems of any governmental entity created or
 534 established by law.

535 (c)3- The accounts and records of any charter school
 536 created or established by law.

537 (d)4- The accounts and records of any direct-support
 538 organization or citizen support organization created or
 539 established by law. The Office of Government Accountability
 540 ~~Auditor General~~ is authorized to require and receive any records
 541 from the direct-support organization or citizen support
 542 organization, or from its independent auditor.

543 (e)5- The public records associated with any appropriation
 544 made by the General Appropriations Act to a nongovernmental
 545 agency, corporation, or person. All records of a nongovernmental
 546 agency, corporation, or person with respect to the receipt and
 547 expenditure of such an appropriation shall be public records and
 548 shall be treated in the same manner as other public records are
 549 under general law.

550 (f)6- State financial assistance provided to any nonstate
 551 entity.



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552 ~~(g)7-~~ The Tobacco Settlement Financing Corporation created
 553 pursuant to s. 215.56005.

554 ~~(h)8-~~ The Florida Virtual School created pursuant to s.
 555 1002.37.

556 ~~(i)9-~~ Any purchases of federal surplus lands for use as
 557 sites for correctional facilities as described in s. 253.037.

558 ~~(j)10-~~ Enterprise Florida, Inc., including any of its
 559 boards, advisory committees, or similar groups created by
 560 Enterprise Florida, Inc., and programs. The audit report may not
 561 reveal the identity of any person who has anonymously made a
 562 donation to Enterprise Florida, Inc., pursuant to this
 563 subparagraph. The identity of a donor or prospective donor to
 564 Enterprise Florida, Inc., who desires to remain anonymous and
 565 all information identifying such donor or prospective donor are
 566 confidential and exempt from the provisions of s. 119.07(1) and
 567 s. 24(a), Art. I of the State Constitution. Such anonymity shall
 568 be maintained in the auditor's report.

569 ~~(k)11-~~ The Florida Development Finance Corporation or the
 570 capital development board or the programs or entities created by
 571 the board. The audit or report may not reveal the identity of
 572 any person who has anonymously made a donation to the board
 573 pursuant to this subparagraph. The identity of a donor or
 574 prospective donor to the board who desires to remain anonymous
 575 and all information identifying such donor or prospective donor
 576 are confidential and exempt from the provisions of s. 119.07(1)
 577 and s. 24(a), Art. I of the State Constitution. Such anonymity
 578 shall be maintained in the auditor's report.

579 ~~(l)12-~~ The records pertaining to the use of funds from
 580 voluntary contributions on a motor vehicle registration



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581 application or on a driver's license application authorized
582 pursuant to ss. 320.023 and 322.081.

583 ~~(m)13.~~ The records pertaining to the use of funds from the
584 sale of specialty license plates described in chapter 320.

585 ~~(n)14.~~ The transportation corporations under contract with
586 the Department of Transportation that are acting on behalf of
587 the state to secure and obtain rights-of-way for urgently needed
588 transportation systems and to assist in the planning and design
589 of such systems pursuant to ss. 339.401-339.421.

590 ~~(o)15.~~ The acquisitions and divestitures related to the
591 Florida Communities Trust Program created pursuant to chapter
592 380.

593 ~~(p)16.~~ The Florida Water Pollution Control Financing
594 Corporation created pursuant to s. 403.1837.

595 ~~(q)17.~~ The Florida Partnership for School Readiness
596 created pursuant to s. 411.01.

597 ~~(r)18.~~ The Florida Special Disability Trust Fund Financing
598 Corporation created pursuant to s. 440.49.

599 ~~(s)19.~~ Workforce Florida, Inc., or the programs or
600 entities created by Workforce Florida, Inc., created pursuant to
601 s. 445.004.

602 ~~(t)20.~~ The corporation defined in s. 455.32 that is under
603 contract with the Department of Business and Professional
604 Regulation to provide administrative, investigative,
605 examination, licensing, and prosecutorial support services in
606 accordance with the provisions of s. 455.32 and the practice act
607 of the relevant profession.

608 ~~(u)21.~~ The Florida Engineers Management Corporation
609 created pursuant to chapter 471.



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610 (v)22. The Investment Fraud Restoration Financing
611 Corporation created pursuant to chapter 517.

612 (w)23. The books and records of any permitholder that
613 conducts race meetings or jai alai exhibitions under chapter
614 550.

615 (x)24. The corporation defined in part II of chapter 946,
616 known as the Prison Rehabilitative Industries and Diversified
617 Enterprises, Inc., or PRIDE Enterprises.

618 ~~(b) The Auditor General is also authorized to:~~

619 1. ~~Promote the building of competent and efficient~~
620 ~~accounting and internal audit organizations in the offices~~
621 ~~administered by governmental entities.~~

622 2. ~~Provide consultation services to governmental entities~~
623 ~~on their financial and accounting systems, procedures, and~~
624 ~~related matters.~~

625 (4) SCHEDULING AND STAFFING OF AUDITS.--

626 (a) Each financial audit required or authorized by this
627 section, when practicable, shall be made and completed within
628 not more than 9 months following the end of each audited fiscal
629 year of the state agency or political subdivision, or at such
630 lesser time which may be provided by law or concurrent
631 resolution or directed by the Legislative Auditing Committee.
632 When the Auditor General determines that conducting any audit or
633 engagement otherwise required by law would not be possible due
634 to workload or would not be an efficient or effective use of the
635 Office of Government Accountability's ~~his or her~~ resources based
636 on an assessment of risk, then, in his or her discretion, the
637 Auditor General may temporarily or indefinitely postpone such
638 audits or other engagements for such period or any portion



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639 thereof, unless otherwise directed by the committee.

640 (b) The Auditor General may, when in his or her judgment
641 it is necessary, designate and direct any auditor employed by
642 the Office of Government Accountability ~~Auditor General~~ to audit
643 any accounts or records within the authority of the Office of
644 Government Accountability ~~Auditor General~~ to audit. The auditor
645 shall report his or her findings for review by the Auditor
646 General, who shall prepare the audit report.

647 (c) The audit report when final shall be a public record.
648 The audit workpapers and notes are not a public record; however,
649 those workpapers necessary to support the computations in the
650 final audit report may be made available by a majority vote of
651 the Legislative Auditing Committee after a public hearing
652 showing proper cause. The audit workpapers and notes shall be
653 retained by the Office of Government Accountability ~~Auditor~~
654 ~~General~~ until no longer useful in his or her proper functions,
655 after which time they may be destroyed.

656 (d) At the conclusion of the audit, the Office of
657 Government Accountability's ~~Auditor General or the Auditor~~
658 ~~General's~~ designated representative shall discuss the audit with
659 the official whose office is subject to audit and submit to that
660 official a list of the Auditor General's findings which may be
661 included in the audit report. If the official is not available
662 for receipt of the list of audit findings, then delivery is
663 presumed to be made when it is delivered to his or her office.
664 The official shall submit to the Office of Government
665 Accountability ~~Auditor General~~ or its ~~the~~ designated
666 representative, within 30 days after the receipt of the list of
667 findings, or within 15 days after receipt of the list of



668 findings when requested by the Office of Government
 669 Accountability his or her written statement of explanation or
 670 rebuttal concerning all of the findings, including corrective
 671 action to be taken to preclude a recurrence of all findings.

672 (e) The Office of Government Accountability ~~Auditor~~
 673 ~~General~~ shall provide the successor independent certified public
 674 accountant of a district school board with access to the prior
 675 year's working papers in accordance with the Statements on
 676 Auditing Standards, including documentation of planning,
 677 internal control, audit results, and other matters of continuing
 678 accounting and auditing significance, such as the working paper
 679 analysis of balance sheet accounts and those relating to
 680 contingencies.

681 (5) PETITION FOR AN AUDIT BY THE OFFICE OF GOVERNMENT
 682 ACCOUNTABILITY ~~AUDITOR GENERAL~~.--

683 (a) The Legislative Auditing Committee shall direct the
 684 Office of Government Accountability ~~Auditor General~~ to make an a
 685 ~~financial~~ audit of any municipality whenever petitioned to do so
 686 by at least 20 percent of the registered electors in the last
 687 general election of that municipality pursuant to this
 688 subsection. The supervisor of elections of the county in which
 689 the municipality is located shall certify whether or not the
 690 petition contains the signatures of at least 20 percent of the
 691 registered electors of the municipality. After the completion of
 692 the audit, the Office of Government Accountability ~~Auditor~~
 693 ~~General~~ shall determine whether the municipality has the fiscal
 694 resources necessary to pay the cost of the audit. The
 695 municipality shall pay the cost of the audit within 90 days
 696 after the Office of Government Accountability ~~Auditor General's~~



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697 determination that the municipality has the available resources.
 698 If the municipality fails to pay the cost of the audit, the
 699 Department of Revenue shall, upon certification of the Office of
 700 Government Accountability Auditor General, withhold from that
 701 portion of the distribution pursuant to s. 212.20(6)(d)6. which
 702 is distributable to such municipality, a sum sufficient to pay
 703 the cost of the audit and shall deposit that sum into the
 704 General Revenue Fund of the state.

705 (b) A letter of intent must be filed with the municipal
 706 clerk prior to any petition of the electors of that municipality
 707 for the purpose of an audit. All petitions shall be submitted to
 708 the Supervisor of Elections and contain, at a minimum, the
 709 following information:

- 710 1. Printed name.
- 711 2. Signature of elector.
- 712 3. Residence address.
- 713 4. Date of birth.
- 714 5. Date signed.

715
 716 All petitions must be submitted for verification within one
 717 calendar year of the audit petition origination by the municipal
 718 electors.

719 (6) REQUEST BY A LOCAL GOVERNMENTAL ENTITY FOR AN AUDIT BY
 720 THE OFFICE OF GOVERNMENT ACCOUNTABILITY AUDITOR
 721 ~~GENERAL~~.--Whenever a local governmental entity requests the
 722 Office of Government Accountability Auditor General to conduct
 723 an audit of all or part of its operations and the Office of
 724 Government Accountability Auditor General conducts the audit
 725 ~~under his or her own authority or at the direction of the~~



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726 ~~Legislative Auditing Committee~~, the expenses of the audit shall
 727 be paid by the local governmental entity. The Office of
 728 Government Accountability Auditor General shall estimate the
 729 cost of the audit. Fifty percent of the cost estimate shall be
 730 paid by the local governmental entity before the initiation of
 731 the audit and deposited into the General Revenue Fund of the
 732 state. After the completion of the audit, the Office of
 733 Government Accountability Auditor General shall notify the local
 734 governmental entity of the actual cost of the audit. The local
 735 governmental entity shall remit the remainder of the cost of the
 736 audit to the Office of Government Accountability Auditor General
 737 for deposit into the General Revenue Fund of the state. If the
 738 local governmental entity fails to comply with paying the
 739 remaining cost of the audit, the Office of Government
 740 Accountability Auditor General shall notify the Legislative
 741 Auditing Committee. The committee shall proceed in accordance
 742 with s. 11.40(5).

743 (7) OFFICE OF GOVERNMENT ACCOUNTABILTY AUDITOR GENERAL
 744 REPORTING REQUIREMENTS.--

745 (a) The Office of Government Accountability Auditor
 746 General shall notify the Legislative Auditing Committee of any
 747 local governmental entity, district school board, charter
 748 school, or charter technical career center that does not comply
 749 with the reporting requirements of s. 218.39. The committee
 750 shall proceed in accordance with s. 11.40(5).

751 (b) The Office of Government Accountability Auditor
 752 General, in consultation with the Board of Accountancy, shall
 753 review all audit reports submitted pursuant to s. 218.39. The
 754 Office of Government Accountability Auditor General shall



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755 request any significant items that were omitted in violation of
756 a rule adopted by the Office of Government Accountability
757 ~~Auditor General~~. The items must be provided within 45 days after
758 the date of the request. If the governmental entity does not
759 comply with the Office of Government Accountability's Auditor
760 ~~General's~~ request, the Office of Government Accountability
761 ~~Auditor General~~ shall notify the Legislative Auditing Committee.
762 The committee shall proceed in accordance with s. 11.40(5).

763 (c) The Office of Government Accountability Auditor
764 ~~General~~ shall provide annually a list of those special districts
765 which are not in compliance with s. 218.39 to the Special
766 District Information Program of the Department of Community
767 Affairs.

768 (d) During the Office of Government Accountability's
769 ~~Auditor General's~~ review of audit reports, it ~~he or she~~ shall
770 contact those units of local government, as defined in s.
771 218.403, that are not in compliance with s. 218.415 and request
772 evidence of corrective action. The unit of local government
773 shall provide the Office of Government Accountability Auditor
774 ~~General~~ with evidence of corrective action within 45 days after
775 the date it is requested by the Office of Government
776 Accountability Auditor General. If the unit of local government
777 fails to comply with the Office of Government Accountability's
778 ~~Auditor General's~~ request, the Office of Government
779 Accountability Auditor General shall notify the Legislative
780 Auditing Committee. The committee shall proceed in accordance
781 with s. 11.40(5).

782 (e) The Auditor General shall notify the Governor and the
783 Legislative Auditing Committee of any audit report reviewed by



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784 the Office of Government Accountability ~~Auditor General~~ pursuant
 785 to paragraph (b) which contains a statement that the local
 786 governmental entity or district school board is in a state of
 787 financial emergency as provided in s. 218.503. If the Office of
 788 Government Accountability ~~Auditor General~~ requests a
 789 clarification regarding information included in an audit report
 790 to determine whether a local governmental entity or district
 791 school board is in a state of financial emergency, the requested
 792 clarification must be provided within 45 days after the date of
 793 the request. If the local governmental entity or district school
 794 board does not comply with the Office of Government
 795 Accountability ~~Auditor General's~~ request, the Auditor General
 796 shall notify the Legislative Auditing Committee. If, after
 797 obtaining the requested clarification, the Office of Government
 798 Accountability ~~Auditor General~~ determines that the local
 799 governmental entity or district school board is in a state of
 800 financial emergency, it ~~he or she~~ shall notify the Governor and
 801 the Legislative Auditing Committee.

802 (f) The Auditor General shall annually compile and
 803 transmit to the President of the Senate, the Speaker of the
 804 House of Representatives, and the Legislative Auditing Committee
 805 a summary of significant findings and financial trends
 806 identified in audit reports reviewed in paragraph (b) or
 807 otherwise identified by the Office of Government
 808 Accountability's ~~Auditor General's~~ review of such audit reports
 809 and financial information, and identified in audits of district
 810 school boards conducted by the Office of Government
 811 Accountability ~~Auditor General~~. The Office of Government
 812 Accountability ~~Auditor General~~ shall include financial



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813 information provided pursuant to s. 218.32(1)(e) for entities
814 with fiscal years ending on or after June 30, 2003, within its
815 ~~his or her~~ reports submitted pursuant to this paragraph.

816 (g) If the Office of Government Accountability Auditor
817 ~~General~~ discovers significant errors, improper practices, or
818 other significant discrepancies in connection with its ~~his or~~
819 ~~her~~ audits of a state agency or state officer, the Auditor
820 General shall notify the President of the Senate, the Speaker of
821 the House of Representatives, and the Legislative Auditing
822 Committee. The President of the Senate and the Speaker of the
823 House of Representatives shall promptly forward a copy of the
824 notification to the chairs of the respective legislative
825 committees, which in the judgment of the President of the Senate
826 and the Speaker of the House of Representatives are
827 substantially concerned with the functions of the state agency
828 or state officer involved. Thereafter, and in no event later
829 than the 10th day of the next succeeding legislative session,
830 the person in charge of the state agency involved, or the state
831 officer involved, as the case may be, shall explain in writing
832 to the President of the Senate, the Speaker of the House of
833 Representatives, and to the Legislative Auditing Committee the
834 reasons or justifications for such errors, improper practices,
835 or other significant discrepancies and the corrective measures,
836 if any, taken by the agency.

837 (h) The Auditor General shall transmit to the President of
838 the Senate, the Speaker of the House of Representatives, and the
839 Legislative Auditing Committee by December 1 of each year a list
840 of statutory and fiscal changes recommended by the Auditor
841 General. The Auditor General may also transmit recommendations



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842 at other times of the year when the information would be timely
843 and useful for the Legislature.

844 (8) RULES OF THE OFFICE OF GOVERNMENT ACCOUNTABILITY
845 ~~AUDITOR GENERAL~~.--The Office of Government Accountability
846 ~~Auditor General~~, in consultation with the Board of Accountancy,
847 shall adopt rules for the form and conduct of all financial
848 audits performed by independent certified public accountants
849 pursuant to ss. 215.981, 218.39, 1001.453, 1004.28, and 1004.70.
850 The rules for audits of local governmental entities and district
851 school boards must include, but are not limited to, requirements
852 for the reporting of information necessary to carry out the
853 purposes of the Local Government Financial Emergencies Act as
854 stated in s. 218.501.

855 (9) TECHNICAL ASSISTANCE ~~OTHER GUIDANCE~~ PROVIDED BY THE
856 OFFICE OF GOVERNMENT ACCOUNTABILITY ~~AUDITOR GENERAL~~.--The Office
857 of Government Accountability is authorized to provide technical
858 assistance to:

859 (a) ~~Auditor General, in consultation with~~ The Department
860 of Education in the development of ~~, shall develop~~ a compliance
861 supplement for the financial audit of a district school board
862 conducted by an independent certified public accountant.

863 (b) Governmental entities on their financial and
864 accounting systems, procedures, and related matters.

865 (c) Governmental entities on promoting the building of
866 competent and efficient accounting and internal audit
867 organizations in their offices.

868 Section 5. Section 11.47, Florida Statutes, is amended to
869 read:

870 11.47 Penalties; failure to make a proper audit or



871 examination; making a false report; failure to produce documents
 872 or information.--

873 (1) All officers whose respective offices the Office of
 874 Government Accountability Auditor General or the Office of
 875 Program Policy Analysis and Government Accountability is
 876 authorized to audit or examine shall enter into their public
 877 records sufficient information for proper audit or examination,
 878 and shall make the same available to the Office of Government
 879 Accountability Auditor General or the Office of Program Policy
 880 Analysis and Government Accountability on demand.

881 (2) The willful failure or refusal of the Auditor General,
 882 ~~director of the Office of Program Policy Analysis and Government~~
 883 ~~Accountability,~~ or any staff employed by the Office of
 884 Government Accountability Auditor General or the Office of
 885 Program Policy Analysis and Government Accountability to make a
 886 proper audit or examination in line with his or her duty, the
 887 willful making of a false report as to any audit or examination,
 888 or the willful failure or refusal to report a shortage or
 889 misappropriation of funds or property shall be cause for removal
 890 from such office or employment, and the Auditor General,~~the~~
 891 ~~director of the Office of Program Policy Analysis and Government~~
 892 ~~Accountability,~~ or a staff member shall be guilty of a
 893 misdemeanor of the first degree, punishable as provided in s.
 894 775.082 or s. 775.083.

895 (3) Any person who willfully fails or refuses to furnish
 896 or produce any book, record, paper, document, data, or
 897 sufficient information necessary to a proper audit or
 898 examination which the Office of Government Accountability
 899 ~~Auditor General~~ or the ~~Office of Program Policy Analysis and~~



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900 ~~Government Accountability~~ is by law authorized to perform shall
 901 be guilty of a misdemeanor of the first degree, punishable as
 902 provided in s. 775.082 or s. 775.083.

903 (4) Any officer who willfully fails or refuses to furnish
 904 or produce any book, record, paper, document, data, or
 905 sufficient information necessary to a proper audit or
 906 examination which the Office of Government Accountability
 907 ~~Auditor General or the Office of Program Policy Analysis and~~
 908 ~~Government Accountability~~ is by law authorized to perform, shall
 909 be subject to removal from office.

910 Section 6. Section 11.51, Florida Statutes, is repealed:

911 ~~11.51 Office of Program Policy Analysis and Government~~
 912 ~~Accountability.~~

913 ~~(1) There is hereby created the Office of Program Policy~~
 914 ~~Analysis and Government Accountability as a unit of the Office~~
 915 ~~of the Auditor General appointed pursuant to s. 11.42. The~~
 916 ~~office shall perform independent examinations, program reviews,~~
 917 ~~and other projects as provided by general law, as provided by~~
 918 ~~concurrent resolution, or as directed by the Legislative~~
 919 ~~Auditing Committee, and shall provide recommendations, training,~~
 920 ~~or other services to assist the Legislature.~~

921 ~~(2) The Office of Program Policy Analysis and Government~~
 922 ~~Accountability is independent of the Auditor General appointed~~
 923 ~~pursuant to s. 11.42 for purposes of general policies~~
 924 ~~established by the Legislative Auditing Committee.~~

925 ~~(3) The Office of Program Policy Analysis and Government~~
 926 ~~Accountability shall maintain a schedule of examinations of~~
 927 ~~state programs.~~

928 ~~(4) The Office of Program Policy Analysis and Government~~



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929 ~~Accountability is authorized to examine all entities and records~~
930 ~~listed in s. 11.45(3)(a).~~

931 ~~(5) At the conclusion of an examination, the designated~~
932 ~~representative of the director of the Office of Program Policy~~
933 ~~Analysis and Government Accountability shall discuss the~~
934 ~~examination with the official whose office is examined and~~
935 ~~submit to that official the Office of Program Policy Analysis~~
936 ~~and Government Accountability's preliminary findings. If the~~
937 ~~official is not available for receipt of the preliminary~~
938 ~~findings, clearly designated as such, delivery thereof is~~
939 ~~presumed to be made when it is delivered to his or her office.~~
940 ~~Whenever necessary, the Office of Program Policy Analysis and~~
941 ~~Government Accountability may request the official to submit his~~
942 ~~or her written statement of explanation or rebuttal within 15~~
943 ~~days after the receipt of the findings. If the response time is~~
944 ~~not requested to be within 15 days, the official shall submit~~
945 ~~his or her response within 30 days after receipt of the~~
946 ~~preliminary findings.~~

947 ~~(6) No later than 18 months after the release of a report~~
948 ~~of the Office of Program Policy Analysis and Government~~
949 ~~Accountability, the agencies that are the subject of that report~~
950 ~~shall provide data and other information that describes with~~
951 ~~specificity what the agencies have done to respond to the~~
952 ~~recommendations contained in the report. The Office of Program~~
953 ~~Policy Analysis and Government Accountability may verify the~~
954 ~~data and information provided by the agencies. If the data and~~
955 ~~information provided by the agencies are deemed sufficient and~~
956 ~~accurate, the Office of Program Policy Analysis and Government~~
957 ~~Accountability shall report to the Legislative Auditing~~



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958 ~~Committee and to the legislative standing committees concerned~~
959 ~~with the subject areas of the audit. The report shall include a~~
960 ~~summary of the agencies' responses, the evaluation of those~~
961 ~~responses, and any recommendations deemed to be appropriate.~~

962 Section 7. Section 11.511, Florida Statutes, is repealed:
963 ~~11.511 Director of the Office of Program Policy Analysis~~
964 ~~and Government Accountability; appointment; employment of staff;~~
965 ~~powers and duties.—~~

966 ~~(1)(a) The Legislative Auditing Committee shall appoint a~~
967 ~~director of the Office of Program Policy Analysis and Government~~
968 ~~Accountability by majority vote of the committee, subject to~~
969 ~~confirmation by a majority vote of the Senate and the House of~~
970 ~~Representatives. At the time of appointment, the director must~~
971 ~~have had 10 years' experience in policy analysis and program~~
972 ~~evaluation. The reappointment of a director is subject to~~
973 ~~confirmation by a majority vote of the Senate and the House of~~
974 ~~Representatives. The Legislative Auditing Committee may appoint~~
975 ~~an interim director.~~

976 ~~(b) The appointment of the director may be terminated at~~
977 ~~any time by a majority vote of the Senate and the House of~~
978 ~~Representatives.~~

979 ~~(2)(a) The director shall take and subscribe to the oath~~
980 ~~of office required of state officers by the State Constitution.~~

981 ~~(b) Until such time as each house confirms the appointment~~
982 ~~of the director, the appointee shall perform the functions as~~
983 ~~provided by law.~~

984 ~~(3)(a) The director shall make all spending decisions~~
985 ~~under the annual operating budget approved by the President of~~
986 ~~the Senate and the Speaker of the House of Representatives. The~~



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987 ~~director shall employ and set the compensation of such~~
988 ~~professional, technical, legal, and clerical staff as may be~~
989 ~~necessary to fulfill the responsibilities of the Office of~~
990 ~~Program Policy Analysis and Government Accountability, in~~
991 ~~accordance with the joint policies and procedures of the~~
992 ~~President of the Senate and the Speaker of the House of~~
993 ~~Representatives, and may remove these personnel. The staff must~~
994 ~~be chosen to provide a broad background of experience and~~
995 ~~expertise and, to the maximum extent possible, to represent a~~
996 ~~range of disciplines that includes law, engineering, public~~
997 ~~administration, environmental science, policy analysis,~~
998 ~~economics, sociology, and philosophy.~~

999 ~~(b) An officer or full-time employee of the Office of~~
1000 ~~Program Policy Analysis and Government Accountability may not~~
1001 ~~serve as the representative of any political party or on any~~
1002 ~~executive committee or other governing body thereof; receive~~
1003 ~~remuneration for activities on behalf of any candidate for~~
1004 ~~public office; or engage, on behalf of any candidate for public~~
1005 ~~office, in the solicitation of votes or other activities in~~
1006 ~~behalf of such candidacy. Neither the director of the Office of~~
1007 ~~Program Policy Analysis and Government Accountability nor any~~
1008 ~~employee of that office may become a candidate for election to~~
1009 ~~public office unless he or she first resigns from office or~~
1010 ~~employment.~~

1011 ~~(4) The director shall perform and/or contract for the~~
1012 ~~performance of examinations and other duties as prescribed by~~
1013 ~~law. The director shall perform his or her duties independently~~
1014 ~~but under general policies established by the Legislative~~
1015 ~~Auditing Committee.~~



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1016 ~~(5) The director may adopt and enforce reasonable rules~~
1017 ~~necessary to facilitate the examinations, reports, and other~~
1018 ~~tasks that he or she is authorized to perform.~~

1019 ~~(6) When the director determines that conducting an~~
1020 ~~examination would not be possible due to workload limitations or~~
1021 ~~the project does not appear to be of critical interest to the~~
1022 ~~Legislature, then, with the consent of the President of the~~
1023 ~~Senate and the Speaker of the House of Representatives, the~~
1024 ~~director may temporarily or indefinitely postpone such~~
1025 ~~examinations. The director may at any time conduct a performance~~
1026 ~~review of a governmental entity created by law.~~

1027 Section 8. Section 11.513, Florida Statutes, is amended to
1028 read:

1029 11.513 Program evaluation and justification review.--

1030 (1) Each state agency may ~~shall~~ be subject to a program
1031 evaluation and justification review by the Office of ~~Program~~
1032 ~~Policy Analysis and Government Accountability as determined by~~
1033 ~~the Legislative Auditing Committee. This review shall be~~
1034 ~~conducted at the discretion of the Auditor General upon~~
1035 ~~consultation with the Legislative Auditing Committee or the~~
1036 ~~Legislative Budget Commission. Each state agency shall offer its~~
1037 ~~complete cooperation to the Office of ~~Program Policy Analysis~~~~
1038 ~~and Government Accountability so that such review may be~~
1039 ~~accomplished.~~

1040 (2) A state agency's inspector general, internal auditor,
1041 or other person designated by the agency head must ~~shall~~
1042 develop, in consultation with the Office of ~~Program Policy~~
1043 ~~Analysis and Government Accountability, a plan for monitoring~~
1044 ~~and reviewing the state agency's major programs to ensure that~~



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1045 performance data are maintained timely and accurately and
1046 supported by agency records.

1047 (3) The program evaluation and justification review shall
1048 ~~be conducted on major programs, but may include other programs.~~
1049 ~~The review shall be~~ comprehensive in its scope but, at a
1050 minimum, must be conducted in such a manner as to specifically
1051 determine the following, and to consider and determine what
1052 changes, if any, are needed with respect thereto:

1053 (a) The identifiable cost of each program.

1054 (b) The specific purpose of each program, as well as the
1055 specific public benefit derived therefrom.

1056 (c) Progress toward achieving the outputs and outcomes
1057 associated with each program.

1058 (d) An explanation of circumstances contributing to the
1059 state agency's ability to achieve, not achieve, or exceed its
1060 projected outputs and outcomes, as defined in s. 216.011,
1061 associated with each program.

1062 (e) Alternate courses of action that would result in
1063 administration of the same program in a more efficient or
1064 effective manner. The courses of action to be considered must
1065 include, but are not limited to:

1066 1. Whether the program could be organized in a more
1067 efficient and effective manner, whether the program's mission,
1068 goals, or objectives should be redefined, or, when the state
1069 agency cannot demonstrate that its efforts have had a positive
1070 effect, whether the program should be reduced in size or
1071 eliminated.

1072 2. Whether the program could be administered more
1073 efficiently or effectively to avoid duplication of activities



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1074 and ensure that activities are adequately coordinated.

1075 3. Whether the program could be performed more efficiently
1076 or more effectively by another unit of government or a private
1077 entity, or whether a program performed by a private entity could
1078 be performed more efficiently and effectively by a state agency.

1079 4. When compared to costs, whether effectiveness warrants
1080 elimination of the program or, if the program serves a limited
1081 interest, whether it should be redesigned to require users to
1082 finance program costs.

1083 5. Whether the cost to administer the program exceeds
1084 license and other fee revenues paid by those being regulated.

1085 6. Whether other changes could improve the efficiency and
1086 effectiveness of the program.

1087 (f) The consequences of discontinuing such program. If any
1088 discontinuation is recommended, such recommendation must be
1089 accompanied by a description of alternatives to implement such
1090 recommendation, including an implementation schedule for
1091 discontinuation and recommended procedures for assisting state
1092 agency employees affected by the discontinuation.

1093 (g) Determination as to public policy, which may include
1094 recommendations as to whether it would be sound public policy to
1095 continue or discontinue funding the program, either in whole or
1096 in part, in the existing manner.

1097 (h) Whether the information reported as part of the
1098 state's performance-based program budgeting system has relevance
1099 and utility for the evaluation of each program.

1100 (i) Whether state agency management has established
1101 control systems sufficient to ensure that performance data are
1102 maintained and supported by state agency records and accurately



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1103 presented in state agency performance reports.

1104 (4) Upon completion of a program evaluation and
1105 justification review ~~No later than December 1 of the second year~~
1106 ~~following the year in which an agency begins operating under a~~
1107 ~~performance-based program budget~~, the Office of Program Policy
1108 ~~Analysis and Government Accountability~~ shall submit a report of
1109 ~~evaluation and justification review~~ findings and recommendations
1110 to the President of the Senate, the Speaker of the House of
1111 Representatives, the chairpersons of the appropriate substantive
1112 committees, the chairpersons of the appropriations committees,
1113 the Legislative Auditing Committee, the Governor, the head of
1114 each state agency that was the subject of the evaluation and
1115 justification review, and the head of any state agency that is
1116 substantially affected by the findings and recommendations.

1117 (5) The Legislature intends that the program evaluation
1118 and justification review procedure be designed to assess the
1119 efficiency, effectiveness, and long-term implications of current
1120 or alternative state policies, and that the procedure results in
1121 recommendations for the improvement of such policies and state
1122 government. To that end, whenever possible, all reports
1123 submitted pursuant to subsection (4) must include an
1124 identification of the estimated financial consequences,
1125 including any potential savings, that could be realized if the
1126 recommendations or alternative courses of action were
1127 implemented.

1128 (6) Evaluation and justification reviews may include
1129 consideration of programs provided by other agencies which are
1130 integrally related to the programs administered by the state
1131 agency or entity which is being reviewed ~~scheduled for review as~~



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1132 ~~determined by the Legislative Auditing Committee.~~

1133 Section 9. Subsection (2) of section 14.203, Florida
1134 Statutes, is amended to read:

1135 14.203 State Council on Competitive Government.--It is the
1136 policy of this state that all state services be performed in the
1137 most effective and efficient manner in order to provide the best
1138 value to the citizens of the state. The state also recognizes
1139 that competition among service providers may improve the quality
1140 of services provided, and that competition, innovation, and
1141 creativity among service providers should be encouraged.

1142 (2) There is hereby created the State Council on
1143 Competitive Government, which shall be composed of the Governor
1144 and Cabinet, sitting as the Administration Commission as defined
1145 in s. 14.202. The council, on its own initiative, or the Office
1146 of ~~Program Policy Analysis and~~ Government Accountability,
1147 ~~created pursuant to s. 11.51,~~ may identify commercial activities
1148 currently being performed by state agencies and, if it is
1149 determined that such services may be better provided by
1150 requiring competition with private sources or other state agency
1151 service providers, may recommend that a state agency engage in
1152 any process, including competitive bidding, that creates
1153 competition with private sources or other state agency service
1154 providers.

1155 Section 10. Subsections (1) and (4) of section 17.041,
1156 Florida Statutes, are amended to read:

1157 17.041 County and district accounts and claims.--

1158 (1) It shall be the duty of the Department of Banking and
1159 Finance of this state to adjust and settle, or cause to be
1160 adjusted and settled, all accounts and claims heretofore or



1161 hereafter reported to it by the Office of Government
 1162 Accountability Auditor General, the appropriate county or
 1163 district official, or any person against all county and district
 1164 officers and employees, and against all other persons entrusted
 1165 with, or who may have received, any property, funds, or moneys
 1166 of a county or district or who may be in anywise indebted to or
 1167 accountable to a county or district for any property, funds,
 1168 moneys, or other thing of value, and to require such officer,
 1169 employee, or person to render full accounts thereof and to yield
 1170 up such property, funds, moneys, or other thing of value
 1171 according to law to the officer or authority entitled by law to
 1172 receive the same.

1173 (4) Should it appear to the department that any criminal
 1174 statute of this state has or may have been violated by such
 1175 defaulting officer, employee, or person, such information,
 1176 evidence, documents, and other things tending to show such a
 1177 violation, whether in the hands of the Comptroller, the Office
 1178 of Government Accountability Auditor General, the county, or the
 1179 district, shall be forthwith turned over to the proper state
 1180 attorney for inspection, study, and such action as may be deemed
 1181 proper, or the same may be brought to the attention of the
 1182 proper grand jury.

1183 Section 11. Paragraph (g) of subsection (2) and paragraphs
 1184 (e), (f), and (g) of subsection (5) of section 20.055, Florida
 1185 Statutes, are amended to read:

1186 20.055 Agency inspectors general.--

1187 (2) The Office of Inspector General is hereby established
 1188 in each state agency to provide a central point for coordination
 1189 of and responsibility for activities that promote



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1190 accountability, integrity, and efficiency in government. It
 1191 shall be the duty and responsibility of each inspector general,
 1192 with respect to the state agency in which the office is
 1193 established, to:

1194 (g) Ensure effective coordination and cooperation between
 1195 the Office of Government Accountability ~~Auditor General~~, federal
 1196 auditors, and other governmental bodies with a view toward
 1197 avoiding duplication.

