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A bill to be entitled

An act relating to government accountability; amending s. 11.40, F.S.; combining the Office of the Auditor General and the Office of Program Policy Analysis and Government Accountability into the Office of Government Accountability; amending s. 11.42, F.S.; deleting qualifications for employees of the Auditor General's Office; deleting the provisions relating to the headquarters of the Auditor General; deleting provisions relating to payrolls and vouchers of the Auditor General; deleting the provisions relating to employment restrictions for employees of the Auditor General; authorizing the Office of Government Accountability to perform certain reviews; creating s. 11.421, F.S.; creating the Office of Government Accountability; designating the Auditor General as the head of the Office of Government Accountability; requiring the Auditor General to appoint a Deputy Auditor General to direct the Division of Policy Analysis and Agency Review; requiring the Deputy Auditor General to have experience in policy analysis and program evaluation; providing for the Legislative Auditing Committee to confirm appointment of the Deputy Auditor General; providing qualifications for employees of the Office of Government Accountability; authorizing certain persons to be employed as a financial auditor or a legal advisor in the Office of Government Accountability; providing for the headquarters and field offices of the Office of Government Accountability; providing for payrolls and vouchers of the Office of



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



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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 (8)(9) Sections 11.25(1) and 11.26 shall not apply to the
328 Auditor General.

329 Section 3. Section 11.421, Florida Statutes, is created to
330 read:

331 11.421 The Office of Government Accountability.--

332 (1) There is created an Office of Government
333 Accountability.

334 (2) The Auditor General is the head of the Office of
335 Government Accountability.

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



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349 (4) The Auditor General shall appoint a Deputy Auditor
350 General to direct the Division of Policy Analysis and Agency
351 Review. At the time of the appointment, the Deputy Auditor
352 General must have had 10 years' experience in policy analysis
353 and program evaluation. The appointment shall be subject to
354 confirmation by a majority vote of the Legislative Auditing
355 Committee.

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

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

374 (7)(a) The headquarters of the Office of Government
375 Accountability shall be at the state capital, but to facilitate
376 auditing and to eliminate unnecessary travel, the Office of
377 Government Accountability may establish field offices located



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378 outside the state capital. The Office of Government
379 Accountability shall be provided with adequate quarters to carry
380 out its duties and responsibilities in the state capital and in
381 other areas of the state.

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

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

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

403 11.45 Definitions; duties; authorities; reports; rules.--

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

406 (a) Conduct audits, including, but not limited to,



407 examinations, policy analysis, program evaluations and
 408 justification reviews, reviews, and other engagements ~~of records~~
 409 and perform related duties as prescribed by law, concurrent
 410 resolution of the Legislature, or as directed by the Legislative
 411 Auditing Committee.

412 (b) Annually conduct a financial audit of state
 413 government.

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

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

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

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

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



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436 and the Legislature as to how the reporting system can be
437 improved and how program costs can be reduced. The local
438 government financial reporting system should provide for the
439 timely, accurate, uniform, and cost-effective accumulation of
440 financial and other information that can be used by the members
441 of the Legislature and other appropriate officials to accomplish
442 the following goals:

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

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

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

464 (j)~~(h)~~ Once every 3 years, conduct performance audits of



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465 the Department of Revenue's administration of the ad valorem tax
466 laws as described in s. 195.096.

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

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

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

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

492 (o) Provide a statement in its reports whether the entity
493 audited by the Office of Government Accountability must file a



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

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



523 of governmental entities as authorized in subsection (3).

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

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

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

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

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

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

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



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552 (f)~~6~~. State financial assistance provided to any nonstate
553 entity.

554 (g)~~7~~. The Tobacco Settlement Financing Corporation created
555 pursuant to s. 215.56005.

556 (h)~~8~~. The Florida Virtual School created pursuant to s.
557 1002.37.

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

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

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



581 ~~(l)12.~~ The records pertaining to the use of funds from
 582 voluntary contributions on a motor vehicle registration
 583 application or on a driver's license application authorized
 584 pursuant to ss. 320.023 and 322.081.

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

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

592 ~~(o)15.~~ The acquisitions and divestitures related to the
 593 Florida Communities Trust Program created pursuant to chapter
 594 380.

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

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

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

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

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



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610 (u)21. The Florida Engineers Management Corporation
611 created pursuant to chapter 471.

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

614 (w)23. The books and records of any permitholder that
615 conducts race meetings or jai alai exhibitions under chapter
616 550.

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

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

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

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

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

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



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639 Auditor General may temporarily or indefinitely postpone such
640 audits or other engagements for such period or any portion
641 thereof, unless otherwise directed by the committee.

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

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

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



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668 representative, within 30 days after the receipt of the list of
 669 findings, or within 15 days after receipt of the list of
 670 findings when requested by the Office of Government
 671 Accountability his or her written statement of explanation or
 672 rebuttal concerning all of the findings, including corrective
 673 action to be taken to preclude a recurrence of all findings.

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

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

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



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697 municipality shall pay the cost of the audit within 90 days
 698 after the Office of Government Accountability ~~Auditor General's~~
 699 determination that the municipality has the available resources.
 700 If the municipality fails to pay the cost of the audit, the
 701 Department of Revenue shall, upon certification of the Office of
 702 Government Accountability ~~Auditor General~~, withhold from that
 703 portion of the distribution pursuant to s. 212.20(6)(d)6. which
 704 is distributable to such municipality, a sum sufficient to pay
 705 the cost of the audit and shall deposit that sum into the
 706 General Revenue Fund of the state.

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

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

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

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



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

745 (7) OFFICE OF GOVERNMENT ACCOUNTABILTY AUDITOR GENERAL
 746 REPORTING REQUIREMENTS.--

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

753 (b) The Office of Government Accountability Auditor
 754 General, in consultation with the Board of Accountancy, shall



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755 review all audit reports submitted pursuant to s. 218.39. The
756 Office of Government Accountability ~~Auditor General~~ shall
757 request any significant items that were omitted in violation of
758 a rule adopted by the Office of Government Accountability
759 ~~Auditor General~~. The items must be provided within 45 days after
760 the date of the request. If the governmental entity does not
761 comply with the Office of Government Accountability's ~~Auditor~~
762 ~~General's~~ request, the Office of Government Accountability
763 ~~Auditor General~~ shall notify the Legislative Auditing Committee.
764 The committee shall proceed in accordance with s. 11.40(5).

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

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



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

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



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813 Accountability Auditor General. The Office of Government
814 Accountability Auditor General shall include financial
815 information provided pursuant to s. 218.32(1)(e) for entities
816 with fiscal years ending on or after June 30, 2003, within its
817 ~~his or her~~ reports submitted pursuant to this paragraph.

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

839 (h) The Auditor General shall transmit to the President of
840 the Senate, the Speaker of the House of Representatives, and the
841 Legislative Auditing Committee by December 1 of each year a list



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842 of statutory and fiscal changes recommended by the Auditor
 843 General. The Auditor General may also transmit recommendations
 844 at other times of the year when the information would be timely
 845 and useful for the Legislature.

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

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

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

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

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

870 Section 5. Section 11.47, Florida Statutes, is amended to



871 read:

872 11.47 Penalties; failure to make a proper audit or
 873 examination; making a false report; failure to produce documents
 874 or information.--

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

883 (2) The willful failure or refusal of the Auditor General,
 884 ~~director of the Office of Program Policy Analysis and Government~~
 885 ~~Accountability,~~ or any staff employed by the Office of
 886 Government Accountability Auditor General or the Office of
 887 Program Policy Analysis and Government Accountability to make a
 888 proper audit or examination in line with his or her duty, the
 889 willful making of a false report as to any audit or examination,
 890 or the willful failure or refusal to report a shortage or
 891 misappropriation of funds or property shall be cause for removal
 892 from such office or employment, and the Auditor General,~~the~~
 893 ~~director of the Office of Program Policy Analysis and Government~~
 894 ~~Accountability,~~ or a staff member shall be guilty of a
 895 misdemeanor of the first degree, punishable as provided in s.
 896 775.082 or s. 775.083.

897 (3) Any person who willfully fails or refuses to furnish
 898 or produce any book, record, paper, document, data, or
 899 sufficient information necessary to a proper audit or



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900 examination which the Office of Government Accountability
 901 ~~Auditor General or the Office of Program Policy Analysis and~~
 902 ~~Government Accountability~~ is by law authorized to perform shall
 903 be guilty of a misdemeanor of the first degree, punishable as
 904 provided in s. 775.082 or s. 775.083.

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

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

913 ~~11.51 Office of Program Policy Analysis and Government~~
 914 ~~Accountability.~~

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

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

927 ~~(3) The Office of Program Policy Analysis and Government~~
 928 ~~Accountability shall maintain a schedule of examinations of~~



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929 ~~state programs.~~

930 ~~(4) The Office of Program Policy Analysis and Government~~
931 ~~Accountability is authorized to examine all entities and records~~
932 ~~listed in s. 11.45(3)(a).~~

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

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



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958 ~~accurate, the Office of Program Policy Analysis and Government~~
959 ~~Accountability shall report to the Legislative Auditing~~
960 ~~Committee and to the legislative standing committees concerned~~
961 ~~with the subject areas of the audit. The report shall include a~~
962 ~~summary of the agencies' responses, the evaluation of those~~
963 ~~responses, and any recommendations deemed to be appropriate.~~

964 Section 7. Section 11.511, Florida Statutes, is repealed:

965 ~~11.511 Director of the Office of Program Policy Analysis~~
966 ~~and Government Accountability; appointment; employment of staff;~~
967 ~~powers and duties.—~~

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

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

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

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

986 ~~(3)(a) The director shall make all spending decisions~~



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987 ~~under the annual operating budget approved by the President of~~
988 ~~the Senate and the Speaker of the House of Representatives. The~~
989 ~~director shall employ and set the compensation of such~~
990 ~~professional, technical, legal, and clerical staff as may be~~
991 ~~necessary to fulfill the responsibilities of the Office of~~
992 ~~Program Policy Analysis and Government Accountability, in~~
993 ~~accordance with the joint policies and procedures of the~~
994 ~~President of the Senate and the Speaker of the House of~~
995 ~~Representatives, and may remove these personnel. The staff must~~
996 ~~be chosen to provide a broad background of experience and~~
997 ~~expertise and, to the maximum extent possible, to represent a~~
998 ~~range of disciplines that includes law, engineering, public~~
999 ~~administration, environmental science, policy analysis,~~
1000 ~~economics, sociology, and philosophy.~~

1001 ~~(b) An officer or full-time employee of the Office of~~
1002 ~~Program Policy Analysis and Government Accountability may not~~
1003 ~~serve as the representative of any political party or on any~~
1004 ~~executive committee or other governing body thereof; receive~~
1005 ~~remuneration for activities on behalf of any candidate for~~
1006 ~~public office; or engage, on behalf of any candidate for public~~
1007 ~~office, in the solicitation of votes or other activities in~~
1008 ~~behalf of such candidacy. Neither the director of the Office of~~
1009 ~~Program Policy Analysis and Government Accountability nor any~~
1010 ~~employee of that office may become a candidate for election to~~
1011 ~~public office unless he or she first resigns from office or~~
1012 ~~employment.~~

1013 ~~(4) The director shall perform and/or contract for the~~
1014 ~~performance of examinations and other duties as prescribed by~~
1015 ~~law. The director shall perform his or her duties independently~~



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1016 ~~but under general policies established by the Legislative~~
 1017 ~~Auditing Committee.~~

1018 ~~(5) The director may adopt and enforce reasonable rules~~
 1019 ~~necessary to facilitate the examinations, reports, and other~~
 1020 ~~tasks that he or she is authorized to perform.~~

1021 ~~(6) When the director determines that conducting an~~
 1022 ~~examination would not be possible due to workload limitations or~~
 1023 ~~the project does not appear to be of critical interest to the~~
 1024 ~~Legislature, then, with the consent of the President of the~~
 1025 ~~Senate and the Speaker of the House of Representatives, the~~
 1026 ~~director may temporarily or indefinitely postpone such~~
 1027 ~~examinations. The director may at any time conduct a performance~~
 1028 ~~review of a governmental entity created by law.~~

1029 Section 8. Section 11.513, Florida Statutes, is amended to
 1030 read:

1031 11.513 Program evaluation and justification review.--

1032 (1) Each state agency may ~~shall~~ be subject to a program
 1033 evaluation and justification review by the Office of ~~Program~~
 1034 ~~Policy Analysis~~ and Government Accountability ~~as determined by~~
 1035 ~~the Legislative Auditing Committee. This review shall be~~
 1036 conducted at the discretion of the Auditor General upon
 1037 consultation with the Legislative Auditing Committee or the
 1038 Legislative Budget Commission. Each state agency shall offer its
 1039 complete cooperation to the Office of ~~Program Policy Analysis~~
 1040 ~~and~~ Government Accountability so that such review may be
 1041 accomplished.

1042 (2) A state agency's inspector general, internal auditor,
 1043 or other person designated by the agency head must ~~shall~~
 1044 develop, in consultation with the Office of ~~Program Policy~~



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1045 ~~Analysis and~~ Government Accountability, a plan for monitoring
1046 and reviewing the state agency's major programs to ensure that
1047 performance data are maintained timely and accurately and
1048 supported by agency records.

1049 (3) The program evaluation and justification review shall
1050 be ~~conducted on major programs, but may include other programs.~~
1051 ~~The review shall be~~ comprehensive in its scope but, at a
1052 minimum, must be conducted in such a manner as to specifically
1053 determine the following, and to consider and determine what
1054 changes, if any, are needed with respect thereto:

1055 (a) The identifiable cost of each program.

1056 (b) The specific purpose of each program, as well as the
1057 specific public benefit derived therefrom.

1058 (c) Progress toward achieving the outputs and outcomes
1059 associated with each program.

1060 (d) An explanation of circumstances contributing to the
1061 state agency's ability to achieve, not achieve, or exceed its
1062 projected outputs and outcomes, as defined in s. 216.011,
1063 associated with each program.

1064 (e) Alternate courses of action that would result in
1065 administration of the same program in a more efficient or
1066 effective manner. The courses of action to be considered must
1067 include, but are not limited to:

1068 1. Whether the program could be organized in a more
1069 efficient and effective manner, whether the program's mission,
1070 goals, or objectives should be redefined, or, when the state
1071 agency cannot demonstrate that its efforts have had a positive
1072 effect, whether the program should be reduced in size or
1073 eliminated.



1074 2. Whether the program could be administered more
1075 efficiently or effectively to avoid duplication of activities
1076 and ensure that activities are adequately coordinated.

1077 3. Whether the program could be performed more efficiently
1078 or more effectively by another unit of government or a private
1079 entity, or whether a program performed by a private entity could
1080 be performed more efficiently and effectively by a state agency.

1081 4. When compared to costs, whether effectiveness warrants
1082 elimination of the program or, if the program serves a limited
1083 interest, whether it should be redesigned to require users to
1084 finance program costs.

1085 5. Whether the cost to administer the program exceeds
1086 license and other fee revenues paid by those being regulated.

1087 6. Whether other changes could improve the efficiency and
1088 effectiveness of the program.

1089 (f) The consequences of discontinuing such program. If any
1090 discontinuation is recommended, such recommendation must be
1091 accompanied by a description of alternatives to implement such
1092 recommendation, including an implementation schedule for
1093 discontinuation and recommended procedures for assisting state
1094 agency employees affected by the discontinuation.

1095 (g) Determination as to public policy, which may include
1096 recommendations as to whether it would be sound public policy to
1097 continue or discontinue funding the program, either in whole or
1098 in part, in the existing manner.

1099 (h) Whether the information reported as part of the
1100 state's performance-based program budgeting system has relevance
1101 and utility for the evaluation of each program.

1102 (i) Whether state agency management has established



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1103 control systems sufficient to ensure that performance data are
1104 maintained and supported by state agency records and accurately
1105 presented in state agency performance reports.

1106 (4) Upon completion of a program evaluation and
1107 justification review ~~No later than December 1 of the second year~~
1108 ~~following the year in which an agency begins operating under a~~
1109 ~~performance-based program budget~~, the Office of Program Policy
1110 Analysis and Government Accountability shall submit a report of
1111 ~~evaluation and justification review~~ findings and recommendations
1112 to the President of the Senate, the Speaker of the House of
1113 Representatives, the chairpersons of the appropriate substantive
1114 committees, the chairpersons of the appropriations committees,
1115 the Legislative Auditing Committee, the Governor, the head of
1116 each state agency that was the subject of the evaluation and
1117 justification review, and the head of any state agency that is
1118 substantially affected by the findings and recommendations.

1119 (5) The Legislature intends that the program evaluation
1120 and justification review procedure be designed to assess the
1121 efficiency, effectiveness, and long-term implications of current
1122 or alternative state policies, and that the procedure results in
1123 recommendations for the improvement of such policies and state
1124 government. To that end, whenever possible, all reports
1125 submitted pursuant to subsection (4) must include an
1126 identification of the estimated financial consequences,
1127 including any potential savings, that could be realized if the
1128 recommendations or alternative courses of action were
1129 implemented.