1198 (5) In carrying out the auditing duties and
 1199 responsibilities of this act, each inspector general shall
 1200 review and evaluate internal controls necessary to ensure the
 1201 fiscal accountability of the state agency. The inspector general
 1202 shall conduct financial, compliance, electronic data processing,
 1203 and performance audits of the agency and prepare audit reports
 1204 of his or her findings. The scope and assignment of the audits
 1205 shall be determined by the inspector general; however, the
 1206 agency head may at any time direct the inspector general to
 1207 perform an audit of a special program, function, or
 1208 organizational unit. The performance of the audit shall be under
 1209 the direction of the inspector general, except that if the
 1210 inspector general does not possess the qualifications specified
 1211 in subsection (4), the director of auditing shall perform the
 1212 functions listed in this subsection.

1213 (e) The inspector general shall submit the final report to
 1214 the agency head and to the Office of Government Accountability
 1215 ~~Auditor General~~.

1216 (f) The Office of Government Accountability ~~Auditor~~
 1217 ~~General~~, in connection with the independent audit ~~postaudit~~ of
 1218 the same agency pursuant to s. 11.45, shall give appropriate



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1219 consideration to internal audit reports and the resolution of
 1220 findings therein. The Legislative Auditing Committee may inquire
 1221 into the reasons or justifications for failure of the agency
 1222 head to correct the deficiencies reported in internal audits
 1223 that are also reported by the Office of Government
 1224 Accountability Auditor General and shall take appropriate
 1225 action.

1226 (g) The inspector general shall monitor the implementation
 1227 of the state agency's corrective action plan prepared in
 1228 accordance with s. 11.45(2)(o). ~~response to any report on the~~
 1229 ~~state agency issued by the Auditor General or by the Office of~~
 1230 ~~Program Policy Analysis and Government Accountability. No later~~
 1231 ~~than 6 months after the Auditor General or the Office of Program~~
 1232 ~~Policy Analysis and Government Accountability publishes a report~~
 1233 ~~on the state agency, the inspector general shall provide a~~
 1234 ~~written response to the agency head on the status of corrective~~
 1235 ~~actions taken. The Inspector General shall file a copy of such~~
 1236 ~~response with the Legislative Auditing Committee.~~

1237 Section 12. Subsection (6) of section 20.23, Florida
 1238 Statutes, is amended to read:

1239 20.23 Department of Transportation.--There is created a
 1240 Department of Transportation which shall be a decentralized
 1241 agency.

1242 (6) To facilitate the efficient and effective management
 1243 of the department in a businesslike manner, the department shall
 1244 develop a system for the submission of monthly management
 1245 reports to the Florida Transportation Commission and secretary
 1246 from the district secretaries. The commission and the secretary
 1247 shall determine which reports are required to fulfill their



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1248 respective responsibilities under this section. A copy of each
 1249 such report shall be submitted monthly to the appropriations and
 1250 transportation committees of the Senate and the House of
 1251 Representatives. Recommendations made by the Office of
 1252 Government Accountability ~~Auditor General~~ in its ~~his or her~~
 1253 audits of the department that relate to management practices,
 1254 systems, or reports shall be implemented in a timely manner.
 1255 However, if the department determines that one or more of the
 1256 recommendations should be altered or should not be implemented,
 1257 it shall provide a written explanation of such determination to
 1258 the Legislative Auditing Committee within 6 months after the
 1259 date the recommendations were published.

1260 Section 13. Paragraph (c) of subsection (2) of section
 1261 20.50, Florida Statutes, is amended to read:

1262 20.50 Agency for Workforce Innovation.--There is created
 1263 the Agency for Workforce Innovation within the Department of
 1264 Management Services. The agency shall be a separate budget
 1265 entity, and the director of the agency shall be the agency head
 1266 for all purposes. The agency shall not be subject to control,
 1267 supervision, or direction by the Department of Management
 1268 Services in any manner, including, but not limited to,
 1269 personnel, purchasing, transactions involving real or personal
 1270 property, and budgetary matters.

1271 (2) The Agency for Workforce Innovation shall be the
 1272 designated administrative agency for receipt of federal
 1273 workforce development grants and other federal funds, and shall
 1274 carry out the duties and responsibilities assigned by the
 1275 Governor under each federal grant assigned to the agency. The
 1276 agency shall be a separate budget entity and shall expend each



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1277 revenue source as provided by federal and state law and as
1278 provided in plans developed by and agreements with Workforce
1279 Florida, Inc. The agency shall prepare and submit as a separate
1280 budget entity a unified budget request for workforce
1281 development, in accordance with chapter 216 for, and in
1282 conjunction with, Workforce Florida, Inc., and its board. The
1283 head of the agency is the director of Workforce Innovation, who
1284 shall be appointed by the Governor. Accountability and reporting
1285 functions of the agency shall be administered by the director or
1286 his or her designee. Included in these functions are budget
1287 management, financial management, audit, performance management
1288 standards and controls, assessing outcomes of service delivery,
1289 and financial administration of workforce programs pursuant to
1290 s. 445.004(5) and (8)~~(9)~~. Within the agency's overall
1291 organizational structure, the agency shall include the following
1292 offices which shall have the specified responsibilities:

1293 (a) The Office of Workforce Services shall administer the
1294 unemployment compensation program, the Rapid Response program,
1295 the Work Opportunity Tax Credit program, the Alien Labor
1296 Certification program, and any other programs that are delivered
1297 directly by agency staff rather than through the one-stop
1298 delivery system. The office shall be directed by the Deputy
1299 Director for Workforce Services, who shall be appointed by and
1300 serve at the pleasure of the director.

1301 (b) The Office of Program Support and Accountability shall
1302 administer state merit system program staff within the workforce
1303 service delivery system, pursuant to policies of Workforce
1304 Florida, Inc. The office shall be responsible for delivering
1305 services through the one-stop delivery system and for ensuring



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1306 that participants in welfare transition programs receive case
 1307 management services, diversion assistance, support services,
 1308 including subsidized child care and transportation services,
 1309 Medicaid services, and transition assistance to enable them to
 1310 succeed in the workforce. The office shall also be responsible
 1311 for program quality assurance, grants and contract management,
 1312 contracting, financial management, and reporting. The office
 1313 shall be directed by the Deputy Director for Program Support and
 1314 Accountability, who shall be appointed by and serve at the
 1315 pleasure of the director. The office shall be responsible for:

1316 1. Establishing monitoring, quality assurance, and quality
 1317 improvement systems that routinely assess the quality and
 1318 effectiveness of contracted programs and services.

1319 2. Annual review of each regional workforce board and
 1320 administrative entity to ensure adequate systems of reporting
 1321 and control are in place, and monitoring, quality assurance, and
 1322 quality improvement activities are conducted routinely, and
 1323 corrective action is taken to eliminate deficiencies.

1324 (c) The Office of Agency Support Services shall be
 1325 responsible for procurement, human resource services, and
 1326 information services including delivering information on labor
 1327 markets, employment, occupations, and performance, and shall
 1328 implement and maintain information systems that are required for
 1329 the effective operation of the one-stop delivery system and the
 1330 school readiness services system, including, but not limited to,
 1331 those systems described in s. 445.009. The office will be under
 1332 the direction of the Deputy Director for Agency Support
 1333 Services, who shall be appointed by and serve at the pleasure of
 1334 the director. The office shall be responsible for establishing:



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1335 1. Information systems and controls that report reliable,
1336 timely and accurate fiscal and performance data for assessing
1337 outcomes, service delivery, and financial administration of
1338 workforce programs pursuant to s. 445.004(5) and (8)~~(9)~~.

1339 2. Information systems that support service integration
1340 and case management by providing for case tracking for
1341 participants in welfare transition programs.

1342 3. Information systems that support school readiness
1343 services.

1344 (d) The Unemployment Appeals Commission, authorized by s.
1345 443.012, shall not be subject to the control, supervision, or
1346 direction by the Agency for Workforce Innovation in the
1347 performance of its powers and duties but shall receive any and
1348 all support and assistance from the agency that may be required
1349 for the performance of its duties.

1350 Section 14. Paragraph (c) of subsection (12) of section
1351 24.105, Florida Statutes, is amended to read:

1352 24.105 Powers and duties of department.--The department
1353 shall:

1354 (12)(c) Any information made confidential and exempt from
1355 the provisions of s. 119.07(1) under this subsection shall be
1356 disclosed to the ~~Auditor General, to the Office of Program~~
1357 ~~Policy Analysis and Government Accountability~~, or to the
1358 independent auditor selected under s. 24.123 upon such person's
1359 request therefor. If the President of the Senate or the Speaker
1360 of the House of Representatives certifies that information made
1361 confidential under this subsection is necessary for effecting
1362 legislative changes, the requested information shall be
1363 disclosed to him or her, and he or she may disclose such



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1364 information to members of the Legislature and legislative staff
1365 as necessary to effect such purpose.

1366 Section 15. Paragraph (b) of subsection (7) of section
1367 24.108, Florida Statutes, is amended to read:

1368 24.108 Division of Security; duties; security report.--
1369 (7)

1370 (b) The portion of the security report containing the
1371 overall evaluation of the department in terms of each aspect of
1372 security shall be presented to the Governor, the President of
1373 the Senate, and the Speaker of the House of Representatives. The
1374 portion of the security report containing specific
1375 recommendations shall be confidential and shall be presented
1376 only to the secretary, the Governor, and the Office of
1377 Government Accountability ~~Auditor General~~; however, upon
1378 certification that such information is necessary for the purpose
1379 of effecting legislative changes, such information shall be
1380 disclosed to the President of the Senate and the Speaker of the
1381 House of Representatives, who may disclose such information to
1382 members of the Legislature and legislative staff as necessary to
1383 effect such purpose. However, any person who receives a copy of
1384 such information or other information which is confidential
1385 pursuant to this act or rule of the department shall maintain
1386 its confidentiality. The confidential portion of the report is
1387 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1388 of the State Constitution.

1389 Section 16. Subsection (4) of section 24.120, Florida
1390 Statutes, is amended to read:

1391 24.120 Financial matters; Administrative Trust Fund;
1392 interagency cooperation.--



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1393 (4) The department shall cooperate with the State
 1394 Treasurer, the Comptroller, ~~the Auditor General~~, and the Office
 1395 of ~~Program Policy Analysis and~~ Government Accountability by
 1396 giving employees designated by any of them access to facilities
 1397 of the department for the purpose of efficient compliance with
 1398 their respective responsibilities.

1399 Section 17. Subsection (2) of section 24.123, Florida
 1400 Statutes, is amended to read:

1401 24.123 Annual audit of financial records and reports.--

1402 (2) The Office of Government Accountability ~~Auditor~~
 1403 ~~General~~ may at any time conduct an audit of any phase of the
 1404 operations of the state lottery and shall receive a copy of the
 1405 yearly independent financial audit and any security report
 1406 prepared pursuant to s. 24.108.

1407 Section 18. Subsection (3) of section 25.075, Florida
 1408 Statutes, is amended to read:

1409 25.075 Uniform case reporting system.--

1410 (3) The Office of Government Accountability ~~Auditor~~
 1411 ~~General~~ shall audit the reports made to the Supreme Court in
 1412 accordance with the uniform system established by the Supreme
 1413 Court.

1414 Section 19. Paragraph (k) of subsection (2) of section
 1415 39.202, Florida Statutes, is amended to read:

1416 39.202 Confidentiality of reports and records in cases of
 1417 child abuse or neglect.--

1418 (2) Access to such records, excluding the name of the
 1419 reporter which shall be released only as provided in subsection
 1420 (4), shall be granted only to the following persons, officials,
 1421 and agencies:



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1422 (k) Any appropriate official of a Florida advocacy council
1423 investigating a report of known or suspected child abuse,
1424 abandonment, or neglect; ~~the Auditor General~~ or the Office of
1425 ~~Program Policy Analysis and~~ Government Accountability for the
1426 purpose of conducting audits or examinations pursuant to law; or
1427 the guardian ad litem for the child.

1428 Section 20. Subsection (2) of section 68.085, Florida
1429 Statutes, is amended to read:

1430 68.085 Awards to plaintiffs bringing action.--

1431 (2) If the department proceeds with an action which the
1432 court finds to be based primarily on disclosures of specific
1433 information, other than that provided by the person bringing the
1434 action, relating to allegations or transactions in a criminal,
1435 civil, or administrative hearing; a legislative, administrative,
1436 inspector general, or Office of Government Accountability
1437 ~~Auditor General~~ report, hearing, audit, or investigation; or
1438 from the news media, the court may award such sums as it
1439 considers appropriate, but in no case more than 10 percent of
1440 the proceeds recovered under a judgment or received in
1441 settlement of a claim under this act, taking into account the
1442 significance of the information and the role of the person
1443 bringing the action in advancing the case to litigation.

1444 Section 21. Subsection (3) of section 68.087, Florida
1445 Statutes, is amended to read:

1446 68.087 Exemptions to civil actions.--

1447 (3) No court shall have jurisdiction over an action
1448 brought under this act based upon the public disclosure of
1449 allegations or transactions in a criminal, civil, or
1450 administrative hearing; in a legislative, administrative,



1451 inspector general, or Office of Government Accountability
 1452 ~~Auditor General~~, Comptroller, or Department of Banking and
 1453 Finance report, hearing, audit, or investigation; or from the
 1454 news media, unless the action is brought by the department, or
 1455 unless the person bringing the action is an original source of
 1456 the information. For purposes of this subsection, the term
 1457 "original source" means an individual who has direct and
 1458 independent knowledge of the information on which the
 1459 allegations are based and has voluntarily provided the
 1460 information to the department before filing an action under this
 1461 act based on the information.

1462 Section 22. Subsection (13) of section 70.20, Florida
 1463 Statutes, is amended to read:

1464 70.20 Balancing of interests.--It is a policy of this
 1465 state to encourage municipalities, counties, and other
 1466 governmental entities and sign owners to enter into relocation
 1467 and reconstruction agreements that allow governmental entities
 1468 to undertake public projects and accomplish public goals without
 1469 the expenditure of public funds while allowing the continued
 1470 maintenance of private investment in signage as a medium of
 1471 commercial and noncommercial communication.

1472 ~~(13) Effective upon this section becoming a law, the~~
 1473 ~~Office of Program Policy Analysis and Government Accountability,~~
 1474 ~~in consultation with the property appraisers and the affected~~
 1475 ~~private sector parties, shall conduct a study of the value of~~
 1476 ~~offsite signs in relation to, and in comparison with, the~~
 1477 ~~valuation of other commercial properties for ad valorem tax~~
 1478 ~~purposes, including a comparison of tax valuations from other~~
 1479 ~~states. The Office of Program Policy Analysis and Government~~



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1480 ~~Accountability shall complete the study by December 31, 2002,~~
 1481 ~~and shall report the results of the study to the President of~~
 1482 ~~the Senate and the Speaker of the House of Representatives.~~

1483 Section 23. Subsection (1) of section 110.116, Florida
 1484 Statutes, is amended to read:

1485 110.116 Personnel information system; payroll
 1486 procedures.--

1487 (1) The Department of Management Services shall establish
 1488 and maintain, in coordination with the payroll system of the
 1489 Department of Banking and Finance, a complete personnel
 1490 information system for all authorized and established positions
 1491 in the state service, with the exception of employees of the
 1492 Legislature. The specifications shall be developed in
 1493 conjunction with the payroll system of the Department of Banking
 1494 and Finance and in coordination with the Office of Government
 1495 Accountability Auditor General. The Department of Banking and
 1496 Finance shall determine that the position occupied by each
 1497 employee has been authorized and established in accordance with
 1498 the provisions of s. 216.251. The Department of Management
 1499 Services shall develop and maintain a position numbering system
 1500 that will identify each established position, and such
 1501 information shall be a part of the payroll system of the
 1502 Department of Banking and Finance. With the exception of
 1503 employees of the Legislature, this system shall include all
 1504 career service positions and those positions exempted from
 1505 career service provisions, notwithstanding the funding source of
 1506 the salary payments, and information regarding persons receiving
 1507 payments from other sources. Necessary revisions shall be made
 1508 in the personnel and payroll procedures of the state to avoid



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1509 duplication insofar as is feasible. A list shall be organized by
 1510 budget entity to show the employees or vacant positions within
 1511 each budget entity. This list shall be available to the Speaker
 1512 of the House of Representatives and the President of the Senate
 1513 upon request.

1514 Section 24. Paragraph (b) of subsection (8) of section
 1515 112.061, Florida Statutes, is amended to read:

1516 112.061 Per diem and travel expenses of public officers,
 1517 employees, and authorized persons.--

1518 (8) OTHER EXPENSES.--

1519 (b) Other expenses which are not specifically authorized
 1520 by this section may be approved by the Department of Banking and
 1521 Finance pursuant to rules adopted by it. Expenses approved
 1522 pursuant to this paragraph shall be reported by the Department
 1523 of Banking and Finance to the Office of Government
 1524 Accountability ~~Auditor General~~ annually.

1525 Section 25. Paragraphs (a) and (c) of subsection (8) of
 1526 section 112.324, Florida Statutes, are amended to read:

1527 112.324 Procedures on complaints of violations; public
 1528 records and meeting exemptions.--

1529 (8) If, in cases pertaining to complaints other than
 1530 complaints against impeachable officers or members of the
 1531 Legislature, upon completion of a full and final investigation
 1532 by the commission, the commission finds that there has been a
 1533 violation of this part or of s. 8, Art. II of the State
 1534 Constitution, it shall be the duty of the commission to report
 1535 its findings and recommend appropriate action to the proper
 1536 disciplinary official or body as follows, and such official or
 1537 body shall have the power to invoke the penalty provisions of



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1538 this part, including the power to order the appropriate
 1539 elections official to remove a candidate from the ballot for a
 1540 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
 1541 State Constitution:

1542 (a) The President of the Senate and the Speaker of the
 1543 House of Representatives, jointly, in any case concerning the
 1544 Public Counsel, members of the Public Service Commission,
 1545 members of the Public Service Commission Nominating Council, the
 1546 Auditor General, ~~the director of the Office of Program Policy~~
 1547 ~~Analysis and Government Accountability~~, or members of the
 1548 Legislative Committee on Intergovernmental Relations.

1549 (c) The President of the Senate, in any case concerning an
 1550 employee of the Senate; the Speaker of the House of
 1551 Representatives, in any case concerning an employee of the House
 1552 of Representatives; or the President and the Speaker, jointly,
 1553 in any case concerning an employee of a committee of the
 1554 Legislature whose members are appointed solely by the President
 1555 and the Speaker or in any case concerning an employee of the
 1556 Public Counsel, Public Service Commission, ~~Auditor General,~~
 1557 ~~Office of Program Policy Analysis and Government Accountability,~~
 1558 or Legislative Committee on Intergovernmental Relations.

1559 Section 26. Section 112.658, Florida Statutes, is
 1560 repealed:

1561 ~~112.658 Office of Program Policy Analysis and Government~~
 1562 ~~Accountability to determine compliance of the Florida Retirement~~
 1563 ~~System.--~~

1564 ~~(1) The Office of Program Policy Analysis and Government~~
 1565 ~~Accountability shall determine, through the examination of~~
 1566 ~~actuarial reviews, financial statements, and the practices and~~



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1567 ~~procedures of the Department of Management Services, the~~
1568 ~~compliance of the Florida Retirement System with the provisions~~
1569 ~~of this act.~~

1570 ~~(2) The Office of Program Policy Analysis and Government~~
1571 ~~Accountability shall employ an independent consulting actuary~~
1572 ~~who is an enrolled actuary as defined in this part to assist in~~
1573 ~~the determination of compliance.~~

1574 ~~(3) The Office of Program Policy Analysis and Government~~
1575 ~~Accountability shall employ the same actuarial standards to~~
1576 ~~monitor the Department of Management Services as the Department~~
1577 ~~of Management Services uses to monitor local governments.~~

1578 Section 27. Subsection (6) of section 119.07, Florida
1579 Statutes, is amended to read:

1580 119.07 Inspection, examination, and duplication of
1581 records; exemptions.--

1582 (6) Nothing in subsection (3) or any other general or
1583 special law shall limit the access of the ~~Auditor General, the~~
1584 ~~Office of Program Policy Analysis and Government Accountability,~~
1585 or any state, county, municipal, university, board of community
1586 college, school district, or special district internal auditor
1587 to public records when such person states in writing that such
1588 records are needed for a properly authorized audit, examination,
1589 or investigation. Such person shall maintain the confidentiality
1590 of any public records that are confidential or exempt from the
1591 provisions of subsection (1) and shall be subject to the same
1592 penalties as the custodians of those public records for
1593 violating confidentiality.

1594 Section 28. Subsection (5) of section 121.051, Florida
1595 Statutes, is amended to read:



1596 121.051 Participation in the system.--

1597 (5) RIGHTS LIMITED.--

1598 (a) Participation in the system shall not give any member
 1599 the right to be retained in the employ of the employer or, upon
 1600 dismissal, to have any right or interest in the fund other than
 1601 herein provided.

1602 (b) A member who is convicted by a court of competent
 1603 jurisdiction of causing a shortage in a public account, when
 1604 such shortage is certified by the Office of Government
 1605 Accountability Auditor General or a certified public accountant,
 1606 may not retire or receive any benefits under this chapter so
 1607 long as such shortage exists.

1608 Section 29. Paragraph (c) of subsection (1) of section
 1609 121.055, Florida Statutes, is amended to read:

1610 121.055 Senior Management Service Class.--There is hereby
 1611 established a separate class of membership within the Florida
 1612 Retirement System to be known as the "Senior Management Service
 1613 Class," which shall become effective February 1, 1987.

1614 (1)

1615 (c)1. Effective January 1, 1990, participation in the
 1616 Senior Management Service Class shall be compulsory for up to 75
 1617 nonelective positions at the level of committee staff director
 1618 or higher or equivalent managerial or policymaking positions
 1619 within the House of Representatives, as selected by the Speaker
 1620 of the House of Representatives, up to 50 nonelective positions
 1621 at the level of committee staff director or higher or equivalent
 1622 managerial or policymaking positions within the Senate, as
 1623 selected by the President of the Senate, all staff directors of
 1624 joint committees and service offices of the Legislature, the



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1625 Auditor General and up to 9 managerial or policymaking positions
 1626 within the Office of Government Accountability ~~his or her office~~
 1627 as selected by the Auditor General, and the executive director
 1628 of the Commission on Ethics.

1629 2. Participation in this class shall be compulsory, except
 1630 as provided in subparagraph 3., for any legislative employee who
 1631 holds a position designated for coverage in the Senior
 1632 Management Service Class, and such participation shall continue
 1633 until the employee terminates employment in a covered position.

1634 3. In lieu of participation in the Senior Management
 1635 Service Class, at the discretion of the President of the Senate
 1636 and the Speaker of the House of Representatives, such members
 1637 may participate in the Senior Management Service Optional
 1638 Annuity Program as established in subsection (6).

1639 Section 30. Paragraph (x) of subsection (1) of section
 1640 125.01, Florida Statutes, is amended to read:

1641 125.01 Powers and duties.--

1642 (1) The legislative and governing body of a county shall
 1643 have the power to carry on county government. To the extent not
 1644 inconsistent with general or special law, this power includes,
 1645 but is not restricted to, the power to:

1646 (x) Employ an independent certified public accounting firm
 1647 to audit any funds, accounts, and financial records of the
 1648 county and its agencies and governmental subdivisions. Entities
 1649 that are funded wholly or in part by the county, at the
 1650 discretion of the county, may be required by the county to
 1651 conduct a performance audit paid for by the county. An entity
 1652 shall not be considered as funded by the county by virtue of the
 1653 fact that such entity utilizes the county to collect taxes,



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1654 assessments, fees, or other revenue. If an independent special
 1655 district receives county funds pursuant to a contract or
 1656 interlocal agreement for the purposes of funding, in whole or in
 1657 part, a discrete program of the district, only that program may
 1658 be required by the county to undergo a performance audit. Not
 1659 fewer than five copies of each complete audit report, with
 1660 accompanying documents, shall be filed with the clerk of the
 1661 circuit court and maintained there for public inspection. The
 1662 clerk shall thereupon forward one complete copy of the audit
 1663 report with accompanying documents to the Office of Government
 1664 Accountability Auditor General.

1665 Section 31. Section 136.08, Florida Statutes, is amended
 1666 to read:

1667 136.08 Accounts subject to examination by authorized
 1668 persons.--The accounts of each and every board and the county
 1669 accounts of each and every depository, mentioned or provided for
 1670 in this chapter, shall at all times be subject to the inspection
 1671 and examination by the county auditor and by the Office of
 1672 Government Accountability Auditor General.

1673 Section 32. Paragraph (o) of subsection (1) of section
 1674 154.11, Florida Statutes, is amended to read:

1675 154.11 Powers of board of trustees.--

1676 (1) The board of trustees of each public health trust
 1677 shall be deemed to exercise a public and essential governmental
 1678 function of both the state and the county and in furtherance
 1679 thereof it shall, subject to limitation by the governing body of
 1680 the county in which such board is located, have all of the
 1681 powers necessary or convenient to carry out the operation and
 1682 governance of designated health care facilities, including, but



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1683 without limiting the generality of, the foregoing:

1684 (o) To employ certified public accountants to audit and
 1685 analyze the records of the board and to prepare financial or
 1686 revenue statements of the board; however, this paragraph shall
 1687 not in any way affect any responsibility of the Office of
 1688 Government Accountability ~~Auditor General~~ pursuant to s. 11.45.

1689 Section 33. Section 163.2526, Florida Statutes, is amended
 1690 to read:

1691 163.2526 Review and evaluation.-- Before the 2004 Regular
 1692 Session of the Legislature, the Office of ~~Program Policy~~
 1693 ~~Analysis and~~ Government Accountability shall perform a review
 1694 and evaluation of ss. 163.2511-163.2526, including the financial
 1695 incentives listed in s. 163.2520. The report must evaluate the
 1696 effectiveness of the designation of urban infill and
 1697 redevelopment areas in stimulating urban infill and
 1698 redevelopment and strengthening the urban core. A report of the
 1699 findings and recommendations of the Office of ~~Program Policy~~
 1700 ~~Analysis and~~ Government Accountability shall be submitted to the
 1701 President of the Senate and the Speaker of the House of
 1702 Representatives before the 2004 Regular Session of the
 1703 Legislature.

1704 Section 34. Subsection (12) of section 163.3246, Florida
 1705 Statutes, is amended to read:

1706 163.3246 Local government comprehensive planning
 1707 certification program.--

1708 (12) The Office of ~~Program Policy Analysis and~~ Government
 1709 Accountability shall prepare a report evaluating the
 1710 certification program, which shall be submitted to the Governor,
 1711 the President of the Senate, and the Speaker of the House of



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1712 Representatives by December 1, 2007.

1713 Section 35. Subsections (2) and (5) of section 189.4035,
1714 Florida Statutes, are amended to read:

1715 189.4035 Preparation of official list of special
1716 districts.--

1717 (2) The official list shall be produced by the department
1718 after the department has notified each special district that is
1719 currently reporting to the department, the Department of Banking
1720 and Finance pursuant to s. 218.32, or the Office of Government
1721 Accountability Auditor General pursuant to s. 218.39. Upon
1722 notification, each special district shall submit, within 60
1723 days, its determination of its status. The determination
1724 submitted by a special district shall be consistent with the
1725 status reported in the most recent local government audit of
1726 district activities submitted to the Office of Government
1727 Accountability Auditor General pursuant to s. 218.39.

1728 (5) The official list of special districts shall be
1729 distributed by the department on October 1 of each year to the
1730 President of the Senate, the Speaker of the House of
1731 Representatives, the Office of Government Accountability Auditor
1732 General, the Department of Revenue, the Department of Banking
1733 and Finance, the Department of Management Services, the State
1734 Board of Administration, counties, municipalities, county
1735 property appraisers, tax collectors, and supervisors of
1736 elections and to all interested parties who request the list.

1737 Section 36. Subsection (1) of section 189.412, Florida
1738 Statutes, is amended to read:

1739 189.412 Special District Information Program; duties and
1740 responsibilities.--The Special District Information Program of



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1741 the Department of Community Affairs is created and has the
1742 following special duties:

1743 (1) The collection and maintenance of special district
1744 compliance status reports from the Office of Government
1745 Accountability Auditor General, the Department of Banking and
1746 Finance, the Division of Bond Finance of the State Board of
1747 Administration, the Department of Management Services, the
1748 Department of Revenue, and the Commission on Ethics for the
1749 reporting required in ss. 112.3144, 112.3145, 112.3148,
1750 112.3149, 112.63, 200.068, 218.32, 218.38, 218.39, and 280.17
1751 and chapter 121 and from state agencies administering programs
1752 that distribute money to special districts. The special district
1753 compliance status reports must consist of a list of special
1754 districts used in that state agency and a list of which special
1755 districts did not comply with the reporting statutorily required
1756 by that agency.

1757 Section 37. Paragraphs (f) and (g) of subsection (5) of
1758 section 189.428, Florida Statutes, are amended to read:

1759 189.428 Special districts; oversight review process.--

1760 (5) Those conducting the oversight review process shall,
1761 at a minimum, consider the listed criteria for evaluating the
1762 special district, but may also consider any additional factors
1763 relating to the district and its performance. If any of the
1764 listed criteria do not apply to the special district being
1765 reviewed, they need not be considered. The criteria to be
1766 considered by the reviewer include:

1767 (f) Whether the Office of Government Accountability
1768 ~~Auditor General~~ has notified the Legislative Auditing Committee
1769 that the special district's audit report, reviewed pursuant to



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1770 s. 11.45(7), indicates that a deteriorating financial condition
 1771 exists that may cause a condition described in s. 218.503(1) to
 1772 occur if actions are not taken to address such condition.

1773 (g) Whether the Office of Government Accountability
 1774 ~~Auditor General~~ has determined that the special district is in a
 1775 state of financial emergency as provided in s. 218.503(1), and
 1776 has notified the Governor and the Legislative Auditing
 1777 Committee.

1778 Section 38. Paragraph (b) of subsection (4) of section
 1779 192.0105, Florida Statutes, is amended to read:

1780 192.0105 Taxpayer rights.--There is created a Florida
 1781 Taxpayer's Bill of Rights for property taxes and assessments to
 1782 guarantee that the rights, privacy, and property of the
 1783 taxpayers of this state are adequately safeguarded and protected
 1784 during tax levy, assessment, collection, and enforcement
 1785 processes administered under the revenue laws of this state. The
 1786 Taxpayer's Bill of Rights compiles, in one document, brief but
 1787 comprehensive statements that summarize the rights and
 1788 obligations of the property appraisers, tax collectors, clerks
 1789 of the court, local governing boards, the Department of Revenue,
 1790 and taxpayers. Additional rights afforded to payors of taxes and
 1791 assessments imposed under the revenue laws of this state are
 1792 provided in s. 213.015. The rights afforded taxpayers to assure
 1793 that their privacy and property are safeguarded and protected
 1794 during tax levy, assessment, and collection are available only
 1795 insofar as they are implemented in other parts of the Florida
 1796 Statutes or rules of the Department of Revenue. The rights so
 1797 guaranteed to state taxpayers in the Florida Statutes and the
 1798 departmental rules include:



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1799 (4) THE RIGHT TO CONFIDENTIALITY.--

1800 (b) The right to limiting access to a taxpayer's records
 1801 by a property appraiser, the Department of Revenue, and the
 1802 Office of Government Accountability ~~Auditor General~~ only to
 1803 those instances in which it is determined that such records are
 1804 necessary to determine either the classification or the value of
 1805 taxable nonhomestead property (see s. 195.027(3)).

1806 Section 39. Section 193.074, Florida Statutes, is amended
 1807 to read:

1808 193.074 Confidentiality of returns.--All returns of
 1809 property and returns required by s. 201.022 submitted by the
 1810 taxpayer pursuant to law shall be deemed to be confidential in
 1811 the hands of the property appraiser, the clerk of the circuit
 1812 court, the department, the tax collector, ~~the Auditor General,~~
 1813 and the Office of ~~Program Policy Analysis and~~ Government
 1814 Accountability, and their employees and persons acting under
 1815 their supervision and control, except upon court order or order
 1816 of an administrative body having quasi-judicial powers in ad
 1817 valorem tax matters, and such returns are exempt from the
 1818 provisions of s. 119.07(1).

1819 Section 40. Paragraph (a) of subsection (2) of section
 1820 193.1142, Florida Statutes, is amended to read:

1821 193.1142 Approval of assessment rolls.--

1822 (2)(a) The executive director or his or her designee shall
 1823 disapprove all or part of any assessment roll of any county not
 1824 in full compliance with the administrative order of the
 1825 executive director issued pursuant to the notice called for in
 1826 s. 195.097 and shall otherwise disapprove all or any part of any
 1827 roll not assessed in substantial compliance with law, as



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1828 disclosed during the investigation by the department, including,
 1829 but not limited to, audits by the Department of Revenue and
 1830 Office of Government Accountability ~~Auditor General~~ establishing
 1831 noncompliance.

1832 Section 41. Subsections (3) and (6) of section 195.027,
 1833 Florida Statutes, are amended to read:

1834 195.027 Rules and regulations.--

1835 (3) The rules and regulations shall provide procedures
 1836 whereby the property appraiser, the Department of Revenue, and
 1837 the Office of Government Accountability ~~Auditor General~~ shall be
 1838 able to obtain access, where necessary, to financial records
 1839 relating to nonhomestead property which records are required to
 1840 make a determination of the proper assessment as to the
 1841 particular property in question. Access to a taxpayer's records
 1842 shall be provided only in those instances in which it is
 1843 determined that such records are necessary to determine either
 1844 the classification or the value of the taxable nonhomestead
 1845 property. Access shall be provided only to those records which
 1846 pertain to the property physically located in the taxing county
 1847 as of January 1 of each year and to the income from such
 1848 property generated in the taxing county for the year in which a
 1849 proper assessment is made. All records produced by the taxpayer
 1850 under this subsection shall be deemed to be confidential in the
 1851 hands of the property appraiser, the department, the tax
 1852 collector, and the Office of Government Accountability ~~Auditor~~
 1853 ~~General~~ and shall not be divulged to any person, firm, or
 1854 corporation, except upon court order or order of an
 1855 administrative body having quasi-judicial powers in ad valorem
 1856 tax matters, and such records are exempt from the provisions of



1857 s. 119.07(1).

1858 (6) The fees and costs of the sale or purchase and terms
 1859 of financing shall be presumed to be usual unless the buyer or
 1860 seller or agent thereof files a form which discloses the unusual
 1861 fees, costs, and terms of financing. Such form shall be filed
 1862 with the clerk of the circuit court at the time of recording.
 1863 The rules and regulations shall prescribe an information form to
 1864 be used for this purpose. Either the buyer or the seller or the
 1865 agent of either shall complete the information form and certify
 1866 that the form is accurate to the best of his or her knowledge
 1867 and belief. The information form shall be confidential in the
 1868 hands of all persons after delivery to the clerk, except that
 1869 the Department of Revenue and the Office of Government
 1870 Accountability ~~Auditor General~~ shall have access to it in the
 1871 execution of their official duties, and such form is exempt from
 1872 the provisions of s. 119.07(1). The information form may be used
 1873 in any judicial proceeding, upon a motion to produce duly made
 1874 by any party to such proceedings. Failure of the clerk to obtain
 1875 an information form with the recording shall not impair the
 1876 validity of the recording or the conveyance. The form shall
 1877 provide for a notation by the clerk indicating the book and page
 1878 number of the conveyance in the official record books of the
 1879 county. The clerk shall promptly deliver all information forms
 1880 received to the property appraiser for his or her custody and
 1881 use.

1882 Section 42. Section 195.084, Florida Statutes, is amended
 1883 to read:

1884 195.084 Information exchange.--

1885 (1) The department shall promulgate rules and regulations



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1886 for the exchange of information among the department, the
1887 property appraisers' offices, the tax collector, ~~the Auditor~~
1888 ~~General~~, and the Office of ~~Program Policy Analysis and~~
1889 Government Accountability. All records and returns of the
1890 department useful to the property appraiser or the tax collector
1891 shall be made available upon request but subject to the
1892 reasonable conditions imposed by the department. This section
1893 shall supersede statutes prohibiting disclosure only with
1894 respect to the property appraiser, the tax collector, ~~the~~
1895 ~~Auditor General~~, and the Office of ~~Program Policy Analysis and~~
1896 Government Accountability, but the department may establish
1897 regulations setting reasonable conditions upon the access to and
1898 custody of such information. The ~~Auditor General~~, and the Office
1899 of ~~Program Policy Analysis and~~ Government Accountability, the
1900 tax collectors, and the property appraisers shall be bound by
1901 the same requirements of confidentiality as the Department of
1902 Revenue. Breach of confidentiality shall be a misdemeanor of the
1903 first degree, punishable as provided by ss. 775.082 and 775.083.

1904 (2) All of the records of property appraisers and
1905 collectors, including, but not limited to, worksheets and
1906 property record cards, shall be made available to the Department
1907 of Revenue, ~~the Auditor General~~, and the Office of ~~Program~~
1908 ~~Policy Analysis and~~ Government Accountability. Property
1909 appraisers and collectors are hereby directed to cooperate fully
1910 with representatives of the Department of Revenue, ~~the Auditor~~
1911 ~~General~~, and the Office of ~~Program Policy Analysis and~~
1912 Government Accountability in realizing the objectives stated in
1913 s. 195.0012.

1914 Section 43. Paragraph (c) of subsection (4) of section



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1915 196.101, Florida Statutes, is amended to read:

1916 196.101 Exemption for totally and permanently disabled
 1917 persons.--

1918 (4)(c) The department shall require by rule that the
 1919 taxpayer annually submit a sworn statement of gross income,
 1920 pursuant to paragraph (a). The department shall require that the
 1921 filing of such statement be accompanied by copies of federal
 1922 income tax returns for the prior year, wage and earnings
 1923 statements (W-2 forms), and other documents it deems necessary,
 1924 for each member of the household. The taxpayer's statement shall
 1925 attest to the accuracy of such copies. The department shall
 1926 prescribe and furnish a form to be used for this purpose which
 1927 form shall include spaces for a separate listing of United
 1928 States Department of Veterans Affairs benefits and social
 1929 security benefits. All records produced by the taxpayer under
 1930 this paragraph are confidential in the hands of the property
 1931 appraiser, the department, the tax collector, ~~the Auditor~~
 1932 ~~General,~~ and the Office of ~~Program Policy Analysis and~~
 1933 ~~Government Accountability,~~ and shall not be divulged to any
 1934 person, firm, or corporation except upon court order or order of
 1935 an administrative body having quasi-judicial powers in ad
 1936 valorem tax matters, and such records are exempt from the
 1937 provisions of s. 119.07(1).

1938 Section 44. Subsection (6) of section 213.053, Florida
 1939 Statutes, is amended to read:

1940 213.053 Confidentiality and information sharing.--

1941 (6) Any information received by the Department of Revenue
 1942 in connection with the administration of taxes, including, but
 1943 not limited to, information contained in returns, reports,



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1944 accounts, or declarations filed by persons subject to tax, shall
1945 be made available by the department to the Auditor General or
1946 his or her authorized agent, ~~the director of the Office of~~
1947 ~~Program Policy Analysis and Government Accountability or his or~~
1948 ~~her authorized agent~~, the Comptroller or his or her authorized
1949 agent, the Insurance Commissioner or his or her authorized
1950 agent, the Treasurer or his or her authorized agent, or a
1951 property appraiser or tax collector or their authorized agents
1952 pursuant to s. 195.084(1), in the performance of their official
1953 duties, or to designated employees of the Department of
1954 Education solely for determination of each school district's
1955 price level index pursuant to s. 1011.62(2); however, no
1956 information shall be disclosed to the Auditor General or his or
1957 her authorized agent, ~~the director of the Office of Program~~
1958 ~~Policy Analysis and Government Accountability or his or her~~
1959 ~~authorized agent~~, the Comptroller or his or her authorized
1960 agent, the Insurance Commissioner or his or her authorized
1961 agent, the Treasurer or his or her authorized agent, or to a
1962 property appraiser or tax collector or their authorized agents,
1963 or to designated employees of the Department of Education if
1964 such disclosure is prohibited by federal law. The Auditor
1965 General or his or her authorized agent, ~~the director of the~~
1966 ~~Office of Program Policy Analysis and Government Accountability~~
1967 ~~or his or her authorized agent~~, the Comptroller or his or her
1968 authorized agent, the Treasurer or his or her authorized agent,
1969 and the property appraiser or tax collector and their authorized
1970 agents, or designated employees of the Department of Education
1971 shall be subject to the same requirements of confidentiality and
1972 the same penalties for violation of the requirements as the



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1973 department. For the purpose of this subsection, "designated
 1974 employees of the Department of Education" means only those
 1975 employees directly responsible for calculation of price level
 1976 indices pursuant to s. 1011.62(2). It does not include the
 1977 supervisors of such employees or any other employees or elected
 1978 officials within the Department of Education.

1979 Section 45. Subsections (7), (8), and (9) of section
 1980 215.44, Florida Statutes, are renumbered as subsections (6),
 1981 (7), and (8), respectively, and present subsection (6) of said
 1982 section is amended to read:

1983 215.44 Board of Administration; powers and duties in
 1984 relation to investment of trust funds.--

1985 ~~(6) The Office of Program Policy Analysis and Government~~
 1986 ~~Accountability shall examine the board's management of~~
 1987 ~~investments every 2 years. The Office of Program Policy Analysis~~
 1988 ~~and Government Accountability shall submit such reports to the~~
 1989 ~~board, the President of the Senate, and the Speaker of the House~~
 1990 ~~of Representatives and their designees.~~

1991 Section 46. Subsection (3) of section 215.93, Florida
 1992 Statutes, is amended to read:

1993 215.93 Florida Financial Management Information System.--

1994 (3) The Florida Financial Management Information System
 1995 shall include financial management data and utilize the chart of
 1996 accounts approved by the Comptroller. Common financial
 1997 management data shall include, but not be limited to, data
 1998 codes, titles, and definitions used by one or more of the
 1999 functional owner subsystems. The Florida Financial Management
 2000 Information System shall utilize common financial management
 2001 data codes. The council shall recommend and the board shall



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2002 adopt policies regarding the approval and publication of the
 2003 financial management data. The Comptroller shall adopt policies
 2004 regarding the approval and publication of the chart of accounts.
 2005 The Comptroller's chart of accounts shall be consistent with the
 2006 common financial management data codes established by the
 2007 coordinating council. Further, all systems not a part of the
 2008 Florida Financial Management Information System which provide
 2009 information to the system shall use the common data codes from
 2010 the Florida Financial Management Information System and the
 2011 Comptroller's chart of accounts. Data codes that cannot be
 2012 supplied by the Florida Financial Management Information System
 2013 and the Comptroller's chart of accounts and that are required
 2014 for use by the information subsystems shall be approved by the
 2015 board upon recommendation of the coordinating council. However,
 2016 board approval shall not be required for those data codes
 2017 specified by the Office of Government Accountability ~~Auditor~~
 2018 ~~General~~ under the provisions of s. 215.94(6)(c).

2019 Section 47. Subsections (6) and (7) of section 215.94,
 2020 Florida Statutes, are amended to read:

2021 215.94 Designation, duties, and responsibilities of
 2022 functional owners.--

2023 (6)(a) The Office of Government Accountability ~~Auditor~~
 2024 ~~General~~ shall be advised by the functional owner of each
 2025 information subsystem as to the date that the development or
 2026 significant modification of its functional system specifications
 2027 is to begin.

2028 (b) Upon such notification, the Office of Government
 2029 Accountability ~~Auditor General~~ shall participate with each
 2030 functional owner to the extent necessary to provide assurance



2031 that:

2032 1. The accounting information produced by the information
2033 subsystem adheres to generally accepted accounting principles.

2034 2. The information subsystem contains the necessary
2035 controls to maintain its integrity, within acceptable limits and
2036 at an acceptable cost.

2037 3. The information subsystem is auditable.

2038 (c) The Office of Government Accountability Auditor~~er~~
2039 ~~General~~ shall specify those additional features,
2040 characteristics, controls, and internal control measures deemed
2041 necessary to carry out the provisions of this subsection.
2042 Further, it shall be the responsibility of each functional owner
2043 to install and incorporate such specified features,
2044 characteristics, controls, and internal control measures within
2045 each information subsystem.

2046 (7) The Office of Government Accountability Auditor~~er~~
2047 ~~General~~ shall provide to the board and the coordinating council
2048 the findings and recommendations of any audit regarding the
2049 provisions of ss. 215.90-215.96.

2050 Section 48. Subsections (2), (5), (6), (7), (8), (9), and
2051 (10) of section 215.97, Florida Statutes, are amended to read:
2052 215.97 Florida Single Audit Act.--

2053 (2) Definitions; as used in this section, the term:

2054 (a) "Audit threshold" means the amount to use in
2055 determining when a state single audit of a nonstate entity shall
2056 be conducted in accordance with this section. Each nonstate
2057 entity that expends a total amount of state financial assistance
2058 equal to or in excess of \$300,000 in any fiscal year of such
2059 nonstate entity shall be required to have a state single audit



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2060 for such fiscal year in accordance with the requirements of this
 2061 section. Every 2 years the Office of Government Accountability
 2062 ~~Auditor General~~, after consulting with the Executive Office of
 2063 the Governor, the Comptroller, and all state agencies that
 2064 provide state financial assistance to nonstate entities, shall
 2065 review the amount for requiring audits under this section and
 2066 may adjust such dollar amount consistent with the purpose of
 2067 this section.

2068 (b) "Auditing standards" means the auditing standards as
 2069 stated in the rules of the Office of Government Accountability
 2070 ~~Auditor General~~ as applicable to for-profit organizations,
 2071 nonprofit organizations, or local governmental entities.

2072 (c) "Catalog of State Financial Assistance" means a
 2073 comprehensive listing of state projects. The Catalog of State
 2074 Financial Assistance shall be issued by the Executive Office of
 2075 the Governor after conferring with the Comptroller and all state
 2076 agencies that provide state financial assistance to nonstate
 2077 entities. The Catalog of State Financial Assistance shall
 2078 include for each listed state project: the responsible state
 2079 agency; standard state project number identifier; official
 2080 title; legal authorization; and description of the state
 2081 project, including objectives, restrictions, application and
 2082 awarding procedures, and other relevant information determined
 2083 necessary.

2084 (d) "Financial reporting package" means the nonstate
 2085 entities' financial statements, Schedule of State Financial
 2086 Assistance, auditor's reports, management letter, auditee's
 2087 written responses or corrective action plan, correspondence on
 2088 followup of prior years' corrective actions taken, and such



2089 other information determined by the Office of Government
 2090 Accountability Auditor General to be necessary and consistent
 2091 with the purposes of this section.

2092 (e) "Federal financial assistance" means financial
 2093 assistance from federal sources passed through the state and
 2094 provided to nonstate entities to carry out a federal program.
 2095 "Federal financial assistance" includes all types of federal
 2096 assistance as defined in applicable United States Office of
 2097 Management and Budget circulars.

2098 (f) "For-profit organization" means any organization or
 2099 sole proprietor but is not a local governmental entity or a
 2100 nonprofit organization.

2101 (g) "Independent auditor" means an external state or local
 2102 government auditor or a certified public accountant who meets
 2103 the independence standards.

2104 (h) "Internal control over state projects" means a
 2105 process, effected by an entity's management and other personnel,
 2106 designed to provide reasonable assurance regarding the
 2107 achievement of objectives in the following categories:

- 2108 1. Effectiveness and efficiency of operations.
- 2109 2. Reliability of financial operations.
- 2110 3. Compliance with applicable laws and regulations.

2111 (i) "Local governmental entity" means a county agency,
 2112 municipality, or special district or any other entity (other
 2113 than a district school board or community college), however
 2114 styled, which independently exercises any type of governmental
 2115 function.

2116 (j) "Major state project" means any state project meeting
 2117 the criteria as stated in the rules of the Executive Office of



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2118 the Governor. Such criteria shall be established after
 2119 consultation with the Comptroller and appropriate state agencies
 2120 that provide state financial assistance and shall consider the
 2121 amount of state project expenditures or expenses or inherent
 2122 risks. Each major state project shall be audited in accordance
 2123 with the requirements of this section.

2124 (k) "Nonprofit organization" means any corporation, trust,
 2125 association, cooperative, or other organization that:

- 2126 1. Is operated primarily for scientific, educational
- 2127 service, charitable, or similar purpose in the public interest;
- 2128 2. Is not organized primarily for profit;
- 2129 3. Uses net proceeds to maintain, improve, or expand the
- 2130 operations of the organization; and
- 2131 4. Has no part of its income or profit distributable to
- 2132 its members, directors, or officers.

2133 (l) "Nonstate entity" means a local governmental entity,
 2134 nonprofit organization, or for-profit organization that receives
 2135 state resources.

2136 (m) "Recipient" means a nonstate entity that receives
 2137 state financial assistance directly from a state awarding
 2138 agency.

2139 (n) "Schedule of State Financial Assistance" means a
 2140 document prepared in accordance with the rules of the
 2141 Comptroller and included in each financial reporting package
 2142 required by this section.

2143 (o) "State awarding agency" means the state agency that
 2144 provided state financial assistance to the nonstate entity.

2145 (p) "State financial assistance" means financial
 2146 assistance from state resources, not including federal financial



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2147 assistance and state matching, provided to nonstate entities to
2148 carry out a state project. "State financial assistance" includes
2149 all types of state assistance as stated in the rules of the
2150 Executive Office of the Governor established in consultation
2151 with the Comptroller and appropriate state agencies that provide
2152 state financial assistance. It includes state financial
2153 assistance provided directly by state awarding agencies or
2154 indirectly by recipients of state awards or subrecipients. It
2155 does not include procurement contracts used to buy goods or
2156 services from vendors. Audits of such procurement contracts with
2157 vendors are outside of the scope of this section. Also, audits
2158 of contracts to operate state-government-owned and contractor-
2159 operated facilities are excluded from the audit requirements of
2160 this section.

2161 (q) "State matching" means state resources provided to
2162 nonstate entities to be used to meet federal financial
2163 participation matching requirements of federal programs.

2164 (r) "State project" means all state financial assistance
2165 to a nonstate entity assigned a single state project number
2166 identifier in the Catalog of State Financial Assistance.

2167 (s) "State Projects Compliance Supplement" means a
2168 document issued by the Executive Office of the Governor, in
2169 consultation with the Comptroller and all state agencies that
2170 provide state financial assistance. The State Projects
2171 Compliance Supplement shall identify state projects, the
2172 significant compliance requirements, eligibility requirements,
2173 matching requirements, suggested audit procedures, and other
2174 relevant information determined necessary.

2175 (t) "State project-specific audit" means an audit of one



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2176 state project performed in accordance with the requirements of
 2177 subsection (9).

2178 (u) "State single audit" means an audit of a nonstate
 2179 entity's financial statements and state financial assistance.
 2180 Such audits shall be conducted in accordance with the auditing
 2181 standards as stated in the rules of the Office of Government
 2182 Accountability Auditor General.

2183 (v) "Subrecipient" means a nonstate entity that receives
 2184 state financial assistance through another nonstate entity.

2185 (w) "Vendor" means a dealer, distributor, merchant, or
 2186 other seller providing goods or services that are required for
 2187 the conduct of a state project. These goods or services may be
 2188 for an organization's own use or for the use of beneficiaries of
 2189 the state project.

2190 (5) Each state awarding agency shall:

2191 (a) Provide to a recipient information needed by the
 2192 recipient to comply with the requirements of this section,
 2193 including:

2194 1. The audit and accountability requirements for state
 2195 projects as stated in this section and applicable rules of the
 2196 Executive Office of the Governor, rules of the Comptroller, and
 2197 rules of the Office of Government Accountability Auditor
 2198 General.

2199 2. Information from the Catalog of State Financial
 2200 Assistance, including the standard state project number
 2201 identifier; official title; legal authorization; and description
 2202 of the state project including objectives, restrictions, and
 2203 other relevant information determined necessary.

2204 3. Information from the State Projects Compliance



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2205 Supplement, including the significant compliance requirements,
2206 eligibility requirements, matching requirements, suggested audit
2207 procedures, and other relevant information determined necessary.

2208 (b) Require the recipient, as a condition of receiving
2209 state financial assistance, to allow the state awarding agency,
2210 the Comptroller, and the Office of Government Accountability
2211 ~~Auditor General~~ access to the recipient's records and the
2212 recipient's independent auditor's working papers as necessary
2213 for complying with the requirements of this section.

2214 (c) Notify the recipient that this section does not limit
2215 the authority of the state awarding agency to conduct or arrange
2216 for the conduct of additional audits or evaluations of state
2217 financial assistance or limit the authority of any state agency
2218 inspector general, the Office of Government Accountability
2219 ~~Auditor General~~, or any other state official.

2220 (d) Be provided one copy of each financial reporting
2221 package prepared in accordance with the requirement of this
2222 section.

2223 (e) Review the recipient financial reporting package,
2224 including the management letters and corrective action plans, to
2225 the extent necessary to determine whether timely and appropriate
2226 corrective action has been taken with respect to audit findings
2227 and recommendations pertaining to state financial assistance
2228 provided by the state agency.

2229 (6) As a condition of receiving state financial
2230 assistance, each recipient that provides state financial
2231 assistance to a subrecipient shall:

2232 (a) Provide to a subrecipient information needed by the
2233 subrecipient to comply with the requirements of this section,



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including:

1. Identification of the state awarding agency.
2. The audit and accountability requirements for state projects as stated in this section and applicable rules of the Executive Office of the Governor, rules of the Comptroller, and rules of the Office of Government Accountability Auditor General.
3. Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, and other relevant information.
4. Information from the State Projects Compliance Supplement including the significant compliance requirements, eligibility requirements, matching requirements, and suggested audit procedures, and other relevant information determined necessary.

(b) Review the subrecipient audit reports, including the management letters, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state financial assistance provided by the state agency.

(c) Perform such other procedures as specified in terms and conditions of the written agreement with the state awarding agency including any required monitoring of the subrecipient's use of state financial assistance through onsite visits, limited scope audits, or other specified procedures.

(d) Require subrecipients, as a condition of receiving state financial assistance, to permit the independent auditor of



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2263 the recipient, the state awarding agency, the Comptroller, and
2264 the Office of Government Accountability Auditor General access
2265 to the subrecipient's records and the subrecipient's independent
2266 auditor's working papers as necessary to comply with the
2267 requirements of this section.

2268 (7) Each recipient or subrecipient of state financial
2269 assistance shall comply with the following:

2270 (a) Each nonstate entity that receives state financial
2271 assistance and meets audit threshold requirements, in any fiscal
2272 year of the nonstate entity, as stated in the rules of the
2273 Office of Government Accountability Auditor General, shall have
2274 a state single audit conducted for such fiscal year in
2275 accordance with the requirements of this act and with additional
2276 requirements established in rules of the Executive Office of the
2277 Governor, rules of the Comptroller, and rules of the Office of
2278 Government Accountability Auditor General. If only one state
2279 project is involved in a nonstate entity's fiscal year, the
2280 nonstate entity may elect to have only a state project-specific
2281 audit of the state project for that fiscal year.

2282 (b) Each nonstate entity that receives state financial
2283 assistance and does not meet the threshold requirements, in any
2284 fiscal year of the nonstate entity, as stated in this law or the
2285 rules of the Office of Government Accountability Auditor General
2286 is exempt for such fiscal year from the state single audit
2287 requirements of this section. However, such nonstate entity must
2288 meet terms and conditions specified in the written agreement
2289 with the state awarding agency.

2290 (c) Regardless of the amount of the state financial
2291 assistance, the provisions of this section do not exempt a



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2292 nonstate entity from compliance with provisions of law relating
 2293 to maintaining records concerning state financial assistance to
 2294 such nonstate entity or allowing access and examination of those
 2295 records by the state awarding agency, the Comptroller, or the
 2296 Office of Government Accountability ~~Auditor General~~.

2297 (d) Audits conducted pursuant to this section shall be
 2298 performed annually.

2299 (e) Audits conducted pursuant to this section shall be
 2300 conducted by independent auditors in accordance with auditing
 2301 standards as stated in rules of the Office of Government
 2302 Accountability ~~Auditor General~~.

2303 (f) Upon completion of the audit as required by this
 2304 section, a copy of the recipient's financial reporting package
 2305 shall be filed with the state awarding agency and the Office of
 2306 Government Accountability ~~Auditor General~~. Upon completion of
 2307 the audit as required by this section, a copy of the
 2308 subrecipient's financial reporting package shall be filed with
 2309 the recipient that provided the state financial assistance. The
 2310 financial reporting package shall be filed in accordance with
 2311 the rules of the Auditor General.

2312 (g) All financial reporting packages prepared pursuant to
 2313 the requirements of this section shall be available for public
 2314 inspection.

2315 (h) If an audit conducted pursuant to this section
 2316 discloses any significant audit findings relating to state
 2317 financial assistance, including material noncompliance with
 2318 individual state project compliance requirements or reportable
 2319 conditions in internal controls of the nonstate entity, the
 2320 nonstate entity shall submit as part of the audit package to the



2321 state awarding agency a plan for corrective action to eliminate
 2322 such audit findings or a statement describing the reasons that
 2323 corrective action is not necessary.

2324 (i) An audit conducted in accordance with this section is
 2325 in addition to any audit of federal awards required by the
 2326 federal Single Audit Act and other federal laws and regulations.
 2327 To the extent that such federally required audits provide the
 2328 state awarding agency with information it requires to carry out
 2329 its responsibilities under state law or other guidance, a state
 2330 agency shall rely upon and use that information.

2331 (j) Unless prohibited by law, the cost of audits pursuant
 2332 to this section is allowable charges to state projects. However,
 2333 any charges to state projects should be limited to those
 2334 incremental costs incurred as a result of the audit requirements
 2335 of this section in relation to other audit requirements. The
 2336 nonstate entity should allocate such incremental costs to all
 2337 state projects for which it expended state financial assistance.

2338 (k) Audit costs may not be charged to state projects when
 2339 audits required by this section have not been made or have been
 2340 made but not in accordance with this section. If a nonstate
 2341 entity fails to have an audit conducted consistent with this
 2342 section, state awarding agencies may take appropriate corrective
 2343 action to enforce compliance.

2344 (l) This section does not prohibit the state awarding
 2345 agency from including terms and conditions in the written
 2346 agreement which require additional assurances that state
 2347 financial assistance meets the applicable requirements of laws,
 2348 regulations, and other compliance rules.

2349 (m) A state awarding agency that provides state financial



2350 assistance to nonstate entities and conducts or arranges for
 2351 audits of state financial assistance that are in addition to the
 2352 audits conducted under this act shall, consistent with other
 2353 applicable law, arrange for funding the full cost of such
 2354 additional audits.

2355 (8) The independent auditor when conducting a state single
 2356 audit of recipients or subrecipients shall:

2357 (a) Determine whether the nonstate entity's financial
 2358 statements are presented fairly in all material respects in
 2359 conformity with generally accepted accounting principles.

2360 (b) Determine whether state financial assistance shown on
 2361 the Schedule of State Financial Assistance is presented fairly
 2362 in all material respects in relation to the nonstate entity's
 2363 financial statements taken as a whole.

2364 (c) With respect to internal controls pertaining to each
 2365 major state project:

- 2366 1. Obtain an understanding of internal controls;
- 2367 2. Assess control risk;
- 2368 3. Perform tests of controls unless the controls are
 2369 deemed to be ineffective; and
- 2370 4. Determine whether the nonstate entity has internal
 2371 controls in place to provide reasonable assurance of compliance
 2372 with the provisions of laws and rules pertaining to state
 2373 financial assistance that have a material effect on each major
 2374 state project.

2375 (d) Determine whether each major state project complied
 2376 with the provisions of laws, rules, and guidelines as identified
 2377 in the State Projects Compliance Supplement, or otherwise
 2378 identified by the state awarding agency, which have a material



2379 effect on each major state project. When major state projects
 2380 are less than 50 percent of the nonstate entity's total
 2381 expenditures for all state financial assistance, the auditor
 2382 shall select and test additional state projects as major state
 2383 projects as necessary to achieve audit coverage of at least 50
 2384 percent of the expenditures for all state financial assistance
 2385 provided to the nonstate entity. Additional state projects
 2386 needed to meet the 50-percent requirement may be selected on an
 2387 inherent risk basis as stated in the rules of the Executive
 2388 Office of the Governor.

2389 (e) Report on the results of any audit conducted pursuant
 2390 to this section in accordance with the rules of the Executive
 2391 Office of the Governor, rules of the Comptroller, and rules of
 2392 the Office of Government Accountability ~~Auditor General~~. Audit
 2393 reports shall include summaries of the auditor's results
 2394 regarding the nonstate entity's financial statements; Schedule
 2395 of State Financial Assistance; internal controls; and compliance
 2396 with laws, rules, and guidelines.

2397 (f) Issue a management letter as prescribed in the rules
 2398 of the Office of Government Accountability ~~Auditor General~~.

2399 (g) Upon notification by the nonstate entity, make
 2400 available the working papers relating to the audit conducted
 2401 pursuant to the requirements of this section to the state
 2402 awarding agency, the Comptroller, or the Office of Government
 2403 Accountability ~~Auditor General~~ for review or copying.

2404 (9) The independent auditor, when conducting a state
 2405 project-specific audit of recipients or subrecipients, shall:

2406 (a) Determine whether the nonstate entity's schedule of
 2407 state financial assistance is presented fairly in all material



2408 respects in conformity with stated accounting policies.

2409 (b) Obtain an understanding of internal control and
 2410 perform tests of internal control over the state project
 2411 consistent with the requirements of a major state project.

2412 (c) Determine whether or not the auditee has complied with
 2413 applicable provisions of laws, rules, and guidelines as
 2414 identified in the State Projects Compliance Supplement, or
 2415 otherwise identified by the state awarding agency, which could
 2416 have a direct and material effect on the state project.

2417 (d) Report on the results of a state project-specific
 2418 audit consistent with the requirements of the state single audit
 2419 and issue a management letter as prescribed in the rules of the
 2420 Office of Government Accountability Auditor General.

2421 (e) Upon notification by the nonstate entity, make
 2422 available the working papers relating to the audit conducted
 2423 pursuant to the requirements of this section to the state
 2424 awarding agency, the Comptroller, or the Office of Government
 2425 Accountability Auditor General for review or copying.

2426 (10) The Office of Government Accountability Auditor
 2427 General shall:

2428 (a) Have the authority to audit state financial assistance
 2429 provided to any nonstate entity when determined necessary by the
 2430 Auditor General or when directed by the Legislative Auditing
 2431 Committee.

2432 (b) Adopt rules that state the auditing standards that
 2433 independent auditors are to follow for audits of nonstate
 2434 entities required by this section.

2435 (c) Adopt rules that describe the contents and the filing
 2436 deadlines for the financial reporting package.



2437 (d) Provide technical advice upon request of the
 2438 Comptroller, Executive Office of the Governor, and state
 2439 agencies relating to financial reporting and audit
 2440 responsibilities contained in this section.

2441 (e) Be provided one copy of each financial reporting
 2442 package prepared in accordance with the requirements of this
 2443 section.

2444 (f) Perform ongoing reviews of a sample of financial
 2445 reporting packages filed pursuant to the requirements of this
 2446 section to determine compliance with the reporting requirements
 2447 of this section and applicable rules of the Executive Office of
 2448 the Governor, rules of the Comptroller, and rules of the Office
 2449 of Government Accountability Auditor General.

2450 Section 49. Subsection (1) of section 215.981, Florida
 2451 Statutes, is amended to read:

2452 215.981 Audits of state agency direct-support
 2453 organizations and citizen support organizations.--

2454 (1) Each direct-support organization and each citizen
 2455 support organization, created or authorized pursuant to law, and
 2456 created, approved, or administered by a state agency, other than
 2457 a university, district board of trustees of a community college,
 2458 or district school board, shall provide for an annual ~~financial~~
 2459 audit of its financial statements in order to express an opinion
 2460 on the fairness with which they are presented in conformity with
 2461 generally accepted accounting principles. The audit is ~~accounts~~
 2462 and ~~records~~ to be conducted by an independent certified public
 2463 accountant in accordance with rules adopted by the Office of
 2464 Government Accountability Auditor General pursuant to s.
 2465 11.45~~(8)~~ and the state agency that created, approved, or



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2466 administers the direct-support organization or citizen support
 2467 organization. The audit report shall be submitted within 9
 2468 months after the end of the fiscal year to the Office of
 2469 Government Accountability ~~Auditor General~~ and to the state
 2470 agency responsible for creation, administration, or approval of
 2471 the direct-support organization or citizen support organization.
 2472 Such state agency, ~~the Auditor General,~~ and the Office of
 2473 ~~Program Policy Analysis and~~ Government Accountability shall have
 2474 the authority to require and receive from the organization or
 2475 from the independent auditor any records relative to the
 2476 operation of the organization.

2477 Section 50. Subsections (5) and (12) of section 216.023,
 2478 Florida Statutes, are amended to read:

2479 216.023 Legislative budget requests to be furnished to
 2480 Legislature by agencies.--

2481 (5) ~~Prior to September 15 of the fiscal year prior to~~
 2482 ~~which the judicial branch is required to submit a performance-~~
 2483 ~~based program budget request, the Chief Justice of the Supreme~~
 2484 ~~Court shall identify and, after consultation with the Office of~~
 2485 ~~Program Policy Analysis and Government Accountability, submit to~~
 2486 ~~the President of the Senate and the Speaker of the House of~~
 2487 ~~Representatives a list of proposed programs and associated~~
 2488 ~~performance measures. The judicial branch shall provide~~
 2489 ~~documentation to accompany the list of proposed programs and~~
 2490 ~~performance measures as provided under subsection (4).~~ The
 2491 judicial branch shall submit a performance-based program agency
 2492 budget request using the programs and performance measures
 2493 adopted by the Legislature. The Chief Justice may propose
 2494 revisions to approved programs or performance measures for the



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2495 judicial branch. The Legislature shall have final approval of
 2496 all programs and associated performance measures and standards
 2497 for the judicial branch through the General Appropriations Act
 2498 or legislation implementing the General Appropriations Act. ~~By~~
 2499 ~~September 15, 2001, the Chief Justice of the Supreme Court shall~~
 2500 ~~submit to the President of the Senate and the Speaker of the~~
 2501 ~~House of Representatives a performance-based program budget~~
 2502 ~~request for programs of the judicial branch approved by the~~
 2503 ~~Legislature and provide a copy to the Executive Office of the~~
 2504 ~~Governor.~~

2505 (12) The legislative budget request from each agency and
 2506 from the judicial branch shall be reviewed by the Legislature.
 2507 The review may allow for the opportunity to have information or
 2508 testimony by the agency, the judicial branch, ~~the Auditor~~
 2509 ~~General~~, the Office of ~~Program Policy Analysis and~~ Government
 2510 Accountability, the Governor's Office of Planning and Budgeting,
 2511 and the public regarding the proper level of funding for the
 2512 agency in order to carry out its mission.

2513 Section 51. Paragraph (a) of subsection (3) of section
 2514 216.102, Florida Statutes, is amended to read:

2515 216.102 Filing of financial information; handling by
 2516 Comptroller; penalty for noncompliance.--

2517 (3) The Comptroller shall:

2518 (a) Prepare and furnish to the Office of Government
 2519 Accountability ~~Auditor General~~ annual financial statements for
 2520 the state on or before December 31 of each year, using generally
 2521 accepted accounting principles.

2522
 2523 The Comptroller may furnish and publish in electronic form the



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2524 financial statements and the comprehensive annual financial
2525 report required under paragraphs (a), (b), and (c).

2526 Section 52. Subsection (2) of section 216.141, Florida
2527 Statutes, is amended to read:

2528 216.141 Budget system procedures; planning and programming
2529 by state agencies.--

2530 (2) The Florida Management Information Board shall notify
2531 the Office of Government Accountability Auditor General of any
2532 changes or modifications to the Florida Financial Management
2533 Information System and its functional owner information
2534 subsystems.

2535 Section 53. Paragraph (f) of subsection (2) and subsection
2536 (4) of section 216.163, Florida Statutes, are amended to read:

2537 216.163 Governor's recommended budget; form and content;
2538 declaration of collective bargaining impasses.--

2539 (2) The Governor's recommended budget shall also include:

2540 (f) The Governor's recommendations for high-risk
2541 information technology projects which should be subject to
2542 monitoring under s. 282.322. These recommendations shall include
2543 proviso language which specifies whether funds are specifically
2544 provided to contract for project monitoring, or whether the
2545 Office of Government Accountability Auditor General will conduct
2546 such project monitoring. When funds are recommended for
2547 contracting with a project monitor, such funds may equal 1
2548 percent to 5 percent of the project's estimated total costs.
2549 These funds shall be specifically appropriated and nonrecurring.

2550 (4) The Executive Office of the Governor shall review the
2551 findings of the Office of ~~Program Policy Analysis and Government~~
2552 Accountability, to the extent they are available, request any



2553 reports or additional analyses as necessary, and submit a
 2554 recommendation for executive agencies, which may include a
 2555 recommendation regarding incentives or disincentives for agency
 2556 performance. Incentives or disincentives may apply to all or
 2557 part of a state agency. The Chief Justice shall review the
 2558 findings of the Office of ~~Program Policy Analysis and~~ Government
 2559 Accountability regarding judicial branch performance and make
 2560 appropriate recommendations for the judicial branch.

2561 (a) Incentives may include, but are not limited to:

2562 1. Additional flexibility in budget management, such as,
 2563 but not limited to, the use of lump sums or special categories;
 2564 consolidation of budget entities or program components;
 2565 consolidation of appropriation categories; and increased agency
 2566 transfer authority between appropriation categories or budget
 2567 entities.

2568 2. Additional flexibility in salary rate and position
 2569 management.

2570 3. Retention of up to 50 percent of all unencumbered
 2571 balances of appropriations as of June 30, or undisbursed
 2572 balances as of December 31, excluding special categories and
 2573 grants and aids, which may be used for nonrecurring purposes
 2574 including, but not limited to, lump-sum bonuses, employee
 2575 training, or productivity enhancements, including technology and
 2576 other improvements.

2577 4. Additional funds to be used for, but not limited to,
 2578 lump-sum bonuses, employee training, or productivity
 2579 enhancements, including technology and other improvements.

2580 5. Additional funds provided pursuant to law to be
 2581 released to an agency quarterly or incrementally contingent upon



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2582 the accomplishment of units of output or outcome specified in
 2583 the General Appropriations Act.