1130 (6) Evaluation and justification reviews may include
1131 consideration of programs provided by other agencies which are



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1132 integrally related to the programs administered by the state
1133 agency or entity which is being reviewed ~~scheduled for review as~~
1134 ~~determined by the Legislative Auditing Committee.~~

1135 Section 9. Subsection (2) of section 14.203, Florida
1136 Statutes, is amended to read:

1137 14.203 State Council on Competitive Government.--It is the
1138 policy of this state that all state services be performed in the
1139 most effective and efficient manner in order to provide the best
1140 value to the citizens of the state. The state also recognizes
1141 that competition among service providers may improve the quality
1142 of services provided, and that competition, innovation, and
1143 creativity among service providers should be encouraged.

1144 (2) There is hereby created the State Council on
1145 Competitive Government, which shall be composed of the Governor
1146 and Cabinet, sitting as the Administration Commission as defined
1147 in s. 14.202. The council, on its own initiative, or the Office
1148 of ~~Program Policy Analysis and~~ Government Accountability,
1149 ~~created pursuant to s. 11.51,~~ may identify commercial activities
1150 currently being performed by state agencies and, if it is
1151 determined that such services may be better provided by
1152 requiring competition with private sources or other state agency
1153 service providers, may recommend that a state agency engage in
1154 any process, including competitive bidding, that creates
1155 competition with private sources or other state agency service
1156 providers.

1157 Section 10. Subsections (1) and (4) of section 17.041,
1158 Florida Statutes, are amended to read:

1159 17.041 County and district accounts and claims.--

1160 (1) It shall be the duty of the Department of Banking and



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1161 Finance of this state to adjust and settle, or cause to be
 1162 adjusted and settled, all accounts and claims heretofore or
 1163 hereafter reported to it by the Office of Government
 1164 Accountability Auditor General, the appropriate county or
 1165 district official, or any person against all county and district
 1166 officers and employees, and against all other persons entrusted
 1167 with, or who may have received, any property, funds, or moneys
 1168 of a county or district or who may be in anywise indebted to or
 1169 accountable to a county or district for any property, funds,
 1170 moneys, or other thing of value, and to require such officer,
 1171 employee, or person to render full accounts thereof and to yield
 1172 up such property, funds, moneys, or other thing of value
 1173 according to law to the officer or authority entitled by law to
 1174 receive the same.

1175 (4) Should it appear to the department that any criminal
 1176 statute of this state has or may have been violated by such
 1177 defaulting officer, employee, or person, such information,
 1178 evidence, documents, and other things tending to show such a
 1179 violation, whether in the hands of the Comptroller, the Office
 1180 of Government Accountability Auditor General, the county, or the
 1181 district, shall be forthwith turned over to the proper state
 1182 attorney for inspection, study, and such action as may be deemed
 1183 proper, or the same may be brought to the attention of the
 1184 proper grand jury.

1185 Section 11. Paragraph (g) of subsection (2) and paragraphs
 1186 (e), (f), and (g) of subsection (5) of section 20.055, Florida
 1187 Statutes, are amended to read:

1188 20.055 Agency inspectors general.--

1189 (2) The Office of Inspector General is hereby established



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1190 in each state agency to provide a central point for coordination
 1191 of and responsibility for activities that promote
 1192 accountability, integrity, and efficiency in government. It
 1193 shall be the duty and responsibility of each inspector general,
 1194 with respect to the state agency in which the office is
 1195 established, to:

1196 (g) Ensure effective coordination and cooperation between
 1197 the Office of Government Accountability ~~Auditor General~~, federal
 1198 auditors, and other governmental bodies with a view toward
 1199 avoiding duplication.

1200 (5) In carrying out the auditing duties and
 1201 responsibilities of this act, each inspector general shall
 1202 review and evaluate internal controls necessary to ensure the
 1203 fiscal accountability of the state agency. The inspector general
 1204 shall conduct financial, compliance, electronic data processing,
 1205 and performance audits of the agency and prepare audit reports
 1206 of his or her findings. The scope and assignment of the audits
 1207 shall be determined by the inspector general; however, the
 1208 agency head may at any time direct the inspector general to
 1209 perform an audit of a special program, function, or
 1210 organizational unit. The performance of the audit shall be under
 1211 the direction of the inspector general, except that if the
 1212 inspector general does not possess the qualifications specified
 1213 in subsection (4), the director of auditing shall perform the
 1214 functions listed in this subsection.

1215 (e) The inspector general shall submit the final report to
 1216 the agency head and to the Office of Government Accountability
 1217 ~~Auditor General~~.

1218 (f) The Office of Government Accountability ~~Auditor~~



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1219 ~~General~~, in connection with the independent audit ~~postaudit~~ of
 1220 the same agency pursuant to s. 11.45, shall give appropriate
 1221 consideration to internal audit reports and the resolution of
 1222 findings therein. The Legislative Auditing Committee may inquire
 1223 into the reasons or justifications for failure of the agency
 1224 head to correct the deficiencies reported in internal audits
 1225 that are also reported by the Office of Government
 1226 Accountability Auditor General and shall take appropriate
 1227 action.

1228 (g) The inspector general shall monitor the implementation
 1229 of the state agency's corrective action plan prepared in
 1230 accordance with s. 11.45(2)(o). ~~response to any report on the~~
 1231 ~~state agency issued by the Auditor General or by the Office of~~
 1232 ~~Program Policy Analysis and Government Accountability. No later~~
 1233 ~~than 6 months after the Auditor General or the Office of Program~~
 1234 ~~Policy Analysis and Government Accountability publishes a report~~
 1235 ~~on the state agency, the inspector general shall provide a~~
 1236 ~~written response to the agency head on the status of corrective~~
 1237 ~~actions taken. The Inspector General shall file a copy of such~~
 1238 ~~response with the Legislative Auditing Committee.~~

1239 Section 12. Subsection (6) of section 20.23, Florida
 1240 Statutes, is amended to read:

1241 20.23 Department of Transportation.--There is created a
 1242 Department of Transportation which shall be a decentralized
 1243 agency.

1244 (6) To facilitate the efficient and effective management
 1245 of the department in a businesslike manner, the department shall
 1246 develop a system for the submission of monthly management
 1247 reports to the Florida Transportation Commission and secretary



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1248 from the district secretaries. The commission and the secretary
 1249 shall determine which reports are required to fulfill their
 1250 respective responsibilities under this section. A copy of each
 1251 such report shall be submitted monthly to the appropriations and
 1252 transportation committees of the Senate and the House of
 1253 Representatives. Recommendations made by the Office of
 1254 Government Accountability ~~Auditor General~~ in its ~~his or her~~
 1255 audits of the department that relate to management practices,
 1256 systems, or reports shall be implemented in a timely manner.
 1257 However, if the department determines that one or more of the
 1258 recommendations should be altered or should not be implemented,
 1259 it shall provide a written explanation of such determination to
 1260 the Legislative Auditing Committee within 6 months after the
 1261 date the recommendations were published.

1262 Section 13. Paragraph (c) of subsection (2) of section
 1263 20.50, Florida Statutes, is amended to read:

1264 20.50 Agency for Workforce Innovation.--There is created
 1265 the Agency for Workforce Innovation within the Department of
 1266 Management Services. The agency shall be a separate budget
 1267 entity, and the director of the agency shall be the agency head
 1268 for all purposes. The agency shall not be subject to control,
 1269 supervision, or direction by the Department of Management
 1270 Services in any manner, including, but not limited to,
 1271 personnel, purchasing, transactions involving real or personal
 1272 property, and budgetary matters.

1273 (2) The Agency for Workforce Innovation shall be the
 1274 designated administrative agency for receipt of federal
 1275 workforce development grants and other federal funds, and shall
 1276 carry out the duties and responsibilities assigned by the



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1277 Governor under each federal grant assigned to the agency. The
 1278 agency shall be a separate budget entity and shall expend each
 1279 revenue source as provided by federal and state law and as
 1280 provided in plans developed by and agreements with Workforce
 1281 Florida, Inc. The agency shall prepare and submit as a separate
 1282 budget entity a unified budget request for workforce
 1283 development, in accordance with chapter 216 for, and in
 1284 conjunction with, Workforce Florida, Inc., and its board. The
 1285 head of the agency is the director of Workforce Innovation, who
 1286 shall be appointed by the Governor. Accountability and reporting
 1287 functions of the agency shall be administered by the director or
 1288 his or her designee. Included in these functions are budget
 1289 management, financial management, audit, performance management
 1290 standards and controls, assessing outcomes of service delivery,
 1291 and financial administration of workforce programs pursuant to
 1292 s. 445.004(5) and (8)~~(9)~~. Within the agency's overall
 1293 organizational structure, the agency shall include the following
 1294 offices which shall have the specified responsibilities:

1295 (a) The Office of Workforce Services shall administer the
 1296 unemployment compensation program, the Rapid Response program,
 1297 the Work Opportunity Tax Credit program, the Alien Labor
 1298 Certification program, and any other programs that are delivered
 1299 directly by agency staff rather than through the one-stop
 1300 delivery system. The office shall be directed by the Deputy
 1301 Director for Workforce Services, who shall be appointed by and
 1302 serve at the pleasure of the director.

1303 (b) The Office of Program Support and Accountability shall
 1304 administer state merit system program staff within the workforce
 1305 service delivery system, pursuant to policies of Workforce



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1306 Florida, Inc. The office shall be responsible for delivering
1307 services through the one-stop delivery system and for ensuring
1308 that participants in welfare transition programs receive case
1309 management services, diversion assistance, support services,
1310 including subsidized child care and transportation services,
1311 Medicaid services, and transition assistance to enable them to
1312 succeed in the workforce. The office shall also be responsible
1313 for program quality assurance, grants and contract management,
1314 contracting, financial management, and reporting. The office
1315 shall be directed by the Deputy Director for Program Support and
1316 Accountability, who shall be appointed by and serve at the
1317 pleasure of the director. The office shall be responsible for:

1318 1. Establishing monitoring, quality assurance, and quality
1319 improvement systems that routinely assess the quality and
1320 effectiveness of contracted programs and services.

1321 2. Annual review of each regional workforce board and
1322 administrative entity to ensure adequate systems of reporting
1323 and control are in place, and monitoring, quality assurance, and
1324 quality improvement activities are conducted routinely, and
1325 corrective action is taken to eliminate deficiencies.

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



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1335 Services, who shall be appointed by and serve at the pleasure of
 1336 the director. The office shall be responsible for establishing:

1337 1. Information systems and controls that report reliable,
 1338 timely and accurate fiscal and performance data for assessing
 1339 outcomes, service delivery, and financial administration of
 1340 workforce programs pursuant to s. 445.004(5) and (8)~~(9)~~.

1341 2. Information systems that support service integration
 1342 and case management by providing for case tracking for
 1343 participants in welfare transition programs.

1344 3. Information systems that support school readiness
 1345 services.

1346 (d) The Unemployment Appeals Commission, authorized by s.
 1347 443.012, shall not be subject to the control, supervision, or
 1348 direction by the Agency for Workforce Innovation in the
 1349 performance of its powers and duties but shall receive any and
 1350 all support and assistance from the agency that may be required
 1351 for the performance of its duties.

1352 Section 14. Paragraph (c) of subsection (12) of section
 1353 24.105, Florida Statutes, is amended to read:

1354 24.105 Powers and duties of department.--The department
 1355 shall:

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



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1364 legislative changes, the requested information shall be
1365 disclosed to him or her, and he or she may disclose such
1366 information to members of the Legislature and legislative staff
1367 as necessary to effect such purpose.

1368 Section 15. Paragraph (b) of subsection (7) of section
1369 24.108, Florida Statutes, is amended to read:

1370 24.108 Division of Security; duties; security report.--
1371 (7)

1372 (b) The portion of the security report containing the
1373 overall evaluation of the department in terms of each aspect of
1374 security shall be presented to the Governor, the President of
1375 the Senate, and the Speaker of the House of Representatives. The
1376 portion of the security report containing specific
1377 recommendations shall be confidential and shall be presented
1378 only to the secretary, the Governor, and the Office of
1379 Government Accountability ~~Auditor General~~; however, upon
1380 certification that such information is necessary for the purpose
1381 of effecting legislative changes, such information shall be
1382 disclosed to the President of the Senate and the Speaker of the
1383 House of Representatives, who may disclose such information to
1384 members of the Legislature and legislative staff as necessary to
1385 effect such purpose. However, any person who receives a copy of
1386 such information or other information which is confidential
1387 pursuant to this act or rule of the department shall maintain
1388 its confidentiality. The confidential portion of the report is
1389 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1390 of the State Constitution.

1391 Section 16. Subsection (4) of section 24.120, Florida
1392 Statutes, is amended to read:



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1393 24.120 Financial matters; Administrative Trust Fund;
 1394 interagency cooperation.--

1395 (4) The department shall cooperate with the State
 1396 Treasurer, the Comptroller, ~~the Auditor General~~, and the Office
 1397 of ~~Program Policy Analysis and~~ Government Accountability by
 1398 giving employees designated by any of them access to facilities
 1399 of the department for the purpose of efficient compliance with
 1400 their respective responsibilities.

1401 Section 17. Subsection (2) of section 24.123, Florida
 1402 Statutes, is amended to read:

1403 24.123 Annual audit of financial records and reports.--

1404 (2) The Office of Government Accountability ~~Auditor~~
 1405 ~~General~~ may at any time conduct an audit of any phase of the
 1406 operations of the state lottery and shall receive a copy of the
 1407 yearly independent financial audit and any security report
 1408 prepared pursuant to s. 24.108.

1409 Section 18. Subsection (3) of section 25.075, Florida
 1410 Statutes, is amended to read:

1411 25.075 Uniform case reporting system.--

1412 (3) The Office of Government Accountability ~~Auditor~~
 1413 ~~General~~ shall audit the reports made to the Supreme Court in
 1414 accordance with the uniform system established by the Supreme
 1415 Court.

1416 Section 19. Paragraph (k) of subsection (2) of section
 1417 39.202, Florida Statutes, is amended to read:

1418 39.202 Confidentiality of reports and records in cases of
 1419 child abuse or neglect.--

1420 (2) Access to such records, excluding the name of the
 1421 reporter which shall be released only as provided in subsection



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1422 (4), shall be granted only to the following persons, officials,
 1423 and agencies:

1424 (k) Any appropriate official of a Florida advocacy council
 1425 investigating a report of known or suspected child abuse,
 1426 abandonment, or neglect; ~~the Auditor General~~ or the Office of
 1427 ~~Program Policy Analysis and~~ Government Accountability for the
 1428 purpose of conducting audits or examinations pursuant to law; or
 1429 the guardian ad litem for the child.

1430 Section 20. Subsection (2) of section 68.085, Florida
 1431 Statutes, is amended to read:

1432 68.085 Awards to plaintiffs bringing action.--

1433 (2) If the department proceeds with an action which the
 1434 court finds to be based primarily on disclosures of specific
 1435 information, other than that provided by the person bringing the
 1436 action, relating to allegations or transactions in a criminal,
 1437 civil, or administrative hearing; a legislative, administrative,
 1438 inspector general, or Office of Government Accountability
 1439 ~~Auditor General~~ report, hearing, audit, or investigation; or
 1440 from the news media, the court may award such sums as it
 1441 considers appropriate, but in no case more than 10 percent of
 1442 the proceeds recovered under a judgment or received in
 1443 settlement of a claim under this act, taking into account the
 1444 significance of the information and the role of the person
 1445 bringing the action in advancing the case to litigation.

1446 Section 21. Subsection (3) of section 68.087, Florida
 1447 Statutes, is amended to read:

1448 68.087 Exemptions to civil actions.--

1449 (3) No court shall have jurisdiction over an action
 1450 brought under this act based upon the public disclosure of



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1451 allegations or transactions in a criminal, civil, or
1452 administrative hearing; in a legislative, administrative,
1453 inspector general, or Office of Government Accountability
1454 ~~Auditor General~~, Comptroller, or Department of Banking and
1455 Finance report, hearing, audit, or investigation; or from the
1456 news media, unless the action is brought by the department, or
1457 unless the person bringing the action is an original source of
1458 the information. For purposes of this subsection, the term
1459 "original source" means an individual who has direct and
1460 independent knowledge of the information on which the
1461 allegations are based and has voluntarily provided the
1462 information to the department before filing an action under this
1463 act based on the information.

1464 Section 22. Subsection (13) of section 70.20, Florida
1465 Statutes, is amended to read:

1466 70.20 Balancing of interests.--It is a policy of this
1467 state to encourage municipalities, counties, and other
1468 governmental entities and sign owners to enter into relocation
1469 and reconstruction agreements that allow governmental entities
1470 to undertake public projects and accomplish public goals without
1471 the expenditure of public funds while allowing the continued
1472 maintenance of private investment in signage as a medium of
1473 commercial and noncommercial communication.

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



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1480 ~~purposes, including a comparison of tax valuations from other~~
1481 ~~states. The Office of Program Policy Analysis and Government~~
1482 ~~Accountability shall complete the study by December 31, 2002,~~
1483 ~~and shall report the results of the study to the President of~~
1484 ~~the Senate and the Speaker of the House of Representatives.~~

1485 Section 23. Subsection (1) of section 110.116, Florida
1486 Statutes, is amended to read:

1487 110.116 Personnel information system; payroll
1488 procedures.--

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



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1509 payments from other sources. Necessary revisions shall be made
 1510 in the personnel and payroll procedures of the state to avoid
 1511 duplication insofar as is feasible. A list shall be organized by
 1512 budget entity to show the employees or vacant positions within
 1513 each budget entity. This list shall be available to the Speaker
 1514 of the House of Representatives and the President of the Senate
 1515 upon request.