2584 (b) Disincentives may include, but are not limited to:

2585 1. Mandatory quarterly reports to the Executive Office of
 2586 the Governor and the Legislature on the agency's progress in
 2587 meeting performance standards.

2588 2. Mandatory quarterly appearances before the Legislature,
 2589 the Governor, or the Governor and Cabinet to report on the
 2590 agency's progress in meeting performance standards.

2591 3. Elimination or restructuring of the program, which may
 2592 include, but not be limited to, transfer of the program or
 2593 outsourcing all or a portion of the program.

2594 4. Reduction of total positions for a program.

2595 5. Restriction on or reduction of the spending authority
 2596 provided in s. 216.292(2).

2597 6. Reduction of managerial salaries.

2598 Section 54. Paragraph (b) of subsection (1) of section
 2599 216.177, Florida Statutes, is amended to read:

2600 216.177 Appropriations acts, statement of intent,
 2601 violation, notice, review and objection procedures.--

2602 (1) When an appropriations act is delivered to the
 2603 Governor after the Legislature has adjourned sine die, as soon
 2604 as practicable, but no later than the 10th day before the end of
 2605 the period allowed by law for veto consideration in any year in
 2606 which an appropriation is made, the chairs of the legislative
 2607 appropriations committees shall jointly transmit:

2608 (b) The documents set forth in s. 216.0442(2)(a) and (c),
 2609 to the Executive Office of the Governor, the Comptroller, the
 2610 Auditor General, ~~the director of the Office of Program Policy~~



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2611 ~~Analysis and Government Accountability~~, the Chief Justice of the
 2612 Supreme Court, and each state agency. A request for additional
 2613 explanation and direction regarding the legislative intent of
 2614 the General Appropriations Act during the fiscal year may be
 2615 made to the chair and vice chair of the Legislative Budget
 2616 Commission or the President of the Senate and the Speaker of the
 2617 House of Representatives only by and through the Executive
 2618 Office of the Governor for state agencies, and by and through
 2619 the Chief Justice of the Supreme Court for the judicial branch,
 2620 as is deemed necessary. However, the Comptroller may also
 2621 request further clarification of legislative intent pursuant to
 2622 the Comptroller's responsibilities related to his or her
 2623 preaudit function of expenditures.

2624 Section 55. Subsection (2) of section 216.178, Florida
 2625 Statutes, is amended to read:

2626 216.178 General Appropriations Act; format; procedure.--

2627 (2) The Office of Planning and Budgeting shall develop a
 2628 final budget report that reflects the net appropriations for
 2629 each budget item. The report shall reflect actual expenditures
 2630 for each of the 2 preceding fiscal years and the estimated
 2631 expenditures for the current fiscal year. In addition, the
 2632 report must contain the actual revenues and cash balances for
 2633 the preceding 2 fiscal years and the estimated revenues and cash
 2634 balances for the current fiscal year. The report may also
 2635 contain expenditure data, program objectives, and program
 2636 measures for each state agency program. The report must be
 2637 produced by October 15 each year. A copy of the report must be
 2638 made available to each member of the Legislature, to the head of
 2639 each state agency, to the Auditor General, ~~to the director of~~



2640 ~~the Office of Program Policy Analysis and Government~~

2641 ~~Accountability~~, and to the public.

2642 Section 56. Subsection (12) of section 216.181, Florida
 2643 Statutes, is amended to read:

2644 216.181 Approved budgets for operations and fixed capital
 2645 outlay.--

2646 (12) There is appropriated nonoperating budget for
 2647 refunds, payments to the United States Treasury, payments of the
 2648 service charge to the General Revenue Fund, and transfers of
 2649 funds specifically required by law. Such authorized budget,
 2650 together with related releases, shall be transmitted by the
 2651 state agency or by the judicial branch to the Comptroller for
 2652 entry in the Comptroller's records in the manner and format
 2653 prescribed by the Executive Office of the Governor in
 2654 consultation with the Comptroller. A copy of such authorized
 2655 budgets shall be furnished to the Executive Office of the
 2656 Governor or the Chief Justice, the chairs of the legislative
 2657 committees responsible for developing the general appropriations
 2658 acts, and the Office of Government Accountability ~~Auditor~~
 2659 ~~General~~. The Governor may withhold approval of nonoperating
 2660 investment authority for certain trust funds when deemed in the
 2661 best interest of the state. The Governor for the executive
 2662 branch, and the Chief Justice for the judicial branch, may
 2663 establish nonoperating budgets for transfers, purchase of
 2664 investments, special expenses, distributions, and any other
 2665 nonoperating budget categories they deem necessary and in the
 2666 best interest of the state and consistent with legislative
 2667 intent and policy. The provisions of this subsection are subject
 2668 to the notice, review, and objection procedures set forth in s.



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2669 216.177. For purposes of this section, the term "nonoperating
 2670 budgets" means nonoperating disbursement authority for purchase
 2671 of investments, refunds, payments to the United States Treasury,
 2672 transfers of funds specifically required by law, distributions
 2673 of assets held by the state in a trustee capacity as an agent of
 2674 fiduciary, special expenses, and other nonoperating budget
 2675 categories as determined necessary by the Executive Office of
 2676 the Governor, not otherwise appropriated in the General
 2677 Appropriations Act.

2678 Section 57. Subsection (1) of section 216.192, Florida
 2679 Statutes, is amended to read:

2680 216.192 Release of appropriations; revision of budgets.--

2681 (1) Unless otherwise provided in the General
 2682 Appropriations Act, on July 1 of each fiscal year, up to 25
 2683 percent of the original approved operating budget of each agency
 2684 and of the judicial branch may be released until such time as
 2685 annual plans for quarterly releases for all appropriations have
 2686 been developed, approved, and furnished to the Comptroller by
 2687 the Executive Office of the Governor for state agencies and by
 2688 the Chief Justice of the Supreme Court for the judicial branch.
 2689 The plans, including appropriate plans of releases for fixed
 2690 capital outlay projects that correspond with each project
 2691 schedule, shall attempt to maximize the use of trust funds and
 2692 shall be transmitted to the Comptroller by August 1 of each
 2693 fiscal year. Such releases shall at no time exceed the total
 2694 appropriations available to a state agency or to the judicial
 2695 branch, or the approved budget for such agency or the judicial
 2696 branch if less. The Comptroller shall enter such releases in his
 2697 or her records in accordance with the release plans prescribed



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2698 by the Executive Office of the Governor and the Chief Justice,
 2699 unless otherwise amended as provided by law. The Executive
 2700 Office of the Governor and the Chief Justice shall transmit a
 2701 copy of the approved annual releases to the head of the state
 2702 agency, the chair and vice chair of the Legislative Budget
 2703 Commission, and the Office of Government Accountability ~~Auditor~~
 2704 ~~General~~. The Comptroller shall authorize all expenditures to be
 2705 made from the appropriations on the basis of such releases and
 2706 in accordance with the approved budget, and not otherwise.
 2707 Expenditures shall be authorized only in accordance with
 2708 legislative authorizations. Nothing herein precludes periodic
 2709 reexamination and revision by the Executive Office of the
 2710 Governor or by the Chief Justice of the annual plans for release
 2711 of appropriations and the notifications of the parties of all
 2712 such revisions.

2713 Section 58. Subsection (3) of section 216.231, Florida
 2714 Statutes, is amended to read:

2715 216.231 Release of certain classified appropriations.--

2716 (3) Notwithstanding any other provisions of law, moneys
 2717 appropriated in any appropriations act to the Governor for
 2718 discretionary contingencies may be expended at his or her
 2719 discretion to promote general government and intergovernmental
 2720 cooperation and to enhance the image of the state. All funds
 2721 expended for such purposes shall be accounted for, and a report
 2722 showing the amounts expended, the names of the persons receiving
 2723 the amounts expended, and the purpose of each expenditure shall
 2724 be annually reported to the Office of Government Accountability
 2725 ~~Auditor General~~ and the legislative appropriations committees.

2726 Section 59. Paragraph (a) of subsection (1) of section



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2727 216.262, Florida Statutes, is amended to read:

2728 216.262 Authorized positions.--

2729 (1)(a) Unless otherwise expressly provided by law, the
 2730 total number of authorized positions may not exceed the total
 2731 provided in the appropriations acts. In the event any state
 2732 agency or entity of the judicial branch finds that the number of
 2733 positions so provided is not sufficient to administer its
 2734 authorized programs, it may file an application with the
 2735 Executive Office of the Governor or the Chief Justice; and, if
 2736 the Executive Office of the Governor or Chief Justice certifies
 2737 that there are no authorized positions available for addition,
 2738 deletion, or transfer within the agency as provided in paragraph
 2739 (c) and recommends an increase in the number of positions, the
 2740 Governor or the Chief Justice may, after a public hearing,
 2741 authorize an increase in the number of positions for the
 2742 following reasons only:

- 2743 1. To implement or provide for continuing federal grants
- 2744 or changes in grants not previously anticipated;
- 2745 2. To meet emergencies pursuant to s. 252.36;
- 2746 3. To satisfy new federal regulations or changes therein;
- 2747 4. To take advantage of opportunities to reduce operating
- 2748 expenditures or to increase the revenues of the state or local
- 2749 government; and
- 2750 5. To authorize positions which were not fixed by the
- 2751 Legislature through error in drafting the appropriations acts.

2752
 2753 The provisions of this paragraph are subject to the notice and
 2754 review procedures set forth in s. 216.177. A copy of the
 2755 application, the certification, and the final authorization



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2756 shall be filed with the Legislative Budget Commission, the
 2757 appropriations committees, and with the Office of Government
 2758 Accountability Auditor General.

2759 Section 60. Subsections (2) and (3) of section 216.292,
 2760 Florida Statutes, is amended to read:

2761 216.292 Appropriations nontransferable; exceptions.--

2762 (2) A lump sum appropriated for a performance-based
 2763 program must be distributed by the Governor for state agencies
 2764 or the Chief Justice for the judicial branch into the
 2765 traditional expenditure categories in accordance with s.
 2766 216.181(6)(b). At any time during the year, the agency head or
 2767 Chief Justice may transfer funds between those categories with
 2768 no limit on the amount of the transfer. Authorized revisions of
 2769 the original approved operating budget, together with related
 2770 changes, if any, must be transmitted by the state agency or by
 2771 the judicial branch to the Executive Office of the Governor or
 2772 the Chief Justice, the chair and vice chair of the Legislative
 2773 Budget Commission, and the Office of ~~Program Policy Analysis and~~
 2774 ~~Government Accountability, and the Auditor General~~. Such
 2775 authorized revisions shall be consistent with the intent of the
 2776 approved operating budget, shall be consistent with legislative
 2777 policy and intent, and shall not conflict with specific spending
 2778 policies specified in the General Appropriations Act. The
 2779 Executive Office of the Governor shall forward a copy of the
 2780 revisions within 7 working days to the Comptroller for entry in
 2781 his or her records in the manner and format prescribed by the
 2782 Executive Office of the Governor in consultation with the
 2783 Comptroller. Such authorized revisions shall be consistent with
 2784 the intent of the approved operating budget, shall be consistent



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2785 with legislative policy and intent, and shall not conflict with
2786 specific spending policies specified in the General
2787 Appropriations Act.

2788 (3) The head of each department or the Chief Justice of
2789 the Supreme Court, whenever it is deemed necessary by reason of
2790 changed conditions, may transfer appropriations funded from
2791 identical funding sources, except appropriations for fixed
2792 capital outlay, and transfer the amounts included within the
2793 total original approved budget and releases as furnished
2794 pursuant to ss. 216.181 and 216.192, as follows:

2795 (a) Between categories of appropriations within a budget
2796 entity, if no category of appropriation is increased or
2797 decreased by more than 5 percent of the original approved budget
2798 or \$150,000, whichever is greater, by all action taken under
2799 this subsection.

2800 (b) Additionally, between budget entities within identical
2801 categories of appropriations, if no category of appropriation is
2802 increased or decreased by more than 5 percent of the original
2803 approved budget or \$150,000, whichever is greater, by all action
2804 taken under this subsection.

2805 (c) Such authorized revisions must be consistent with the
2806 intent of the approved operating budget, must be consistent with
2807 legislative policy and intent, and must not conflict with
2808 specific spending policies specified in the General
2809 Appropriations Act.

2810
2811 Such authorized revisions, together with related changes, if
2812 any, in the plan for release of appropriations, shall be
2813 transmitted by the state agency or by the judicial branch to the



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2814 Comptroller for entry in the Comptroller's records in the manner
 2815 and format prescribed by the Executive Office of the Governor in
 2816 consultation with the Comptroller. A copy of such revision shall
 2817 be furnished to the Executive Office of the Governor or the
 2818 Chief Justice, the chair and vice chair of the Legislative
 2819 Budget Commission, and the Auditor General, ~~and the director of~~
 2820 ~~the Office of Program Policy Analysis and Government~~
 2821 ~~Accountability.~~

2822 Section 61. Paragraph (a) of subsection (1) and
 2823 subsections (2) and (3) of section 216.301, Florida Statutes,
 2824 are amended to read:

2825 216.301 Appropriations; undisbursed balances.--

2826 (1)(a) Any balance of any appropriation, except an
 2827 appropriation for fixed capital outlay, which is not disbursed
 2828 but which is expended or contracted to be expended shall, at the
 2829 end of each fiscal year, be certified by the head of the
 2830 affected state agency or the judicial or legislative branches,
 2831 on or before August 1 of each year, to the Executive Office of
 2832 the Governor, showing in detail the obligees to whom obligated
 2833 and the amounts of such obligations. On or before September 1 of
 2834 each year, the Executive Office of the Governor shall review and
 2835 approve or disapprove, consistent with legislative policy and
 2836 intent, any or all of the items and amounts certified by the
 2837 head of the affected state agency and shall approve all items
 2838 and amounts certified by the Chief Justice of the Supreme Court
 2839 for the judicial branch and by the legislative branch and shall
 2840 furnish the Comptroller, the legislative appropriations
 2841 committees, and the Office of Government Accountability ~~Auditor~~
 2842 ~~General~~ a detailed listing of the items and amounts approved as



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2843 legal encumbrances against the undisbursed balance of such
 2844 appropriation. The review shall assure that trust funds have
 2845 been fully maximized. Any such encumbered balance remaining
 2846 undisbursed on December 31 of the same calendar year in which
 2847 such certification was made shall revert to the fund from which
 2848 appropriated and shall be available for reappropriation by the
 2849 Legislature. In the event such certification is not made and an
 2850 obligation is proven to be legal, due, and unpaid, then the
 2851 obligation shall be paid and charged to the appropriation for
 2852 the current fiscal year of the state agency or the legislative
 2853 or judicial branch affected.

2854 (2)(a) Any balance of any appropriation for fixed capital
 2855 outlay not disbursed but expended or contracted or committed to
 2856 be expended shall, at the end of each fiscal year, be certified
 2857 by the head of the affected state agency or the legislative or
 2858 judicial branch, on or before August 1 of each year, to the
 2859 Executive Office of the Governor, showing in detail the
 2860 commitment or to whom obligated and the amount of such
 2861 commitment or obligation. On or before September 1 of each year,
 2862 the Executive Office of the Governor shall review and approve or
 2863 disapprove, consistent with legislative policy and intent, any
 2864 or all of the items and amounts certified by the head of the
 2865 affected state agency and shall approve all items and amounts
 2866 certified by the Chief Justice of the Supreme Court and by the
 2867 legislative branch and shall furnish the Comptroller, the
 2868 legislative appropriations committees, and the Office of
 2869 Government Accountability ~~Auditor General~~ a detailed listing of
 2870 the items and amounts approved as legal encumbrances against the
 2871 undisbursed balances of such appropriations. In the event such



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2872 certification is not made and the balance of the appropriation
2873 has reverted and the obligation is proven to be legal, due, and
2874 unpaid, then the same shall be presented to the Legislature for
2875 its consideration.

2876 (b) Such certification as herein required shall be in the
2877 form and on the date approved by the Executive Office of the
2878 Governor. Any balance not so certified shall revert to the fund
2879 from which appropriated and shall be available for
2880 reappropriation.

2881 (3) Notwithstanding the provisions of subsection (2), the
2882 unexpended balance of any appropriation for fixed capital outlay
2883 subject to but not under the terms of a binding contract or a
2884 general construction contract prior to February 1 of the second
2885 fiscal year, or the third fiscal year if it is for an
2886 educational facility as defined in chapter 1013 or a
2887 construction project of a state university, of the appropriation
2888 shall revert on February 1 of such year to the fund from which
2889 appropriated and shall be available for reappropriation. The
2890 Executive Office of the Governor shall, not later than February
2891 20 of each year, furnish the Comptroller, the legislative
2892 appropriations committees, and the Office of Government
2893 Accountability ~~Auditor General~~ a report listing in detail the
2894 items and amounts reverting under the authority of this
2895 subsection, including the fund to which reverted and the agency
2896 affected.

2897 Section 62. Subsections (17) and (18) of section 218.31,
2898 Florida Statutes, are amended to read:

2899 218.31 Definitions.--As used in this part, except where
2900 the context clearly indicates a different meaning:



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2901 (17) "Financial audit" means an examination of financial
 2902 statements in order to express an opinion on the fairness with
 2903 which they are presented in conformity with generally accepted
 2904 accounting principles and an examination to determine whether
 2905 operations are properly conducted in accordance with legal and
 2906 regulatory requirements. Financial audits must be conducted in
 2907 accordance with generally accepted auditing standards and
 2908 government auditing standards as adopted by the Board of
 2909 Accountancy and as prescribed by rules adopted ~~promulgated~~ by
 2910 the Office of Government Accountability Auditor General.

2911 (18) "Management letter" means a statement of the
 2912 auditor's comments and recommendations as prescribed by rules
 2913 adopted by the Office of Government Accountability Auditor
 2914 ~~General~~.

2915 Section 63. Paragraphs (e) and (f) of subsection (1) and
 2916 subsection (2) of section 218.32, Florida Statutes, are amended
 2917 to read:

2918 218.32 Annual financial reports; local governmental
 2919 entities.--

2920 (1)(e) Each local governmental entity that is not required
 2921 to provide for an audit report in accordance with s. 218.39 must
 2922 submit the annual financial report to the department no later
 2923 than April 30 of each year. The department shall consult with
 2924 the Office of Government Accountability Auditor General in the
 2925 development of the format of annual financial reports submitted
 2926 pursuant to this paragraph. The format shall include balance
 2927 sheet information to be utilized by the Office of Government
 2928 Accountability Auditor General pursuant to s. 11.45(7)(f). The
 2929 department must forward the financial information contained



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2930 within these entities' annual financial reports to the Office of
 2931 Government Accountability Auditor General in electronic form.

2932 This paragraph does not apply to housing authorities created
 2933 under chapter 421.

2934 (f) If the department does not receive a completed annual
 2935 financial report from a local governmental entity within the
 2936 required period, it shall notify the Legislative Auditing
 2937 Committee of the local governmental entity's failure to comply
 2938 with the reporting requirements. The committee shall proceed in
 2939 accordance with s. 11.40(5).

2940 (2) The department shall annually by December 1 file a
 2941 verified report with the Governor, the Legislature, the Office
 2942 of Government Accountability Auditor General, and the Special
 2943 District Information Program of the Department of Community
 2944 Affairs showing the revenues, both locally derived and derived
 2945 from intergovernmental transfers, and the expenditures of each
 2946 local governmental entity, regional planning council, local
 2947 government finance commission, and municipal power corporation
 2948 that is required to submit an annual financial report. The
 2949 report must include, but is not limited to:

2950 (a) The total revenues and expenditures of each local
 2951 governmental entity that is a component unit included in the
 2952 annual financial report of the reporting entity.

2953 (b) The amount of outstanding long-term debt by each local
 2954 governmental entity. For purposes of this paragraph, the term
 2955 "long-term debt" means any agreement or series of agreements to
 2956 pay money, which, at inception, contemplate terms of payment
 2957 exceeding 1 year in duration.

2958 Section 64. Subsections (1), (2), (7), (8), and (9) of



2959 section 218.39, Florida Statutes, are amended to read:

2960 218.39 Annual financial audit reports.--

2961 (1) If, by the first day in any fiscal year, a local
 2962 governmental entity, district school board, charter school, or
 2963 charter technical career center has not been notified that a
 2964 financial audit for that fiscal year will be performed by the
 2965 Office of Government Accountability ~~Auditor General~~, each of the
 2966 following entities shall have an annual financial audit of its
 2967 accounts and records completed within 12 months after the end of
 2968 its fiscal year by an independent certified public accountant
 2969 retained by it and paid from its public funds:

2970 (a) Each county.

2971 (b) Any municipality with revenues or the total of
 2972 expenditures and expenses in excess of \$250,000.

2973 (c) Any special district with revenues or the total of
 2974 expenditures and expenses in excess of \$100,000.

2975 (d) Each district school board.

2976 (e) Each charter school established under s. 1002.33.

2977 (f) Each charter technical center established under s.
 2978 1002.34.

2979 (g) Each municipality with revenues or the total of
 2980 expenditures and expenses between \$100,000 and \$250,000 that has
 2981 not been subject to a financial audit pursuant to this
 2982 subsection for the 2 preceding fiscal years.

2983 (h) Each special district with revenues or the total of
 2984 expenditures and expenses between \$50,000 and \$100,000 that has
 2985 not been subject to a financial audit pursuant to this
 2986 subsection for the 2 preceding fiscal years.

2987 (2) The county audit report shall be a single document



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2988 that includes a financial audit of the county as a whole and,
 2989 for each county agency other than a board of county
 2990 commissioners, an audit of its financial accounts and records,
 2991 including reports on compliance and internal control, management
 2992 letters, and financial statements as required by rules adopted
 2993 by the Office of Government Accountability ~~Auditor General~~. In
 2994 addition to such requirements, if a board of county
 2995 commissioners elects to have a separate audit of its financial
 2996 accounts and records in the manner required by rules adopted by
 2997 the Auditor General for other county agencies, such separate
 2998 audit shall be included in the county audit report.

2999 (7) The predecessor auditor of a district school board
 3000 shall provide the Office of Government Accountability ~~Auditor~~
 3001 ~~General~~ access to the prior year's working papers in accordance
 3002 with the Statements on Auditing Standards, including
 3003 documentation of planning, internal control, audit results, and
 3004 other matters of continuing accounting and auditing
 3005 significance, such as the working paper analysis of balance
 3006 sheet accounts and those relating to contingencies.

3007 (8) All audits conducted in accordance with this section
 3008 must be conducted in accordance with the rules of the Office of
 3009 Government Accountability ~~Auditor General~~ promulgated pursuant
 3010 to s. 11.45. All audit reports and the officer's written
 3011 statement of explanation or rebuttal must be submitted to the
 3012 Office of Government Accountability ~~Auditor General~~ within 45
 3013 days after delivery of the audit report to the entity's
 3014 governing body, but no later than 12 months after the end of the
 3015 fiscal year.

3016 (9) Each charter school and charter technical career



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3017 center must file a copy of its audit report with the sponsoring
 3018 entity; the local district school board, if not the sponsoring
 3019 entity; the Office of Government Accountability Auditor General;
 3020 and with the Department of Education.

3021 Section 65. Paragraph (f) of subsection (4) of section
 3022 220.187, Florida Statutes, is amended to read:

3023 220.187 Credits for contributions to nonprofit
 3024 scholarship-funding organizations.--

3025 (4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 3026 ORGANIZATIONS.--

3027 (f) An eligible nonprofit scholarship-funding organization
 3028 that receives eligible contributions must provide to the Office
 3029 of Government Accountability Auditor General an annual financial
 3030 and compliance audit of its accounts and records conducted by an
 3031 independent certified public accountant and in accordance with
 3032 rules adopted by the Office of Government Accountability Auditor
 3033 General.

3034 Section 66. Subsection (3) of section 243.73, Florida
 3035 Statutes, is amended to read:

3036 243.73 Reports; audits.--

3037 (3) The Office of Government Accountability Auditor
 3038 General may, pursuant to direction by the Auditor General ~~his or~~
 3039 ~~her own authority~~ or at the direction of the Legislative
 3040 Auditing Committee, conduct an audit of the authority or any
 3041 programs or entities created by the authority.

3042 Section 67. Subsection (11) of section 253.025, Florida
 3043 Statutes, is amended to read:

3044 253.025 Acquisition of state lands for purposes other than
 3045 preservation, conservation, and recreation.--



3046 (11) The Office of Government Accountability ~~Auditor~~
 3047 ~~General~~ shall conduct audits of acquisitions and divestitures
 3048 which, according to its ~~his or her~~ preliminary assessments of
 3049 board-approved acquisitions and divestitures, it ~~he or she~~ deems
 3050 necessary. These preliminary assessments shall be initiated not
 3051 later than 60 days following the final approval by the board of
 3052 land acquisitions under this section. If an audit is conducted,
 3053 the Office of Government Accountability ~~Auditor General~~ shall
 3054 submit an audit report to the board of trustees, the President
 3055 of the Senate, the Speaker of the House of Representatives, and
 3056 their designees.

3057 Section 68. Subsection (2) of section 259.037, Florida
 3058 Statutes, is amended to read:

3059 259.037 Land Management Uniform Accounting Council.--

3060 (2) The ~~Auditor General and the director of the~~ Office of
 3061 ~~Program Policy Analysis and Government Accountability, or their~~
 3062 ~~designees~~, shall advise the council to ensure that appropriate
 3063 accounting procedures are utilized and that a uniform method of
 3064 collecting and reporting accurate costs of land management
 3065 activities are created and can be used by all agencies.

3066 Section 69. Subsection (16) of section 259.041, Florida
 3067 Statutes, is amended to read:

3068 259.041 Acquisition of state-owned lands for preservation,
 3069 conservation, and recreation purposes.--

3070 (16) The Office of Government Accountability ~~Auditor~~
 3071 ~~General~~ shall conduct audits of acquisitions and divestitures
 3072 which it ~~he or she~~ deems necessary, according to its ~~his or her~~
 3073 preliminary assessments of board-approved acquisitions and
 3074 divestitures. These preliminary assessments shall be initiated



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3075 not later than 60 days following the final approval by the board
 3076 of land acquisitions under this section. If an audit is
 3077 conducted, the Office of Government Accountability ~~Auditor~~
 3078 ~~General~~ shall submit an audit report to the board of trustees,
 3079 the President of the Senate, the Speaker of the House of
 3080 Representatives, and their designees.

3081 Section 70. Subsection (8) of section 267.1732, Florida
 3082 Statutes, is amended to read:

3083 267.1732 Direct-support organization.--

3084 (8) The identity of a donor or prospective donor of
 3085 property to a direct-support organization who desires to remain
 3086 anonymous, and all information identifying such donor or
 3087 prospective donor, is confidential and exempt from the
 3088 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 3089 Constitution; and that anonymity must be maintained in the
 3090 auditor's report. The university and the Office of Government
 3091 Accountability ~~Auditor General~~ shall have access to all records
 3092 of the direct-support organization at any time it is requested.

3093 Section 71. Section 273.02, Florida Statutes, is amended
 3094 to read:

3095 273.02 Record and inventory of certain property.--The word
 3096 "property" as used in this section means equipment, fixtures,
 3097 and other tangible personal property of a nonconsumable and
 3098 nonexpendable nature, the value or cost of which is \$1,000 or
 3099 more and the normal expected life of which is 1 year or more,
 3100 and hardback-covered bound books that are circulated to students
 3101 or the general public, the value or cost of which is \$25 or
 3102 more, and hardback-covered bound books, the value or cost of
 3103 which is \$250 or more. Each item of property which it is



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3104 practicable to identify by marking shall be marked in the manner
3105 required by the Office of Government Accountability Auditor
3106 ~~General~~. Each custodian shall maintain an adequate record of
3107 property in his or her custody, which record shall contain such
3108 information as shall be required by the Office of Government
3109 Accountability Auditor~~General~~. Once each year, on July 1 or as
3110 soon thereafter as is practicable, and whenever there is a
3111 change of custodian, each custodian shall take an inventory of
3112 property in his or her custody. The inventory shall be compared
3113 with the property record, and all discrepancies shall be traced
3114 and reconciled. All publicly supported libraries shall be exempt
3115 from marking hardback-covered bound books, as required by this
3116 section. The catalog and inventory control records maintained by
3117 each publicly supported library shall constitute the property
3118 record of hardback-covered bound books with a value or cost of
3119 \$25 or more included in each publicly supported library
3120 collection and shall serve as a perpetual inventory in lieu of
3121 an annual physical inventory. All books identified by these
3122 records as missing shall be traced and reconciled, and the
3123 library inventory shall be adjusted accordingly.

3124 Section 72. Subsection (5) of section 273.05, Florida
3125 Statutes, is amended to read:

3126 273.05 Surplus property.--

3127 (5) The custodian shall maintain records of property that
3128 is certified as surplus with information indicating the value
3129 and condition of the property. Agency records for property
3130 certified as surplus shall comply with rules adopted ~~issued~~ by
3131 the Office of Government Accountability Auditor~~General~~.

3132 Section 73. Subsection (2) of section 273.055, Florida



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3133 Statutes, is amended to read:

3134 273.055 Disposition of state-owned tangible personal
3135 property.--

3136 (2) Custodians shall maintain records to identify each
3137 property item as to disposition. Such records shall comply with
3138 rules adopted ~~issued~~ by the Office of Government Accountability
3139 ~~Auditor General~~.

3140 Section 74. Subsection (2) of section 274.02, Florida
3141 Statutes, is amended to read:

3142 274.02 Record and inventory of certain property.--

3143 (2) Each item of property which it is practicable to
3144 identify by marking shall be marked in the manner required by
3145 the Office of Government Accountability ~~Auditor General~~. Each
3146 governmental unit shall maintain an adequate record of its
3147 property, which record shall contain such information as shall
3148 be required by the Office of Government Accountability ~~Auditor~~
3149 ~~General~~. Each governmental unit shall take an inventory of its
3150 property in the custody of a custodian whenever there is a
3151 change in such custodian. A complete physical inventory of all
3152 property shall be taken annually, and the date inventoried shall
3153 be entered on the property record. The inventory shall be
3154 compared with the property record, and all discrepancies shall
3155 be traced and reconciled.

3156 Section 75. Paragraph (a) of subsection (2) of section
3157 282.318, Florida Statutes, is amended to read:

3158 282.318 Security of data and information technology
3159 resources.--

3160 (2)(a) The State Technology Office, in consultation with
3161 each agency head, is responsible and accountable for assuring an



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3162 adequate level of security for all data and information
3163 technology resources of each agency and, to carry out this
3164 responsibility, shall, at a minimum:

3165 1. Designate an information security manager who shall
3166 administer the security program of each agency for its data and
3167 information technology resources.

3168 2. Conduct, and periodically update, a comprehensive risk
3169 analysis to determine the security threats to the data and
3170 information technology resources of each agency. The risk
3171 analysis information is confidential and exempt from the
3172 provisions of s. 119.07(1), except that such information shall
3173 be available to the Office of Government Accountability Auditor
3174 ~~General~~ in performing its auditing ~~his or her postauditing~~
3175 duties.

3176 3. Develop, and periodically update, written internal
3177 policies and procedures to assure the security of the data and
3178 information technology resources of each agency. The internal
3179 policies and procedures which, if disclosed, could facilitate
3180 the unauthorized modification, disclosure, or destruction of
3181 data or information technology resources are confidential
3182 information and exempt from the provisions of s. 119.07(1),
3183 except that such information shall be available to the Office of
3184 Government Accountability Auditor ~~General~~ in performing its
3185 auditing ~~his or her postauditing~~ duties.

3186 4. Implement appropriate cost-effective safeguards to
3187 reduce, eliminate, or recover from the identified risks to the
3188 data and information technology resources of each agency.

3189 5. Ensure that periodic internal audits and evaluations of
3190 each security program for the data and information technology



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3191 resources of the agency are conducted. The results of such
3192 internal audits and evaluations are confidential information and
3193 exempt from the provisions of s. 119.07(1), except that such
3194 information shall be available to the Office of Government
3195 Accountability Auditor General in performing its auditing ~~his or~~
3196 ~~her postauditing~~ duties.

3197 6. Include appropriate security requirements, as
3198 determined by the State Technology Office, in consultation with
3199 each agency head, in the written specifications for the
3200 solicitation of information technology resources.

3201 Section 76. Subsection (1) of section 282.322, Florida
3202 Statutes, is amended to read:

3203 282.322 Special monitoring process for designated
3204 information resources management projects.--

3205 (1) For each information resources management project
3206 which is designated for special monitoring in the General
3207 Appropriations Act, with a proviso requiring a contract with a
3208 project monitor, the Technology Review Workgroup established
3209 pursuant to s. 216.0446, in consultation with each affected
3210 agency, shall be responsible for contracting with the project
3211 monitor. Upon contract award, funds equal to the contract amount
3212 shall be transferred to the Technology Review Workgroup upon
3213 request and subsequent approval of a budget amendment pursuant
3214 to s. 216.292. With the concurrence of the Legislative Auditing
3215 Committee, the Office of Government Accountability ~~office of the~~
3216 ~~Auditor General~~ shall be the project monitor for other projects
3217 designated for special monitoring. However, nothing in this
3218 section precludes the Office of Government Accountability
3219 ~~Auditor General~~ from conducting such monitoring on any project



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3220 designated for special monitoring. In addition to monitoring and
 3221 reporting on significant communications between a contracting
 3222 agency and the appropriate federal authorities, the project
 3223 monitoring process shall consist of evaluating each major stage
 3224 of the designated project to determine whether the deliverables
 3225 have been satisfied and to assess the level of risks associated
 3226 with proceeding to the next stage of the project. The major
 3227 stages of each designated project shall be determined based on
 3228 the agency's information systems development methodology. Within
 3229 20 days after an agency has completed a major stage of its
 3230 designated project or at least 90 days, the project monitor
 3231 shall issue a written report, including the findings and
 3232 recommendations for correcting deficiencies, to the agency head,
 3233 for review and comment. Within 20 days after receipt of the
 3234 project monitor's report, the agency head shall submit a written
 3235 statement of explanation or rebuttal concerning the findings and
 3236 recommendations of the project monitor, including any corrective
 3237 action to be taken by the agency. The project monitor shall
 3238 include the agency's statement in its final report, which shall
 3239 be forwarded, within 7 days after receipt of the agency's
 3240 statement, to the agency head, the inspector general's office of
 3241 the agency, the Executive Office of the Governor, the
 3242 appropriations committees of the Legislature, the ~~Joint~~
 3243 Legislative Auditing Committee, the Technology Review Workgroup,
 3244 the President of the Senate, and the Speaker of the House of
 3245 Representatives, ~~and the Office of Program Policy Analysis and~~
 3246 ~~Government Accountability~~. The Office of Government
 3247 Accountability Auditor General shall also receive a copy of the
 3248 project monitor's report for those projects in which the Office



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3249 of Government Accountability Auditor General is not the project
3250 monitor.

3251 Section 77. Paragraph (b) of subsection (2) of section
3252 287.045, Florida Statutes, is amended to read:

3253 287.045 Procurement of products and materials with
3254 recycled content.--

3255 (2)(b) The Office of Government Accountability Auditor
3256 General shall assist in monitoring the product procurement
3257 requirements.

3258 Section 78. Subsection (2) of section 287.058, Florida
3259 Statutes, is amended to read:

3260 287.058 Contract document.--

3261 (2) The written agreement shall be signed by the agency
3262 head and the contractor prior to the rendering of any
3263 contractual service the value of which is in excess of the
3264 threshold amount provided in s. 287.017 for CATEGORY TWO, except
3265 in the case of a valid emergency as certified by the agency
3266 head. The certification of an emergency shall be prepared within
3267 30 days after the contractor begins rendering the service and
3268 shall state the particular facts and circumstances which
3269 precluded the execution of the written agreement prior to the
3270 rendering of the service. If the agency fails to have the
3271 contract signed by the agency head and the contractor prior to
3272 rendering the contractual service, and if an emergency does not
3273 exist, the agency head shall, no later than 30 days after the
3274 contractor begins rendering the service, certify the specific
3275 conditions and circumstances to the department as well as
3276 describe actions taken to prevent recurrence of such
3277 noncompliance. The agency head may delegate the certification



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3278 only to other senior management agency personnel. A copy of the
 3279 certification shall be furnished to the Comptroller with the
 3280 voucher authorizing payment. The department shall report
 3281 repeated instances of noncompliance by an agency to the Office
 3282 of Government Accountability Auditor General. Nothing in this
 3283 subsection shall be deemed to authorize additional compensation
 3284 prohibited by s. 215.425. The procurement of contractual
 3285 services shall not be divided so as to avoid the provisions of
 3286 this section.

3287 Section 79. Subsection (11) of section 287.0943, Florida
 3288 Statutes, is amended to read:

3289 287.0943 Certification of minority business enterprises.--

3290 (11) To deter fraud in the program, the Office of
 3291 Government Accountability Auditor General may review the
 3292 criteria by which a business became certified as a certified
 3293 minority business enterprise.

3294 Section 80. Section 287.115, Florida Statutes, is amended
 3295 to read:

3296 287.115 Comptroller; annual report.--The Comptroller shall
 3297 submit to the Office of Government Accountability office of the
 3298 Auditor General an annual report on those contractual service
 3299 contracts disallowed by the Comptroller, which report shall
 3300 include, but is not limited to, the name of the user agency, the
 3301 name of the firm or individual from which the contractual
 3302 service was to be acquired, a description of the contractual
 3303 service, the financial terms of the contract, and the reason for
 3304 rejection.

3305 Section 81. Subsection (5) of section 287.17, Florida
 3306 Statutes, is amended to read:



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3307 287.17 Limitation on use of motor vehicles and aircraft.--

3308 (5) Each state agency's head shall, by December 31, 2000,
 3309 conduct a review of motor vehicle utilization with oversight
 3310 from the agency's inspector general. This review shall consist
 3311 of two parts. The first part of the review shall determine the
 3312 number of miles that each assigned motor vehicle has been driven
 3313 on official state business in the past fiscal year. Commuting
 3314 mileage shall be excluded from calculating vehicle use. The
 3315 purpose of this review is to determine whether employees with
 3316 assigned motor vehicles are driving the vehicles a sufficient
 3317 number of miles to warrant continued vehicle assignment. The
 3318 second part of the review shall identify employees who have
 3319 driven personal vehicles extensively on state business in the
 3320 past fiscal year. The purpose of this review is to determine
 3321 whether it would be cost-effective to provide state motor
 3322 vehicles to such employees. In making this determination, the
 3323 inspector general shall use the break-even mileage criteria
 3324 developed by the Department of Management Services. A copy of
 3325 the review shall be presented to the Office of ~~Program Policy~~
 3326 ~~Analysis and~~ Government Accountability.

3327 Section 82. Paragraphs (d) and (e) of subsection (4) of
 3328 section 288.1224, Florida Statutes, are amended to read:

3329 288.1224 Powers and duties.--The commission:

3330 (4)

3331 (d) The plan shall include recommendations regarding
 3332 specific performance standards and measurable outcomes for the
 3333 commission and its direct-support organization. The commission,
 3334 in consultation with the Office of ~~Program Policy Analysis and~~
 3335 Government Accountability, shall develop a plan for monitoring



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3336 its operations to ensure that performance data are maintained
 3337 and supported by records of the organization.

3338 ~~(e) Prior to the 2003 Regular Session of the Legislature,~~
 3339 ~~the Office of Program Policy Analysis and Government~~
 3340 ~~Accountability shall conduct a review of, and prepare a report~~
 3341 ~~on, the Florida Commission on Tourism and its direct support~~
 3342 ~~organization. The review shall be comprehensive in its scope,~~
 3343 ~~but, at a minimum, must be conducted in such a manner as to~~
 3344 ~~specifically determine:~~

3345 ~~1. The progress toward achieving the established outcomes.~~

3346 ~~2. The circumstances contributing to the organization's~~
 3347 ~~ability to achieve, not achieve, or exceed its established~~
 3348 ~~outcomes.~~

3349 ~~3. Whether it would be sound public policy to continue or~~
 3350 ~~discontinue funding the organization, and the consequences of~~
 3351 ~~discontinuing the organization.~~

3352
 3353 ~~The report shall be submitted by January 1, 2003, to the~~
 3354 ~~President of the Senate, the Speaker of the House of~~
 3355 ~~Representatives, the Senate Minority Leader, and the House~~
 3356 ~~Minority Leader.~~

3357 Section 83. Subsection (6) of section 288.1226, Florida
 3358 Statutes, is amended to read:

3359 288.1226 Florida Tourism Industry Marketing Corporation;
 3360 use of property; board of directors; duties; audit.--

3361 (6) ANNUAL AUDIT.--The corporation shall provide for an
 3362 annual financial audit in accordance with s. 215.981. The annual
 3363 audit report shall be submitted to the Auditor General; the
 3364 Office of Policy Analysis and Government Accountability; and the



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3365 Office of Tourism, Trade, and Economic Development for review.
 3366 The Office of ~~Program Policy Analysis and Government~~
 3367 ~~Accountability~~ and; the Office of Tourism, Trade, and Economic
 3368 ~~Development; and the Auditor General~~ have the authority to
 3369 require and receive from the corporation or from its independent
 3370 auditor any detail or supplemental data relative to the
 3371 operation of the corporation. The Office of Tourism, Trade, and
 3372 Economic Development shall annually certify whether the
 3373 corporation is operating in a manner and achieving the
 3374 objectives that are consistent with the policies and goals of
 3375 the commission and its long-range marketing plan. The identity
 3376 of a donor or prospective donor to the corporation who desires
 3377 to remain anonymous and all information identifying such donor
 3378 or prospective donor are confidential and exempt from the
 3379 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 3380 Constitution. Such anonymity shall be maintained in the
 3381 auditor's report.

3382 Section 84. Subsection (2) of section 288.1227, Florida
 3383 Statutes, is amended to read:

3384 288.1227 Annual report of the Florida Commission on
 3385 Tourism; audits.--

3386 (2) The Office of Government Accountability ~~Auditor~~
 3387 ~~General~~ may, pursuant to the direction of the Auditor General
 3388 ~~his or her own authority~~ or at the direction of the Legislative
 3389 Auditing Committee, conduct an audit of the commission or its
 3390 direct-support organization.

3391 Section 85. Section 288.7011, Florida Statutes, is amended
 3392 to read:

3393 288.7011 Assistance to certified development



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3394 corporation.--The Office of Tourism, Trade, and Economic
 3395 Development is authorized to enter into contracts with a
 3396 nonprofit, statewide development corporation certified pursuant
 3397 to s. 503 of the Small Business Investment Act of 1958, as
 3398 amended, to permit such corporation to locate and contract for
 3399 administrative and technical staff assistance and support,
 3400 including, without limitation, assistance to the development
 3401 corporation in the packaging and servicing of loans for the
 3402 purpose of stimulating and expanding the availability of private
 3403 equity capital and long-term loans to small businesses. Such
 3404 assistance and support will cease when the corporation has
 3405 received state support in an amount the equivalent of \$250,000
 3406 per year over a 5-year period beginning July 1, 1997. Any
 3407 contract between the office and such corporation shall specify
 3408 that the records of the corporation must be available for audit
 3409 by the office and by the Office of Government Accountability
 3410 ~~Auditor General~~.

3411 Section 86. Subsection (10) of section 288.7091, Florida
 3412 Statutes, is amended to read:

3413 288.7091 Duties of the Florida Black Business Investment
 3414 Board, Inc.--The Florida Black Business Investment Board, Inc.,
 3415 shall:

3416 (10) Annually, provide for a financial audit as defined in
 3417 s. 11.45 of its accounts and records by an independent certified
 3418 public accountant. The audit report shall be filed within 12
 3419 months after the end of the fiscal year to the Governor, the
 3420 President of the Senate, the Speaker of the House of
 3421 Representatives, and the Office of Government Accountability
 3422 ~~Auditor General~~.



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3423 Section 87. Subsection (8) of section 288.7092, Florida
 3424 Statutes, is amended to read:

3425 288.7092 Return on investment from activities of the
 3426 corporation.--

3427 (8) The corporation, in consultation with the Office of
 3428 ~~Program Policy Analysis and~~ Government Accountability, shall
 3429 hire a private accounting firm or economic analysis firm to
 3430 develop the methodology for establishing and reporting return on
 3431 investment and in-kind contributions as described in this
 3432 section. The Office of ~~Program Policy Analysis and~~ Government
 3433 Accountability shall review and offer feedback on the
 3434 methodology before it is implemented. The private accounting
 3435 firm or economic analysis firm shall certify whether the
 3436 applicable statements in the annual report comply with this
 3437 section.

3438 Section 88. Subsection (8) of section 288.90151, Florida
 3439 Statutes, is amended to read:

3440 288.90151 Return on investment from activities of
 3441 Enterprise Florida, Inc.--

3442 (8) Enterprise Florida, Inc., in consultation with the
 3443 Office of ~~Program Policy Analysis and~~ Government Accountability,
 3444 shall hire a private accounting firm to develop the methodology
 3445 for establishing and reporting return-on-investment and in-kind
 3446 contributions as described in this section and to develop,
 3447 analyze, and report on the results of the customer-satisfaction
 3448 survey. The Office of ~~Program Policy Analysis and~~ Government
 3449 Accountability shall review and offer feedback on the
 3450 methodology before it is implemented. The private accounting
 3451 firm shall certify whether the applicable statements in the



3452 annual report comply with this subsection.

3453 Section 89. Paragraphs (a) and (c) of subsection (4) of
 3454 section 288.905, Florida Statutes, are amended to read:

3455 288.905 Duties of the board of directors of Enterprise
 3456 Florida, Inc.--

3457 (4)(a) The strategic plan shall also include
 3458 recommendations regarding specific performance standards and
 3459 measurable outcomes. Enterprise Florida, Inc., in consultation
 3460 with the Office of Tourism, Trade, and Economic Development and
 3461 the Office of ~~Program Policy Analysis and Government~~
 3462 ~~Accountability~~, shall establish performance-measure outcomes for
 3463 Enterprise Florida, Inc., and its boards and advisory
 3464 committees. Enterprise Florida, Inc., in consultation with the
 3465 Office of Tourism, Trade, and Economic Development and the
 3466 Office of ~~Program Policy Analysis and Government~~ ~~Accountability~~,
 3467 shall develop a plan for monitoring its operations to ensure
 3468 that performance data are maintained and supported by records of
 3469 the organization. On a biennial basis, Enterprise Florida, Inc.,
 3470 in consultation with the Office of Tourism, Trade, and Economic
 3471 Development and the Office of ~~Program Policy Analysis and~~
 3472 ~~Government Accountability~~, shall review the performance-measure
 3473 outcomes for Enterprise Florida, Inc., and its boards, and make
 3474 any appropriate modifications to them. In developing measurable
 3475 objectives and performance outcomes, Enterprise Florida, Inc.,
 3476 shall consider the effect of its programs, activities, and
 3477 services on its client population. Enterprise Florida, Inc.,
 3478 shall establish standards such as job growth among client firms,
 3479 growth in the number and strength of businesses within targeted
 3480 sectors, client satisfaction, including the satisfaction of its



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3481 local and regional economic development partners, businesses
3482 retained and recruited statewide and within rural and urban core
3483 communities, employer wage growth, and increased export sales
3484 among client companies to use in evaluating performance toward
3485 accomplishing the mission of Enterprise Florida, Inc.

3486 ~~(c) Prior to the 2002 Regular Session of the Legislature,~~
3487 ~~the Office of Program Policy Analysis and Government~~
3488 ~~Accountability shall conduct a review of Enterprise Florida,~~
3489 ~~Inc., and its boards and shall submit a report by January 1,~~
3490 ~~2002, to the President of the Senate, the Speaker of the House~~
3491 ~~of Representatives, the Senate Minority Leader, and the House~~
3492 ~~Minority Leader. The review shall be comprehensive in its scope,~~
3493 ~~but, at a minimum, must be conducted in such a manner as to~~
3494 ~~specifically determine:~~

3495 ~~1. The progress towards achieving the established~~
3496 ~~outcomes.~~

3497 ~~2. The circumstances contributing to the organization's~~
3498 ~~ability to achieve, not achieve, or exceed its established~~
3499 ~~outcomes.~~

3500 ~~3. Whether it would be sound public policy to continue or~~
3501 ~~discontinue funding the organization, and the consequences of~~
3502 ~~discontinuing the organization.~~

3503 Section 90. Subsection (7) of section 288.906, Florida
3504 Statutes, is amended to read:

3505 288.906 Annual report of Enterprise Florida, Inc.; audits;
3506 confidentiality.--Prior to December 1 of each year, Enterprise
3507 Florida, Inc., shall submit to the Governor, the President of
3508 the Senate, the Speaker of the House of Representatives, the
3509 Senate Minority Leader, and the House Minority Leader a complete



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3510 and detailed report including, but not limited to:

3511 (7) An annual compliance and financial audit of accounts
 3512 and records by an independent certified public accountant at the
 3513 end of its most recent fiscal year performed in accordance with
 3514 rules adopted by the Office of Government Accountability Auditor
 3515 ~~General~~.

3516
 3517 The detailed report required by this subsection shall also
 3518 include the information identified in subsections (1)-(7), if
 3519 applicable, for any board established within the corporate
 3520 structure of Enterprise Florida, Inc.

3521 Section 91. Subsection (1) of section 288.9517, Florida
 3522 Statutes, is amended to read:

3523 288.9517 Audits; confidentiality.--

3524 (1) The ~~Auditor General and the director of the~~ Office of
 3525 ~~Program Policy Analysis and~~ Government Accountability may,
 3526 pursuant to the direction of the Auditor General ~~their own~~
 3527 ~~authority~~ or at the direction of the Legislative Auditing
 3528 Committee, conduct an audit or examination of the technology
 3529 development board or the programs or entities created by the
 3530 board. The audit, examination, or report may not reveal the
 3531 identity of any person who has anonymously made a donation to
 3532 the board pursuant to subsection (2).

3533 Section 92. Paragraph (c) of subsection (4) of section
 3534 288.9604, Florida Statutes, is amended to read:

3535 288.9604 Creation of the authority.--

3536 (4)

3537 (c) The directors of the corporation shall annually elect
 3538 one of their members as chair and one as vice chair. The



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3539 corporation may employ a president, technical experts, and such
 3540 other agents and employees, permanent and temporary, as it
 3541 requires and determine their qualifications, duties, and
 3542 compensation. For such legal services as it requires, the
 3543 corporation may employ or retain its own counsel and legal
 3544 staff. The corporation shall file with the governing body of
 3545 each public agency with which it has entered into an interlocal
 3546 agreement and with the Governor, the Speaker of the House of
 3547 Representatives, the President of the Senate, the Minority
 3548 Leaders of the Senate and House of Representatives, and the
 3549 Office of Government Accountability ~~Auditor General~~, on or
 3550 before 90 days after the close of the fiscal year of the
 3551 corporation, a report of its activities for the preceding fiscal
 3552 year, which report shall include a complete financial statement
 3553 setting forth its assets, liabilities, income, and operating
 3554 expenses as of the end of such fiscal year.

3555 Section 93. Subsection (6) of section 290.00689, Florida
 3556 Statutes, is amended to read:

3557 290.00689 Designation of enterprise zone pilot project
 3558 area.--

3559 (6) Prior to the 2004 Regular Session of the Legislature,
 3560 the Office of ~~Program Policy Analysis and Government~~
 3561 Accountability shall review and evaluate the effectiveness and
 3562 viability of the pilot project area created under this section,
 3563 using the research design prescribed pursuant to s. 290.015. The
 3564 office shall specifically evaluate whether relief from certain
 3565 taxes induced new investment and development in the area;
 3566 increased the number of jobs created or retained in the area;
 3567 induced the renovation, rehabilitation, restoration,



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3568 improvement, or new construction of businesses or housing within
 3569 the area; and contributed to the economic viability and
 3570 profitability of business and commerce located within the area.
 3571 The office shall submit a report of its findings and
 3572 recommendations to the Speaker of the House of Representatives
 3573 and the President of the Senate no later than January 15, 2004.

3574 Section 94. Section 296.17, Florida Statutes, is amended
 3575 to read:

3576 296.17 Audit; inspection; and standards for the home.--The
 3577 home shall be open at any time to audit and inspection by the
 3578 ~~Auditor General and the Office of Program Policy Analysis and~~
 3579 Government Accountability, as provided by law, the Department of
 3580 Veterans' Affairs, the United States Department of Veterans
 3581 Affairs, and to any other audits or inspections as required by
 3582 law to maintain appropriate standards in the home. The standards
 3583 that the department shall use to regulate the operation of the
 3584 home shall be those prescribed by the United States Department
 3585 of Veterans Affairs, provided that where the state's standards
 3586 are more restrictive, the standards of the state shall apply.

3587 Section 95. Section 296.41, Florida Statutes, is amended
 3588 to read:

3589 296.41 Audit; inspection; standards for the home.--The
 3590 home shall be open at any time to audit and inspection by the
 3591 ~~Auditor General and the Office of Program Policy Analysis and~~
 3592 Government Accountability, as provided by law, the department,
 3593 and the United States Department of Veterans Affairs, and to any
 3594 other audits or inspections as required by law to maintain
 3595 appropriate standards in the home. The standards that the
 3596 department shall use to regulate the operation of the home shall



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3597 be those prescribed by the United States Department of Veterans
 3598 Affairs, provided that where the state's standards are more
 3599 restrictive, the standards of the state shall apply.

3600 Section 96. Section 298.17, Florida Statutes, is amended
 3601 to read:

3602 298.17 Appointment and duties of treasurer of district;
 3603 appointment of deputies; bond of treasurer; audit of books;
 3604 disbursements by warrant; form of warrant.--The board of
 3605 supervisors in any district shall select and appoint some
 3606 competent person, bank or trust company, organized under the
 3607 laws of the state, as treasurer of such district, who shall
 3608 receive and receipt for all the drainage taxes collected by the
 3609 county collector or collectors, and the treasurer shall also
 3610 receive and receipt for the proceeds of all tax sales made under
 3611 the provisions of this chapter. Said treasurer shall receive
 3612 such compensation as may be fixed by the board of supervisors.
 3613 Said board of supervisors shall also have the authority to
 3614 employ a fiscal agent, who shall be either a resident of the
 3615 state or some corporation organized under the laws of Florida
 3616 and authorized by such laws to act as such fiscal agent for
 3617 municipal corporations, who shall assist in the keeping of the
 3618 tax books, collections of taxes, the remitting of funds to pay
 3619 maturing bonds and coupons, and perform such other service in
 3620 the general management of the fiscal and clerical affairs of the
 3621 district as may be determined by such board; and said board
 3622 shall have the right to define the duties of such fiscal agent
 3623 and fix its compensation. Said board of supervisors shall
 3624 furnish the secretary and the treasurer with necessary office
 3625 room, furniture, stationery, maps, plats, typewriter, and



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3626 postage. The secretary and the treasurer, or either of them, may
 3627 appoint, by and with the advice and consent of the board of
 3628 supervisors, one or more deputies as may be necessary. Said
 3629 treasurer shall give bond in such amount as shall be fixed by
 3630 the board of supervisors, conditioned that the treasurer will
 3631 well and truly account for and pay out, as provided by law, all
 3632 moneys received by him or her as taxes from the county
 3633 collector, and the proceeds from tax sales for delinquent taxes,
 3634 and from any other source whatever on account or claim of said
 3635 district, which bond shall be signed by at least two sureties,
 3636 or by some surety or bonding company, approved and accepted by
 3637 said board of supervisors, and said bond shall be in addition to
 3638 the bond for proceeds of sales of bonds, which is required by s.
 3639 298.47. Said bond shall be placed and remain in the custody of
 3640 the president of the board of supervisors, and shall be kept
 3641 separate from all papers in the custody of the secretary or
 3642 treasurer. Said treasurer shall keep all funds received by him
 3643 or her from any source whatever deposited at all times in some
 3644 bank, banks, or trust company to be designated by the board of
 3645 supervisors. All interest accruing on such funds shall, when
 3646 paid, be credited to the district. The board of supervisors
 3647 shall audit or have audited the books of the said treasurer of
 3648 said district at least once each year and make a report thereof
 3649 to the landowners at the annual meeting and publish a statement
 3650 within 30 days thereafter, showing the amount of money received,
 3651 the amount paid out during such year, and the amount in the
 3652 treasury at the beginning and end of the year. A certified copy
 3653 of said annual audit shall be filed with the Office of
 3654 Government Accountability ~~state auditor~~. The treasurer of the



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3655 district shall pay out funds of the district only on warrants
 3656 issued by the district, said warrants to be signed by the
 3657 president of the board of supervisors and attested by the
 3658 signature of the secretary. All warrants shall be in the
 3659 following form:

3660

3661 \$_____ Fund _____ No. of Warrant _____

3662

3663 Treasurer of _____ Water Control District, State of
 3664 Florida. Pay to _____ Dollars out of the money in _____
 3665 fund of _____ Water Control District. For _____

3666 By order of board of supervisors of _____ Water Control
 3667 District, Florida.

3668 (President of District.)

3669

3670 Attest: (Secretary of District.)

3671 Section 97. Section 310.131, Florida Statutes, is amended
 3672 to read:

3673 310.131 Assessment of percentage of gross pilotage.--The
 3674 department shall assess the licensed state pilots in the
 3675 respective ports of the state a percentage of the gross amount
 3676 of pilotage earned by such pilots during each year, which
 3677 percentage will be established by the board not to exceed 2
 3678 percent, to be paid into the Professional Regulation Trust Fund
 3679 by such pilots at such time and in such manner as the board
 3680 prescribes or as is set forth in the General Appropriations Act.
 3681 The financial records of all pilots and deputy pilots relating
 3682 to pilotage are subject to audit by the department and the
 3683 Office of Government Accountability ~~Auditor General~~. The



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3684 department shall by rule set a procedure for verifying the
 3685 amount of pilotage at each port and may charge costs to the
 3686 appropriate port if the port does not comply with such
 3687 procedure.

3688 Section 98. Paragraph (d) of subsection (5) of section
 3689 320.023, Florida Statutes, is amended to read:

3690 320.023 Requests to establish voluntary checkoff on motor
 3691 vehicle registration application.--

3692 (5) A voluntary contribution collected and distributed
 3693 under this chapter, or any interest earned from those
 3694 contributions, may not be used for commercial or for-profit
 3695 activities nor for general or administrative expenses, except as
 3696 authorized by law.

3697 (d) Any organization subject to audit pursuant to s.
 3698 215.97 shall submit an audit report in accordance with rules
 3699 adopted promulgated by the Office of Government Accountability
 3700 ~~Auditor General~~. The annual attestation shall be submitted to
 3701 the department for review within 9 months after the end of the
 3702 organization's fiscal year.

3703 Section 99. Paragraph (e) of subsection (2), paragraph (b)
 3704 of subsection (9), and paragraph (c) of subsection (20) of
 3705 section 320.08058, Florida Statutes, are amended to read:

3706 320.08058 Specialty license plates.--

3707 (2) CHALLENGER LICENSE PLATES.--

3708 (e) The Office of Government Accountability ~~Auditor~~
 3709 ~~General~~ has the authority to examine any and all records
 3710 pertaining to the Astronauts Memorial Foundation, Inc., and the
 3711 Technological Research and Development Authority to determine
 3712 compliance with the law.



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3713 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

3714 (b) The license plate annual use fees are to be annually
 3715 distributed as follows:

3716 1. Fifty-five percent of the proceeds from the Florida
 3717 Professional Sports Team plate must be deposited into the
 3718 Professional Sports Development Trust Fund within the Office of
 3719 Tourism, Trade, and Economic Development. These funds must be
 3720 used solely to attract and support major sports events in this
 3721 state. As used in this subparagraph, the term "major sports
 3722 events" means, but is not limited to, championship or all-star
 3723 contests of Major League Baseball, the National Basketball
 3724 Association, the National Football League, the National Hockey
 3725 League, the men's and women's National Collegiate Athletic
 3726 Association Final Four basketball championship, or a horseracing
 3727 or dogracing Breeders' Cup. All funds must be used to support
 3728 and promote major sporting events, and the uses must be approved
 3729 by the Florida Sports Foundation.

3730 2. The remaining proceeds of the Florida Professional
 3731 Sports Team license plate must be allocated to the Florida
 3732 Sports Foundation, a direct-support organization of the Office
 3733 of Tourism, Trade, and Economic Development. These funds must be
 3734 deposited into the Professional Sports Development Trust Fund
 3735 within the Office of Tourism, Trade, and Economic Development.
 3736 These funds must be used by the Florida Sports Foundation to
 3737 promote the economic development of the sports industry; to
 3738 distribute licensing and royalty fees to participating
 3739 professional sports teams; to institute a grant program for
 3740 communities bidding on minor sporting events that create an
 3741 economic impact for the state; to distribute funds to Florida-



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3742 based charities designated by the Florida Sports Foundation and
 3743 the participating professional sports teams; and to fulfill the
 3744 sports promotion responsibilities of the Office of Tourism,
 3745 Trade, and Economic Development.

3746 3. The Florida Sports Foundation shall provide an annual
 3747 financial audit in accordance with s. 215.981 of its financial
 3748 accounts and records by an independent certified public
 3749 accountant pursuant to the contract established by the Office of
 3750 Tourism, Trade, and Economic Development as specified in s.
 3751 288.1229(5). The auditor shall submit the audit report to the
 3752 Office of Tourism, Trade, and Economic Development for review
 3753 and approval. If the audit report is approved, the office shall
 3754 certify the audit report to the Office of Government
 3755 Accountability Auditor General for review.

3756 (20) PROTECT WILD DOLPHINS LICENSE PLATES.--

3757 (c) The Office of Government Accountability Auditor
 3758 General may examine any records of the Harbor Branch
 3759 Oceanographic Institution, Inc., and any other organization that
 3760 receives funds from the sale of this plate, to determine
 3761 compliance with law.

3762 Section 100. Paragraph (c) of subsection (1) of section
 3763 320.08062, Florida Statutes, is amended to read:

3764 320.08062 Audits and attestations required; annual use
 3765 fees of specialty license plates.--

3766 (1)(c) Any organization subject to audit pursuant to s.
 3767 215.97 shall submit an audit report in accordance with rules
 3768 adopted promulgated by the Office of Government Accountability
 3769 Auditor General. The annual attestation shall be submitted to
 3770 the department for review within 9 months after the end of the



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3771 organization's fiscal year.

3772 Section 101. Paragraph (d) of subsection (5) of section
3773 322.081, Florida Statutes, is amended to read:

3774 322.081 Requests to establish voluntary check-off on
3775 driver's license application.--

3776 (5) A voluntary contribution collected and distributed
3777 under this chapter, or any interest earned from those
3778 contributions, may not be used for commercial or for-profit
3779 activities nor for general or administrative expenses, except as
3780 authorized by law.

3781 (d) Any organization subject to audit pursuant to s.
3782 215.97 shall submit an audit report in accordance with rules
3783 adopted promulgated by the Office of Government Accountability
3784 ~~Auditor General~~. The annual attestation must be submitted to the
3785 department for review within 9 months after the end of the
3786 organization's fiscal year.

3787 Section 102. Subsection (6) of section 322.135, Florida
3788 Statutes, is amended to read:

3789 322.135 Driver's license agents.--

3790 (6) Administration of driver license services by a county
3791 tax collector as the exclusive agent of the department must be
3792 revenue neutral with no adverse state fiscal impact and with no
3793 adverse unfunded mandate to the tax collector. ~~Toward this end,~~
3794 ~~the Cost Determination and Allocation Task Force is created, to~~
3795 ~~be established by July 1, 2001. The task force shall be composed~~
3796 ~~of two representatives appointed by the executive director of~~
3797 ~~the department, two tax collectors appointed by the president of~~
3798 ~~the Florida Tax Collectors, Inc., one from a small population~~
3799 ~~county and one from a large population county; one person~~



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3800 ~~appointed by the Speaker of the House of Representatives; one~~
3801 ~~person appointed by the President of the Senate; and the~~
3802 ~~Governor's appointee. If requested by the task force, the Auditor~~
3803 ~~General must provide technical assistance. The purpose of the~~
3804 ~~task force is to recommend the allocation of cost between the~~
3805 ~~Department of Highway Safety and Motor Vehicles and tax~~
3806 ~~collectors to administer driver license services authorized in~~
3807 ~~this chapter. These recommendations must be submitted in a~~
3808 ~~written report by January 1, 2002. The task force shall dissolve~~
3809 ~~on January 1, 2002. The written report shall be presented to the~~
3810 ~~President of the Senate, the Speaker of the House of~~
3811 ~~Representatives, and the Executive Office of the Governor, and~~
3812 ~~shall contain findings and determinations and related allocation~~
3813 ~~recommendations dealing with costs, both construction and~~
3814 ~~operating costs, of both the department and the applicable tax~~
3815 ~~collectors, appropriate allocations of costs between the~~
3816 ~~department and the tax collectors, and fee recommendations to~~
3817 ~~assure that the fees paid for these driver license services do~~
3818 ~~not result in a loss of revenue to the state in excess of costs~~
3819 ~~incurred by the state.~~

3820 Section 103. Section 324.202, Florida Statutes, is amended
3821 to read:

3822 324.202 Seizure of motor vehicle license plates by
3823 recovery agents.--

3824 ~~(1) The Department of Highway Safety and Motor Vehicles~~
3825 ~~shall implement a pilot program using recovery agents for the~~
3826 ~~seizure of license plates in Broward County, Dade County, and~~
3827 ~~Hillsborough County. Licensed recovery agents and recovery~~
3828 ~~agencies as described in s. 493.6101(20) and (21) may seize~~



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3829 ~~license plates of motor vehicles whose registrations have been~~
3830 ~~suspended pursuant to s. 316.646 or s. 627.733 in such counties~~
3831 ~~upon compliance with this section and rules of the Department of~~
3832 ~~Highway Safety and Motor Vehicles. Upon the implementation of~~
3833 ~~the vehicle information system overall reorganization to the~~
3834 ~~Oracle database of driver licenses and a verification of an~~
3835 ~~error rate of 2 percent or less for valid license plates seized~~
3836 ~~during the period following implementation of the database, as~~
3837 ~~determined by the Office of Program Policy Analysis and~~
3838 ~~Government Accountability, the program shall be expanded to~~
3839 ~~those counties where a majority of the governing body of the~~
3840 ~~county has requested the program be implemented. The~~
3841 ~~determination by the Office of Program Policy Analysis and~~
3842 ~~Government Accountability shall be submitted to the Senate and~~
3843 ~~the House of Representatives committees responsible for~~
3844 ~~insurance and transportation issues no later than January 1,~~
3845 ~~2001. The program authorizing recovery agents and agencies to~~
3846 ~~seize license plates shall be repealed July 1, 2002.~~

3847 ~~(2)~~ The Department of Highway Safety and Motor Vehicles
3848 shall:

3849 (1)(a) Provide a procedure for recovery agents or recovery
3850 agencies who seize license plates pursuant to this section. This
3851 procedure shall include the development and distribution of
3852 forms and monthly renewal notices, including the name and most
3853 current address available to the department of persons not in
3854 compliance with s. 316.646 or s. 627.733.

3855 (2)(b) Provide a method for the payment of a fee of \$25 to
3856 the recovery agent or recovery agency seizing an eligible
3857 license plate pursuant to this section.



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3858 Section 104. Subsection (2) of section 331.419, Florida
 3859 Statutes, is amended to read:

3860 331.419 Reports and audits.--

3861 (2) By September 1, 2000, the corporation, in cooperation
 3862 with the Office of Program Policy Analysis and Government
 3863 Accountability, shall develop a research design, including goals
 3864 and measurable objectives for the corporation, which will
 3865 provide the Legislature with a quantitative evaluation of the
 3866 corporation. The corporation shall utilize the monitoring
 3867 mechanisms and reports developed in the designs and provide
 3868 these reports to the Governor, the President of the Senate, the
 3869 Speaker of the House of Representatives, and the Office of
 3870 ~~Program Policy Analysis and Government Accountability.~~

3871 Section 105. Subsection (4) of section 334.0445, Florida
 3872 Statutes, is amended to read:

3873 334.0445 Model career service classification and
 3874 compensation plan.--

3875 (4) The department shall issue a baseline report on the
 3876 performance measures outlined in subsection (3) within 30 days
 3877 after implementation of this act and shall provide quarterly
 3878 progress reports to the Department of Management Services, the
 3879 Executive Office of the Governor, legislative appropriations
 3880 committees, legislative personnel committees, ~~the Auditor~~
 3881 ~~General~~, the Office of ~~Program Policy Analysis and Government~~
 3882 ~~Accountability~~, and the affected certified bargaining unions.
 3883 Such reports shall contain the mandatory measures listed in this
 3884 legislation, as well as other mutually agreed-upon measures
 3885 between the Department of Transportation, the Department of
 3886 Management Services, the Executive Office of the Governor,



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3887 legislative appropriations committees, legislative personnel
3888 committees, and the affected certified bargaining unions.

3889 Section 106. Subsection (2) of section 336.022, Florida
3890 Statutes, is amended to read:

3891 336.022 County transportation trust fund; controls and
3892 administrative remedies.--

3893 (2) The Office of Government Accountability Auditor
3894 ~~General~~ shall conduct an audit of each such special trust fund
3895 at such intervals of time as practicable and in accordance with
3896 s. 11.45, to assure that the surplus of the constitutional gas
3897 tax distributed to each county is being expended in accordance
3898 with law. If, as a result of an audit, the Office of Government
3899 Accountability Auditor ~~General~~ determines that a county has
3900 violated the constitutional or statutory requirements for
3901 expenditure of transportation funds, it ~~he or she~~ shall
3902 immediately notify the county. The county shall have an
3903 opportunity to respond to the auditor's report within 30 days
3904 after the date of written notification to the county. If the
3905 Office of Government Accountability Auditor ~~General~~ refuses to
3906 modify or repeal its ~~his or her~~ findings, the county may have
3907 such findings reviewed pursuant to the provisions of the
3908 Administrative Procedure Act, chapter 120. If the findings of
3909 the Office of Government Accountability Auditor ~~General~~ are
3910 upheld after exhaustion of all administrative and legal remedies
3911 of the county, no further surplus constitutional gas tax funds
3912 in excess of funds for committed projects shall be distributed
3913 to the violating county until the county corrects the matters
3914 cited by the Office of Government Accountability Auditor ~~General~~
3915 and such corrections have been certified by the Office of



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3916 Government Accountability Auditor-General as having been
 3917 completed.