1516 Section 24. Paragraph (b) of subsection (8) of section
 1517 112.061, Florida Statutes, is amended to read:

1518 112.061 Per diem and travel expenses of public officers,
 1519 employees, and authorized persons.--

1520 (8) OTHER EXPENSES.--

1521 (b) Other expenses which are not specifically authorized
 1522 by this section may be approved by the Department of Banking and
 1523 Finance pursuant to rules adopted by it. Expenses approved
 1524 pursuant to this paragraph shall be reported by the Department
 1525 of Banking and Finance to the Office of Government
 1526 Accountability ~~Auditor General~~ annually.

1527 Section 25. Paragraphs (a) and (c) of subsection (8) of
 1528 section 112.324, Florida Statutes, are amended to read:

1529 112.324 Procedures on complaints of violations; public
 1530 records and meeting exemptions.--

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



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1538 disciplinary official or body as follows, and such official or
 1539 body shall have the power to invoke the penalty provisions of
 1540 this part, including the power to order the appropriate
 1541 elections official to remove a candidate from the ballot for a
 1542 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
 1543 State Constitution:

1544 (a) The President of the Senate and the Speaker of the
 1545 House of Representatives, jointly, in any case concerning the
 1546 Public Counsel, members of the Public Service Commission,
 1547 members of the Public Service Commission Nominating Council, the
 1548 Auditor General, ~~the director of the Office of Program Policy~~
 1549 ~~Analysis and Government Accountability~~, or members of the
 1550 Legislative Committee on Intergovernmental Relations.

1551 (c) The President of the Senate, in any case concerning an
 1552 employee of the Senate; the Speaker of the House of
 1553 Representatives, in any case concerning an employee of the House
 1554 of Representatives; or the President and the Speaker, jointly,
 1555 in any case concerning an employee of a committee of the
 1556 Legislature whose members are appointed solely by the President
 1557 and the Speaker or in any case concerning an employee of the
 1558 Public Counsel, Public Service Commission, ~~Auditor General,~~
 1559 ~~Office of Program Policy Analysis and~~ Government Accountability,
 1560 or Legislative Committee on Intergovernmental Relations.

1561 Section 26. Section 112.658, Florida Statutes, is
 1562 repealed:

1563 ~~112.658 Office of Program Policy Analysis and Government~~
 1564 ~~Accountability to determine compliance of the Florida Retirement~~
 1565 ~~System.~~

1566 ~~(1) The Office of Program Policy Analysis and Government~~



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1567 ~~Accountability shall determine, through the examination of~~
1568 ~~actuarial reviews, financial statements, and the practices and~~
1569 ~~procedures of the Department of Management Services, the~~
1570 ~~compliance of the Florida Retirement System with the provisions~~
1571 ~~of this act.~~

1572 ~~(2) The Office of Program Policy Analysis and Government~~
1573 ~~Accountability shall employ an independent consulting actuary~~
1574 ~~who is an enrolled actuary as defined in this part to assist in~~
1575 ~~the determination of compliance.~~

1576 ~~(3) The Office of Program Policy Analysis and Government~~
1577 ~~Accountability shall employ the same actuarial standards to~~
1578 ~~monitor the Department of Management Services as the Department~~
1579 ~~of Management Services uses to monitor local governments.~~

1580 Section 27. Subsection (6) of section 119.07, Florida
1581 Statutes, is amended to read:

1582 119.07 Inspection, examination, and duplication of
1583 records; exemptions.--

1584 (6) Nothing in subsection (3) or any other general or
1585 special law shall limit the access of the ~~Auditor General, the~~
1586 ~~Office of Program Policy Analysis and Government Accountability,~~
1587 or any state, county, municipal, university, board of community
1588 college, school district, or special district internal auditor
1589 to public records when such person states in writing that such
1590 records are needed for a properly authorized audit, examination,
1591 or investigation. Such person shall maintain the confidentiality
1592 of any public records that are confidential or exempt from the
1593 provisions of subsection (1) and shall be subject to the same
1594 penalties as the custodians of those public records for
1595 violating confidentiality.



1596 Section 28. Subsection (5) of section 121.051, Florida
 1597 Statutes, is amended to read:

1598 121.051 Participation in the system.--

1599 (5) RIGHTS LIMITED.--

1600 (a) Participation in the system shall not give any member
 1601 the right to be retained in the employ of the employer or, upon
 1602 dismissal, to have any right or interest in the fund other than
 1603 herein provided.

1604 (b) A member who is convicted by a court of competent
 1605 jurisdiction of causing a shortage in a public account, when
 1606 such shortage is certified by the Office of Government
 1607 Accountability Auditor General or a certified public accountant,
 1608 may not retire or receive any benefits under this chapter so
 1609 long as such shortage exists.

1610 Section 29. Paragraph (c) of subsection (1) of section
 1611 121.055, Florida Statutes, is amended to read:

1612 121.055 Senior Management Service Class.--There is hereby
 1613 established a separate class of membership within the Florida
 1614 Retirement System to be known as the "Senior Management Service
 1615 Class," which shall become effective February 1, 1987.

1616 (1)

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



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1625 selected by the President of the Senate, all staff directors of
 1626 joint committees and service offices of the Legislature, the
 1627 Auditor General and up to 9 managerial or policymaking positions
 1628 within the Office of Government Accountability ~~his or her office~~
 1629 as selected by the Auditor General, and the executive director
 1630 of the Commission on Ethics.

1631 2. Participation in this class shall be compulsory, except
 1632 as provided in subparagraph 3., for any legislative employee who
 1633 holds a position designated for coverage in the Senior
 1634 Management Service Class, and such participation shall continue
 1635 until the employee terminates employment in a covered position.

1636 3. In lieu of participation in the Senior Management
 1637 Service Class, at the discretion of the President of the Senate
 1638 and the Speaker of the House of Representatives, such members
 1639 may participate in the Senior Management Service Optional
 1640 Annuity Program as established in subsection (6).

1641 Section 30. Paragraph (x) of subsection (1) of section
 1642 125.01, Florida Statutes, is amended to read:

1643 125.01 Powers and duties.--

1644 (1) The legislative and governing body of a county shall
 1645 have the power to carry on county government. To the extent not
 1646 inconsistent with general or special law, this power includes,
 1647 but is not restricted to, the power to:

1648 (x) Employ an independent certified public accounting firm
 1649 to audit any funds, accounts, and financial records of the
 1650 county and its agencies and governmental subdivisions. Entities
 1651 that are funded wholly or in part by the county, at the
 1652 discretion of the county, may be required by the county to
 1653 conduct a performance audit paid for by the county. An entity



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1654 shall not be considered as funded by the county by virtue of the
 1655 fact that such entity utilizes the county to collect taxes,
 1656 assessments, fees, or other revenue. If an independent special
 1657 district receives county funds pursuant to a contract or
 1658 interlocal agreement for the purposes of funding, in whole or in
 1659 part, a discrete program of the district, only that program may
 1660 be required by the county to undergo a performance audit. Not
 1661 fewer than five copies of each complete audit report, with
 1662 accompanying documents, shall be filed with the clerk of the
 1663 circuit court and maintained there for public inspection. The
 1664 clerk shall thereupon forward one complete copy of the audit
 1665 report with accompanying documents to the Office of Government
 1666 Accountability Auditor General.

1667 Section 31. Section 136.08, Florida Statutes, is amended
 1668 to read:

1669 136.08 Accounts subject to examination by authorized
 1670 persons.--The accounts of each and every board and the county
 1671 accounts of each and every depository, mentioned or provided for
 1672 in this chapter, shall at all times be subject to the inspection
 1673 and examination by the county auditor and by the Office of
 1674 Government Accountability Auditor General.

1675 Section 32. Paragraph (o) of subsection (1) of section
 1676 154.11, Florida Statutes, is amended to read:

1677 154.11 Powers of board of trustees.--

1678 (1) The board of trustees of each public health trust
 1679 shall be deemed to exercise a public and essential governmental
 1680 function of both the state and the county and in furtherance
 1681 thereof it shall, subject to limitation by the governing body of
 1682 the county in which such board is located, have all of the



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1683 powers necessary or convenient to carry out the operation and
 1684 governance of designated health care facilities, including, but
 1685 without limiting the generality of, the foregoing:

1686 (o) To employ certified public accountants to audit and
 1687 analyze the records of the board and to prepare financial or
 1688 revenue statements of the board; however, this paragraph shall
 1689 not in any way affect any responsibility of the Office of
 1690 Government Accountability Auditor-General pursuant to s. 11.45.

1691 Section 33. Section 163.2526, Florida Statutes, is amended
 1692 to read:

1693 163.2526 Review and evaluation.-- Before the 2004 Regular
 1694 Session of the Legislature, the Office of ~~Program Policy~~
 1695 ~~Analysis and~~ Government Accountability shall perform a review
 1696 and evaluation of ss. 163.2511-163.2526, including the financial
 1697 incentives listed in s. 163.2520. The report must evaluate the
 1698 effectiveness of the designation of urban infill and
 1699 redevelopment areas in stimulating urban infill and
 1700 redevelopment and strengthening the urban core. A report of the
 1701 findings and recommendations of the Office of ~~Program Policy~~
 1702 ~~Analysis and~~ Government Accountability shall be submitted to the
 1703 President of the Senate and the Speaker of the House of
 1704 Representatives before the 2004 Regular Session of the
 1705 Legislature.

1706 Section 34. Subsection (12) of section 163.3246, Florida
 1707 Statutes, is amended to read:

1708 163.3246 Local government comprehensive planning
 1709 certification program.--

1710 (12) The Office of ~~Program Policy Analysis and~~ Government
 1711 Accountability shall prepare a report evaluating the



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1712 certification program, which shall be submitted to the Governor,
 1713 the President of the Senate, and the Speaker of the House of
 1714 Representatives by December 1, 2007.

1715 Section 35. Subsections (2) and (5) of section 189.4035,
 1716 Florida Statutes, are amended to read:

1717 189.4035 Preparation of official list of special
 1718 districts.--

1719 (2) The official list shall be produced by the department
 1720 after the department has notified each special district that is
 1721 currently reporting to the department, the Department of Banking
 1722 and Finance pursuant to s. 218.32, or the Office of Government
 1723 Accountability Auditor General pursuant to s. 218.39. Upon
 1724 notification, each special district shall submit, within 60
 1725 days, its determination of its status. The determination
 1726 submitted by a special district shall be consistent with the
 1727 status reported in the most recent local government audit of
 1728 district activities submitted to the Office of Government
 1729 Accountability Auditor General pursuant to s. 218.39.

1730 (5) The official list of special districts shall be
 1731 distributed by the department on October 1 of each year to the
 1732 President of the Senate, the Speaker of the House of
 1733 Representatives, the Office of Government Accountability Auditor
 1734 General, the Department of Revenue, the Department of Banking
 1735 and Finance, the Department of Management Services, the State
 1736 Board of Administration, counties, municipalities, county
 1737 property appraisers, tax collectors, and supervisors of
 1738 elections and to all interested parties who request the list.

1739 Section 36. Subsection (1) of section 189.412, Florida
 1740 Statutes, is amended to read:



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1741 189.412 Special District Information Program; duties and
 1742 responsibilities.--The Special District Information Program of
 1743 the Department of Community Affairs is created and has the
 1744 following special duties:

1745 (1) The collection and maintenance of special district
 1746 compliance status reports from the Office of Government
 1747 Accountability Auditor General, the Department of Banking and
 1748 Finance, the Division of Bond Finance of the State Board of
 1749 Administration, the Department of Management Services, the
 1750 Department of Revenue, and the Commission on Ethics for the
 1751 reporting required in ss. 112.3144, 112.3145, 112.3148,
 1752 112.3149, 112.63, 200.068, 218.32, 218.38, 218.39, and 280.17
 1753 and chapter 121 and from state agencies administering programs
 1754 that distribute money to special districts. The special district
 1755 compliance status reports must consist of a list of special
 1756 districts used in that state agency and a list of which special
 1757 districts did not comply with the reporting statutorily required
 1758 by that agency.

1759 Section 37. Paragraphs (f) and (g) of subsection (5) of
 1760 section 189.428, Florida Statutes, are amended to read:

1761 189.428 Special districts; oversight review process.--

1762 (5) Those conducting the oversight review process shall,
 1763 at a minimum, consider the listed criteria for evaluating the
 1764 special district, but may also consider any additional factors
 1765 relating to the district and its performance. If any of the
 1766 listed criteria do not apply to the special district being
 1767 reviewed, they need not be considered. The criteria to be
 1768 considered by the reviewer include:

1769 (f) Whether the Office of Government Accountability



1770 ~~Auditor General~~ has notified the Legislative Auditing Committee
 1771 that the special district's audit report, reviewed pursuant to
 1772 s. 11.45(7), indicates that a deteriorating financial condition
 1773 exists that may cause a condition described in s. 218.503(1) to
 1774 occur if actions are not taken to address such condition.

1775 (g) Whether the Office of Government Accountability
 1776 ~~Auditor General~~ has determined that the special district is in a
 1777 state of financial emergency as provided in s. 218.503(1), and
 1778 has notified the Governor and the Legislative Auditing
 1779 Committee.

1780 Section 38. Paragraph (b) of subsection (4) of section
 1781 192.0105, Florida Statutes, is amended to read:

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



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1799 guaranteed to state taxpayers in the Florida Statutes and the
 1800 departmental rules include:

1801 (4) THE RIGHT TO CONFIDENTIALITY.--

1802 (b) The right to limiting access to a taxpayer's records
 1803 by a property appraiser, the Department of Revenue, and the
 1804 Office of Government Accountability ~~Auditor General~~ only to
 1805 those instances in which it is determined that such records are
 1806 necessary to determine either the classification or the value of
 1807 taxable nonhomestead property (see s. 195.027(3)).

1808 Section 39. Section 193.074, Florida Statutes, is amended
 1809 to read:

1810 193.074 Confidentiality of returns.--All returns of
 1811 property and returns required by s. 201.022 submitted by the
 1812 taxpayer pursuant to law shall be deemed to be confidential in
 1813 the hands of the property appraiser, the clerk of the circuit
 1814 court, the department, the tax collector, ~~the Auditor General,~~
 1815 and the Office of ~~Program Policy Analysis and~~ Government
 1816 Accountability, and their employees and persons acting under
 1817 their supervision and control, except upon court order or order
 1818 of an administrative body having quasi-judicial powers in ad
 1819 valorem tax matters, and such returns are exempt from the
 1820 provisions of s. 119.07(1).

1821 Section 40. Paragraph (a) of subsection (2) of section
 1822 193.1142, Florida Statutes, is amended to read:

1823 193.1142 Approval of assessment rolls.--

1824 (2)(a) The executive director or his or her designee shall
 1825 disapprove all or part of any assessment roll of any county not
 1826 in full compliance with the administrative order of the
 1827 executive director issued pursuant to the notice called for in



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1828 s. 195.097 and shall otherwise disapprove all or any part of any
 1829 roll not assessed in substantial compliance with law, as
 1830 disclosed during the investigation by the department, including,
 1831 but not limited to, audits by the Department of Revenue and
 1832 Office of Government Accountability ~~Auditor General~~ establishing
 1833 noncompliance.

1834 Section 41. Subsections (3) and (6) of section 195.027,
 1835 Florida Statutes, are amended to read:

1836 195.027 Rules and regulations.--

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



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1857 administrative body having quasi-judicial powers in ad valorem
1858 tax matters, and such records are exempt from the provisions of
1859 s. 119.07(1).

1860 (6) The fees and costs of the sale or purchase and terms
1861 of financing shall be presumed to be usual unless the buyer or
1862 seller or agent thereof files a form which discloses the unusual
1863 fees, costs, and terms of financing. Such form shall be filed
1864 with the clerk of the circuit court at the time of recording.
1865 The rules and regulations shall prescribe an information form to
1866 be used for this purpose. Either the buyer or the seller or the
1867 agent of either shall complete the information form and certify
1868 that the form is accurate to the best of his or her knowledge
1869 and belief. The information form shall be confidential in the
1870 hands of all persons after delivery to the clerk, except that
1871 the Department of Revenue and the Office of Government
1872 Accountability ~~Auditor General~~ shall have access to it in the
1873 execution of their official duties, and such form is exempt from
1874 the provisions of s. 119.07(1). The information form may be used
1875 in any judicial proceeding, upon a motion to produce duly made
1876 by any party to such proceedings. Failure of the clerk to obtain
1877 an information form with the recording shall not impair the
1878 validity of the recording or the conveyance. The form shall
1879 provide for a notation by the clerk indicating the book and page
1880 number of the conveyance in the official record books of the
1881 county. The clerk shall promptly deliver all information forms
1882 received to the property appraiser for his or her custody and
1883 use.

1884 Section 42. Section 195.084, Florida Statutes, is amended
1885 to read:



1886 195.084 Information exchange.--

1887 (1) The department shall promulgate rules and regulations
 1888 for the exchange of information among the department, the
 1889 property appraisers' offices, the tax collector, ~~the Auditor~~
 1890 ~~General,~~ and the Office of ~~Program Policy Analysis and~~
 1891 Government Accountability. All records and returns of the
 1892 department useful to the property appraiser or the tax collector
 1893 shall be made available upon request but subject to the
 1894 reasonable conditions imposed by the department. This section
 1895 shall supersede statutes prohibiting disclosure only with
 1896 respect to the property appraiser, the tax collector, ~~the~~
 1897 ~~Auditor General,~~ and the Office of ~~Program Policy Analysis and~~
 1898 Government Accountability, but the department may establish
 1899 regulations setting reasonable conditions upon the access to and
 1900 custody of such information. The ~~Auditor General,~~ and the Office
 1901 of ~~Program Policy Analysis and~~ Government Accountability, the
 1902 tax collectors, and the property appraisers shall be bound by
 1903 the same requirements of confidentiality as the Department of
 1904 Revenue. Breach of confidentiality shall be a misdemeanor of the
 1905 first degree, punishable as provided by ss. 775.082 and 775.083.

1906 (2) All of the records of property appraisers and
 1907 collectors, including, but not limited to, worksheets and
 1908 property record cards, shall be made available to the Department
 1909 of Revenue, ~~the Auditor General,~~ and the Office of ~~Program~~
 1910 ~~Policy Analysis and~~ Government Accountability. Property
 1911 appraisers and collectors are hereby directed to cooperate fully
 1912 with representatives of the Department of Revenue, ~~the Auditor~~
 1913 ~~General,~~ and the Office of ~~Program Policy Analysis and~~
 1914 Government Accountability in realizing the objectives stated in



1915 s. 195.0012.

1916 Section 43. Paragraph (c) of subsection (4) of section
1917 196.101, Florida Statutes, is amended to read:

1918 196.101 Exemption for totally and permanently disabled
1919 persons.--

1920 (4)(c) The department shall require by rule that the
1921 taxpayer annually submit a sworn statement of gross income,
1922 pursuant to paragraph (a). The department shall require that the
1923 filing of such statement be accompanied by copies of federal
1924 income tax returns for the prior year, wage and earnings
1925 statements (W-2 forms), and other documents it deems necessary,
1926 for each member of the household. The taxpayer's statement shall
1927 attest to the accuracy of such copies. The department shall
1928 prescribe and furnish a form to be used for this purpose which
1929 form shall include spaces for a separate listing of United
1930 States Department of Veterans Affairs benefits and social
1931 security benefits. All records produced by the taxpayer under
1932 this paragraph are confidential in the hands of the property
1933 appraiser, the department, the tax collector, ~~the Auditor~~
1934 ~~General~~, and the Office of ~~Program Policy Analysis and~~
1935 ~~Government Accountability~~, and shall not be divulged to any
1936 person, firm, or corporation except upon court order or order of
1937 an administrative body having quasi-judicial powers in ad
1938 valorem tax matters, and such records are exempt from the
1939 provisions of s. 119.07(1).

1940 Section 44. Subsection (6) of section 213.053, Florida
1941 Statutes, is amended to read:

1942 213.053 Confidentiality and information sharing.--

1943 (6) Any information received by the Department of Revenue



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1944 in connection with the administration of taxes, including, but
 1945 not limited to, information contained in returns, reports,
 1946 accounts, or declarations filed by persons subject to tax, shall
 1947 be made available by the department to the Auditor General or
 1948 his or her authorized agent, ~~the director of the Office of~~
 1949 ~~Program Policy Analysis and Government Accountability or his or~~
 1950 ~~her authorized agent,~~ the Comptroller or his or her authorized
 1951 agent, the Insurance Commissioner or his or her authorized
 1952 agent, the Treasurer or his or her authorized agent, or a
 1953 property appraiser or tax collector or their authorized agents
 1954 pursuant to s. 195.084(1), in the performance of their official
 1955 duties, or to designated employees of the Department of
 1956 Education solely for determination of each school district's
 1957 price level index pursuant to s. 1011.62(2); however, no
 1958 information shall be disclosed to the Auditor General or his or
 1959 her authorized agent, ~~the director of the Office of Program~~
 1960 ~~Policy Analysis and Government Accountability or his or her~~
 1961 ~~authorized agent,~~ the Comptroller or his or her authorized
 1962 agent, the Insurance Commissioner or his or her authorized
 1963 agent, the Treasurer or his or her authorized agent, or to a
 1964 property appraiser or tax collector or their authorized agents,
 1965 or to designated employees of the Department of Education if
 1966 such disclosure is prohibited by federal law. The Auditor
 1967 General or his or her authorized agent, ~~the director of the~~
 1968 ~~Office of Program Policy Analysis and Government Accountability~~
 1969 ~~or his or her authorized agent,~~ the Comptroller or his or her
 1970 authorized agent, the Treasurer or his or her authorized agent,
 1971 and the property appraiser or tax collector and their authorized
 1972 agents, or designated employees of the Department of Education



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1973 shall be subject to the same requirements of confidentiality and
 1974 the same penalties for violation of the requirements as the
 1975 department. For the purpose of this subsection, "designated
 1976 employees of the Department of Education" means only those
 1977 employees directly responsible for calculation of price level
 1978 indices pursuant to s. 1011.62(2). It does not include the
 1979 supervisors of such employees or any other employees or elected
 1980 officials within the Department of Education.

1981 Section 45. Subsections (7), (8), and (9) of section
 1982 215.44, Florida Statutes, are renumbered as subsections (6),
 1983 (7), and (8), respectively, and present subsection (6) of said
 1984 section is amended to read:

1985 215.44 Board of Administration; powers and duties in
 1986 relation to investment of trust funds.--

1987 ~~(6) The Office of Program Policy Analysis and Government~~
 1988 ~~Accountability shall examine the board's management of~~
 1989 ~~investments every 2 years. The Office of Program Policy Analysis~~
 1990 ~~and Government Accountability shall submit such reports to the~~
 1991 ~~board, the President of the Senate, and the Speaker of the House~~
 1992 ~~of Representatives and their designees.~~

1993 Section 46. Subsection (3) of section 215.93, Florida
 1994 Statutes, is amended to read:

1995 215.93 Florida Financial Management Information System.--

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



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2002 Information System shall utilize common financial management
 2003 data codes. The council shall recommend and the board shall
 2004 adopt policies regarding the approval and publication of the
 2005 financial management data. The Comptroller shall adopt policies
 2006 regarding the approval and publication of the chart of accounts.
 2007 The Comptroller's chart of accounts shall be consistent with the
 2008 common financial management data codes established by the
 2009 coordinating council. Further, all systems not a part of the
 2010 Florida Financial Management Information System which provide
 2011 information to the system shall use the common data codes from
 2012 the Florida Financial Management Information System and the
 2013 Comptroller's chart of accounts. Data codes that cannot be
 2014 supplied by the Florida Financial Management Information System
 2015 and the Comptroller's chart of accounts and that are required
 2016 for use by the information subsystems shall be approved by the
 2017 board upon recommendation of the coordinating council. However,
 2018 board approval shall not be required for those data codes
 2019 specified by the Office of Government Accountability Auditor
 2020 ~~General~~ under the provisions of s. 215.94(6)(c).

2021 Section 47. Subsections (6) and (7) of section 215.94,
 2022 Florida Statutes, are amended to read:

2023 215.94 Designation, duties, and responsibilities of
 2024 functional owners.--

2025 (6)(a) The Office of Government Accountability Auditor
 2026 ~~General~~ shall be advised by the functional owner of each
 2027 information subsystem as to the date that the development or
 2028 significant modification of its functional system specifications
 2029 is to begin.

2030 (b) Upon such notification, the Office of Government



2031 Accountability ~~Auditor General~~ shall participate with each
 2032 functional owner to the extent necessary to provide assurance
 2033 that:

2034 1. The accounting information produced by the information
 2035 subsystem adheres to generally accepted accounting principles.

2036 2. The information subsystem contains the necessary
 2037 controls to maintain its integrity, within acceptable limits and
 2038 at an acceptable cost.

2039 3. The information subsystem is auditable.

2040 (c) The Office of Government Accountability ~~Auditor~~
 2041 ~~General~~ shall specify those additional features,
 2042 characteristics, controls, and internal control measures deemed
 2043 necessary to carry out the provisions of this subsection.
 2044 Further, it shall be the responsibility of each functional owner
 2045 to install and incorporate such specified features,
 2046 characteristics, controls, and internal control measures within
 2047 each information subsystem.

2048 (7) The Office of Government Accountability ~~Auditor~~
 2049 ~~General~~ shall provide to the board and the coordinating council
 2050 the findings and recommendations of any audit regarding the
 2051 provisions of ss. 215.90-215.96.

2052 Section 48. Subsections (2), (5), (6), (7), (8), (9), and
 2053 (10) of section 215.97, Florida Statutes, are amended to read:

2054 215.97 Florida Single Audit Act.--

2055 (2) Definitions; as used in this section, the term:

2056 (a) "Audit threshold" means the amount to use in
 2057 determining when a state single audit of a nonstate entity shall
 2058 be conducted in accordance with this section. Each nonstate
 2059 entity that expends a total amount of state financial assistance



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2060 equal to or in excess of \$300,000 in any fiscal year of such
2061 nonstate entity shall be required to have a state single audit
2062 for such fiscal year in accordance with the requirements of this
2063 section. Every 2 years the Office of Government Accountability
2064 ~~Auditor General~~, after consulting with the Executive Office of
2065 the Governor, the Comptroller, and all state agencies that
2066 provide state financial assistance to nonstate entities, shall
2067 review the amount for requiring audits under this section and
2068 may adjust such dollar amount consistent with the purpose of
2069 this section.

2070 (b) "Auditing standards" means the auditing standards as
2071 stated in the rules of the Office of Government Accountability
2072 ~~Auditor General~~ as applicable to for-profit organizations,
2073 nonprofit organizations, or local governmental entities.

2074 (c) "Catalog of State Financial Assistance" means a
2075 comprehensive listing of state projects. The Catalog of State
2076 Financial Assistance shall be issued by the Executive Office of
2077 the Governor after conferring with the Comptroller and all state
2078 agencies that provide state financial assistance to nonstate
2079 entities. The Catalog of State Financial Assistance shall
2080 include for each listed state project: the responsible state
2081 agency; standard state project number identifier; official
2082 title; legal authorization; and description of the state
2083 project, including objectives, restrictions, application and
2084 awarding procedures, and other relevant information determined
2085 necessary.

2086 (d) "Financial reporting package" means the nonstate
2087 entities' financial statements, Schedule of State Financial
2088 Assistance, auditor's reports, management letter, auditee's



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2089 written responses or corrective action plan, correspondence on
2090 followup of prior years' corrective actions taken, and such
2091 other information determined by the Office of Government
2092 Accountability Auditor General to be necessary and consistent
2093 with the purposes of this section.

2094 (e) "Federal financial assistance" means financial
2095 assistance from federal sources passed through the state and
2096 provided to nonstate entities to carry out a federal program.
2097 "Federal financial assistance" includes all types of federal
2098 assistance as defined in applicable United States Office of
2099 Management and Budget circulars.

2100 (f) "For-profit organization" means any organization or
2101 sole proprietor but is not a local governmental entity or a
2102 nonprofit organization.

2103 (g) "Independent auditor" means an external state or local
2104 government auditor or a certified public accountant who meets
2105 the independence standards.

2106 (h) "Internal control over state projects" means a
2107 process, effected by an entity's management and other personnel,
2108 designed to provide reasonable assurance regarding the
2109 achievement of objectives in the following categories:

- 2110 1. Effectiveness and efficiency of operations.
- 2111 2. Reliability of financial operations.
- 2112 3. Compliance with applicable laws and regulations.

2113 (i) "Local governmental entity" means a county agency,
2114 municipality, or special district or any other entity (other
2115 than a district school board or community college), however
2116 styled, which independently exercises any type of governmental
2117 function.



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2118 (j) "Major state project" means any state project meeting
 2119 the criteria as stated in the rules of the Executive Office of
 2120 the Governor. Such criteria shall be established after
 2121 consultation with the Comptroller and appropriate state agencies
 2122 that provide state financial assistance and shall consider the
 2123 amount of state project expenditures or expenses or inherent
 2124 risks. Each major state project shall be audited in accordance
 2125 with the requirements of this section.

2126 (k) "Nonprofit organization" means any corporation, trust,
 2127 association, cooperative, or other organization that:

- 2128 1. Is operated primarily for scientific, educational
 2129 service, charitable, or similar purpose in the public interest;
- 2130 2. Is not organized primarily for profit;
- 2131 3. Uses net proceeds to maintain, improve, or expand the
 2132 operations of the organization; and
- 2133 4. Has no part of its income or profit distributable to
 2134 its members, directors, or officers.

2135 (l) "Nonstate entity" means a local governmental entity,
 2136 nonprofit organization, or for-profit organization that receives
 2137 state resources.

2138 (m) "Recipient" means a nonstate entity that receives
 2139 state financial assistance directly from a state awarding
 2140 agency.

2141 (n) "Schedule of State Financial Assistance" means a
 2142 document prepared in accordance with the rules of the
 2143 Comptroller and included in each financial reporting package
 2144 required by this section.

2145 (o) "State awarding agency" means the state agency that
 2146 provided state financial assistance to the nonstate entity.



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2147 (p) "State financial assistance" means financial
2148 assistance from state resources, not including federal financial
2149 assistance and state matching, provided to nonstate entities to
2150 carry out a state project. "State financial assistance" includes
2151 all types of state assistance as stated in the rules of the
2152 Executive Office of the Governor established in consultation
2153 with the Comptroller and appropriate state agencies that provide
2154 state financial assistance. It includes state financial
2155 assistance provided directly by state awarding agencies or
2156 indirectly by recipients of state awards or subrecipients. It
2157 does not include procurement contracts used to buy goods or
2158 services from vendors. Audits of such procurement contracts with
2159 vendors are outside of the scope of this section. Also, audits
2160 of contracts to operate state-government-owned and contractor-
2161 operated facilities are excluded from the audit requirements of
2162 this section.

2163 (q) "State matching" means state resources provided to
2164 nonstate entities to be used to meet federal financial
2165 participation matching requirements of federal programs.

2166 (r) "State project" means all state financial assistance
2167 to a nonstate entity assigned a single state project number
2168 identifier in the Catalog of State Financial Assistance.

2169 (s) "State Projects Compliance Supplement" means a
2170 document issued by the Executive Office of the Governor, in
2171 consultation with the Comptroller and all state agencies that
2172 provide state financial assistance. The State Projects
2173 Compliance Supplement shall identify state projects, the
2174 significant compliance requirements, eligibility requirements,
2175 matching requirements, suggested audit procedures, and other



2176 relevant information determined necessary.

2177 (t) "State project-specific audit" means an audit of one
 2178 state project performed in accordance with the requirements of
 2179 subsection (9).

2180 (u) "State single audit" means an audit of a nonstate
 2181 entity's financial statements and state financial assistance.
 2182 Such audits shall be conducted in accordance with the auditing
 2183 standards as stated in the rules of the Office of Government
 2184 Accountability Auditor General.

2185 (v) "Subrecipient" means a nonstate entity that receives
 2186 state financial assistance through another nonstate entity.

2187 (w) "Vendor" means a dealer, distributor, merchant, or
 2188 other seller providing goods or services that are required for
 2189 the conduct of a state project. These goods or services may be
 2190 for an organization's own use or for the use of beneficiaries of
 2191 the state project.

2192 (5) Each state awarding agency shall:

2193 (a) Provide to a recipient information needed by the
 2194 recipient to comply with the requirements of this section,
 2195 including:

2196 1. The audit and accountability requirements for state
 2197 projects as stated in this section and applicable rules of the
 2198 Executive Office of the Governor, rules of the Comptroller, and
 2199 rules of the Office of Government Accountability Auditor
 2200 General.

2201 2. Information from the Catalog of State Financial
 2202 Assistance, including the standard state project number
 2203 identifier; official title; legal authorization; and description
 2204 of the state project including objectives, restrictions, and



2205 other relevant information determined necessary.

2206 3. Information from the State Projects Compliance
 2207 Supplement, including the significant compliance requirements,
 2208 eligibility requirements, matching requirements, suggested audit
 2209 procedures, and other relevant information determined necessary.

2210 (b) Require the recipient, as a condition of receiving
 2211 state financial assistance, to allow the state awarding agency,
 2212 the Comptroller, and the Office of Government Accountability
 2213 ~~Auditor General~~ access to the recipient's records and the
 2214 recipient's independent auditor's working papers as necessary
 2215 for complying with the requirements of this section.

2216 (c) Notify the recipient that this section does not limit
 2217 the authority of the state awarding agency to conduct or arrange
 2218 for the conduct of additional audits or evaluations of state
 2219 financial assistance or limit the authority of any state agency
 2220 inspector general, the Office of Government Accountability
 2221 ~~Auditor General~~, or any other state official.

2222 (d) Be provided one copy of each financial reporting
 2223 package prepared in accordance with the requirement of this
 2224 section.

2225 (e) Review the recipient financial reporting package,
 2226 including the management letters and corrective action plans, to
 2227 the extent necessary to determine whether timely and appropriate
 2228 corrective action has been taken with respect to audit findings
 2229 and recommendations pertaining to state financial assistance
 2230 provided by the state agency.