3918 Section 107. Subsection (7) of section 339.406, Florida
 3919 Statutes, is amended to read:

3920 339.406 Contract between the department and the
 3921 corporation.--The contract must provide for:

3922 (7) The authority for the department and the Office of
 3923 Government Accountability Auditor-General to conduct audits.

3924 Section 108. Subsection (3) of section 365.173, Florida
 3925 Statutes, is amended to read:

3926 365.173 Wireless Emergency Telephone System Fund.--

3927 (3) The Office of Government Accountability Auditor
 3928 General shall annually audit the fund to ensure that moneys in
 3929 the fund are being managed in accordance with this section and
 3930 s. 365.172. The Office of Government Accountability Auditor
 3931 General shall provide a report of the annual audit to the board.

3932 Section 109. Subsection (3) of section 373.45926, Florida
 3933 Statutes, is amended to read:

3934 373.45926 Everglades Trust Fund; allocation of revenues
 3935 and expenditure of funds for conservation and protection of
 3936 natural resources and abatement of water pollution.--

3937 (3) The South Florida Water Management District shall
 3938 furnish, on a quarterly basis, a detailed copy of its
 3939 expenditures from the Everglades Trust Fund to the Governor, the
 3940 President of the Senate, and the Speaker of the House of
 3941 Representatives, and shall make copies available to the public.
 3942 The information shall be provided in a format approved by the
 3943 Joint Legislative Committee on Everglades Oversight. At the
 3944 direction of the Joint Legislative Committee on Everglades



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3945 Oversight, an audit may be made from time to time by the Office
 3946 of Government Accountability Auditor General, and such audit
 3947 shall be within the authority of said Office of Government
 3948 Accountability Auditor General to make.

3949 Section 110. Paragraph (c) of subsection (3) of section
 3950 373.4595, Florida Statutes, is amended to read:

3951 373.4595 Lake Okeechobee Protection Program.--

3952 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
 3953 program for Lake Okeechobee that achieves phosphorus load
 3954 reductions for Lake Okeechobee shall be immediately implemented
 3955 as specified in this subsection. The program shall address the
 3956 reduction of phosphorus loading to the lake from both internal
 3957 and external sources. Phosphorus load reductions shall be
 3958 achieved through a phased program of implementation. Initial
 3959 implementation actions shall be technology-based, based upon a
 3960 consideration of both the availability of appropriate technology
 3961 and the cost of such technology, and shall include phosphorus
 3962 reduction measures at both the source and the regional level.
 3963 The initial phase of phosphorus load reductions shall be based
 3964 upon the district's Technical Publication 81-2 and the
 3965 district's WOD program, with subsequent phases of phosphorus
 3966 load reductions based upon the total maximum daily loads
 3967 established in accordance with s. 403.067. In the development
 3968 and administration of the Lake Okeechobee Protection Program,
 3969 the coordinating agencies shall maximize opportunities provided
 3970 by federal cost-sharing programs and opportunities for
 3971 partnerships with the private sector.

3972 (c) Lake Okeechobee Watershed Phosphorus Control
 3973 Program.--The Lake Okeechobee Watershed Phosphorus Control



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3974 Program is designed to be a multifaceted approach to reducing
3975 phosphorus loads by improving the management of phosphorus
3976 sources within the Lake Okeechobee watershed through continued
3977 implementation of existing regulations and best management
3978 practices, development and implementation of improved best
3979 management practices, improvement and restoration of the
3980 hydrologic function of natural and managed systems, and
3981 utilization of alternative technologies for nutrient reduction.
3982 The coordinating agencies shall facilitate the application of
3983 federal programs that offer opportunities for water quality
3984 treatment, including preservation, restoration, or creation of
3985 wetlands on agricultural lands.

3986 1. Agricultural nonpoint source best management practices,
3987 developed in accordance with s. 403.067 and designed to achieve
3988 the objectives of the Lake Okeechobee Protection Program, shall
3989 be implemented on an expedited basis. By March 1, 2001, the
3990 coordinating agencies shall develop an interagency agreement
3991 pursuant to ss. 373.046 and 373.406(5) that assures the
3992 development of best management practices that complement
3993 existing regulatory programs and specifies how those best
3994 management practices are implemented and verified. The
3995 interagency agreement shall address measures to be taken by the
3996 coordinating agencies during any best management practice
3997 reevaluation performed pursuant to sub-subparagraph d. The
3998 department shall use best professional judgment in making the
3999 initial determination of best management practice effectiveness.

4000 a. As provided in s. 403.067(7)(d), by October 1, 2000,
4001 the Department of Agriculture and Consumer Services, in
4002 consultation with the department, the district, and affected



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4003 parties, shall initiate rule development for interim measures,
 4004 best management practices, conservation plans, nutrient
 4005 management plans, or other measures necessary for Lake
 4006 Okeechobee phosphorus load reduction. The rule shall include
 4007 thresholds for requiring conservation and nutrient management
 4008 plans and criteria for the contents of such plans. Development
 4009 of agricultural nonpoint source best management practices shall
 4010 initially focus on those priority basins listed in subparagraph
 4011 (b)1. The Department of Agriculture and Consumer Services, in
 4012 consultation with the department, the district, and affected
 4013 parties, shall conduct an ongoing program for improvement of
 4014 existing and development of new interim measures or best
 4015 management practices for the purpose of adoption of such
 4016 practices by rule.

4017 b. Where agricultural nonpoint source best management
 4018 practices or interim measures have been adopted by rule of the
 4019 Department of Agriculture and Consumer Services, the owner or
 4020 operator of an agricultural nonpoint source addressed by such
 4021 rule shall either implement interim measures or best management
 4022 practices or demonstrate compliance with the district's WOD
 4023 program by conducting monitoring prescribed by the department or
 4024 the district. Owners or operators of agricultural nonpoint
 4025 sources who implement interim measures or best management
 4026 practices adopted by rule of the Department of Agriculture and
 4027 Consumer Services shall be subject to the provisions of s.
 4028 403.067(7). The Department of Agriculture and Consumer Services,
 4029 in cooperation with the department and the district, shall
 4030 provide technical and financial assistance for implementation of
 4031 agricultural best management practices, subject to the



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4032 availability of funds.

4033 c. The district or department shall conduct monitoring at
4034 representative sites to verify the effectiveness of agricultural
4035 nonpoint source best management practices.

4036 d. Where water quality problems are detected for
4037 agricultural nonpoint sources despite the appropriate
4038 implementation of adopted best management practices, the
4039 Department of Agriculture and Consumer Services, in consultation
4040 with the other coordinating agencies and affected parties, shall
4041 institute a reevaluation of the best management practices and
4042 make appropriate changes to the rule adopting best management
4043 practices.

4044 2. Nonagricultural nonpoint source best management
4045 practices, developed in accordance with s. 403.067 and designed
4046 to achieve the objectives of the Lake Okeechobee Protection
4047 Program, shall be implemented on an expedited basis. By March 1,
4048 2001, the department and the district shall develop an
4049 interagency agreement pursuant to ss. 373.046 and 373.406(5)
4050 that assures the development of best management practices that
4051 complement existing regulatory programs and specifies how those
4052 best management practices are implemented and verified. The
4053 interagency agreement shall address measures to be taken by the
4054 department and the district during any best management practice
4055 reevaluation performed pursuant to sub-subparagraph d.

4056 a. The department and the district are directed to work
4057 with the University of Florida's Institute of Food and
4058 Agricultural Sciences to develop appropriate nutrient
4059 application rates for all nonagricultural soil amendments in the
4060 watershed. As provided in s. 403.067(7)(c), by January 1, 2001,



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4061 the department, in consultation with the district and affected
4062 parties, shall develop interim measures, best management
4063 practices, or other measures necessary for Lake Okeechobee
4064 phosphorus load reduction. Development of nonagricultural
4065 nonpoint source best management practices shall initially focus
4066 on those priority basins listed in subparagraph (b)1. The
4067 department, the district, and affected parties shall conduct an
4068 ongoing program for improvement of existing and development of
4069 new interim measures or best management practices. The district
4070 shall adopt technology-based standards under the district's WOD
4071 program for nonagricultural nonpoint sources of phosphorus.

4072 b. Where nonagricultural nonpoint source best management
4073 practices or interim measures have been developed by the
4074 department and adopted by the district, the owner or operator of
4075 a nonagricultural nonpoint source shall implement interim
4076 measures or best management practices and be subject to the
4077 provisions of s. 403.067(7). The department and district shall
4078 provide technical and financial assistance for implementation of
4079 nonagricultural nonpoint source best management practices,
4080 subject to the availability of funds.

4081 c. The district or the department shall conduct monitoring
4082 at representative sites to verify the effectiveness of
4083 nonagricultural nonpoint source best management practices.

4084 d. Where water quality problems are detected for
4085 nonagricultural nonpoint sources despite the appropriate
4086 implementation of adopted best management practices, the
4087 department and the district shall institute a reevaluation of
4088 the best management practices.

4089 3. The provisions of subparagraphs 1. and 2. shall not



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4090 preclude the department or the district from requiring
4091 compliance with water quality standards or with current best
4092 management practices requirements set forth in any applicable
4093 regulatory program authorized by law for the purpose of
4094 protecting water quality. Additionally, subparagraphs 1. and 2.
4095 are applicable only to the extent that they do not conflict with
4096 any rules promulgated by the department that are necessary to
4097 maintain a federally delegated or approved program.

4098 4. Projects which reduce the phosphorus load originating
4099 from domestic wastewater systems within the Lake Okeechobee
4100 watershed shall be given funding priority in the department's
4101 revolving loan program under s. 403.1835. The department shall
4102 coordinate and provide assistance to those local governments
4103 seeking financial assistance for such priority projects.

4104 5. Projects that make use of private lands, or lands held
4105 in trust for Indian tribes, to reduce nutrient loadings or
4106 concentrations within a basin by one or more of the following
4107 methods: restoring the natural hydrology of the basin, restoring
4108 wildlife habitat or impacted wetlands, reducing peak flows after
4109 storm events, increasing aquifer recharge, or protecting range
4110 and timberland from conversion to development, are eligible for
4111 grants available under this section from the coordinating
4112 agencies. For projects of otherwise equal priority, special
4113 funding priority will be given to those projects that make best
4114 use of the methods outlined above that involve public-private
4115 partnerships or that obtain federal match money. Preference
4116 ranking above the special funding priority will be given to
4117 projects located in a rural area of critical economic concern
4118 designated by the Governor. Grant applications may be submitted



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4119 by any person or tribal entity, and eligible projects may
4120 include, but are not limited to, the purchase of conservation
4121 and flowage easements, hydrologic restoration of wetlands,
4122 creating treatment wetlands, development of a management plan
4123 for natural resources, and financial support to implement a
4124 management plan.

4125 6.a. The department shall require all entities disposing
4126 of domestic wastewater residuals within the Lake Okeechobee
4127 watershed and the remaining areas of Okeechobee, Glades, and
4128 Hendry Counties to develop and submit to the department an
4129 agricultural use plan that limits applications based upon
4130 phosphorus loading. By July 1, 2005, phosphorus concentrations
4131 originating from these application sites shall not exceed the
4132 limits established in the district's WOD program.

4133 b. Private and government-owned utilities within Monroe,
4134 Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River,
4135 Okeechobee, Highlands, Hendry, and Glades Counties that dispose
4136 of wastewater residual sludge from utility operations and septic
4137 removal by land spreading in the Lake Okeechobee watershed may
4138 use a line item on local sewer rates to cover wastewater
4139 residual treatment and disposal if such disposal and treatment
4140 is done by approved alternative treatment methodology at a
4141 facility located within the areas designated by the Governor as
4142 rural areas of critical economic concern pursuant to s.
4143 288.0656. This additional line item is an environmental
4144 protection disposal fee above the present sewer rate and shall
4145 not be considered a part of the present sewer rate to customers,
4146 notwithstanding provisions to the contrary in chapter 367. The
4147 fee shall be established by the county commission or its



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4148 designated assignee in the county in which the alternative
 4149 method treatment facility is located. The fee shall be
 4150 calculated to be no higher than that necessary to recover the
 4151 facility's prudent cost of providing the service. Upon request
 4152 by an affected county commission, the Florida Public Service
 4153 Commission will provide assistance in establishing the fee.
 4154 Further, for utilities and utility authorities that use the
 4155 additional line item environmental protection disposal fee, such
 4156 fee shall not be considered a rate increase under the rules of
 4157 the Public Service Commission and shall be exempt from such
 4158 rules. Utilities using the provisions of this section may
 4159 immediately include in their sewer invoicing the new
 4160 environmental protection disposal fee. Proceeds from this
 4161 environmental protection disposal fee shall be used for
 4162 treatment and disposal of wastewater residuals, including any
 4163 treatment technology that helps reduce the volume of residuals
 4164 that require final disposal, but such proceeds shall not be used
 4165 for transportation or shipment costs for disposal or any costs
 4166 relating to the land application of residuals in the Lake
 4167 Okeechobee watershed.

4168 c. No less frequently than once every 3 years, the Florida
 4169 Public Service Commission or the county commission through the
 4170 services of an independent auditor shall perform a financial
 4171 audit of all facilities receiving compensation from an
 4172 environmental protection disposal fee. The Florida Public
 4173 Service Commission or the county commission through the services
 4174 of an independent auditor shall also perform an audit of the
 4175 methodology used in establishing the environmental protection
 4176 disposal fee. The Florida Public Service Commission or the



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4177 county commission shall, within 120 days after completion of an
4178 audit, file the audit report with the President of the Senate
4179 and the Speaker of the House of Representatives and shall
4180 provide copies to the county commissions of the counties set
4181 forth in sub-subparagraph b. The books and records of any
4182 facilities receiving compensation from an environmental
4183 protection disposal fee shall be open to the Florida Public
4184 Service Commission and the Office of Government Accountability
4185 ~~Auditor General~~ for review upon request.

4186 7. The Department of Health shall require all entities
4187 disposing of septage within the Lake Okeechobee watershed and
4188 the remaining areas of Okeechobee, Glades, and Hendry Counties
4189 to develop and submit to that agency, by July 1, 2003, an
4190 agricultural use plan that limits applications based upon
4191 phosphorus loading. By July 1, 2005, phosphorus concentrations
4192 originating from these application sites shall not exceed the
4193 limits established in the district's WOD program.

4194 8. The Department of Agriculture and Consumer Services
4195 shall initiate rulemaking requiring entities within the Lake
4196 Okeechobee watershed and the remaining areas of Okeechobee,
4197 Glades, and Hendry Counties which land-apply animal manure to
4198 develop conservation or nutrient management plans that limit
4199 application, based upon phosphorus loading. Such rules may
4200 include criteria and thresholds for the requirement to develop a
4201 conservation or nutrient management plan, requirements for plan
4202 approval, and recordkeeping requirements.

4203 9. Prior to authorizing a discharge into works of the
4204 district, the district shall require responsible parties to
4205 demonstrate that proposed changes in land use will not result in



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4206 increased phosphorus loading over that of existing land uses.

4207 10. The district, the department, or the Department of
 4208 Agriculture and Consumer Services, as appropriate, shall
 4209 implement those alternative nutrient reduction technologies
 4210 determined to be feasible pursuant to subparagraph (d)6.

4211 Section 111. Paragraph (a) of subsection (6) of section
 4212 373.536, Florida Statutes, is amended to read:

4213 373.536 District budget and hearing thereon.--

4214 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 4215 WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

4216 (a) Each district must, by the date specified for each
 4217 item, furnish copies of the following documents to the Governor,
 4218 the President of the Senate, the Speaker of the House of
 4219 Representatives, the chairs of all legislative committees and
 4220 subcommittees having substantive or fiscal jurisdiction over the
 4221 districts, as determined by the President of the Senate or the
 4222 Speaker of the House of Representatives as applicable, the
 4223 secretary of the department, and the governing board of each
 4224 county in which the district has jurisdiction or derives any
 4225 funds for the operations of the district:

4226 1. The adopted budget, to be furnished within 10 days
 4227 after its adoption.

4228 2. A financial audit of its accounts and records, to be
 4229 furnished within 10 days after its acceptance by the governing
 4230 board. The audit must be conducted in accordance with the
 4231 provisions of s. 11.45 and the rules adopted thereunder. In
 4232 addition to the entities named above, the district must provide
 4233 a copy of the audit to the Office of Government Accountability
 4234 ~~Auditor General~~ within 10 days after its acceptance by the



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4235 governing board.

4236 3. A 5-year capital improvements plan, to be furnished
4237 within 45 days after the adoption of the final budget. The plan
4238 must include expected sources of revenue for planned
4239 improvements and must be prepared in a manner comparable to the
4240 fixed capital outlay format set forth in s. 216.043.

4241 4. A 5-year water resource development work program to be
4242 furnished within 45 days after the adoption of the final budget.
4243 The program must describe the district's implementation strategy
4244 for the water resource development component of each approved
4245 regional water supply plan developed or revised under s.
4246 373.0361. The work program must address all the elements of the
4247 water resource development component in the district's approved
4248 regional water supply plans. Within 45 days after its submittal,
4249 the department shall review the proposed work program and submit
4250 its findings, questions, and comments to the district. The
4251 review must include a written evaluation of the program's
4252 consistency with the furtherance of the district's approved
4253 regional water supply plans, and the adequacy of proposed
4254 expenditures. As part of the review, the department shall give
4255 interested parties the opportunity to provide written comments
4256 on each district's proposed work program. Within 60 days after
4257 receipt of the department's evaluation, the governing board
4258 shall state in writing to the department which changes
4259 recommended in the evaluation it will incorporate into its work
4260 program or specify the reasons for not incorporating the
4261 changes. The department shall include the district's responses
4262 in a final evaluation report and shall submit a copy of the
4263 report to the Governor, the President of the Senate, and the



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4264 Speaker of the House of Representatives.

4265 Section 112. Paragraph (c) of subsection (6) of section
4266 403.1835, Florida Statutes, is amended to read:

4267 403.1835 Water pollution control financial assistance.--

4268 (6) Prior to approval of financial assistance, the
4269 applicant shall:

4270 (c) Provide assurance that records will be kept using
4271 generally accepted accounting principles and that the
4272 department, the Office of Government Accountability Auditor
4273 ~~General~~, or their agents will have access to all records
4274 pertaining to the financial assistance provided.

4275 Section 113. Paragraph (d) of subsection (11) of section
4276 403.8532, Florida Statutes, is amended to read:

4277 403.8532 Drinking water state revolving loan fund; use;
4278 rules.--

4279 (11) Prior to approval of a loan, the local government or
4280 public water system shall, at a minimum:

4281 (d) Provide assurance that records will be kept using
4282 generally accepted accounting principles and that the department
4283 or its agents and the Office of Government Accountability
4284 ~~Auditor General~~ will have access to all records pertaining to
4285 the loan.

4286 Section 114. Subsection (17) of section 409.2563, Florida
4287 Statutes, is amended to read:

4288 409.2563 Administrative establishment of child support
4289 obligations.--

4290 (17) EVALUATION.--

4291 (a) For the purpose of identifying measurable outcomes and
4292 evaluating the administrative process created by this section, a



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4293 study area shall be established. The study area must be located
4294 in a county selected by the Department of Revenue having a
4295 population of fewer than 500,000, in which the Title IV-D
4296 caseload did not exceed 20,000 cases, and the obligation rate
4297 was approximately 65 percent at the end of the 1999-2000 fiscal
4298 year. The Department of Revenue shall develop measurable
4299 outcomes that at a minimum consist of the department's support
4300 order establishment performance measures that are applicable to
4301 the administrative process, a measure of the effectiveness of
4302 the administrative process in establishing support orders as
4303 compared to the judicial process, and a measure of the cost
4304 efficiency of the administrative process as compared to the
4305 judicial process. The department shall use the procedures of
4306 this section to establish support obligations in Title IV-D
4307 cases on behalf of custodial parents or caretaker relatives
4308 residing in the county selected for the study area. By June 30,
4309 2002, the Department of Revenue shall submit a report on the
4310 implementation of the administrative process in the study area
4311 to the Governor and Cabinet, the President of the Senate, and
4312 the Speaker of the House of Representatives. The Office of
4313 ~~Program Policy Analysis and~~ Government Accountability shall
4314 conduct an evaluation of the operation and impact of the
4315 administrative process in the study area. In evaluating the
4316 administrative process, achievement of the measurable outcomes
4317 must be considered. The Office of ~~Program Policy Analysis and~~
4318 Government Accountability shall submit an evaluation report on
4319 the administrative process in the study area by June 30, 2003,
4320 which must include the findings of the evaluation and any
4321 recommendations to improve the administrative process



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4322 established by this section. The department shall report to the
4323 Governor and Cabinet, the President of the Senate, and the
4324 Speaker of the House of Representatives by June 30, 2004, on the
4325 implementation and results of the procedures established by this
4326 section.

4327 (b) The Office of ~~Program Policy Analysis and~~ Government
4328 Accountability shall conduct an evaluation of the statewide
4329 implementation of the administrative process for establishing
4330 child support provided for in this section. This evaluation
4331 shall examine whether these processes have been effectively
4332 implemented and administered statewide and are operating to the
4333 benefit of the children, including, but not limited to the
4334 ability of Title IV-D parents to easily access the court system
4335 for necessary court action. The Office of ~~Program Policy~~
4336 ~~Analysis and~~ Government Accountability shall submit an
4337 evaluation report on the statewide implementation of the
4338 administrative processes for establishing child support by
4339 January 31, 2005.

4340 Section 115. Subsections (12) and (13) of section 411.01,
4341 Florida Statutes, are renumbered as subsections (11) and (12),
4342 respectively, and present subsections (8) and (11) of said
4343 section are amended to read:

4344 411.01 Florida Partnership for School Readiness; school
4345 readiness coalitions.--

4346 (8) STANDARDS; OUTCOME MEASURES.--All publicly funded
4347 school readiness programs shall be required to meet the
4348 performance standards and outcome measures developed and
4349 approved by the partnership. The Office of ~~Program Policy~~
4350 ~~Analysis and~~ Government Accountability shall provide



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4351 consultation to the partnership in the development of the
4352 measures and standards. These performance standards and outcome
4353 measures shall be applicable on a statewide basis.

4354 ~~(11) REPORTS. The Office of Program Policy Analysis and~~
4355 ~~Government Accountability shall assess the implementation,~~
4356 ~~efficiency, and outcomes of the school readiness program and~~
4357 ~~report its findings to the President of the Senate and the~~
4358 ~~Speaker of the House of Representatives by January 1, 2002.~~
4359 ~~Subsequent reviews shall be conducted at the direction of the~~
4360 ~~Joint Legislative Auditing Committee.~~

4361 Section 116. Section 411.011, Florida Statutes, is amended
4362 to read:

4363 411.011 Records of children in school readiness
4364 programs.--The individual records of children enrolled in school
4365 readiness programs provided under s. 411.01, when held in the
4366 possession of the school readiness coalition or the Florida
4367 Partnership for School Readiness, are confidential and exempt
4368 from the provisions of s. 119.07 and s. 24(a), Art. I of the
4369 State Constitution. For the purposes of this section, records
4370 include assessment data, health data, records of teacher
4371 observations, and identifying data, including the child's social
4372 security number. A parent, guardian, or individual acting as a
4373 parent in the absence of a parent or guardian has the right to
4374 inspect and review the individual school readiness program
4375 record of his or her child and to obtain a copy of the record.
4376 School readiness records may be released to the United States
4377 Secretary of Education, the United States Secretary of Health
4378 and Human Services, and the Comptroller General of the United
4379 States for the purpose of federal audits; to individuals or



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4380 organizations conducting studies for institutions to develop,
4381 validate, or administer assessments or improve instruction; to
4382 accrediting organizations in order to carry out their
4383 accrediting functions; to appropriate parties in connection with
4384 an emergency if the information is necessary to protect the
4385 health or safety of the student or other individuals; to the
4386 Office of Government Accountability ~~Auditor General~~ in
4387 connection with its ~~his or her~~ official functions; to a court of
4388 competent jurisdiction in compliance with an order of that court
4389 pursuant to a lawfully issued subpoena; and to parties to an
4390 interagency agreement among school readiness coalitions, local
4391 governmental agencies, providers of school readiness programs,
4392 state agencies, and the Florida Partnership for School Readiness
4393 for the purpose of implementing the school readiness program.
4394 Agencies, organizations, or individuals that receive school
4395 readiness records in order to carry out their official functions
4396 must protect the data in a manner that will not permit the
4397 personal identification of students and their parents by persons
4398 other than those authorized to receive the records. This section
4399 is subject to the Open Government Sunset Review Act of 1995 in
4400 accordance with s. 119.15 and shall stand repealed on October 2,
4401 2005, unless reviewed and saved from repeal through reenactment
4402 by the Legislature.

4403 Section 117. Subsection (2) of section 411.221, Florida
4404 Statutes, is amended to read:

4405 411.221 Prevention and early assistance strategic plan;
4406 agency responsibilities.--

4407 (2) The strategic plan and subsequent plan revisions shall
4408 incorporate and otherwise utilize, to the fullest extent



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4409 possible, the evaluation findings and recommendations from
4410 intraagency, independent third-party, field projects, and
4411 reports issued by the ~~Auditor General or the~~ Office of Program
4412 ~~Policy Analysis and~~ Government Accountability, as well as the
4413 recommendations of the State Coordinating Council for School
4414 Readiness Programs.

4415 Section 118. Subsection (1) of section 421.091, Florida
4416 Statutes, is amended to read:

4417 421.091 Financial accounting and investments; fiscal
4418 year.--

4419 (1) A complete and full financial accounting and audit in
4420 accordance with federal audit standards of public housing
4421 agencies shall be made biennially by a certified public
4422 accountant. A copy of such audit shall be filed with the
4423 governing body and with the Office of Government Accountability
4424 ~~Auditor General~~.

4425 Section 119. Subsection (2) of section 427.705, Florida
4426 Statutes, is amended to read:

4427 427.705 Administration of the telecommunications access
4428 system.--

4429 (2) The administrator shall be audited annually by an
4430 independent auditing firm to assure proper management of any
4431 revenues it receives and disburses. The administrator's books
4432 and records shall be open to the commission and to the Office of
4433 Government Accountability ~~Auditor General~~ for review upon
4434 request. The commission shall have the authority to establish
4435 fiscal and operational requirements for the administrator to
4436 follow in order to ensure that the administrative costs of the
4437 system are reasonable.



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4438 Section 120. Section 443.1316, Florida Statutes, is
 4439 amended to read:

4440 443.1316 Contract with Department of Revenue for
 4441 unemployment tax collection services.--By January 1, 2001, the
 4442 Agency for Workforce Innovation shall enter into a contract with
 4443 the Department of Revenue which shall provide for the Department
 4444 of Revenue to provide unemployment tax collection services. The
 4445 Department of Revenue, in consultation with the Department of
 4446 Labor and Employment Security, shall determine the number of
 4447 positions needed to provide unemployment tax collection services
 4448 within the Department of Revenue. The number of unemployment tax
 4449 collection service positions the Department of Revenue
 4450 determines are needed shall not exceed the number of positions
 4451 that, prior to the contract, were authorized to the Department
 4452 of Labor and Employment Security for this purpose. Upon entering
 4453 into the contract with the Agency for Workforce Innovation to
 4454 provide unemployment tax collection services, the number of
 4455 required positions, as determined by the Department of Revenue,
 4456 shall be authorized within the Department of Revenue. Beginning
 4457 January 1, 2002, the Office of ~~Program Policy Analysis and~~
 4458 Government Accountability shall conduct a feasibility study
 4459 regarding privatization of unemployment tax collection services.
 4460 A report on the conclusions of this study shall be submitted to
 4461 the Governor, the President of the Senate, and the Speaker of
 4462 the House of Representatives. The Department of Revenue is
 4463 considered to be administering a revenue law of this state when
 4464 the department provides unemployment compensation tax collection
 4465 services pursuant to a contract of the department with the
 4466 Agency for Workforce Innovation. Sections 213.018, 213.025,



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4467 213.051, 213.053, 213.055, 213.071, 213.10, 213.2201, 213.23,
 4468 213.24(2), 213.27, 213.28, 213.285, 213.37, 213.50, 213.67,
 4469 213.69, 213.73, 213.733, 213.74, and 213.757 apply to the
 4470 collection of unemployment contributions by the Department of
 4471 Revenue unless prohibited by federal law.

4472 Section 121. Subsection (6) of section 445.003, Florida
 4473 Statutes, is amended to read:

4474 445.003 Implementation of the federal Workforce Investment
 4475 Act of 1998.--

4476 (6) LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.--

4477 ~~(a)~~ Workforce Florida, Inc., may recommend workforce-
 4478 related divisions, bureaus, units, programs, duties,
 4479 commissions, boards, and councils that can be eliminated,
 4480 consolidated, or privatized.

4481 ~~(b) The Office of Program Policy Analysis and Government~~
 4482 ~~Accountability shall review the workforce development system, as~~
 4483 ~~established by this act. The office shall submit its final~~
 4484 ~~report and recommendations by December 31, 2002, to the~~
 4485 ~~President of the Senate and the Speaker of the House of~~
 4486 ~~Representatives.~~

4487 Section 122. Subsections (9), (10), and (11) of section
 4488 445.004, Florida Statutes, are renumbered as subsections (8),
 4489 (9), and (10), respectively, and present subsections (8) and (9)
 4490 of said section are amended to read:

4491 445.004 Workforce Florida, Inc.; creation; purpose;
 4492 membership; duties and powers.--

4493 ~~(8) The Auditor General may, pursuant to his or her own~~
 4494 ~~authority or at the direction of the Legislative Auditing~~
 4495 ~~Committee, conduct an audit of Workforce Florida, Inc., or the~~



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4496 ~~programs or entities created by Workforce Florida, Inc. The~~
4497 ~~Office of Program Policy Analysis and Government Accountability,~~
4498 ~~pursuant to its authority or at the direction of the Legislative~~
4499 ~~Auditing Committee, may review the systems and controls related~~
4500 ~~to performance outcomes and quality of services of Workforce~~
4501 ~~Florida, Inc.~~

4502 (8)~~(9)~~ Workforce Florida, Inc., in collaboration with the
4503 regional workforce boards and appropriate state agencies and
4504 local public and private service providers, and in consultation
4505 with the Office of ~~Program Policy Analysis and Government~~
4506 ~~Accountability~~, shall establish uniform measures and standards
4507 to gauge the performance of the workforce development strategy.
4508 These measures and standards must be organized into three
4509 outcome tiers.

4510 (a) The first tier of measures must be organized to
4511 provide benchmarks for systemwide outcomes. Workforce Florida,
4512 Inc., must, in collaboration with the Office of ~~Program Policy~~
4513 ~~Analysis and Government Accountability~~, establish goals for the
4514 tier-one outcomes. Systemwide outcomes may include employment in
4515 occupations demonstrating continued growth in wages; continued
4516 employment after 3, 6, 12, and 24 months; reduction in and
4517 elimination of public assistance reliance; job placement;
4518 employer satisfaction; and positive return on investment of
4519 public resources.

4520 (b) The second tier of measures must be organized to
4521 provide a set of benchmark outcomes for the initiatives of the
4522 First Jobs/First Wages Council, the Better Jobs/Better Wages
4523 Council, and the High Skills/High Wages Council and for each of
4524 the strategic components of the workforce development strategy.



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4525 Cost per entered employment, earnings at placement, retention in
 4526 employment, job placement, and entered employment rate must be
 4527 included among the performance outcome measures.

4528 (c) The third tier of measures must be the operational
 4529 output measures to be used by the agency implementing programs,
 4530 and it may be specific to federal requirements. The tier-three
 4531 measures must be developed by the agencies implementing
 4532 programs, and Workforce Florida, Inc., may be consulted in this
 4533 effort. Such measures must be reported to Workforce Florida,
 4534 Inc., by the appropriate implementing agency.

4535 (d) Regional differences must be reflected in the
 4536 establishment of performance goals and may include job
 4537 availability, unemployment rates, average worker wage, and
 4538 available employable population.

4539 (e) Job placement must be reported pursuant to s. 1008.39.
 4540 Positive outcomes for providers of education and training must
 4541 be consistent with ss. 1008.42 and 1008.43.

4542 (f) The uniform measures of success that are adopted by
 4543 Workforce Florida, Inc., or the regional workforce boards must
 4544 be developed in a manner that provides for an equitable
 4545 comparison of the relative success or failure of any service
 4546 provider in terms of positive outcomes.

4547 (g) By December 1 of each year, Workforce Florida, Inc.,
 4548 shall provide the Legislature with a report detailing the
 4549 performance of Florida's workforce development system, as
 4550 reflected in the three-tier measurement system. Additionally,
 4551 this report must benchmark Florida outcomes, at all tiers,
 4552 against other states that collect data similarly.

4553 Section 123. Paragraph (d) of subsection (3) of section



4554 445.009, Florida Statutes, is amended to read:

4555 445.009 One-stop delivery system.--

4556 (3) Notwithstanding any other provision of law, any
 4557 memorandum of understanding in effect on June 30, 2000, between
 4558 a regional workforce board and the Department of Labor and
 4559 Employment Security governing the delivery of workforce services
 4560 shall remain in effect until September 30, 2000. Beginning
 4561 October 1, 2000, regional workforce boards shall enter into a
 4562 memorandum of understanding with the Agency for Workforce
 4563 Innovation for the delivery of employment services authorized by
 4564 the federal Wagner-Peyser Act. This memorandum of understanding
 4565 must be performance based.

4566 ~~(d) The Office of Program Policy Analysis and Government~~
 4567 ~~Accountability, in consultation with Workforce Florida, Inc.,~~
 4568 ~~shall review the delivery of employment services under the~~
 4569 ~~Wagner-Peyser Act and the integration of those services with~~
 4570 ~~other activities performed through the one-stop delivery system~~
 4571 ~~and shall provide recommendations to the Legislature for~~
 4572 ~~improving the effectiveness of the delivery of employment~~
 4573 ~~services in this state. The Office of Program Policy Analysis~~
 4574 ~~and Government Accountability shall submit a report and~~
 4575 ~~recommendations to the Governor, the President of the Senate,~~
 4576 ~~and the Speaker of the House of Representatives by December 31,~~
 4577 ~~2002.~~

4578 Section 124. Paragraph (a) of subsection (1) of section
 4579 445.011, Florida Statutes, is amended to read:

4580 445.011 Workforce information systems.--

4581 (1) Workforce Florida, Inc., shall implement, subject to
 4582 legislative appropriation, automated information systems that



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4583 are necessary for the efficient and effective operation and
 4584 management of the workforce development system. These
 4585 information systems shall include, but need not be limited to,
 4586 the following:

4587 (a) An integrated management system for the one-stop
 4588 service delivery system, which includes, at a minimum, common
 4589 registration and intake, screening for needs and benefits, case
 4590 planning and tracking, training benefits management, service and
 4591 training provider management, performance reporting, executive
 4592 information and reporting, and customer-satisfaction tracking
 4593 and reporting.

4594 1. The system should report current budgeting,
 4595 expenditure, and performance information for assessing
 4596 performance related to outcomes, service delivery, and financial
 4597 administration for workforce programs pursuant to s. 445.004(5)
 4598 and (8)~~(9)~~.