2231 (6) As a condition of receiving state financial
 2232 assistance, each recipient that provides state financial
 2233 assistance to a subrecipient shall:



2234 (a) Provide to a subrecipient information needed by the
 2235 subrecipient to comply with the requirements of this section,
 2236 including:

2237 1. Identification of the state awarding agency.
 2238 2. The audit and accountability requirements for state
 2239 projects as stated in this section and applicable rules of the
 2240 Executive Office of the Governor, rules of the Comptroller, and
 2241 rules of the Office of Government Accountability Auditor
 2242 ~~General~~.

2243 3. Information from the Catalog of State Financial
 2244 Assistance, including the standard state project number
 2245 identifier; official title; legal authorization; and description
 2246 of the state project, including objectives, restrictions, and
 2247 other relevant information.

2248 4. Information from the State Projects Compliance
 2249 Supplement including the significant compliance requirements,
 2250 eligibility requirements, matching requirements, and suggested
 2251 audit procedures, and other relevant information determined
 2252 necessary.

2253 (b) Review the subrecipient audit reports, including the
 2254 management letters, to the extent necessary to determine whether
 2255 timely and appropriate corrective action has been taken with
 2256 respect to audit findings and recommendations pertaining to
 2257 state financial assistance provided by the state agency.

2258 (c) Perform such other procedures as specified in terms
 2259 and conditions of the written agreement with the state awarding
 2260 agency including any required monitoring of the subrecipient's
 2261 use of state financial assistance through onsite visits, limited
 2262 scope audits, or other specified procedures.



2263 (d) Require subrecipients, as a condition of receiving
 2264 state financial assistance, to permit the independent auditor of
 2265 the recipient, the state awarding agency, the Comptroller, and
 2266 the Office of Government Accountability ~~Auditor General~~ access
 2267 to the subrecipient's records and the subrecipient's independent
 2268 auditor's working papers as necessary to comply with the
 2269 requirements of this section.

2270 (7) Each recipient or subrecipient of state financial
 2271 assistance shall comply with the following:

2272 (a) Each nonstate entity that receives state financial
 2273 assistance and meets audit threshold requirements, in any fiscal
 2274 year of the nonstate entity, as stated in the rules of the
 2275 Office of Government Accountability ~~Auditor General~~, shall have
 2276 a state single audit conducted for such fiscal year in
 2277 accordance with the requirements of this act and with additional
 2278 requirements established in rules of the Executive Office of the
 2279 Governor, rules of the Comptroller, and rules of the Office of
 2280 Government Accountability ~~Auditor General~~. If only one state
 2281 project is involved in a nonstate entity's fiscal year, the
 2282 nonstate entity may elect to have only a state project-specific
 2283 audit of the state project for that fiscal year.

2284 (b) Each nonstate entity that receives state financial
 2285 assistance and does not meet the threshold requirements, in any
 2286 fiscal year of the nonstate entity, as stated in this law or the
 2287 rules of the Office of Government Accountability ~~Auditor General~~
 2288 is exempt for such fiscal year from the state single audit
 2289 requirements of this section. However, such nonstate entity must
 2290 meet terms and conditions specified in the written agreement
 2291 with the state awarding agency.



2292 (c) Regardless of the amount of the state financial
 2293 assistance, the provisions of this section do not exempt a
 2294 nonstate entity from compliance with provisions of law relating
 2295 to maintaining records concerning state financial assistance to
 2296 such nonstate entity or allowing access and examination of those
 2297 records by the state awarding agency, the Comptroller, or the
 2298 Office of Government Accountability ~~Auditor General~~.

2299 (d) Audits conducted pursuant to this section shall be
 2300 performed annually.

2301 (e) Audits conducted pursuant to this section shall be
 2302 conducted by independent auditors in accordance with auditing
 2303 standards as stated in rules of the Office of Government
 2304 Accountability ~~Auditor General~~.

2305 (f) Upon completion of the audit as required by this
 2306 section, a copy of the recipient's financial reporting package
 2307 shall be filed with the state awarding agency and the Office of
 2308 Government Accountability ~~Auditor General~~. Upon completion of
 2309 the audit as required by this section, a copy of the
 2310 subrecipient's financial reporting package shall be filed with
 2311 the recipient that provided the state financial assistance. The
 2312 financial reporting package shall be filed in accordance with
 2313 the rules of the Auditor General.

2314 (g) All financial reporting packages prepared pursuant to
 2315 the requirements of this section shall be available for public
 2316 inspection.

2317 (h) If an audit conducted pursuant to this section
 2318 discloses any significant audit findings relating to state
 2319 financial assistance, including material noncompliance with
 2320 individual state project compliance requirements or reportable



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2321 conditions in internal controls of the nonstate entity, the
2322 nonstate entity shall submit as part of the audit package to the
2323 state awarding agency a plan for corrective action to eliminate
2324 such audit findings or a statement describing the reasons that
2325 corrective action is not necessary.

2326 (i) An audit conducted in accordance with this section is
2327 in addition to any audit of federal awards required by the
2328 federal Single Audit Act and other federal laws and regulations.
2329 To the extent that such federally required audits provide the
2330 state awarding agency with information it requires to carry out
2331 its responsibilities under state law or other guidance, a state
2332 agency shall rely upon and use that information.

2333 (j) Unless prohibited by law, the cost of audits pursuant
2334 to this section is allowable charges to state projects. However,
2335 any charges to state projects should be limited to those
2336 incremental costs incurred as a result of the audit requirements
2337 of this section in relation to other audit requirements. The
2338 nonstate entity should allocate such incremental costs to all
2339 state projects for which it expended state financial assistance.

2340 (k) Audit costs may not be charged to state projects when
2341 audits required by this section have not been made or have been
2342 made but not in accordance with this section. If a nonstate
2343 entity fails to have an audit conducted consistent with this
2344 section, state awarding agencies may take appropriate corrective
2345 action to enforce compliance.

2346 (l) This section does not prohibit the state awarding
2347 agency from including terms and conditions in the written
2348 agreement which require additional assurances that state
2349 financial assistance meets the applicable requirements of laws,



2350 regulations, and other compliance rules.

2351 (m) A state awarding agency that provides state financial
 2352 assistance to nonstate entities and conducts or arranges for
 2353 audits of state financial assistance that are in addition to the
 2354 audits conducted under this act shall, consistent with other
 2355 applicable law, arrange for funding the full cost of such
 2356 additional audits.

2357 (8) The independent auditor when conducting a state single
 2358 audit of recipients or subrecipients shall:

2359 (a) Determine whether the nonstate entity's financial
 2360 statements are presented fairly in all material respects in
 2361 conformity with generally accepted accounting principles.

2362 (b) Determine whether state financial assistance shown on
 2363 the Schedule of State Financial Assistance is presented fairly
 2364 in all material respects in relation to the nonstate entity's
 2365 financial statements taken as a whole.

2366 (c) With respect to internal controls pertaining to each
 2367 major state project:

- 2368 1. Obtain an understanding of internal controls;
- 2369 2. Assess control risk;
- 2370 3. Perform tests of controls unless the controls are
 2371 deemed to be ineffective; and
- 2372 4. Determine whether the nonstate entity has internal
 2373 controls in place to provide reasonable assurance of compliance
 2374 with the provisions of laws and rules pertaining to state
 2375 financial assistance that have a material effect on each major
 2376 state project.

2377 (d) Determine whether each major state project complied
 2378 with the provisions of laws, rules, and guidelines as identified



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2379 in the State Projects Compliance Supplement, or otherwise
2380 identified by the state awarding agency, which have a material
2381 effect on each major state project. When major state projects
2382 are less than 50 percent of the nonstate entity's total
2383 expenditures for all state financial assistance, the auditor
2384 shall select and test additional state projects as major state
2385 projects as necessary to achieve audit coverage of at least 50
2386 percent of the expenditures for all state financial assistance
2387 provided to the nonstate entity. Additional state projects
2388 needed to meet the 50-percent requirement may be selected on an
2389 inherent risk basis as stated in the rules of the Executive
2390 Office of the Governor.

2391 (e) Report on the results of any audit conducted pursuant
2392 to this section in accordance with the rules of the Executive
2393 Office of the Governor, rules of the Comptroller, and rules of
2394 the Office of Government Accountability ~~Auditor General~~. Audit
2395 reports shall include summaries of the auditor's results
2396 regarding the nonstate entity's financial statements; Schedule
2397 of State Financial Assistance; internal controls; and compliance
2398 with laws, rules, and guidelines.

2399 (f) Issue a management letter as prescribed in the rules
2400 of the Office of Government Accountability ~~Auditor General~~.

2401 (g) Upon notification by the nonstate entity, make
2402 available the working papers relating to the audit conducted
2403 pursuant to the requirements of this section to the state
2404 awarding agency, the Comptroller, or the Office of Government
2405 Accountability ~~Auditor General~~ for review or copying.

2406 (9) The independent auditor, when conducting a state
2407 project-specific audit of recipients or subrecipients, shall:



2408 (a) Determine whether the nonstate entity's schedule of
 2409 state financial assistance is presented fairly in all material
 2410 respects in conformity with stated accounting policies.

2411 (b) Obtain an understanding of internal control and
 2412 perform tests of internal control over the state project
 2413 consistent with the requirements of a major state project.

2414 (c) Determine whether or not the auditee has complied with
 2415 applicable provisions of laws, rules, and guidelines as
 2416 identified in the State Projects Compliance Supplement, or
 2417 otherwise identified by the state awarding agency, which could
 2418 have a direct and material effect on the state project.

2419 (d) Report on the results of a state project-specific
 2420 audit consistent with the requirements of the state single audit
 2421 and issue a management letter as prescribed in the rules of the
 2422 Office of Government Accountability ~~Auditor General~~.

2423 (e) Upon notification by the nonstate entity, make
 2424 available the working papers relating to the audit conducted
 2425 pursuant to the requirements of this section to the state
 2426 awarding agency, the Comptroller, or the Office of Government
 2427 Accountability ~~Auditor General~~ for review or copying.

2428 (10) The Office of Government Accountability ~~Auditor~~
 2429 ~~General~~ shall:

2430 (a) Have the authority to audit state financial assistance
 2431 provided to any nonstate entity when determined necessary by the
 2432 Auditor General or when directed by the Legislative Auditing
 2433 Committee.

2434 (b) Adopt rules that state the auditing standards that
 2435 independent auditors are to follow for audits of nonstate
 2436 entities required by this section.



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2437 (c) Adopt rules that describe the contents and the filing
2438 deadlines for the financial reporting package.

2439 (d) Provide technical advice upon request of the
2440 Comptroller, Executive Office of the Governor, and state
2441 agencies relating to financial reporting and audit
2442 responsibilities contained in this section.

2443 (e) Be provided one copy of each financial reporting
2444 package prepared in accordance with the requirements of this
2445 section.

2446 (f) Perform ongoing reviews of a sample of financial
2447 reporting packages filed pursuant to the requirements of this
2448 section to determine compliance with the reporting requirements
2449 of this section and applicable rules of the Executive Office of
2450 the Governor, rules of the Comptroller, and rules of the Office
2451 of Government Accountability Auditor General.

2452 Section 49. Subsection (1) of section 215.981, Florida
2453 Statutes, is amended to read:

2454 215.981 Audits of state agency direct-support
2455 organizations and citizen support organizations.--

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



2466 Government Accountability Auditor-General pursuant to s.
 2467 11.45(8) and the state agency that created, approved, or
 2468 administers the direct-support organization or citizen support
 2469 organization. The audit report shall be submitted within 9
 2470 months after the end of the fiscal year to the Office of
 2471 Government Accountability Auditor-General and to the state
 2472 agency responsible for creation, administration, or approval of
 2473 the direct-support organization or citizen support organization.
 2474 Such state agency, ~~the Auditor General,~~ and the Office of
 2475 ~~Program Policy Analysis and~~ Government Accountability shall have
 2476 the authority to require and receive from the organization or
 2477 from the independent auditor any records relative to the
 2478 operation of the organization.

2479 Section 50. Subsections (5) and (12) of section 216.023,
 2480 Florida Statutes, are amended to read:

2481 216.023 Legislative budget requests to be furnished to
 2482 Legislature by agencies.--

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



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2495 adopted by the Legislature. The Chief Justice may propose
2496 revisions to approved programs or performance measures for the
2497 judicial branch. The Legislature shall have final approval of
2498 all programs and associated performance measures and standards
2499 for the judicial branch through the General Appropriations Act
2500 or legislation implementing the General Appropriations Act. ~~By~~
2501 ~~September 15, 2001, the Chief Justice of the Supreme Court shall~~
2502 ~~submit to the President of the Senate and the Speaker of the~~
2503 ~~House of Representatives a performance-based program budget~~
2504 ~~request for programs of the judicial branch approved by the~~
2505 ~~Legislature and provide a copy to the Executive Office of the~~
2506 ~~Governor.~~

2507 (12) The legislative budget request from each agency and
2508 from the judicial branch shall be reviewed by the Legislature.
2509 The review may allow for the opportunity to have information or
2510 testimony by the agency, the judicial branch, ~~the Auditor~~
2511 ~~General~~, the Office of ~~Program Policy Analysis and~~ Government
2512 Accountability, the Governor's Office of Planning and Budgeting,
2513 and the public regarding the proper level of funding for the
2514 agency in order to carry out its mission.

2515 Section 51. Paragraph (a) of subsection (3) of section
2516 216.102, Florida Statutes, is amended to read:

2517 216.102 Filing of financial information; handling by
2518 Comptroller; penalty for noncompliance.--

2519 (3) The Comptroller shall:

2520 (a) Prepare and furnish to the Office of Government
2521 Accountability ~~Auditor General~~ annual financial statements for
2522 the state on or before December 31 of each year, using generally
2523 accepted accounting principles.



2524
 2525 The Comptroller may furnish and publish in electronic form the
 2526 financial statements and the comprehensive annual financial
 2527 report required under paragraphs (a), (b), and (c).

2528 Section 52. Subsection (2) of section 216.141, Florida
 2529 Statutes, is amended to read:

2530 216.141 Budget system procedures; planning and programming
 2531 by state agencies.--

2532 (2) The Florida Management Information Board shall notify
 2533 the Office of Government Accountability ~~Auditor General~~ of any
 2534 changes or modifications to the Florida Financial Management
 2535 Information System and its functional owner information
 2536 subsystems.

2537 Section 53. Paragraph (f) of subsection (2) and subsection
 2538 (4) of section 216.163, Florida Statutes, are amended to read:

2539 216.163 Governor's recommended budget; form and content;
 2540 declaration of collective bargaining impasses.--

2541 (2) The Governor's recommended budget shall also include:

2542 (f) The Governor's recommendations for high-risk
 2543 information technology projects which should be subject to
 2544 monitoring under s. 282.322. These recommendations shall include
 2545 proviso language which specifies whether funds are specifically
 2546 provided to contract for project monitoring, or whether the
 2547 Office of Government Accountability ~~Auditor General~~ will conduct
 2548 such project monitoring. When funds are recommended for
 2549 contracting with a project monitor, such funds may equal 1
 2550 percent to 5 percent of the project's estimated total costs.
 2551 These funds shall be specifically appropriated and nonrecurring.

2552 (4) The Executive Office of the Governor shall review the



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2553 findings of the Office of ~~Program Policy Analysis and~~ Government
2554 Accountability, to the extent they are available, request any
2555 reports or additional analyses as necessary, and submit a
2556 recommendation for executive agencies, which may include a
2557 recommendation regarding incentives or disincentives for agency
2558 performance. Incentives or disincentives may apply to all or
2559 part of a state agency. The Chief Justice shall review the
2560 findings of the Office of ~~Program Policy Analysis and~~ Government
2561 Accountability regarding judicial branch performance and make
2562 appropriate recommendations for the judicial branch.

2563 (a) Incentives may include, but are not limited to:

2564 1. Additional flexibility in budget management, such as,
2565 but not limited to, the use of lump sums or special categories;
2566 consolidation of budget entities or program components;
2567 consolidation of appropriation categories; and increased agency
2568 transfer authority between appropriation categories or budget
2569 entities.

2570 2. Additional flexibility in salary rate and position
2571 management.

2572 3. Retention of up to 50 percent of all unencumbered
2573 balances of appropriations as of June 30, or undisbursed
2574 balances as of December 31, excluding special categories and
2575 grants and aids, which may be used for nonrecurring purposes
2576 including, but not limited to, lump-sum bonuses, employee
2577 training, or productivity enhancements, including technology and
2578 other improvements.

2579 4. Additional funds to be used for, but not limited to,
2580 lump-sum bonuses, employee training, or productivity
2581 enhancements, including technology and other improvements.



2582 5. Additional funds provided pursuant to law to be
 2583 released to an agency quarterly or incrementally contingent upon
 2584 the accomplishment of units of output or outcome specified in
 2585 the General Appropriations Act.

2586 (b) Disincentives may include, but are not limited to:

2587 1. Mandatory quarterly reports to the Executive Office of
 2588 the Governor and the Legislature on the agency's progress in
 2589 meeting performance standards.

2590 2. Mandatory quarterly appearances before the Legislature,
 2591 the Governor, or the Governor and Cabinet to report on the
 2592 agency's progress in meeting performance standards.

2593 3. Elimination or restructuring of the program, which may
 2594 include, but not be limited to, transfer of the program or
 2595 outsourcing all or a portion of the program.

2596 4. Reduction of total positions for a program.

2597 5. Restriction on or reduction of the spending authority
 2598 provided in s. 216.292(2).

2599 6. Reduction of managerial salaries.

2600 Section 54. Paragraph (b) of subsection (1) of section
 2601 216.177, Florida Statutes, is amended to read:

2602 216.177 Appropriations acts, statement of intent,
 2603 violation, notice, review and objection procedures.--

2604 (1) When an appropriations act is delivered to the
 2605 Governor after the Legislature has adjourned sine die, as soon
 2606 as practicable, but no later than the 10th day before the end of
 2607 the period allowed by law for veto consideration in any year in
 2608 which an appropriation is made, the chairs of the legislative
 2609 appropriations committees shall jointly transmit:

2610 (b) The documents set forth in s. 216.0442(2)(a) and (c),



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2611 to the Executive Office of the Governor, the Comptroller, the
 2612 Auditor General, ~~the director of the Office of Program Policy~~
 2613 ~~Analysis and Government Accountability~~, the Chief Justice of the
 2614 Supreme Court, and each state agency. A request for additional
 2615 explanation and direction regarding the legislative intent of
 2616 the General Appropriations Act during the fiscal year may be
 2617 made to the chair and vice chair of the Legislative Budget
 2618 Commission or the President of the Senate and the Speaker of the
 2619 House of Representatives only by and through the Executive
 2620 Office of the Governor for state agencies, and by and through
 2621 the Chief Justice of the Supreme Court for the judicial branch,
 2622 as is deemed necessary. However, the Comptroller may also
 2623 request further clarification of legislative intent pursuant to
 2624 the Comptroller's responsibilities related to his or her
 2625 preaudit function of expenditures.

2626 Section 55. Subsection (2) of section 216.178, Florida
 2627 Statutes, is amended to read:

2628 216.178 General Appropriations Act; format; procedure.--

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



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2640 made available to each member of the Legislature, to the head of
 2641 each state agency, to the Auditor General, ~~to the director of~~
 2642 ~~the Office of Program Policy Analysis and Government~~
 2643 ~~Accountability~~, and to the public.

2644 Section 56. Subsection (12) of section 216.181, Florida
 2645 Statutes, is amended to read:

2646 216.181 Approved budgets for operations and fixed capital
 2647 outlay.--

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



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2669 intent and policy. The provisions of this subsection are subject
 2670 to the notice, review, and objection procedures set forth in s.
 2671 216.177. For purposes of this section, the term "nonoperating
 2672 budgets" means nonoperating disbursement authority for purchase
 2673 of investments, refunds, payments to the United States Treasury,
 2674 transfers of funds specifically required by law, distributions
 2675 of assets held by the state in a trustee capacity as an agent of
 2676 fiduciary, special expenses, and other nonoperating budget
 2677 categories as determined necessary by the Executive Office of
 2678 the Governor, not otherwise appropriated in the General
 2679 Appropriations Act.

2680 Section 57. Subsection (1) of section 216.192, Florida
 2681 Statutes, is amended to read:

2682 216.192 Release of appropriations; revision of budgets.--

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



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2698 branch if less. The Comptroller shall enter such releases in his
 2699 or her records in accordance with the release plans prescribed
 2700 by the Executive Office of the Governor and the Chief Justice,
 2701 unless otherwise amended as provided by law. The Executive
 2702 Office of the Governor and the Chief Justice shall transmit a
 2703 copy of the approved annual releases to the head of the state
 2704 agency, the chair and vice chair of the Legislative Budget
 2705 Commission, and the Office of Government Accountability ~~Auditor~~
 2706 ~~General~~. The Comptroller shall authorize all expenditures to be
 2707 made from the appropriations on the basis of such releases and
 2708 in accordance with the approved budget, and not otherwise.
 2709 Expenditures shall be authorized only in accordance with
 2710 legislative authorizations. Nothing herein precludes periodic
 2711 reexamination and revision by the Executive Office of the
 2712 Governor or by the Chief Justice of the annual plans for release
 2713 of appropriations and the notifications of the parties of all
 2714 such revisions.

2715 Section 58. Subsection (3) of section 216.231, Florida
 2716 Statutes, is amended to read:

2717 216.231 Release of certain classified appropriations.--

2718 (3) Notwithstanding any other provisions of law, moneys
 2719 appropriated in any appropriations act to the Governor for
 2720 discretionary contingencies may be expended at his or her
 2721 discretion to promote general government and intergovernmental
 2722 cooperation and to enhance the image of the state. All funds
 2723 expended for such purposes shall be accounted for, and a report
 2724 showing the amounts expended, the names of the persons receiving
 2725 the amounts expended, and the purpose of each expenditure shall
 2726 be annually reported to the Office of Government Accountability



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2727 ~~Auditor General~~ and the legislative appropriations committees.

2728 Section 59. Paragraph (a) of subsection (1) of section
2729 216.262, Florida Statutes, is amended to read:

2730 216.262 Authorized positions.--

2731 (1)(a) Unless otherwise expressly provided by law, the
2732 total number of authorized positions may not exceed the total
2733 provided in the appropriations acts. In the event any state
2734 agency or entity of the judicial branch finds that the number of
2735 positions so provided is not sufficient to administer its
2736 authorized programs, it may file an application with the
2737 Executive Office of the Governor or the Chief Justice; and, if
2738 the Executive Office of the Governor or Chief Justice certifies
2739 that there are no authorized positions available for addition,
2740 deletion, or transfer within the agency as provided in paragraph
2741 (c) and recommends an increase in the number of positions, the
2742 Governor or the Chief Justice may, after a public hearing,
2743 authorize an increase in the number of positions for the
2744 following reasons only:

- 2745 1. To implement or provide for continuing federal grants
2746 or changes in grants not previously anticipated;
- 2747 2. To meet emergencies pursuant to s. 252.36;
- 2748 3. To satisfy new federal regulations or changes therein;
- 2749 4. To take advantage of opportunities to reduce operating
2750 expenditures or to increase the revenues of the state or local
2751 government; and
- 2752 5. To authorize positions which were not fixed by the
2753 Legislature through error in drafting the appropriations acts.

2754
2755 The provisions of this paragraph are subject to the notice and



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2756 review procedures set forth in s. 216.177. A copy of the
 2757 application, the certification, and the final authorization
 2758 shall be filed with the Legislative Budget Commission, the
 2759 appropriations committees, and with the Office of Government
 2760 Accountability ~~Auditor General~~.

2761 Section 60. Subsections (2) and (3) of section 216.292,
 2762 Florida Statutes, is amended to read:

2763 216.292 Appropriations nontransferable; exceptions.--

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



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2785 Comptroller. Such authorized revisions shall be consistent with
2786 the intent of the approved operating budget, shall be consistent
2787 with legislative policy and intent, and shall not conflict with
2788 specific spending policies specified in the General
2789 Appropriations Act.

2790 (3) The head of each department or the Chief Justice of
2791 the Supreme Court, whenever it is deemed necessary by reason of
2792 changed conditions, may transfer appropriations funded from
2793 identical funding sources, except appropriations for fixed
2794 capital outlay, and transfer the amounts included within the
2795 total original approved budget and releases as furnished
2796 pursuant to ss. 216.181 and 216.192, as follows:

2797 (a) Between categories of appropriations within a budget
2798 entity, if no category of appropriation is increased or
2799 decreased by more than 5 percent of the original approved budget
2800 or \$150,000, whichever is greater, by all action taken under
2801 this subsection.

2802 (b) Additionally, between budget entities within identical
2803 categories of appropriations, if no category of appropriation is
2804 increased or decreased by more than 5 percent of the original
2805 approved budget or \$150,000, whichever is greater, by all action
2806 taken under this subsection.

2807 (c) Such authorized revisions must be consistent with the
2808 intent of the approved operating budget, must be consistent with
2809 legislative policy and intent, and must not conflict with
2810 specific spending policies specified in the General
2811 Appropriations Act.

2812
2813 Such authorized revisions, together with related changes, if



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2814 any, in the plan for release of appropriations, shall be
2815 transmitted by the state agency or by the judicial branch to the
2816 Comptroller for entry in the Comptroller's records in the manner
2817 and format prescribed by the Executive Office of the Governor in
2818 consultation with the Comptroller. A copy of such revision shall
2819 be furnished to the Executive Office of the Governor or the
2820 Chief Justice, the chair and vice chair of the Legislative
2821 Budget Commission, and the Auditor General, ~~and the director of~~
2822 ~~the Office of Program Policy Analysis and Government~~
2823 ~~Accountability.~~

2824 Section 61. Paragraph (a) of subsection (1) and
2825 subsections (2) and (3) of section 216.301, Florida Statutes,
2826 are amended to read:

2827 216.301 Appropriations; undisbursed balances.--

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



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2843 committees, and the Office of Government Accountability ~~Auditor~~
 2844 ~~General~~ a detailed listing of the items and amounts approved as
 2845 legal encumbrances against the undisbursed balance of such
 2846 appropriation. The review shall assure that trust funds have
 2847 been fully maximized. Any such encumbered balance remaining
 2848 undisbursed on December 31 of the same calendar year in which
 2849 such certification was made shall revert to the fund from which
 2850 appropriated and shall be available for reappropriation by the
 2851 Legislature. In the event such certification is not made and an
 2852 obligation is proven to be legal, due, and unpaid, then the
 2853 obligation shall be paid and charged to the appropriation for
 2854 the current fiscal year of the state agency or the legislative
 2855 or judicial branch affected.

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



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2872 the items and amounts approved as legal encumbrances against the
 2873 undisbursed balances of such appropriations. In the event such
 2874 certification is not made and the balance of the appropriation
 2875 has reverted and the obligation is proven to be legal, due, and
 2876 unpaid, then the same shall be presented to the Legislature for
 2877 its consideration.

2878 (b) Such certification as herein required shall be in the
 2879 form and on the date approved by the Executive Office of the
 2880 Governor. Any balance not so certified shall revert to the fund
 2881 from which appropriated and shall be available for
 2882 reappropriation.

2883 (3) Notwithstanding the provisions of subsection (2), the
 2884 unexpended balance of any appropriation for fixed capital outlay
 2885 subject to but not under the terms of a binding contract or a
 2886 general construction contract prior to February 1 of the second
 2887 fiscal year, or the third fiscal year if it is for an
 2888 educational facility as defined in chapter 1013 or a
 2889 construction project of a state university, of the appropriation
 2890 shall revert on February 1 of such year to the fund from which
 2891 appropriated and shall be available for reappropriation. The
 2892 Executive Office of the Governor shall, not later than February
 2893 20 of each year, furnish the Comptroller, the legislative
 2894 appropriations committees, and the Office of Government
 2895 Accountability ~~Auditor General~~ a report listing in detail the
 2896 items and amounts reverting under the authority of this
 2897 subsection, including the fund to which reverted and the agency
 2898 affected.

2899 Section 62. Subsections (17) and (18) of section 218.31,
 2900 Florida Statutes, are amended to read:



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2901 218.31 Definitions.--As used in this part, except where
 2902 the context clearly indicates a different meaning:

2903 (17) "Financial audit" means an examination of financial
 2904 statements in order to express an opinion on the fairness with
 2905 which they are presented in conformity with generally accepted
 2906 accounting principles and an examination to determine whether
 2907 operations are properly conducted in accordance with legal and
 2908 regulatory requirements. Financial audits must be conducted in
 2909 accordance with generally accepted auditing standards and
 2910 government auditing standards as adopted by the Board of
 2911 Accountancy and as prescribed by rules adopted ~~promulgated~~ by
 2912 the Office of Government Accountability Auditor General.

2913 (18) "Management letter" means a statement of the
 2914 auditor's comments and recommendations as prescribed by rules
 2915 adopted by the Office of Government Accountability Auditor
 2916 General.

2917 Section 63. Paragraphs (e) and (f) of subsection (1) and
 2918 subsection (2) of section 218.32, Florida Statutes, are amended
 2919 to read:

2920 218.32 Annual financial reports; local governmental
 2921 entities.--

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



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2930 Accountability Auditor General pursuant to s. 11.45~~(7)(f)~~. The
 2931 department must forward the financial information contained
 2932 within these entities' annual financial reports to the Office of
 2933 Government Accountability Auditor General in electronic form.
 2934 This paragraph does not apply to housing authorities created
 2935 under chapter 421.

2936 (f) If the department does not receive a completed annual
 2937 financial report from a local governmental entity within the
 2938 required period, it shall notify the Legislative Auditing
 2939 Committee of the local governmental entity's failure to comply
 2940 with the reporting requirements. The committee shall proceed in
 2941 accordance with s. 11.40(5).

2942 (2) The department shall annually by December 1 file a
 2943 verified report with the Governor, the Legislature, the Office
 2944 of Government Accountability Auditor General, and the Special
 2945 District Information Program of the Department of Community
 2946 Affairs showing the revenues, both locally derived and derived
 2947 from intergovernmental transfers, and the expenditures of each
 2948 local governmental entity, regional planning council, local
 2949 government finance commission, and municipal power corporation
 2950 that is required to submit an annual financial report. The
 2951 report must include, but is not limited to:

2952 (a) The total revenues and expenditures of each local
 2953 governmental entity that is a component unit included in the
 2954 annual financial report of the reporting entity.

2955 (b) The amount of outstanding long-term debt by each local
 2956 governmental entity. For purposes of this paragraph, the term
 2957 "long-term debt" means any agreement or series of agreements to
 2958 pay money, which, at inception, contemplate terms of payment



2959 exceeding 1 year in duration.

2960 Section 64. Subsections (1), (2), (7), (8), and (9) of
 2961 section 218.39, Florida Statutes, are amended to read:

2962 218.39 Annual financial audit reports.--

2963 (1) If, by the first day in any fiscal year, a local
 2964 governmental entity, district school board, charter school, or
 2965 charter technical career center has not been notified that a
 2966 financial audit for that fiscal year will be performed by the
 2967 Office of Government Accountability ~~Auditor General~~, each of the
 2968 following entities shall have an annual financial audit of its
 2969 accounts and records completed within 12 months after the end of
 2970 its fiscal year by an independent certified public accountant
 2971 retained by it and paid from its public funds:

2972 (a) Each county.

2973 (b) Any municipality with revenues or the total of
 2974 expenditures and expenses in excess of \$250,000.

2975 (c) Any special district with revenues or the total of
 2976 expenditures and expenses in excess of \$100,000.

2977 (d) Each district school board.

2978 (e) Each charter school established under s. 1002.33.

2979 (f) Each charter technical center established under s.
 2980 1002.34.

2981 (g) Each municipality with revenues or the total of
 2982 expenditures and expenses between \$100,000 and \$250,000 that has
 2983 not been subject to a financial audit pursuant to this
 2984 subsection for the 2 preceding fiscal years.

2985 (h) Each special district with revenues or the total of
 2986 expenditures and expenses between \$50,000 and \$100,000 that has
 2987 not been subject to a financial audit pursuant to this



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2988 subsection for the 2 preceding fiscal years.

2989 (2) The county audit report shall be a single document
2990 that includes a financial audit of the county as a whole and,
2991 for each county agency other than a board of county
2992 commissioners, an audit of its financial accounts and records,
2993 including reports on compliance and internal control, management
2994 letters, and financial statements as required by rules adopted
2995 by the Office of Government Accountability Auditor General. In
2996 addition to such requirements, if a board of county
2997 commissioners elects to have a separate audit of its financial
2998 accounts and records in the manner required by rules adopted by
2999 the Auditor General for other county agencies, such separate
3000 audit shall be included in the county audit report.

3001 (7) The predecessor auditor of a district school board
3002 shall provide the Office of Government Accountability Auditor
3003 ~~General~~ access to the prior year's working papers in accordance
3004 with the Statements on Auditing Standards, including
3005 documentation of planning, internal control, audit results, and
3006 other matters of continuing accounting and auditing
3007 significance, such as the working paper analysis of balance
3008 sheet accounts and those relating to contingencies.

3009 (8) All audits conducted in accordance with this section
3010 must be conducted in accordance with the rules of the Office of
3011 Government Accountability Auditor General promulgated pursuant
3012 to s. 11.45. All audit reports and the officer's written
3013 statement of explanation or rebuttal must be submitted to the
3014 Office of Government Accountability Auditor General within 45
3015 days after delivery of the audit report to the entity's
3016 governing body, but no later than 12 months after the end of the



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3017 fiscal year.

3018 (9) Each charter school and charter technical career
 3019 center must file a copy of its audit report with the sponsoring
 3020 entity; the local district school board, if not the sponsoring
 3021 entity; the Office of Government Accountability Auditor General;
 3022 and with the Department of Education.

3023 Section 65. Paragraph (f) of subsection (4) of section
 3024 220.187, Florida Statutes, is amended to read:

3025 220.187 Credits for contributions to nonprofit
 3026 scholarship-funding organizations.--

3027 (4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 3028 ORGANIZATIONS.--

3029 (f) An eligible nonprofit scholarship-funding organization
 3030 that receives eligible contributions must provide to the Office
 3031 of Government Accountability Auditor General an annual financial
 3032 and compliance audit of its accounts and records conducted by an
 3033 independent certified public accountant and in accordance with
 3034 rules adopted by the Office of Government Accountability Auditor
 3035 General.