4599 2. The information system should include auditable systems
 4600 and controls to ensure financial integrity and valid and
 4601 reliable performance information.

4602 3. The system should support service integration and case
 4603 management by providing for case tracking for participants in
 4604 welfare transition programs.

4605
 4606 Section 125. Subsection (10) of section 446.609, Florida
 4607 Statutes, is amended to read:

4608 446.609 Jobs for Florida's Graduates Act.--

4609 (10) ASSESSMENT OF PROGRAM RESULTS.--The success of the
 4610 Jobs for Florida's Graduates Program shall be assessed as
 4611 follows:



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4612 (a) No later than November 1 of each year of the Jobs for
 4613 Florida's Graduates Program, Jobs for America's Graduates, Inc.,
 4614 shall conduct and deliver to the Office of ~~Program Policy~~
 4615 ~~Analysis and~~ Government Accountability a full review and report
 4616 of the program's activities. The Office of ~~Program Policy~~
 4617 ~~Analysis and~~ Government Accountability shall audit and review
 4618 the report and deliver the report, along with its analysis and
 4619 any recommendations for expansion, curtailment, modification, or
 4620 continuation, to the board not later than December 31 of the
 4621 same year.

4622 (b) Beginning in the first year of the Jobs for Florida's
 4623 Graduates Program, the Office of Economic and Demographic
 4624 Research shall undertake, during the initial phase, an ongoing
 4625 longitudinal study of participants to determine the overall
 4626 efficacy of the program. The division shall transmit its
 4627 findings each year to the Office of ~~Program Policy Analysis and~~
 4628 Government Accountability for inclusion in the report provided
 4629 for in paragraph (a).

4630 Section 126. Paragraph (d) of subsection (3) and
 4631 subsection (9) of section 455.32, Florida Statutes, are amended
 4632 to read:

4633 455.32 Management Privatization Act.--

4634 (3) Based upon the request of any board, commission, or
 4635 council, the department is authorized to contract with a
 4636 corporation or other business entity to perform support services
 4637 specified in the contract. The contract must be in compliance
 4638 with this section and other applicable laws and must be approved
 4639 by the board before the department enters into the contract. The
 4640 department shall retain responsibility for any duties it



4641 currently exercises relating to its police powers and any other
 4642 current duty that is not provided to the corporation by the
 4643 contract. The contract shall provide, at a minimum, that:

4644 (d) The corporation keep financial and statistical
 4645 information as necessary to completely disclose the financial
 4646 condition and operation of the project and as requested by the
 4647 Office of ~~Program Policy Analysis and~~ Government Accountability,
 4648 ~~the Auditor General,~~ and the department.

4649 (9) The corporation shall provide for an annual financial
 4650 audit of its financial accounts and records by an independent
 4651 certified public accountant. The annual audit report shall
 4652 include a management letter in accordance with s. 11.45 and a
 4653 detailed supplemental schedule of expenditures for each
 4654 expenditure category. The annual audit report must be submitted
 4655 to the board, the department, and the Office of Government
 4656 Accountability ~~Auditor General~~ for review.

4657 Section 127. Paragraph (j) of subsection (3) of section
 4658 471.038, Florida Statutes, is amended to read:

4659 471.038 Florida Engineers Management Corporation.--

4660 (3) The Florida Engineers Management Corporation is
 4661 created to provide administrative, investigative, and
 4662 prosecutorial services to the board in accordance with the
 4663 provisions of chapter 455 and this chapter. The management
 4664 corporation may hire staff as necessary to carry out its
 4665 functions. Such staff are not public employees for the purposes
 4666 of chapter 110 or chapter 112, except that the board of
 4667 directors and the staff are subject to the provisions of s.
 4668 112.061. The provisions of s. 768.28 apply to the management
 4669 corporation, which is deemed to be a corporation primarily



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4670 acting as an instrumentality of the state, but which is not an
 4671 agency within the meaning of s. 20.03(11). The management
 4672 corporation shall:

4673 (j) Provide for an annual financial audit of its financial
 4674 accounts and records by an independent certified public
 4675 accountant. The annual audit report shall include a management
 4676 letter in accordance with s. 11.45 and a detailed supplemental
 4677 schedule of expenditures for each expenditure category. The
 4678 annual audit report must be submitted to the board, the
 4679 department, and the Office of Government Accountability ~~Auditor~~
 4680 ~~General~~ for review.

4681 Section 128. Subsection (4) of section 527.22, Florida
 4682 Statutes, is amended to read:

4683 527.22 Florida Propane Gas Education, Safety, and Research
 4684 Council established; membership; duties and responsibilities.--

4685 (4) The council shall keep minutes, accounting records,
 4686 and other records as necessary to clearly reflect all of the
 4687 acts and transactions of the council and regularly report such
 4688 information to the commissioner, along with such other
 4689 information as the commissioner requires. All records of the
 4690 council shall be kept on file with the department, and these
 4691 records and other documents about matters within the
 4692 jurisdiction of the council shall be subject to the review and
 4693 inspection of the department's Inspector General, the Office of
 4694 Government Accountability ~~Auditor General~~, and the members of
 4695 the council, or other interested parties upon request. All
 4696 records of the council are subject to the provisions of s.
 4697 119.07.

4698 Section 129. Paragraph (c) of subsection (2) of section



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4699 550.125, Florida Statutes, is amended to read:

4700 550.125 Uniform reporting system; bond requirement.--

4701 (2)

4702 (c) The ~~Auditor General and the~~ Office of ~~Program Policy~~
 4703 ~~Analysis and~~ Government Accountability may, pursuant to the
 4704 direction of the Auditor General ~~their own authority~~ or at the
 4705 direction of the Legislative Auditing Committee, audit, examine,
 4706 and check the books and records of any permitholder. These audit
 4707 reports shall become part of, and be maintained in, the division
 4708 files.

4709 Section 130. Paragraph (d) of subsection (10) of section
 4710 601.15, Florida Statutes, is amended to read:

4711 601.15 Advertising campaign; methods of conducting; excise
 4712 tax; emergency reserve fund; citrus research.--

4713 (10) The powers and duties of the Department of Citrus
 4714 include the following:

4715 (d) To keep books, records, and accounts of all of its
 4716 activities, which books, records, and accounts shall be open to
 4717 inspection, audit, and examination by the ~~Auditor General and~~
 4718 ~~the~~ Office of ~~Program Policy Analysis and~~ Government
 4719 Accountability.

4720 Section 131. Subsection (2) of section 616.263, Florida
 4721 Statutes, is amended to read:

4722 616.263 Annual reports of authority.--

4723 (2) The authority shall at all times maintain proper
 4724 accounting systems and procedures and shall be subject to audit
 4725 by the Office of Government Accountability ~~Auditor General~~.

4726 Section 132. Subsection (5) of section 744.708, Florida
 4727 Statutes, is amended to read:



4728 744.708 Reports and standards.--

4729 (5) An independent audit by a qualified certified public
 4730 accountant shall be performed at least every 2 years. The audit
 4731 should include an investigation into the practices of the office
 4732 for managing the person and property of the wards. A copy of the
 4733 report shall be submitted to the Statewide Public Guardianship
 4734 Office. In addition, the office of public guardian shall be
 4735 subject to audits or examinations by the ~~Auditor General and the~~
 4736 ~~Office of Program Policy Analysis and Government Accountability~~
 4737 pursuant to law.

4738 Section 133. Subsection (3) of section 943.25, Florida
 4739 Statutes, is amended to read:

4740 943.25 Criminal justice trust funds; source of funds; use
 4741 of funds.--

4742 (3) The Office of Government Accountability ~~Auditor~~
 4743 ~~General~~ is directed in its ~~her or his~~ audit of courts to
 4744 ascertain that such assessments have been collected and remitted
 4745 and shall report to the Legislature. All such records of the
 4746 courts shall be open for its ~~her or his~~ inspection. The Office
 4747 of Government Accountability ~~Auditor General~~ is further directed
 4748 to conduct audits of the expenditures of the trust funds and to
 4749 report to the Legislature. Such audits shall be conducted in
 4750 accordance with s. 11.45.

4751 Section 134. Paragraph (a) of subsection (1) of section
 4752 944.105, Florida Statutes, is amended to read:

4753 944.105 Contractual arrangements with private entities for
 4754 operation and maintenance of correctional facilities and
 4755 supervision of inmates.--

4756 (1) The Department of Corrections is authorized to enter



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4757 into contracts with private vendors for the provision of the
4758 operation and maintenance of correctional facilities and the
4759 supervision of inmates. However, no such contract shall be
4760 entered into or renewed unless:

4761 (a) The contract offers a substantial savings to the
4762 department, as determined by the department. In determining the
4763 cost savings, the department, after consultation with the Office
4764 of Government Accountability Auditor General, shall calculate
4765 all the cost components that contribute to the inmate per diem,
4766 including all administrative costs associated with central and
4767 regional office administration. Services which are provided to
4768 the department by other government agencies without any direct
4769 cost to the department shall be assigned an equivalent cost and
4770 included in the per diem. The private firm shall be assessed the
4771 total annual cost to the state of monitoring the contract;

4772 Section 135. Paragraph (c) of subsection (2) of section
4773 944.512, Florida Statutes, is amended to read:

4774 944.512 State lien on proceeds from literary or other type
4775 of account of crime for which convicted.--

4776 (2) The proceeds of such account shall be distributed in
4777 the following order:

4778 (c) After payments have been made pursuant to paragraph
4779 (a) or paragraph (b), an amount equal to pay all court costs in
4780 the prosecution of the convicted felon, which shall include, but
4781 not be limited to, jury fees and expenses, court reporter fees,
4782 and reasonable per diem for the prosecuting attorneys for the
4783 state, shall go to the General Revenue Fund. Additional costs
4784 shall be assessed for the computed per capita cost of
4785 imprisonment or supervision by the state or county correctional



4786 system. Such costs shall be determined and certified by the
 4787 prosecuting attorney and the imprisoning entity and subject to
 4788 review by the Office of Government Accountability Auditor~~er~~
 4789 ~~General~~.

4790 Section 136. Subsections (3) and (5) of section 944.719,
 4791 Florida Statutes, are amended to read:

4792 944.719 Adoption of rules, monitoring, and reporting.--

4793 (3) The private vendor shall provide a work area at the
 4794 private correctional facility for use by the contract monitor
 4795 appointed by the department and shall provide the monitor with
 4796 access to all data, reports, and other materials that the
 4797 monitor, and the Auditor General, ~~and the Office of Program~~
 4798 ~~Policy Analysis and Government Accountability~~ determine are
 4799 necessary to carry out monitoring and auditing responsibilities.

4800 (5) The Office of ~~Program Policy Analysis and~~ Government
 4801 Accountability shall conduct a performance audit, including a
 4802 review of the annual financial audit of the private entity and
 4803 shall deliver a report to the Legislature by February 1 of the
 4804 third year following any contract awarded by the department for
 4805 the operation of a correctional facility by a private vendor.

4806 (a) The report shall determine the reasonableness of the
 4807 cost analysis procedures used by the department for comparing
 4808 services provided under the contract and for comparing the
 4809 quality of the services provided under the contract with the
 4810 costs and quality of similar services provided by the
 4811 department.

4812 (b) In preparing the report, the office shall consider, in
 4813 addition to other factors it determines are significant:

4814 1. The extent to which the private vendor and the



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4815 department have complied with the terms of the contract and ss.
 4816 944.710-944.719.

4817 2. The wages and benefits that are provided to the staff
 4818 of the private correctional facility as compared to wages and
 4819 benefits provided to employees of the department performing
 4820 comparable tasks.

4821 Section 137. Subsections (1) and (3) of section 946.516,
 4822 Florida Statutes, are amended to read:

4823 946.516 Corporation status report and annual financial
 4824 audit report.--

4825 (1) The corporation shall submit to the Governor and the
 4826 Legislature, on or before July 1 of each year, a report on the
 4827 status of the correctional work programs, including, but not
 4828 limited to, the proposed use of the profits from such programs,
 4829 a breakdown of the amount of noninmate labor used, work
 4830 subcontracted to other vendors, use of consultants, finished
 4831 goods purchased for resale, and the number of inmates working in
 4832 the correctional work programs at the time of such report. In
 4833 addition, the corporation shall submit to the department, the
 4834 Governor, the Legislature, and the Office of Government
 4835 Accountability Auditor General an annual financial audit report
 4836 and such other information as may be requested by the
 4837 Legislature, together with recommendations relating to
 4838 provisions for reasonable tax incentives to private enterprises
 4839 which employ inmates, parolees, or former inmates who have
 4840 participated in correctional work programs.

4841 (3) The corporation shall have an annual financial audit
 4842 of its accounts and records by an independent certified public
 4843 accountant retained by it and paid from its funds. ~~The Auditor~~



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4844 ~~General or the director of the Office of Program Policy Analysis~~
 4845 ~~and Government Accountability may, pursuant to his or her own~~
 4846 ~~authority or at the direction of the Joint Legislative Auditing~~
 4847 ~~Committee, conduct an audit of the corporation.~~

4848 Section 138. Subsection (3) of section 948.15, Florida
 4849 Statutes, is amended to read:

4850 948.15 Misdemeanor probation services.--

4851 (3) Any private entity providing services for the
 4852 supervision of misdemeanor probationers must contract with the
 4853 county in which the services are to be rendered. In a county
 4854 with a population of less than 70,000, the county court judge,
 4855 or the administrative judge of the county court in a county that
 4856 has more than one county court judge, must approve the contract.

4857 Terms of the contract must state, but are not limited to:

4858 (a) The extent of the services to be rendered by the
 4859 entity providing supervision or rehabilitation.

4860 (b) Staff qualifications and criminal record checks of
 4861 staff in accordance with essential standards established by the
 4862 American Correctional Association as of January 1, 1991.

4863 (c) Staffing levels.

4864 (d) The number of face-to-face contacts with the offender.

4865 (e) Procedures for handling the collection of all offender
 4866 fees and restitution.

4867 (f) Procedures for handling indigent offenders which
 4868 ensure placement irrespective of ability to pay.

4869 (g) Circumstances under which revocation of an offender's
 4870 probation may be recommended.

4871 (h) Reporting and recordkeeping requirements.

4872 (i) Default and contract termination procedures.



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4873 (j) Procedures that aid offenders with job assistance.

4874
 4875 In addition, the entity shall supply the chief judge's office
 4876 with a quarterly report summarizing the number of offenders
 4877 supervised by the private entity, payment of the required
 4878 contribution under supervision or rehabilitation, and the number
 4879 of offenders for whom supervision or rehabilitation will be
 4880 terminated. All records of the entity must be open to inspection
 4881 upon the request of the county, the court, the ~~Auditor General,~~
 4882 ~~the Office of Program Policy Analysis and Government~~
 4883 ~~Accountability,~~ or agents thereof.

4884 Section 139. Paragraph (a) of subsection (5) of section
 4885 957.07, Florida Statutes, is amended to read:

4886 957.07 Cost-saving requirements.--

4887 (5)(a) By February 1, 2002, and each year thereafter, the
 4888 Prison Per-Diem Workgroup shall develop consensus per diem rates
 4889 to be used when determining per diem rates of privately operated
 4890 prisons. The Office of ~~Program Policy Analysis and Government~~
 4891 ~~Accountability, the Office of the Auditor General,~~ and the
 4892 staffs of the appropriations committees of both the Senate and
 4893 the House of Representatives are the principals of the
 4894 workgroup. The workgroup may consult with other experts to
 4895 assist in the development of the consensus per diem rates. All
 4896 meetings of the workgroup shall be open to the public as
 4897 provided in chapter 286.

4898 Section 140. Section 957.11, Florida Statutes, is amended
 4899 to read:

4900 957.11 Evaluation of costs and benefits of contracts.--The
 4901 Office of ~~Program Policy Analysis and Government~~ Accountability



4902 may conduct an evaluation ~~shall develop and implement an~~
 4903 ~~evaluation of the costs and benefits~~ of each contract entered
 4904 into under this chapter. This evaluation must include a
 4905 comparison of the costs and benefits of constructing and
 4906 operating prisons by the state versus by private contractors.
 4907 ~~The Office of Program Policy Analysis and Government~~
 4908 ~~Accountability shall also evaluate the performance of the~~
 4909 ~~private contractor at the end of the term of each management~~
 4910 ~~contract and make recommendations to the Speaker of the House of~~
 4911 ~~Representatives and the President of the Senate on whether to~~
 4912 ~~continue the contract.~~

4913 Section 141. Paragraph (a) of subsection (1) of section
 4914 985.31, Florida Statutes, is amended to read:

4915 985.31 Serious or habitual juvenile offender.--

4916 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
 4917 provisions of this chapter and the establishment of appropriate
 4918 program guidelines and standards, contractual instruments, which
 4919 shall include safeguards of all constitutional rights, shall be
 4920 developed as follows:

4921 (a) The department shall provide for:

4922 1. The oversight of implementation of assessment and
 4923 treatment approaches.

4924 2. The identification and prequalification of appropriate
 4925 individuals or not-for-profit organizations, including minority
 4926 individuals or organizations when possible, to provide
 4927 assessment and treatment services to serious or habitual
 4928 delinquent children.

4929 3. The monitoring and evaluation of assessment and
 4930 treatment services for compliance with the provisions of this



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4931 chapter and all applicable rules and guidelines pursuant
4932 thereto.

4933 4. The development of an annual report on the performance
4934 of assessment and treatment to be presented to the Governor, the
4935 Attorney General, the President of the Senate, the Speaker of
4936 the House of Representatives, and the Office of Government
4937 Accountability Auditor General no later than January 1 of each
4938 year.

4939 Section 142. Paragraph (a) of subsection (1) of section
4940 985.311, Florida Statutes, is amended to read:

4941 985.311 Intensive residential treatment program for
4942 offenders less than 13 years of age.--

4943 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
4944 provisions of this chapter and the establishment of appropriate
4945 program guidelines and standards, contractual instruments, which
4946 shall include safeguards of all constitutional rights, shall be
4947 developed for intensive residential treatment programs for
4948 offenders less than 13 years of age as follows:

4949 (a) The department shall provide for:

4950 1. The oversight of implementation of assessment and
4951 treatment approaches.

4952 2. The identification and prequalification of appropriate
4953 individuals or not-for-profit organizations, including minority
4954 individuals or organizations when possible, to provide
4955 assessment and treatment services to intensive offenders less
4956 than 13 years of age.

4957 3. The monitoring and evaluation of assessment and
4958 treatment services for compliance with the provisions of this
4959 chapter and all applicable rules and guidelines pursuant



4960 thereto.

4961 4. The development of an annual report on the performance
 4962 of assessment and treatment to be presented to the Governor, the
 4963 Attorney General, the President of the Senate, the Speaker of
 4964 the House of Representatives, ~~the Auditor General,~~ and the
 4965 Office of ~~Program Policy Analysis and~~ Government Accountability
 4966 no later than January 1 of each year.

4967 Section 143. Paragraph (d) of subsection (4) of section
 4968 985.412, Florida Statutes, is amended to read:

4969 985.412 Quality assurance and cost-effectiveness.--

4970 (4)

4971 (d) In collaboration with the Office of Economic and
 4972 Demographic Research, and contract service providers, the
 4973 department shall develop a work plan to refine the cost-
 4974 effectiveness model so that the model is consistent with the
 4975 performance-based program budgeting measures approved by the
 4976 Legislature to the extent the department deems appropriate. The
 4977 department shall notify the Office of ~~Program Policy Analysis~~
 4978 ~~and~~ Government Accountability of any meetings to refine the
 4979 model.

4980 Section 144. Subsection (3) of section 985.416, Florida
 4981 Statutes, is amended to read:

4982 985.416 Innovation zones.--The department shall encourage
 4983 each of the juvenile justice circuit boards to propose at least
 4984 one innovation zone within the circuit for the purpose of
 4985 implementing any experimental, pilot, or demonstration project
 4986 that furthers the legislatively established goals of the
 4987 department. An innovation zone is a defined geographic area such
 4988 as a circuit, commitment region, county, municipality, service



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4989 delivery area, school campus, or neighborhood providing a
 4990 laboratory for the research, development, and testing of the
 4991 applicability and efficacy of model programs, policy options,
 4992 and new technologies for the department.

4993 (3) Before implementing an innovation zone under this
 4994 subsection, the secretary shall, in conjunction with the Office
 4995 of ~~Program Policy Analysis and~~ Government Accountability,
 4996 develop measurable and valid objectives for such zone within a
 4997 negotiated reasonable period of time. Moneys designated for an
 4998 innovation zone in one operating circuit may not be used to fund
 4999 an innovation zone in another operating circuit.

5000 Section 145. Subsection (4) of section 1001.24, Florida
 5001 Statutes, is amended to read:

5002 1001.24 Direct-support organization; use of property;
 5003 board of directors; audit.--

5004 (4) ANNUAL AUDIT.--Each direct-support organization shall
 5005 provide for an annual financial audit in accordance with s.
 5006 215.981. The identity of donors who desire to remain anonymous
 5007 shall be protected, and that anonymity shall be maintained in
 5008 the auditor's report. All records of the organization other than
 5009 the auditor's report, management letter, and any supplemental
 5010 data requested by the ~~Auditor General and the~~ Office of ~~Program~~
 5011 ~~Policy Analysis and~~ Government Accountability shall be
 5012 confidential and exempt from the provisions of s. 119.07(1).

5013 Section 146. Subsection (4) of section 1001.453, Florida
 5014 Statutes, is amended to read:

5015 1001.453 Direct-support organization; use of property;
 5016 board of directors; audit.--

5017 (4) ANNUAL AUDIT.--Each direct-support organization with



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5018 more than \$100,000 in expenditures or expenses shall provide for
 5019 an annual ~~financial~~ audit of its financial statements in order
 5020 to express an opinion on the fairness with which they are
 5021 presented in conformance with generally accepted accounting
 5022 principles. The audit is ~~accounts and records~~, to be conducted
 5023 by an independent certified public accountant in accordance with
 5024 rules adopted by the Office of Government Accountability Auditor
 5025 ~~General~~ pursuant to s. 11.45(8) and the Commissioner of
 5026 Education. The annual audit report shall be submitted within 9
 5027 months after the fiscal year's end to the district school board
 5028 and the Office of Government Accountability Auditor ~~General~~. The
 5029 Commissioner of Education, ~~the Auditor General~~, and the Office
 5030 of ~~Program Policy Analysis and~~ Government Accountability have
 5031 the authority to require and receive from the organization or
 5032 the district auditor any records relative to the operation of
 5033 the organization. The identity of donors and all information
 5034 identifying donors and prospective donors are confidential and
 5035 exempt from the provisions of s. 119.07(1), and that anonymity
 5036 shall be maintained in the auditor's report. All other records
 5037 and information shall be considered public records for the
 5038 purposes of chapter 119.

5039 Section 147. Paragraph (d) of subsection (3) of section
 5040 1002.22, Florida Statutes, is amended to read:

5041 1002.22 Student records and reports; rights of parents and
 5042 students; notification; penalty.--

5043 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
 5044 student who attends or has attended any public school, area
 5045 technical center, or public postsecondary educational
 5046 institution shall have the following rights with respect to any



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5047 records or reports created, maintained, and used by any public
5048 educational institution in the state. However, whenever a
5049 student has attained 18 years of age, or is attending a
5050 postsecondary educational institution, the permission or consent
5051 required of, and the rights accorded to, the parents of the
5052 student shall thereafter be required of and accorded to the
5053 student only, unless the student is a dependent student of such
5054 parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
5055 Revenue Code of 1954). The State Board of Education shall adopt
5056 rules whereby parents or students may exercise these rights:

5057 (d) Right of privacy.--Every student shall have a right of
5058 privacy with respect to the educational records kept on him or
5059 her. Personally identifiable records or reports of a student,
5060 and any personal information contained therein, are confidential
5061 and exempt from the provisions of s. 119.07(1). No state or
5062 local educational agency, board, public school, technical
5063 center, or public postsecondary educational institution shall
5064 permit the release of such records, reports, or information
5065 without the written consent of the student's parent, or of the
5066 student himself or herself if he or she is qualified as provided
5067 in this subsection, to any individual, agency, or organization.
5068 However, personally identifiable records or reports of a student
5069 may be released to the following persons or organizations
5070 without the consent of the student or the student's parent:

5071 1. Officials of schools, school systems, technical
5072 centers, or public postsecondary educational institutions in
5073 which the student seeks or intends to enroll; and a copy of such
5074 records or reports shall be furnished to the parent or student
5075 upon request. 2. Other school officials, including teachers



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5076 within the educational institution or agency, who have
5077 legitimate educational interests in the information contained in
5078 the records.

5079 3. The United States Secretary of Education, the Director
5080 of the National Institute of Education, the Assistant Secretary
5081 for Education, the Comptroller General of the United States, or
5082 state or local educational authorities who are authorized to
5083 receive such information subject to the conditions set forth in
5084 applicable federal statutes and regulations of the United States
5085 Department of Education, or in applicable state statutes and
5086 rules of the State Board of Education.

5087 4. Other school officials, in connection with a student's
5088 application for or receipt of financial aid.

5089 5. Individuals or organizations conducting studies for or
5090 on behalf of an institution or a board of education for the
5091 purpose of developing, validating, or administering predictive
5092 tests, administering student aid programs, or improving
5093 instruction, if such studies are conducted in such a manner as
5094 will not permit the personal identification of students and
5095 their parents by persons other than representatives of such
5096 organizations and if such information will be destroyed when no
5097 longer needed for the purpose of conducting such studies.

5098 6. Accrediting organizations, in order to carry out their
5099 accrediting functions.

5100 7. School readiness coalitions and the Florida Partnership
5101 for School Readiness in order to carry out their assigned
5102 duties.

5103 8. For use as evidence in student expulsion hearings
5104 conducted by a district school board pursuant to the provisions



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5105 of chapter 120.

5106 9. Appropriate parties in connection with an emergency, if
5107 knowledge of the information in the student's educational
5108 records is necessary to protect the health or safety of the
5109 student or other individuals.

5110 10. The ~~Auditor General and the~~ Office of ~~Program Policy~~
5111 ~~Analysis and~~ Government Accountability in connection with its
5112 ~~their~~ official functions; however, except when the collection of
5113 personally identifiable information is specifically authorized
5114 by law, any data collected by the ~~Auditor General and the~~ Office
5115 of ~~Program Policy Analysis and~~ Government Accountability is
5116 confidential and exempt from the provisions of s. 119.07(1) and
5117 shall be protected in such a way as will not permit the personal
5118 identification of students and their parents by other than the
5119 ~~Auditor General, the~~ Office of ~~Program Policy Analysis and~~
5120 Government Accountability, and its ~~their~~ staff, and such
5121 personally identifiable data shall be destroyed when no longer
5122 needed for the ~~Auditor General's and the~~ Office of ~~Program~~
5123 ~~Policy Analysis and~~ Government Accountability's official use.

5124 11.a. A court of competent jurisdiction in compliance with
5125 an order of that court or the attorney of record pursuant to a
5126 lawfully issued subpoena, upon the condition that the student
5127 and the student's parent are notified of the order or subpoena
5128 in advance of compliance therewith by the educational
5129 institution or agency.

5130 b. A person or entity pursuant to a court of competent
5131 jurisdiction in compliance with an order of that court or the
5132 attorney of record pursuant to a lawfully issued subpoena, upon
5133 the condition that the student, or his or her parent if the



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5134 student is either a minor and not attending a postsecondary
5135 educational institution or a dependent of such parent as defined
5136 in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of
5137 1954), is notified of the order or subpoena in advance of
5138 compliance therewith by the educational institution or agency.

5139 12. Credit bureaus, in connection with an agreement for
5140 financial aid that the student has executed, provided that such
5141 information may be disclosed only to the extent necessary to
5142 enforce the terms or conditions of the financial aid agreement.
5143 Credit bureaus shall not release any information obtained
5144 pursuant to this paragraph to any person.

5145 13. Parties to an interagency agreement among the
5146 Department of Juvenile Justice, school and law enforcement
5147 authorities, and other signatory agencies for the purpose of
5148 reducing juvenile crime and especially motor vehicle theft by
5149 promoting cooperation and collaboration, and the sharing of
5150 appropriate information in a joint effort to improve school
5151 safety, to reduce truancy and in-school and out-of-school
5152 suspensions, and to support alternatives to in-school and out-
5153 of-school suspensions and expulsions that provide structured and
5154 well-supervised educational programs supplemented by a
5155 coordinated overlay of other appropriate services designed to
5156 correct behaviors that lead to truancy, suspensions, and
5157 expulsions, and that support students in successfully completing
5158 their education. Information provided in furtherance of such
5159 interagency agreements is intended solely for use in determining
5160 the appropriate programs and services for each juvenile or the
5161 juvenile's family, or for coordinating the delivery of such
5162 programs and services, and as such is inadmissible in any court



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5163 proceedings prior to a dispositional hearing unless written
 5164 consent is provided by a parent or other responsible adult on
 5165 behalf of the juvenile.

5166
 5167 This paragraph does not prohibit any educational institution
 5168 from publishing and releasing to the general public directory
 5169 information relating to a student if the institution elects to
 5170 do so. However, no educational institution shall release, to any
 5171 individual, agency, or organization that is not listed in
 5172 subparagraphs 1.-13., directory information relating to the
 5173 student body in general or a portion thereof unless it is
 5174 normally published for the purpose of release to the public in
 5175 general. Any educational institution making directory
 5176 information public shall give public notice of the categories of
 5177 information that it has designated as directory information with
 5178 respect to all students attending the institution and shall
 5179 allow a reasonable period of time after such notice has been
 5180 given for a parent or student to inform the institution in
 5181 writing that any or all of the information designated should not
 5182 be released.

5183 Section 148. Subsections (4) through (9) of section
 5184 1002.36, Florida Statutes, are renumbered as subsections (3)
 5185 through (8), respectively, and present subsection (3) of said
 5186 section is amended to read:

5187 1002.36 Florida School for the Deaf and the Blind.--
 5188 ~~(3) AUDITS. The Auditor General shall audit the Florida~~
 5189 ~~School for the Deaf and the Blind as provided in chapter 11.~~

5190 Section 149. Paragraph (d) of subsection (5) of section
 5191 1002.37, Florida Statutes, is amended to read:



5192 1002.37 The Florida Virtual School.--

5193 (5) The board of trustees shall annually submit to the
 5194 Governor, the Legislature, the Commissioner of Education, and
 5195 the State Board of Education a complete and detailed report
 5196 setting forth:

5197 (d) A copy of an annual financial audit of the accounts
 5198 and records of the Florida Virtual School, conducted by an
 5199 independent certified public accountant and performed in
 5200 accordance with rules adopted by the Office of Government
 5201 Accountability Auditor General.

5202 Section 150. Subsection (5) of section 1004.28, Florida
 5203 Statutes, is amended to read:

5204 1004.28 Direct-support organizations; use of property;
 5205 board of directors; activities; audit; facilities.--

5206 (5) ANNUAL AUDIT.--Each direct-support organization shall
 5207 provide for an annual ~~financial~~ audit of its financial
 5208 statements in order to express an opinion on the fairness with
 5209 which they are presented in conformance with generally accepted
 5210 accounting principles. The audit is ~~accounts and records~~ to be
 5211 conducted by an independent certified public accountant in
 5212 accordance with rules adopted by the Office of Government
 5213 Accountability Auditor General pursuant to s. 11.45(8) and by
 5214 the university board of trustees. The annual audit report shall
 5215 be submitted, within 9 months after the end of the fiscal year,
 5216 to the Office of Government Accountability Auditor General and
 5217 the State Board of Education for review. The State Board of
 5218 Education, the university board of trustees, ~~the Auditor~~
 5219 ~~General~~, and the Office of ~~Program Policy Analysis and~~
 5220 Government Accountability shall have the authority to require



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5221 and receive from the organization or from its independent
 5222 auditor any records relative to the operation of the
 5223 organization. The identity of donors who desire to remain
 5224 anonymous shall be protected, and that anonymity shall be
 5225 maintained in the auditor's report. All records of the
 5226 organization other than the auditor's report, management letter,
 5227 and any supplemental data requested by the State Board of
 5228 Education, the university board of trustees, ~~the Auditor~~
 5229 ~~General~~, and the Office of ~~Program Policy Analysis and~~
 5230 Government Accountability shall be confidential and exempt from
 5231 the provisions of s. 119.07(1).

5232 Section 151. Subsection (5) of section 1004.29, Florida
 5233 Statutes, is amended to read:

5234 1004.29 University health services support
 5235 organizations.--

5236 (5) Each university health services support organization
 5237 shall provide for an annual financial audit in accordance with
 5238 s. 1004.28(5). The auditor's report, management letter, and any
 5239 supplemental data requested by the State Board of Education, the
 5240 university board of trustees, and the Office of Government
 5241 Accountability ~~Auditor General~~ shall be considered public
 5242 records, pursuant to s. 119.07.

5243 Section 152. Paragraph (d) of subsection (2) and paragraph
 5244 (b) of subsection (8) of section 1004.43, Florida Statutes, are
 5245 amended to read:

5246 1004.43 H. Lee Moffitt Cancer Center and Research
 5247 Institute.--There is established the H. Lee Moffitt Cancer
 5248 Center and Research Institute at the University of South
 5249 Florida.



5250 (2) The State Board of Education shall provide in the
 5251 agreement with the not-for-profit corporation for the following:

5252 (d) Preparation of an annual financial audit of the not-
 5253 for-profit corporation's accounts and records and the accounts
 5254 and records of any subsidiaries to be conducted by an
 5255 independent certified public accountant. The annual audit report
 5256 shall include a management letter, as defined in s. 11.45, and
 5257 shall be submitted to the Office of Government Accountability
 5258 ~~Auditor General~~ and the State Board of Education. The State
 5259 Board of Education, ~~the Auditor General,~~ and the Office of
 5260 ~~Program Policy Analysis and~~ Government Accountability shall have
 5261 the authority to require and receive from the not-for-profit
 5262 corporation and any subsidiaries or from their independent
 5263 auditor any detail or supplemental data relative to the
 5264 operation of the not-for-profit corporation or subsidiary.