3036 Section 66. Subsection (3) of section 243.73, Florida
 3037 Statutes, is amended to read:

3038 243.73 Reports; audits.--

3039 (3) The Office of Government Accountability Auditor
 3040 General may, pursuant to direction by the Auditor General ~~his or~~
 3041 ~~her own authority~~ or at the direction of the Legislative
 3042 Auditing Committee, conduct an audit of the authority or any
 3043 programs or entities created by the authority.

3044 Section 67. Subsection (11) of section 253.025, Florida
 3045 Statutes, is amended to read:



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3046 253.025 Acquisition of state lands for purposes other than
3047 preservation, conservation, and recreation.--

3048 (11) The Office of Government Accountability ~~Auditor~~
3049 ~~General~~ shall conduct audits of acquisitions and divestitures
3050 which, according to its ~~his or her~~ preliminary assessments of
3051 board-approved acquisitions and divestitures, it ~~he or she~~ deems
3052 necessary. These preliminary assessments shall be initiated not
3053 later than 60 days following the final approval by the board of
3054 land acquisitions under this section. If an audit is conducted,
3055 the Office of Government Accountability ~~Auditor General~~ shall
3056 submit an audit report to the board of trustees, the President
3057 of the Senate, the Speaker of the House of Representatives, and
3058 their designees.

3059 Section 68. Subsection (2) of section 259.037, Florida
3060 Statutes, is amended to read:

3061 259.037 Land Management Uniform Accounting Council.--

3062 (2) The ~~Auditor General and the director of the Office of~~
3063 ~~Program Policy Analysis and Government Accountability, or their~~
3064 ~~designees~~, shall advise the council to ensure that appropriate
3065 accounting procedures are utilized and that a uniform method of
3066 collecting and reporting accurate costs of land management
3067 activities are created and can be used by all agencies.

3068 Section 69. Subsection (16) of section 259.041, Florida
3069 Statutes, is amended to read:

3070 259.041 Acquisition of state-owned lands for preservation,
3071 conservation, and recreation purposes.--

3072 (16) The Office of Government Accountability ~~Auditor~~
3073 ~~General~~ shall conduct audits of acquisitions and divestitures
3074 which it ~~he or she~~ deems necessary, according to its ~~his or her~~



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3075 preliminary assessments of board-approved acquisitions and
 3076 divestitures. These preliminary assessments shall be initiated
 3077 not later than 60 days following the final approval by the board
 3078 of land acquisitions under this section. If an audit is
 3079 conducted, the Office of Government Accountability ~~Auditor~~
 3080 ~~General~~ shall submit an audit report to the board of trustees,
 3081 the President of the Senate, the Speaker of the House of
 3082 Representatives, and their designees.

3083 Section 70. Subsection (8) of section 267.1732, Florida
 3084 Statutes, is amended to read:

3085 267.1732 Direct-support organization.--

3086 (8) The identity of a donor or prospective donor of
 3087 property to a direct-support organization who desires to remain
 3088 anonymous, and all information identifying such donor or
 3089 prospective donor, is confidential and exempt from the
 3090 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 3091 Constitution; and that anonymity must be maintained in the
 3092 auditor's report. The university and the Office of Government
 3093 Accountability ~~Auditor General~~ shall have access to all records
 3094 of the direct-support organization at any time it is requested.

3095 Section 71. Section 273.02, Florida Statutes, is amended
 3096 to read:

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



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3104 more, and hardback-covered bound books, the value or cost of
 3105 which is \$250 or more. Each item of property which it is
 3106 practicable to identify by marking shall be marked in the manner
 3107 required by the Office of Government Accountability ~~Auditor~~
 3108 ~~General~~. Each custodian shall maintain an adequate record of
 3109 property in his or her custody, which record shall contain such
 3110 information as shall be required by the Office of Government
 3111 Accountability ~~Auditor~~ ~~General~~. Once each year, on July 1 or as
 3112 soon thereafter as is practicable, and whenever there is a
 3113 change of custodian, each custodian shall take an inventory of
 3114 property in his or her custody. The inventory shall be compared
 3115 with the property record, and all discrepancies shall be traced
 3116 and reconciled. All publicly supported libraries shall be exempt
 3117 from marking hardback-covered bound books, as required by this
 3118 section. The catalog and inventory control records maintained by
 3119 each publicly supported library shall constitute the property
 3120 record of hardback-covered bound books with a value or cost of
 3121 \$25 or more included in each publicly supported library
 3122 collection and shall serve as a perpetual inventory in lieu of
 3123 an annual physical inventory. All books identified by these
 3124 records as missing shall be traced and reconciled, and the
 3125 library inventory shall be adjusted accordingly.

3126 Section 72. Subsection (5) of section 273.05, Florida
 3127 Statutes, is amended to read:

3128 273.05 Surplus property.--

3129 (5) The custodian shall maintain records of property that
 3130 is certified as surplus with information indicating the value
 3131 and condition of the property. Agency records for property
 3132 certified as surplus shall comply with rules adopted ~~issued~~ by



3133 the Office of Government Accountability ~~Auditor General~~.

3134 Section 73. Subsection (2) of section 273.055, Florida
3135 Statutes, is amended to read:

3136 273.055 Disposition of state-owned tangible personal
3137 property.--

3138 (2) Custodians shall maintain records to identify each
3139 property item as to disposition. Such records shall comply with
3140 rules adopted ~~issued~~ by the Office of Government Accountability
3141 ~~Auditor General~~.

3142 Section 74. Subsection (2) of section 274.02, Florida
3143 Statutes, is amended to read:

3144 274.02 Record and inventory of certain property.--

3145 (2) Each item of property which it is practicable to
3146 identify by marking shall be marked in the manner required by
3147 the Office of Government Accountability ~~Auditor General~~. Each
3148 governmental unit shall maintain an adequate record of its
3149 property, which record shall contain such information as shall
3150 be required by the Office of Government Accountability ~~Auditor~~
3151 ~~General~~. Each governmental unit shall take an inventory of its
3152 property in the custody of a custodian whenever there is a
3153 change in such custodian. A complete physical inventory of all
3154 property shall be taken annually, and the date inventoried shall
3155 be entered on the property record. The inventory shall be
3156 compared with the property record, and all discrepancies shall
3157 be traced and reconciled.

3158 Section 75. Paragraph (a) of subsection (2) of section
3159 282.318, Florida Statutes, is amended to read:

3160 282.318 Security of data and information technology
3161 resources.--



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3162 (2)(a) The State Technology Office, in consultation with
3163 each agency head, is responsible and accountable for assuring an
3164 adequate level of security for all data and information
3165 technology resources of each agency and, to carry out this
3166 responsibility, shall, at a minimum:

3167 1. Designate an information security manager who shall
3168 administer the security program of each agency for its data and
3169 information technology resources.

3170 2. Conduct, and periodically update, a comprehensive risk
3171 analysis to determine the security threats to the data and
3172 information technology resources of each agency. The risk
3173 analysis information is confidential and exempt from the
3174 provisions of s. 119.07(1), except that such information shall
3175 be available to the Office of Government Accountability Auditor
3176 ~~General~~ in performing its auditing ~~his or her postauditing~~
3177 duties.

3178 3. Develop, and periodically update, written internal
3179 policies and procedures to assure the security of the data and
3180 information technology resources of each agency. The internal
3181 policies and procedures which, if disclosed, could facilitate
3182 the unauthorized modification, disclosure, or destruction of
3183 data or information technology resources are confidential
3184 information and exempt from the provisions of s. 119.07(1),
3185 except that such information shall be available to the Office of
3186 Government Accountability Auditor ~~General~~ in performing its
3187 auditing ~~his or her postauditing~~ duties.

3188 4. Implement appropriate cost-effective safeguards to
3189 reduce, eliminate, or recover from the identified risks to the
3190 data and information technology resources of each agency.



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3191 5. Ensure that periodic internal audits and evaluations of
 3192 each security program for the data and information technology
 3193 resources of the agency are conducted. The results of such
 3194 internal audits and evaluations are confidential information and
 3195 exempt from the provisions of s. 119.07(1), except that such
 3196 information shall be available to the Office of Government
 3197 Accountability Auditor General in performing its auditing ~~his or~~
 3198 ~~her postauditing~~ duties.

3199 6. Include appropriate security requirements, as
 3200 determined by the State Technology Office, in consultation with
 3201 each agency head, in the written specifications for the
 3202 solicitation of information technology resources.

3203 Section 76. Subsection (1) of section 282.322, Florida
 3204 Statutes, is amended to read:

3205 282.322 Special monitoring process for designated
 3206 information resources management projects.--

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



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



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3249 Accountability ~~Auditor General~~ shall also receive a copy of the
 3250 project monitor's report for those projects in which the Office
 3251 of Government Accountability ~~Auditor General~~ is not the project
 3252 monitor.

3253 Section 77. Paragraph (b) of subsection (2) of section
 3254 287.045, Florida Statutes, is amended to read:

3255 287.045 Procurement of products and materials with
 3256 recycled content.--

3257 (2)(b) The Office of Government Accountability ~~Auditor~~
 3258 ~~General~~ shall assist in monitoring the product procurement
 3259 requirements.

3260 Section 78. Subsection (2) of section 287.058, Florida
 3261 Statutes, is amended to read:

3262 287.058 Contract document.--

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



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3278 describe actions taken to prevent recurrence of such
 3279 noncompliance. The agency head may delegate the certification
 3280 only to other senior management agency personnel. A copy of the
 3281 certification shall be furnished to the Comptroller with the
 3282 voucher authorizing payment. The department shall report
 3283 repeated instances of noncompliance by an agency to the Office
 3284 of Government Accountability ~~Auditor General~~. Nothing in this
 3285 subsection shall be deemed to authorize additional compensation
 3286 prohibited by s. 215.425. The procurement of contractual
 3287 services shall not be divided so as to avoid the provisions of
 3288 this section.

3289 Section 79. Subsection (11) of section 287.0943, Florida
 3290 Statutes, is amended to read:

3291 287.0943 Certification of minority business enterprises.--

3292 (11) To deter fraud in the program, the Office of
 3293 Government Accountability ~~Auditor General~~ may review the
 3294 criteria by which a business became certified as a certified
 3295 minority business enterprise.

3296 Section 80. Section 287.115, Florida Statutes, is amended
 3297 to read:

3298 287.115 Comptroller; annual report.--The Comptroller shall
 3299 submit to the Office of Government Accountability ~~office of the~~
 3300 ~~Auditor General~~ an annual report on those contractual service
 3301 contracts disallowed by the Comptroller, which report shall
 3302 include, but is not limited to, the name of the user agency, the
 3303 name of the firm or individual from which the contractual
 3304 service was to be acquired, a description of the contractual
 3305 service, the financial terms of the contract, and the reason for
 3306 rejection.



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3307 Section 81. Subsection (5) of section 287.17, Florida
 3308 Statutes, is amended to read:

3309 287.17 Limitation on use of motor vehicles and aircraft.--

3310 (5) Each state agency's head shall, by December 31, 2000,
 3311 conduct a review of motor vehicle utilization with oversight
 3312 from the agency's inspector general. This review shall consist
 3313 of two parts. The first part of the review shall determine the
 3314 number of miles that each assigned motor vehicle has been driven
 3315 on official state business in the past fiscal year. Commuting
 3316 mileage shall be excluded from calculating vehicle use. The
 3317 purpose of this review is to determine whether employees with
 3318 assigned motor vehicles are driving the vehicles a sufficient
 3319 number of miles to warrant continued vehicle assignment. The
 3320 second part of the review shall identify employees who have
 3321 driven personal vehicles extensively on state business in the
 3322 past fiscal year. The purpose of this review is to determine
 3323 whether it would be cost-effective to provide state motor
 3324 vehicles to such employees. In making this determination, the
 3325 inspector general shall use the break-even mileage criteria
 3326 developed by the Department of Management Services. A copy of
 3327 the review shall be presented to the Office of ~~Program Policy~~
 3328 ~~Analysis and~~ Government Accountability.

3329 Section 82. Paragraphs (d) and (e) of subsection (4) of
 3330 section 288.1224, Florida Statutes, are amended to read:

3331 288.1224 Powers and duties.--The commission:

3332 (4)

3333 (d) The plan shall include recommendations regarding
 3334 specific performance standards and measurable outcomes for the
 3335 commission and its direct-support organization. The commission,



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3336 in consultation with the Office of ~~Program Policy Analysis and~~
 3337 Government Accountability, shall develop a plan for monitoring
 3338 its operations to ensure that performance data are maintained
 3339 and supported by records of the organization.

3340 ~~(e) Prior to the 2003 Regular Session of the Legislature,~~
 3341 ~~the Office of Program Policy Analysis and Government~~
 3342 ~~Accountability shall conduct a review of, and prepare a report~~
 3343 ~~on, the Florida Commission on Tourism and its direct support~~
 3344 ~~organization. The review shall be comprehensive in its scope,~~
 3345 ~~but, at a minimum, must be conducted in such a manner as to~~
 3346 ~~specifically determine:~~

3347 ~~1. The progress toward achieving the established outcomes.~~

3348 ~~2. The circumstances contributing to the organization's~~
 3349 ~~ability to achieve, not achieve, or exceed its established~~
 3350 ~~outcomes.~~

3351 ~~3. Whether it would be sound public policy to continue or~~
 3352 ~~discontinue funding the organization, and the consequences of~~
 3353 ~~discontinuing the organization.~~

3354
 3355 ~~The report shall be submitted by January 1, 2003, to the~~
 3356 ~~President of the Senate, the Speaker of the House of~~
 3357 ~~Representatives, the Senate Minority Leader, and the House~~
 3358 ~~Minority Leader.~~

3359 Section 83. Subsection (6) of section 288.1226, Florida
 3360 Statutes, is amended to read:

3361 288.1226 Florida Tourism Industry Marketing Corporation;
 3362 use of property; board of directors; duties; audit.--

3363 (6) ANNUAL AUDIT.--The corporation shall provide for an
 3364 annual financial audit in accordance with s. 215.981. The annual



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3365 audit report shall be submitted to the ~~Auditor General; the~~
 3366 Office of ~~Policy Analysis and~~ Government Accountability; and the
 3367 Office of Tourism, Trade, and Economic Development for review.
 3368 The Office of ~~Program Policy Analysis and~~ Government
 3369 Accountability and; the Office of Tourism, Trade, and Economic
 3370 Development; ~~and the Auditor General~~ have the authority to
 3371 require and receive from the corporation or from its independent
 3372 auditor any detail or supplemental data relative to the
 3373 operation of the corporation. The Office of Tourism, Trade, and
 3374 Economic Development shall annually certify whether the
 3375 corporation is operating in a manner and achieving the
 3376 objectives that are consistent with the policies and goals of
 3377 the commission and its long-range marketing plan. The identity
 3378 of a donor or prospective donor to the corporation who desires
 3379 to remain anonymous and all information identifying such donor
 3380 or prospective donor are confidential and exempt from the
 3381 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 3382 Constitution. Such anonymity shall be maintained in the
 3383 auditor's report.

3384 Section 84. Subsection (2) of section 288.1227, Florida
 3385 Statutes, is amended to read:

3386 288.1227 Annual report of the Florida Commission on
 3387 Tourism; audits.--

3388 (2) The Office of Government Accountability ~~Auditor~~
 3389 ~~General~~ may, pursuant to the direction of the Auditor General
 3390 ~~his or her own authority~~ or at the direction of the Legislative
 3391 Auditing Committee, conduct an audit of the commission or its
 3392 direct-support organization.

3393 Section 85. Section 288.7011, Florida Statutes, is amended



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3394 to read:
 3395 288.7011 Assistance to certified development
 3396 corporation.--The Office of Tourism, Trade, and Economic
 3397 Development is authorized to enter into contracts with a
 3398 nonprofit, statewide development corporation certified pursuant
 3399 to s. 503 of the Small Business Investment Act of 1958, as
 3400 amended, to permit such corporation to locate and contract for
 3401 administrative and technical staff assistance and support,
 3402 including, without limitation, assistance to the development
 3403 corporation in the packaging and servicing of loans for the
 3404 purpose of stimulating and expanding the availability of private
 3405 equity capital and long-term loans to small businesses. Such
 3406 assistance and support will cease when the corporation has
 3407 received state support in an amount the equivalent of \$250,000
 3408 per year over a 5-year period beginning July 1, 1997. Any
 3409 contract between the office and such corporation shall specify
 3410 that the records of the corporation must be available for audit
 3411 by the office and by the Office of Government Accountability
 3412 ~~Auditor General~~.

3413 Section 86. Subsection (10) of section 288.7091, Florida
 3414 Statutes, is amended to read:

3415 288.7091 Duties of the Florida Black Business Investment
 3416 Board, Inc.--The Florida Black Business Investment Board, Inc.,
 3417 shall:

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



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3423 Representatives, and the Office of Government Accountability
 3424 ~~Auditor General~~.

3425 Section 87. Subsection (8) of section 288.7092, Florida
 3426 Statutes, is amended to read:

3427 288.7092 Return on investment from activities of the
 3428 corporation.--

3429 (8) The corporation, in consultation with the Office of
 3430 ~~Program Policy Analysis and~~ Government Accountability, shall
 3431 hire a private accounting firm or economic analysis firm to
 3432 develop the methodology for establishing and reporting return on
 3433 investment and in-kind contributions as described in this
 3434 section. The Office of ~~Program Policy Analysis and~~ Government
 3435 Accountability shall review and offer feedback on the
 3436 methodology before it is implemented. The private accounting
 3437 firm or economic analysis firm shall certify whether the
 3438 applicable statements in the annual report comply with this
 3439 section.