5265 (8)

5266 (b) Proprietary confidential business information is
 5267 confidential and exempt from the provisions of s. 119.07(1) and
 5268 s. 24(a), Art. I of the State Constitution. However, ~~the Auditor~~
 5269 ~~General,~~ the Office of ~~Program Policy Analysis and~~ Government
 5270 Accountability, ~~and~~ the State Board of Education, pursuant to
 5271 their oversight and auditing functions, must be given access to
 5272 all proprietary confidential business information upon request
 5273 and without subpoena and must maintain the confidentiality of
 5274 information so received. As used in this paragraph, the term
 5275 "proprietary confidential business information" means
 5276 information, regardless of its form or characteristics, which is
 5277 owned or controlled by the not-for-profit corporation or its
 5278 subsidiaries; is intended to be and is treated by the not-for-



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5279 profit corporation or its subsidiaries as private and the
5280 disclosure of which would harm the business operations of the
5281 not-for-profit corporation or its subsidiaries; has not been
5282 intentionally disclosed by the corporation or its subsidiaries
5283 unless pursuant to law, an order of a court or administrative
5284 body, a legislative proceeding pursuant to s. 5, Art. III of the
5285 State Constitution, or a private agreement that provides that
5286 the information may be released to the public; and which is
5287 information concerning:

5288 1. Internal auditing controls and reports of internal
5289 auditors;

5290 2. Matters reasonably encompassed in privileged attorney-
5291 client communications;

5292 3. Contracts for managed-care arrangements, including
5293 preferred provider organization contracts, health maintenance
5294 organization contracts, and exclusive provider organization
5295 contracts, and any documents directly relating to the
5296 negotiation, performance, and implementation of any such
5297 contracts for managed-care arrangements;

5298 4. Bids or other contractual data, banking records, and
5299 credit agreements the disclosure of which would impair the
5300 efforts of the not-for-profit corporation or its subsidiaries to
5301 contract for goods or services on favorable terms;

5302 5. Information relating to private contractual data, the
5303 disclosure of which would impair the competitive interest of the
5304 provider of the information;

5305 6. Corporate officer and employee personnel information;

5306 7. Information relating to the proceedings and records of
5307 credentialing panels and committees and of the governing board



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5308 of the not-for-profit corporation or its subsidiaries relating
5309 to credentialing;

5310 8. Minutes of meetings of the governing board of the not-
5311 for-profit corporation and its subsidiaries, except minutes of
5312 meetings open to the public pursuant to subsection (9);

5313 9. Information that reveals plans for marketing services
5314 that the corporation or its subsidiaries reasonably expect to be
5315 provided by competitors;

5316 10. Trade secrets as defined in s. 688.002, including
5317 reimbursement methodologies or rates; or

5318 11. The identity of donors or prospective donors of
5319 property who wish to remain anonymous or any information
5320 identifying such donors or prospective donors. The anonymity of
5321 these donors or prospective donors must be maintained in the
5322 auditor's report.

5323

5324 As used in this paragraph, the term "managed care" means systems
5325 or techniques generally used by third-party payors or their
5326 agents to affect access to and control payment for health care
5327 services. Managed-care techniques most often include one or more
5328 of the following: prior, concurrent, and retrospective review of
5329 the medical necessity and appropriateness of services or site of
5330 services; contracts with selected health care providers;
5331 financial incentives or disincentives related to the use of
5332 specific providers, services, or service sites; controlled
5333 access to and coordination of services by a case manager; and
5334 payor efforts to identify treatment alternatives and modify
5335 benefit restrictions for high-cost patient care.

5336 Section 153. Paragraph (d) of subsection (3) of section



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5337 1004.445, Florida Statutes, is amended to read:

5338 1004.445 Florida Alzheimer's Center and Research
 5339 Institute.--

5340 (3) The State Board of Education shall provide in the
 5341 agreement with the not-for-profit corporation for the following:

5342 (d) Preparation of an annual postaudit of the not-for-
 5343 profit corporation's financial accounts and the financial
 5344 accounts of any subsidiaries to be conducted by an independent
 5345 certified public accountant. The annual audit report shall
 5346 include management letters and shall be submitted to the Office
 5347 of Government Accountability ~~Auditor General~~ and the State Board
 5348 of Education for review. The State Board of Education, ~~the~~
 5349 ~~Auditor General~~, and the Office of ~~Program Policy Analysis and~~
 5350 Government Accountability shall have the authority to require
 5351 and receive from the not-for-profit corporation and any
 5352 subsidiaries, or from their independent auditor, any detail or
 5353 supplemental data relative to the operation of the not-for-
 5354 profit corporation or subsidiary.

5355 Section 154. Subsection (2) of section 1004.58, Florida
 5356 Statutes, is amended to read:

5357 1004.58 Leadership Board for Applied Research and Public
 5358 Service.--

5359 (2) Membership of the board shall be:

5360 (a) The Commissioner of Education, or the commissioner's
 5361 designee, who shall serve as chair.

5362 (b) The director of the Office of Planning and Budgeting
 5363 of the Executive Office of the Governor.

5364 (c) The secretary of the Department of Management
 5365 Services.



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5366 (d) The director of Economic and Demographic Research.

5367 ~~(e) The director of the Office of Program Policy Analysis~~
 5368 ~~and Government Accountability.~~

5369 ~~(e)(f)~~ The President of the Florida League of Cities.

5370 ~~(f)(g)~~ The President for the Florida Association of
 5371 Counties.

5372 ~~(g)(h)~~ The President of the Florida School Board
 5373 Association.

5374 ~~(h)(i)~~ Five additional university president members,
 5375 designated by the commissioner, to rotate annually.

5376 Section 155. Subsection (6) of section 1004.70, Florida
 5377 Statutes, is amended to read:

5378 1004.70 Community college direct-support organizations.--

5379 (6) ANNUAL AUDIT.--Each direct-support organization shall
 5380 provide for an annual ~~financial~~ audit of its financial
 5381 statements in order to express an opinion on the fairness with
 5382 which they are presented in conformance with generally accepted
 5383 accounting principles. The audit is to be conducted by an
 5384 independent certified public accountant in accordance with rules
 5385 adopted by the Office of Governmental Accountability Auditor
 5386 ~~General~~ pursuant to s. 11.45(8). The annual audit report must be
 5387 submitted, within 9 months after the end of the fiscal year, to
 5388 the Office of Government Accountability Auditor ~~General~~, the
 5389 State Board of Education, and the board of trustees for review.
 5390 The board of trustees, ~~the Auditor General~~, and the Office of
 5391 ~~Program Policy Analysis and Government Accountability~~ may
 5392 require and receive from the organization or from its
 5393 independent auditor any detail or supplemental data relative to
 5394 the operation of the organization. The identity of donors who



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5395 | desire to remain anonymous shall be protected, and that
 5396 | anonymity shall be maintained in the auditor's report. All
 5397 | records of the organization, other than the auditor's report,
 5398 | any information necessary for the auditor's report, any
 5399 | information related to the expenditure of funds, and any
 5400 | supplemental data requested by the board of trustees,~~the~~
 5401 | ~~Auditor General,~~ and the Office of ~~Program Policy Analysis and~~
 5402 | Government Accountability, shall be confidential and exempt from
 5403 | the provisions of s. 119.07(1).

5404 | Section 156. Subsection (5) of section 1004.78, Florida
 5405 | Statutes, is amended to read:

5406 | 1004.78 Technology transfer centers at community
 5407 | colleges.--

5408 | (5) A technology transfer center shall be financed from
 5409 | the Academic Improvement Program or from moneys of a community
 5410 | college which are on deposit or received for use in the
 5411 | activities conducted in the center. Such moneys shall be
 5412 | deposited by the community college in a permanent technology
 5413 | transfer fund in a depository or depositories approved for the
 5414 | deposit of state funds and shall be accounted for and disbursed
 5415 | subject to audit by the Office of Government Accountability
 5416 | ~~Auditor General~~.

5417 | Section 157. Subsection (7) of section 1005.37, Florida
 5418 | Statutes, is amended to read:

5419 | 1005.37 Student Protection Fund.--

5420 | (7) The Student Protection Fund must be actuarially sound,
 5421 | periodically audited by the Office of Government Accountability
 5422 | ~~Auditor General~~ in connection with its ~~his or her~~ audit of the
 5423 | Department of Education, and reviewed to determine if additional



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5424 fees must be charged to schools eligible to participate in the
 5425 fund.

5426 Section 158. Subsection (6) of section 1006.07, Florida
 5427 Statutes, is amended to read:

5428 1006.07 District school board duties relating to student
 5429 discipline and school safety.--The district school board shall
 5430 provide for the proper accounting for all students, for the
 5431 attendance and control of students at school, and for proper
 5432 attention to health, safety, and other matters relating to the
 5433 welfare of students, including:

5434 (6) SAFETY AND SECURITY BEST PRACTICES.--Use the Safety
 5435 and Security Best Practices developed by the Office of ~~Program~~
 5436 ~~Policy Analysis and~~ Government Accountability to conduct a self-
 5437 assessment of the school districts' current safety and security
 5438 practices. Based on these self-assessment findings, the district
 5439 school superintendent shall provide recommendations to the
 5440 district school board which identify strategies and activities
 5441 that the district school board should implement in order to
 5442 improve school safety and security. Annually each district
 5443 school board must receive the self-assessment results at a
 5444 publicly noticed district school board meeting to provide the
 5445 public an opportunity to hear the district school board members
 5446 discuss and take action on the report findings. Each district
 5447 school superintendent shall report the self-assessment results
 5448 and school board action to the commissioner within 30 days after
 5449 the district school board meeting.

5450 Section 159. Section 1006.19, Florida Statutes, is amended
 5451 to read:

5452 1006.19 Audit of records of nonprofit corporations and



5453 associations handling interscholastic activities.--

5454 (1) Each nonprofit association or corporation that
 5455 operates for the purpose of supervising and controlling
 5456 interscholastic activities of public high schools and whose
 5457 membership is composed of duly certified representatives of
 5458 public high schools, and whose rules and regulations are
 5459 established by members thereof, shall have an annual financial
 5460 audit of its accounts and records by an independent certified
 5461 public accountant retained by it and paid from its funds. The
 5462 accountant shall furnish a copy of the audit report to the
 5463 Office of Government Accountability ~~Auditor General~~.

5464 (2) Any such nonprofit association or corporation shall
 5465 keep adequate and complete records of all moneys received by it,
 5466 including the source and amount, and all moneys spent by it,
 5467 including salaries, fees, expenses, travel allowances, and all
 5468 other items of expense. All records of any such organization
 5469 shall be open for inspection by the Office of Government
 5470 Accountability ~~Auditor General~~.

5471 Section 160. Section 1008.35, Florida Statutes, is amended
 5472 to read:

5473 1008.35 Best financial management practices for school
 5474 districts; standards; reviews; designation of school
 5475 districts.--

5476 (1) The purpose of best financial management practices
 5477 reviews is to improve Florida school district management and use
 5478 of resources and to identify cost savings. The Office of ~~Program~~
 5479 ~~Policy Analysis and~~ Government Accountability ~~is (OPPACA) and~~
 5480 ~~the Office of the Auditor General~~ are directed to develop a
 5481 system for reviewing the financial management practices of



5482 school districts. ~~In this system, the Auditor General shall~~
 5483 ~~assist OPPAGA in examining district operations to determine~~
 5484 ~~whether they meet "best financial management practices."~~

5485 (2) The best financial management practices adopted by the
 5486 Commissioner of Education may be updated periodically after
 5487 consultation with the Legislature, the Governor, the Department
 5488 of Education, school districts, and the Office of Government
 5489 Accountability Auditor General. The Office of Government
 5490 Accountability OPPAGA shall submit to the Commissioner of
 5491 Education for review and adoption proposed revisions to the best
 5492 financial management practices adopted by the commissioner. The
 5493 best financial management practices, at a minimum, must instill
 5494 public confidence by addressing the school district's use of
 5495 resources, identifying ways that the district could save funds,
 5496 and improving districts' performance accountability systems,
 5497 including public accountability. To achieve these objectives,
 5498 best practices shall be developed for, but need not be limited
 5499 to, the following areas:

- 5500 (a) Management structures.
- 5501 (b) Performance accountability.
- 5502 (c) Efficient delivery of educational services, including
 5503 instructional materials.
- 5504 (d) Administrative and instructional technology.
- 5505 (e) Personnel systems and benefits management.
- 5506 (f) Facilities construction.
- 5507 (g) Facilities maintenance.
- 5508 (h) Student transportation.
- 5509 (i) Food service operations.
- 5510 (j) Cost control systems, including asset management, risk



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5511 management, financial management, purchasing, internal auditing,
5512 and financial auditing.

5513

5514 In areas for which the commissioner has not adopted best
5515 practices, the Office of Government Accountability ~~OPPAGA~~ may
5516 develop additional best financial management practices, with
5517 input from a broad range of stakeholders. The Office of
5518 Government Accountability ~~OPPAGA~~ shall present any additional
5519 best practices to the commissioner for review and adoption.
5520 Revised best financial management practices adopted by the
5521 commissioner must be used in the next year's scheduled school
5522 district reviews conducted according to this section.

5523 (3) The Office of Government Accountability ~~OPPAGA~~ shall
5524 contract with a private firm selected through a formal request
5525 for proposal process to perform the review, to the extent that
5526 funds are provided for this purpose in the General
5527 Appropriations Act each year. When sufficient funds are not
5528 provided to contract for all the scheduled best financial
5529 management practices reviews, the Office of Government
5530 Accountability ~~OPPAGA~~ shall conduct the remaining reviews
5531 scheduled for that year, except as otherwise provided in this
5532 act. At least one member of the private firm review team shall
5533 have expertise in school district finance. The scope of the
5534 review shall focus on the best practices adopted by the
5535 Commissioner of Education, pursuant to subsection (2). The
5536 Office of Government Accountability ~~OPPAGA~~ may include
5537 additional items in the scope of the review after seeking input
5538 from the school district and the Department of Education.

5539 (4) The Office of Government Accountability ~~OPPAGA~~ shall



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5540 consult with the Commissioner of Education throughout the best
 5541 practices review process to ensure that the technical expertise
 5542 of the Department of Education benefits the review process and
 5543 supports the school districts before, during, and after the
 5544 review.

5545 (5) It is the intent of the Legislature that each school
 5546 district shall be subject to a best financial management
 5547 practices review. The Legislature also intends that all school
 5548 districts shall be reviewed on a continuing 5-year cycle, as
 5549 follows, unless specified otherwise in the General
 5550 Appropriations Act, or as provided in this section:

5551 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,
 5552 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River, Monroe,
 5553 Osceola, and Bradford.

5554 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,
 5555 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,
 5556 and Franklin.

5557 (c) Year 3: Palm Beach, Orange, Seminole, Lee, Escambia,
 5558 Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie, Liberty,
 5559 and Lafayette.

5560 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,
 5561 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,
 5562 Hardee, DeSoto, and Glades.

5563 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,
 5564 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,
 5565 Washington, and Calhoun.

5566 (6)(a) The ~~Joint~~ Legislative Auditing Committee may adjust
 5567 the schedule of districts to be reviewed when unforeseen
 5568 circumstances prevent initiation of reviews scheduled in a given



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5569 year.

5570 (b) Once the 5-year cycle has been completed, reviews
 5571 shall continue, beginning again with those districts included in
 5572 year one of the cycle unless a district has requested and
 5573 received a waiver as provided in subsection (17).

5574 (7) At the direction of the ~~Joint~~ Legislative Auditing
 5575 Committee or the President of the Senate and the Speaker of the
 5576 House of Representatives, and subject to funding by the
 5577 Legislature, the Office of Government Accountability ~~OPPAGA~~ may
 5578 conduct, or contract with a private firm to conduct, up to two
 5579 additional best financial management practices reviews in
 5580 districts not scheduled for review during that year if such
 5581 review is necessary to address adverse financial conditions.

5582 (8) Reviews shall be conducted by the Office of Government
 5583 Accountability ~~OPPAGA~~ and the consultant to the extent
 5584 specifically funded by the Legislature in the General
 5585 Appropriations Act for this purpose. Such funds may be used for
 5586 the cost of reviews by the Office of Government Accountability
 5587 ~~OPPAGA~~ and private consultants contracted by the Office of
 5588 Government Accountability ~~director of~~ ~~OPPAGA~~. Costs may include
 5589 professional services, travel expenses of the Office of
 5590 Government Accountability ~~OPPAGA~~ ~~and staff of the Auditor~~
 5591 ~~General~~, and any other necessary expenses incurred as part of a
 5592 best financial management practices review.

5593 (9) Districts scheduled for review must complete a self-
 5594 assessment instrument provided by the Office of Government
 5595 Accountability ~~OPPAGA~~ which indicates the school district's
 5596 evaluation of its performance on each best practice. The
 5597 district must begin the self-assessment not later than 60 days



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5598 prior to the commencement of the review. The completed self-
5599 assessment instrument and supporting documentation must be
5600 submitted to the Office of Government Accountability ~~OPPAGA~~ not
5601 later than the date of commencement of the review as notified by
5602 the Office of Government Accountability ~~OPPAGA~~. The best
5603 practice review team will use this self-assessment information
5604 during their review of the district.

5605 (10) During the review, the Office of Government
5606 Accountability ~~OPPAGA~~ and the consultant conducting the review,
5607 if any, shall hold at least one advertised public forum as part
5608 of the review in order to explain the best financial management
5609 practices review process and obtain input from students,
5610 parents, the business community, and other district residents
5611 regarding their concerns about the operations and management of
5612 the school district.

5613 (11) District reviews conducted under this section must be
5614 completed within 6 months after commencement. The Office of
5615 Government Accountability ~~OPPAGA~~ shall issue a final report to
5616 the President of the Senate, the Speaker of the House of
5617 Representatives, and the district regarding the district's use
5618 of best financial management practices and cost savings
5619 recommendations within 60 days after completing the reviews.
5620 Copies of the final report shall be provided to the Governor,
5621 the Commissioner of Education, and to the chairs of school
5622 advisory councils and district advisory councils established
5623 pursuant to s. 1001.452(1)(a) and (b). The district school board
5624 shall notify all members of the school advisory councils and
5625 district advisory council by mail that the final report has been
5626 delivered to the school district and to the council chairs. The



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5627 notification shall also inform members of the Office of
5628 Government Accountability ~~OPPAGA~~ website address at which an
5629 electronic copy of the report is available.

5630 (12) After receipt of the final report and before the
5631 district school board votes whether to adopt the action plan, or
5632 if no action plan was required because the district was found to
5633 be using the best practices, the district school board shall
5634 hold an advertised public forum to accept public input and
5635 review the findings and recommendations of the report. The
5636 district school board shall advertise and promote this forum in
5637 a manner appropriate to inform school and district advisory
5638 councils, parents, school district employees, the business
5639 community, and other district residents of the opportunity to
5640 attend this meeting. The Office of Government Accountability
5641 ~~OPPAGA~~ and the consultant, if any, shall also be represented at
5642 this forum.

5643 (13)(a) If the district is found not to conform to best
5644 financial management practices, the report must contain an
5645 action plan detailing how the district could meet the best
5646 practices within 2 years. The district school board must decide,
5647 by a majority plus one vote within 90 days after receipt of the
5648 final report, whether or not to implement the action plan and
5649 pursue a "Seal of Best Financial Management" awarded by the
5650 State Board of Education to qualified school districts. If a
5651 district fails to vote on the action plan within 90 days,
5652 district school board members may be required to appear and
5653 present testimony before a legislative committee, pursuant to s.
5654 11.143.

5655 (b) The district school board may vote to reverse a



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5656 decision not to implement an action plan, provided that the
 5657 action plan is implemented and there is still sufficient time,
 5658 as determined by the district school board, to meet the best
 5659 practices within 2 years after issuance of the final report.

5660 (c) Within 90 days after the receipt of the final report,
 5661 the district school board must notify the Auditor General ~~OPPACA~~
 5662 and the Commissioner of Education in writing of the date and
 5663 outcome of the district school board vote on whether to adopt
 5664 the action plan. If the district school board fails to vote on
 5665 whether to adopt the action plan, the district school
 5666 superintendent must notify the Office of Government
 5667 Accountability ~~OPPACA~~ and the Commissioner of Education. The
 5668 Department of Education may contact the school district, assess
 5669 the situation, urge the district school board to vote, and offer
 5670 technical assistance, if needed.

5671 (14) If a district school board votes to implement the
 5672 action plan:

5673 (a) No later than 1 year after receipt of the final
 5674 report, the district school board must submit an initial status
 5675 report to the President of the Senate, the Speaker of the House
 5676 of Representatives, the Governor, the Office of Government
 5677 Accountability ~~OPPACA, the Auditor General,~~ the State Board of
 5678 Education, and the Commissioner of Education on progress made
 5679 toward implementing the action plan and whether changes have
 5680 occurred in other areas of operation that would affect
 5681 compliance with the best practices.

5682 (b) A second status report must be submitted by the school
 5683 district to the President of the Senate, the Speaker of the
 5684 House of Representatives, the Governor, the Office of Government



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5685 Accountability, ~~OPPAGA, the Auditor General,~~ the Commissioner of
 5686 Education, and the State Board of Education no later than 1 year
 5687 after submission of the initial report.

5688
 5689 Status reports are not required once the Office of Government
 5690 Accountability ~~OPPAGA~~ concludes that the district is using best
 5691 practices.

5692 (15) After receipt of each of a district's two status
 5693 reports required by subsection (14), the Office of Government
 5694 Accountability ~~OPPAGA~~ shall assess the district's implementation
 5695 of the action plan and progress toward implementing the best
 5696 financial management practices in areas covered by the plan.
 5697 Following each assessment, the Office of Government
 5698 Accountability ~~OPPAGA~~ shall issue a report to the President of
 5699 the Senate, the Speaker of the House of Representatives, and the
 5700 district indicating whether the district has successfully
 5701 implemented the best financial management practices. Copies of
 5702 the report must be provided to the Governor, ~~the Auditor~~
 5703 ~~General,~~ the Commissioner of Education, and the State Board of
 5704 Education. If a district has failed to implement an action plan
 5705 adopted pursuant to subsection (13), district school board
 5706 members and the district school superintendent may be required
 5707 to appear before a legislative committee, pursuant to s. 11.143,
 5708 to present testimony regarding the district's failure to
 5709 implement such action plan.

5710 (16) District school boards that successfully implement
 5711 the best financial management practices within 2 years, or are
 5712 determined in the review to be using the best practices, are
 5713 eligible to receive a "Seal of Best Financial Management." Upon



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5714 notification to the Commissioner of Education and the State
 5715 Board of Education by the Office of Government Accountability
 5716 ~~OPPAGA~~ that a district has been found to be using the best
 5717 financial management practices, the State Board of Education
 5718 shall award that district a "Seal of Best Financial Management"
 5719 certifying that the district is adhering to the state's best
 5720 financial management practices. The State Board of Education
 5721 designation shall be effective for 5 years from the
 5722 certification date or until the next review is completed,
 5723 whichever is later. During the designation period, the district
 5724 school board shall annually, not later than the anniversary date
 5725 of the certification, notify the Office of Government
 5726 Accountability ~~OPPAGA, the Auditor General,~~ the Commissioner of
 5727 Education, and the State Board of Education of any changes in
 5728 policies or operations or any other situations that would not
 5729 conform to the state's best financial management practices. The
 5730 State Board of Education may revoke the designation of a
 5731 district school board at any time if it determines that a
 5732 district is no longer complying with the state's best financial
 5733 management practices. If no such changes have occurred and the
 5734 district school board determines that the school district
 5735 continues to conform to the best financial management practices,
 5736 the district school board shall annually report that information
 5737 to the State Board of Education, with copies to the Office of
 5738 Government Accountability ~~OPPAGA, the Auditor General,~~ and the
 5739 Commissioner of Education.

5740 (17)(a) A district school board that has been awarded a
 5741 "Seal of Best Financial Management" by the State Board of
 5742 Education and has annually reported to the State Board of



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5743 Education that the district is still conforming to the best
 5744 financial management practices may request a waiver from
 5745 undergoing its next scheduled Best Financial Management
 5746 Practices review.

5747 (b) To apply for such waiver, not later than September 1
 5748 of the fiscal year prior to the fiscal year in which the
 5749 district is next scheduled for review, the district school board
 5750 shall certify to the Office of Government Accountability ~~OPPAGA~~
 5751 and the Department of Education the district school board's
 5752 determination that the school district is still conforming to
 5753 the best financial management practices.

5754 (c) After consultation with the Department of Education
 5755 and review of the district school board's determination, the
 5756 Office of Government Accountability ~~OPPAGA~~ may recommend to the
 5757 Legislative Budget Commission that the district be granted a
 5758 waiver for the next scheduled Best Financial Management
 5759 Practices review. If approved for waiver, the Office of
 5760 Government Accountability ~~OPPAGA~~ shall notify the school
 5761 district and the Department of Education that no review of that
 5762 district will be conducted during the next scheduled review
 5763 cycle. In that event, the district school board must continue
 5764 annual reporting to the State Board of Education as required in
 5765 subsection (16). District school boards granted a waiver for one
 5766 review cycle are not eligible for waiver of the next scheduled
 5767 review cycle.

5768 (18) District school boards that receive a best financial
 5769 management practices review must maintain records that will
 5770 enable independent verification of the implementation of the
 5771 action plan and any related fiscal impacts.



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5772 (19) Unrestricted cost savings resulting from
5773 implementation of the best financial management practices must
5774 be spent at the school and classroom levels for teacher
5775 salaries, teacher training, improved classroom facilities,
5776 student supplies, textbooks, classroom technology, and other
5777 direct student instruction activities. Cost savings identified
5778 for a program that has restrictive expenditure requirements
5779 shall be used for the enhancement of the specific program.

5780 Section 161. Subsection (1) of section 1008.46, Florida
5781 Statutes, is amended to read:

5782 1008.46 State university accountability process.--It is
5783 the intent of the Legislature that an accountability process be
5784 implemented that provides for the systematic, ongoing evaluation
5785 of quality and effectiveness of state universities. It is
5786 further the intent of the Legislature that this accountability
5787 process monitor performance at the system level in each of the
5788 major areas of instruction, research, and public service, while
5789 recognizing the differing missions of each of the state
5790 universities. The accountability process shall provide for the
5791 adoption of systemwide performance standards and performance
5792 goals for each standard identified through a collaborative
5793 effort involving state universities, the Legislature, and the
5794 Governor's Office. These standards and goals shall be consistent
5795 with s. 216.011(1) to maintain congruity with the performance-
5796 based budgeting process. This process requires that university
5797 accountability reports reflect measures defined through
5798 performance-based budgeting. The performance-based budgeting
5799 measures must also reflect the elements of teaching, research,
5800 and service inherent in the missions of the state universities.



5801 (1) By December 31 of each year, the State Board of
 5802 Education shall submit an annual accountability report providing
 5803 information on the implementation of performance standards,
 5804 actions taken to improve university achievement of performance
 5805 goals, the achievement of performance goals during the prior
 5806 year, and initiatives to be undertaken during the next year. The
 5807 accountability reports shall be designed in consultation with
 5808 the Governor's Office, the Office of ~~Program Policy Analysis and~~
 5809 Government Accountability, and the Legislature.

5810 Section 162. Subsection (4) of section 1009.265, Florida
 5811 Statutes, is amended to read:

5812 1009.265 State employee fee waivers.--

5813 (4) The Office of Government Accountability Auditor
 5814 ~~General~~ shall include a review of the cost assessment data in
 5815 conjunction with its ~~his or her~~ audit responsibilities for
 5816 community colleges, state universities, and the Department of
 5817 Education.

5818 Section 163. Paragraph (c) of subsection (5) of section
 5819 1009.53, Florida Statutes, is amended to read:

5820 1009.53 Florida Bright Futures Scholarship Program.--

5821 (5) The department shall issue awards from the scholarship
 5822 program annually. Annual awards may be for up to 45 semester
 5823 credit hours or the equivalent. Before the registration period
 5824 each semester, the department shall transmit payment for each
 5825 award to the president or director of the postsecondary
 5826 education institution, or his or her representative, except that
 5827 the department may withhold payment if the receiving institution
 5828 fails to report or to make refunds to the department as required
 5829 in this section.



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5830 (c) Each institution that receives moneys through this
5831 program shall prepare an annual report that includes an annual
5832 financial audit, conducted by an independent certified public
5833 accountant or the Office of Government Accountability Auditor
5834 ~~General~~. The report shall include an audit of the institution's
5835 administration of the program and a complete accounting of the
5836 moneys for the program. This report must be submitted to the
5837 department annually by March 1. The department may conduct its
5838 own annual audit of an institution's administration of the
5839 program. The department may request a refund of any moneys
5840 overpaid to the institution for the program. The department may
5841 suspend or revoke an institution's eligibility to receive future
5842 moneys for the program if the department finds that an
5843 institution has not complied with this section. The institution
5844 must remit within 60 days any refund requested in accordance
5845 with this subsection.

5846 Section 164. Section 1009.976, Florida Statutes, is
5847 amended to read:

5848 1009.976 Annual report.--On or before March 31 of each
5849 year, the Florida Prepaid College Board shall prepare or cause
5850 to be prepared separate reports setting forth in appropriate
5851 detail an accounting of the prepaid program and the savings
5852 program which include a description of the financial condition
5853 of each respective program at the close of the fiscal year. The
5854 board shall submit copies of the reports to the Governor, the
5855 President of the Senate, the Speaker of the House of
5856 Representatives, and the minority leaders of the House and
5857 Senate and shall make the report for the prepaid program
5858 available to each purchaser and the report for the savings



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5859 program available to each benefactor and designated beneficiary.
 5860 The accounts of the fund for the prepaid program and the savings
 5861 program shall be subject to annual audits by the Office of
 5862 Government Accountability ~~Auditor General~~.

5863 Section 165. Subsection (3) of section 1009.983, Florida
 5864 Statutes, is amended to read:

5865 1009.983 Direct-support organization; authority.--

5866 (3) The direct-support organization shall provide for an
 5867 annual financial audit in accordance with s. 215.981. The board
 5868 and Office of Government Accountability ~~Auditor General~~ may
 5869 require and receive from the organization or its independent
 5870 auditor any detail or supplemental data relative to the
 5871 operation of the organization.

5872 Section 166. Subsection (1) of section 1010.305, Florida
 5873 Statutes, is amended to read:

5874 1010.305 Audit of student enrollment.--

5875 (1) The Office of Government Accountability ~~Auditor~~
 5876 ~~General~~ shall periodically examine the records of school
 5877 districts, and other agencies as appropriate, to determine
 5878 compliance with law and State Board of Education rules relating
 5879 to the classification, assignment, and verification of full-time
 5880 equivalent student enrollment and student transportation
 5881 reported under the Florida Education Finance Program.

5882 Section 167. Subsection (2) of section 1011.10, Florida
 5883 Statutes, is amended to read:

5884 1011.10 Penalty.--

5885 (2) Each member of any district school board voting to
 5886 incur an indebtedness against the district school funds in
 5887 excess of the expenditure allowed by law, or in excess of any



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5888 appropriation as adopted in the original official budget or
 5889 amendments thereto, or to approve or pay any illegal charge
 5890 against the funds, and any chair of a district school board or
 5891 district school superintendent who signs a warrant for payment
 5892 of any such claim or bill of indebtedness against any of the
 5893 funds shall be personally liable for the amount, and shall be
 5894 guilty of malfeasance in office and subject to removal by the
 5895 Governor. It shall be the duty of the Office of Government
 5896 Accountability ~~Auditor General~~, other state officials, or
 5897 independent certified public accountants charged by law with the
 5898 responsibility for auditing school accounts, upon discovering
 5899 any such illegal expenditure or expenditures in excess of the
 5900 appropriations in the budget as officially amended, to certify
 5901 such fact to the Department of Banking and Finance, which
 5902 thereupon shall verify such fact and it shall be the duty of the
 5903 Department of Banking and Finance to advise the Department of
 5904 Legal Affairs thereof, and it shall be the duty of the
 5905 Department of Legal Affairs to cause to be instituted and
 5906 prosecuted, either through its office or through any state
 5907 attorney, proceedings at law or in equity against such member or
 5908 members of a district school board or district school
 5909 superintendent. If either of the officers does not institute
 5910 proceedings within 90 days after the audit has been certified to
 5911 them by the Department of Banking and Finance, any taxpayer may
 5912 institute suit in his or her own name on behalf of the district.

5913 Section 168. Subsection (6) of section 1011.51, Florida
 5914 Statutes, is amended to read:

5915 1011.51 Independent postsecondary endowment grants.--
 5916 (6) Matching endowment grants made pursuant to this



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5917 section to a qualified independent nonprofit college or
 5918 university shall be placed in a separate restricted endowment by
 5919 such institution. The interest or other income accruing from the
 5920 endowment shall be expended exclusively for professorships,
 5921 library resources, scientific and technical equipment, and
 5922 nonathletic scholarships. Moreover, the funds in the endowment
 5923 shall not be used for pervasively sectarian instruction,
 5924 religious worship, or theology or divinity programs or
 5925 resources. The records of the endowment shall be subject to
 5926 review by the department and audit or examination by the ~~Auditor~~
 5927 ~~General and the Office of Program Policy Analysis and Government~~
 5928 ~~Accountability~~. If any institution receiving a matching
 5929 endowment grant pursuant to this section ceases operations and
 5930 undergoes dissolution proceedings, then all funds received
 5931 pursuant to this section from the state shall be returned.

5932 Section 169. Paragraph (f) of subsection (2) of section
 5933 1013.35, Florida Statutes, is amended to read:

5934 1013.35 School district educational facilities plan;
 5935 definitions; preparation, adoption, and amendment; long-term
 5936 work programs.--

5937 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 5938 FACILITIES PLAN.--

5939 (f) Commencing on October 1, 2002, and not less than once
 5940 every 5 years thereafter, the district school board shall
 5941 contract with a qualified, independent third party to conduct a
 5942 financial management and performance audit of the educational
 5943 planning and construction activities of the district. An audit
 5944 conducted by the Office of ~~Program Policy Analysis and~~
 5945 ~~Government Accountability and the Auditor General~~ pursuant to s.



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5946 1008.35 satisfies this requirement.

5947 Section 170. Subsections (2) and (5) of section 1013.512,
5948 Florida Statutes, are amended to read:

5949 1013.512 Land Acquisition and Facilities Maintenance
5950 Operations Advisory Board.--

5951 (2) If the ~~director of the~~ Office of ~~Program Policy~~
5952 ~~Analysis and~~ Government Accountability (~~OPPACA~~) or the ~~Auditor~~
5953 ~~General~~ determines in a review or examination that significant
5954 deficiencies exist in a school district's land acquisition and
5955 facilities maintenance operational processes, it ~~he or she~~ shall
5956 certify to the President of the Senate, the Speaker of the House
5957 of Representatives, the Legislative Budget Commission, and the
5958 Governor that the deficiency exists. The Legislative Budget
5959 Commission shall determine whether funds for the school district
5960 will be placed in reserve until the deficiencies are corrected.

5961 (5) Within 60 days of convening, the Land Acquisition and
5962 Facilities Maintenance Operations Advisory Board shall assess
5963 the district's progress and corrective actions and report to the
5964 Commissioner of Education. The advisory board's report must
5965 address the release of any funds placed in reserve by the
5966 Executive Office of the Governor. Any recommendation from the
5967 advisory board for the release of funds shall include a
5968 certification that policies established, procedures followed,
5969 and expenditures made by the school board related to site
5970 acquisition and facilities planning, construction, and
5971 maintenance operations are consistent with recommendations of
5972 the Land Acquisition and Facilities Maintenance Operations
5973 Advisory Board and will accomplish corrective action and address
5974 recommendations made by the Office of ~~Program Policy Analysis~~



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5975 ~~and~~ Government Accountability ~~and the Auditor General~~. If the
 5976 advisory board does not recommend release of the funds held in
 5977 reserve, they shall provide additional assistance and submit a
 5978 subsequent report 60 days after the previous report.

5979 Section 171. Section 34 of chapter 2002-22, Laws of
 5980 Florida, is amended to read:

5981 Section 34. Before the 2005 Regular Legislative Session of
 5982 the Legislature, the Office of ~~Program Policy Analysis and~~
 5983 Government Accountability shall conduct a review of and prepare
 5984 a report on the progress of the Division of Vocational
 5985 Rehabilitation of the Department of Education.

5986 Section 172. This act shall take effect on July 1, 2003.

5987