3440 Section 88. Subsection (8) of section 288.90151, Florida
 3441 Statutes, is amended to read:

3442 288.90151 Return on investment from activities of
 3443 Enterprise Florida, Inc.--

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



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3452 methodology before it is implemented. The private accounting
 3453 firm shall certify whether the applicable statements in the
 3454 annual report comply with this subsection.

3455 Section 89. Paragraphs (a) and (c) of subsection (4) of
 3456 section 288.905, Florida Statutes, are amended to read:

3457 288.905 Duties of the board of directors of Enterprise
 3458 Florida, Inc.--

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



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3481 growth in the number and strength of businesses within targeted
 3482 sectors, client satisfaction, including the satisfaction of its
 3483 local and regional economic development partners, businesses
 3484 retained and recruited statewide and within rural and urban core
 3485 communities, employer wage growth, and increased export sales
 3486 among client companies to use in evaluating performance toward
 3487 accomplishing the mission of Enterprise Florida, Inc.

3488 ~~(c) Prior to the 2002 Regular Session of the Legislature,~~
 3489 ~~the Office of Program Policy Analysis and Government~~
 3490 ~~Accountability shall conduct a review of Enterprise Florida,~~
 3491 ~~Inc., and its boards and shall submit a report by January 1,~~
 3492 ~~2002, to the President of the Senate, the Speaker of the House~~
 3493 ~~of Representatives, the Senate Minority Leader, and the House~~
 3494 ~~Minority Leader. The review shall be comprehensive in its scope,~~
 3495 ~~but, at a minimum, must be conducted in such a manner as to~~
 3496 ~~specifically determine:~~

3497 ~~1. The progress towards achieving the established~~
 3498 ~~outcomes.~~

3499 ~~2. The circumstances contributing to the organization's~~
 3500 ~~ability to achieve, not achieve, or exceed its established~~
 3501 ~~outcomes.~~

3502 ~~3. Whether it would be sound public policy to continue or~~
 3503 ~~discontinue funding the organization, and the consequences of~~
 3504 ~~discontinuing the organization.~~

3505 Section 90. Subsection (7) of section 288.906, Florida
 3506 Statutes, is amended to read:

3507 288.906 Annual report of Enterprise Florida, Inc.; audits;
 3508 confidentiality.--Prior to December 1 of each year, Enterprise
 3509 Florida, Inc., shall submit to the Governor, the President of



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3510 the Senate, the Speaker of the House of Representatives, the
 3511 Senate Minority Leader, and the House Minority Leader a complete
 3512 and detailed report including, but not limited to:

3513 (7) An annual compliance and financial audit of accounts
 3514 and records by an independent certified public accountant at the
 3515 end of its most recent fiscal year performed in accordance with
 3516 rules adopted by the Office of Government Accountability ~~Auditor~~
 3517 ~~General~~.

3518
 3519 The detailed report required by this subsection shall also
 3520 include the information identified in subsections (1)-(7), if
 3521 applicable, for any board established within the corporate
 3522 structure of Enterprise Florida, Inc.

3523 Section 91. Subsection (1) of section 288.9517, Florida
 3524 Statutes, is amended to read:

3525 288.9517 Audits; confidentiality.--

3526 (1) The ~~Auditor General and the director of the Office of~~
 3527 ~~Program Policy Analysis and Government Accountability~~ may,
 3528 pursuant to the direction of the Auditor General ~~their own~~
 3529 ~~authority~~ or at the direction of the Legislative Auditing
 3530 Committee, conduct an audit or examination of the technology
 3531 development board or the programs or entities created by the
 3532 board. The audit, examination, or report may not reveal the
 3533 identity of any person who has anonymously made a donation to
 3534 the board pursuant to subsection (2).

3535 Section 92. Paragraph (c) of subsection (4) of section
 3536 288.9604, Florida Statutes, is amended to read:

3537 288.9604 Creation of the authority.--

3538 (4)



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3539 (c) The directors of the corporation shall annually elect
3540 one of their members as chair and one as vice chair. The
3541 corporation may employ a president, technical experts, and such
3542 other agents and employees, permanent and temporary, as it
3543 requires and determine their qualifications, duties, and
3544 compensation. For such legal services as it requires, the
3545 corporation may employ or retain its own counsel and legal
3546 staff. The corporation shall file with the governing body of
3547 each public agency with which it has entered into an interlocal
3548 agreement and with the Governor, the Speaker of the House of
3549 Representatives, the President of the Senate, the Minority
3550 Leaders of the Senate and House of Representatives, and the
3551 Office of Government Accountability ~~Auditor General~~, on or
3552 before 90 days after the close of the fiscal year of the
3553 corporation, a report of its activities for the preceding fiscal
3554 year, which report shall include a complete financial statement
3555 setting forth its assets, liabilities, income, and operating
3556 expenses as of the end of such fiscal year.

3557 Section 93. Subsection (6) of section 290.00689, Florida
3558 Statutes, is amended to read:

3559 290.00689 Designation of enterprise zone pilot project
3560 area.--

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



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3568 increased the number of jobs created or retained in the area;
3569 induced the renovation, rehabilitation, restoration,
3570 improvement, or new construction of businesses or housing within
3571 the area; and contributed to the economic viability and
3572 profitability of business and commerce located within the area.
3573 The office shall submit a report of its findings and
3574 recommendations to the Speaker of the House of Representatives
3575 and the President of the Senate no later than January 15, 2004.

3576 Section 94. Section 296.17, Florida Statutes, is amended
3577 to read:

3578 296.17 Audit; inspection; and standards for the home.--The
3579 home shall be open at any time to audit and inspection by the
3580 ~~Auditor General and the Office of Program Policy Analysis and~~
3581 Government Accountability, as provided by law, the Department of
3582 Veterans' Affairs, the United States Department of Veterans
3583 Affairs, and to any other audits or inspections as required by
3584 law to maintain appropriate standards in the home. The standards
3585 that the department shall use to regulate the operation of the
3586 home shall be those prescribed by the United States Department
3587 of Veterans Affairs, provided that where the state's standards
3588 are more restrictive, the standards of the state shall apply.

3589 Section 95. Section 296.41, Florida Statutes, is amended
3590 to read:

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



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3597 appropriate standards in the home. The standards that the
 3598 department shall use to regulate the operation of the home shall
 3599 be those prescribed by the United States Department of Veterans
 3600 Affairs, provided that where the state's standards are more
 3601 restrictive, the standards of the state shall apply.

3602 Section 96. Section 298.17, Florida Statutes, is amended
 3603 to read:

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



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



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3655 of said annual audit shall be filed with the Office of
 3656 Government Accountability ~~state auditor~~. The treasurer of the
 3657 district shall pay out funds of the district only on warrants
 3658 issued by the district, said warrants to be signed by the
 3659 president of the board of supervisors and attested by the
 3660 signature of the secretary. All warrants shall be in the
 3661 following form:

3662
 3663 \$_____ Fund _____ No. of Warrant _____

3664
 3665 Treasurer of _____ Water Control District, State of
 3666 Florida. Pay to _____ Dollars out of the money in _____
 3667 fund of _____ Water Control District. For _____

3668 By order of board of supervisors of _____ Water Control
 3669 District, Florida.

3670 (President of District.)

3671
 3672 Attest: (Secretary of District.)

3673 Section 97. Section 310.131, Florida Statutes, is amended
 3674 to read:

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



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3684 to pilotage are subject to audit by the department and the
 3685 Office of Government Accountability Auditor General. The
 3686 department shall by rule set a procedure for verifying the
 3687 amount of pilotage at each port and may charge costs to the
 3688 appropriate port if the port does not comply with such
 3689 procedure.

3690 Section 98. Paragraph (d) of subsection (5) of section
 3691 320.023, Florida Statutes, is amended to read:

3692 320.023 Requests to establish voluntary checkoff on motor
 3693 vehicle registration application.--

3694 (5) A voluntary contribution collected and distributed
 3695 under this chapter, or any interest earned from those
 3696 contributions, may not be used for commercial or for-profit
 3697 activities nor for general or administrative expenses, except as
 3698 authorized by law.

3699 (d) Any organization subject to audit pursuant to s.
 3700 215.97 shall submit an audit report in accordance with rules
 3701 adopted promulgated by the Office of Government Accountability
 3702 ~~Auditor General~~. The annual attestation shall be submitted to
 3703 the department for review within 9 months after the end of the
 3704 organization's fiscal year.

3705 Section 99. Paragraph (e) of subsection (2), paragraph (b)
 3706 of subsection (9), and paragraph (c) of subsection (20) of
 3707 section 320.08058, Florida Statutes, are amended to read:

3708 320.08058 Specialty license plates.--

3709 (2) CHALLENGER LICENSE PLATES.--

3710 (e) The Office of Government Accountability Auditor
 3711 ~~General~~ has the authority to examine any and all records
 3712 pertaining to the Astronauts Memorial Foundation, Inc., and the



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3713 Technological Research and Development Authority to determine
 3714 compliance with the law.

3715 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

3716 (b) The license plate annual use fees are to be annually
 3717 distributed as follows:

3718 1. Fifty-five percent of the proceeds from the Florida
 3719 Professional Sports Team plate must be deposited into the
 3720 Professional Sports Development Trust Fund within the Office of
 3721 Tourism, Trade, and Economic Development. These funds must be
 3722 used solely to attract and support major sports events in this
 3723 state. As used in this subparagraph, the term "major sports
 3724 events" means, but is not limited to, championship or all-star
 3725 contests of Major League Baseball, the National Basketball
 3726 Association, the National Football League, the National Hockey
 3727 League, the men's and women's National Collegiate Athletic
 3728 Association Final Four basketball championship, or a horseracing
 3729 or dogracing Breeders' Cup. All funds must be used to support
 3730 and promote major sporting events, and the uses must be approved
 3731 by the Florida Sports Foundation.

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



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3742 communities bidding on minor sporting events that create an
 3743 economic impact for the state; to distribute funds to Florida-
 3744 based charities designated by the Florida Sports Foundation and
 3745 the participating professional sports teams; and to fulfill the
 3746 sports promotion responsibilities of the Office of Tourism,
 3747 Trade, and Economic Development.

3748 3. The Florida Sports Foundation shall provide an annual
 3749 financial audit in accordance with s. 215.981 of its financial
 3750 accounts and records by an independent certified public
 3751 accountant pursuant to the contract established by the Office of
 3752 Tourism, Trade, and Economic Development as specified in s.
 3753 288.1229(5). The auditor shall submit the audit report to the
 3754 Office of Tourism, Trade, and Economic Development for review
 3755 and approval. If the audit report is approved, the office shall
 3756 certify the audit report to the Office of Government
 3757 Accountability ~~Auditor General~~ for review.

3758 (20) PROTECT WILD DOLPHINS LICENSE PLATES.--

3759 (c) The Office of Government Accountability ~~Auditor~~
 3760 ~~General~~ may examine any records of the Harbor Branch
 3761 Oceanographic Institution, Inc., and any other organization that
 3762 receives funds from the sale of this plate, to determine
 3763 compliance with law.

3764 Section 100. Paragraph (c) of subsection (1) of section
 3765 320.08062, Florida Statutes, is amended to read:

3766 320.08062 Audits and attestations required; annual use
 3767 fees of specialty license plates.--

3768 (1)(c) Any organization subject to audit pursuant to s.
 3769 215.97 shall submit an audit report in accordance with rules
 3770 adopted promulgated by the Office of Government Accountability



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3771 ~~Auditor General~~. The annual attestation shall be submitted to
3772 the department for review within 9 months after the end of the
3773 organization's fiscal year.

3774 Section 101. Paragraph (d) of subsection (5) of section
3775 322.081, Florida Statutes, is amended to read:

3776 322.081 Requests to establish voluntary check-off on
3777 driver's license application.--

3778 (5) A voluntary contribution collected and distributed
3779 under this chapter, or any interest earned from those
3780 contributions, may not be used for commercial or for-profit
3781 activities nor for general or administrative expenses, except as
3782 authorized by law.

3783 (d) Any organization subject to audit pursuant to s.
3784 215.97 shall submit an audit report in accordance with rules
3785 adopted promulgated by the Office of Government Accountability
3786 ~~Auditor General~~. The annual attestation must be submitted to the
3787 department for review within 9 months after the end of the
3788 organization's fiscal year.

3789 Section 102. Subsection (6) of section 322.135, Florida
3790 Statutes, is amended to read:

3791 322.135 Driver's license agents.--

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



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3800 ~~the Florida Tax Collectors, Inc., one from a small population~~
3801 ~~county and one from a large population county; one person~~
3802 ~~appointed by the Speaker of the House of Representatives; one~~
3803 ~~person appointed by the President of the Senate; and the~~
3804 ~~Governor's appointee. If requested by the task force, the Auditor~~
3805 ~~General must provide technical assistance. The purpose of the~~
3806 ~~task force is to recommend the allocation of cost between the~~
3807 ~~Department of Highway Safety and Motor Vehicles and tax~~
3808 ~~collectors to administer driver license services authorized in~~
3809 ~~this chapter. These recommendations must be submitted in a~~
3810 ~~written report by January 1, 2002. The task force shall dissolve~~
3811 ~~on January 1, 2002. The written report shall be presented to the~~
3812 ~~President of the Senate, the Speaker of the House of~~
3813 ~~Representatives, and the Executive Office of the Governor, and~~
3814 ~~shall contain findings and determinations and related allocation~~
3815 ~~recommendations dealing with costs, both construction and~~
3816 ~~operating costs, of both the department and the applicable tax~~
3817 ~~collectors, appropriate allocations of costs between the~~
3818 ~~department and the tax collectors, and fee recommendations to~~
3819 ~~assure that the fees paid for these driver license services do~~
3820 ~~not result in a loss of revenue to the state in excess of costs~~
3821 ~~incurred by the state.~~

3822 Section 103. Section 324.202, Florida Statutes, is amended
3823 to read:

3824 324.202 Seizure of motor vehicle license plates by
3825 recovery agents.--

3826 ~~(1) The Department of Highway Safety and Motor Vehicles~~
3827 ~~shall implement a pilot program using recovery agents for the~~
3828 ~~seizure of license plates in Broward County, Dade County, and~~



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3829 ~~Hillsborough County. Licensed recovery agents and recovery~~
3830 ~~agencies as described in s. 493.6101(20) and (21) may seize~~
3831 ~~license plates of motor vehicles whose registrations have been~~
3832 ~~suspended pursuant to s. 316.646 or s. 627.733 in such counties~~
3833 ~~upon compliance with this section and rules of the Department of~~
3834 ~~Highway Safety and Motor Vehicles. Upon the implementation of~~
3835 ~~the vehicle information system overall reorganization to the~~
3836 ~~Oracle database of driver licenses and a verification of an~~
3837 ~~error rate of 2 percent or less for valid license plates seized~~
3838 ~~during the period following implementation of the database, as~~
3839 ~~determined by the Office of Program Policy Analysis and~~
3840 ~~Government Accountability, the program shall be expanded to~~
3841 ~~those counties where a majority of the governing body of the~~
3842 ~~county has requested the program be implemented. The~~
3843 ~~determination by the Office of Program Policy Analysis and~~
3844 ~~Government Accountability shall be submitted to the Senate and~~
3845 ~~the House of Representatives committees responsible for~~
3846 ~~insurance and transportation issues no later than January 1,~~
3847 ~~2001. The program authorizing recovery agents and agencies to~~
3848 ~~seize license plates shall be repealed July 1, 2002.~~

3849 ~~(2)~~ The Department of Highway Safety and Motor Vehicles
3850 shall:

3851 (1)~~(a)~~ Provide a procedure for recovery agents or recovery
3852 agencies who seize license plates pursuant to this section. This
3853 procedure shall include the development and distribution of
3854 forms and monthly renewal notices, including the name and most
3855 current address available to the department of persons not in
3856 compliance with s. 316.646 or s. 627.733.

3857 (2)~~(b)~~ Provide a method for the payment of a fee of \$25 to



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3858 the recovery agent or recovery agency seizing an eligible
 3859 license plate pursuant to this section.

3860 Section 104. Subsection (2) of section 331.419, Florida
 3861 Statutes, is amended to read:

3862 331.419 Reports and audits.--

3863 (2) By September 1, 2000, the corporation, in cooperation
 3864 with the Office of Program Policy Analysis and Government
 3865 Accountability, shall develop a research design, including goals
 3866 and measurable objectives for the corporation, which will
 3867 provide the Legislature with a quantitative evaluation of the
 3868 corporation. The corporation shall utilize the monitoring
 3869 mechanisms and reports developed in the designs and provide
 3870 these reports to the Governor, the President of the Senate, the
 3871 Speaker of the House of Representatives, and the Office of
 3872 ~~Program Policy Analysis and~~ Government Accountability.

3873 Section 105. Subsection (4) of section 334.0445, Florida
 3874 Statutes, is amended to read:

3875 334.0445 Model career service classification and
 3876 compensation plan.--

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



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3887 between the Department of Transportation, the Department of
 3888 Management Services, the Executive Office of the Governor,
 3889 legislative appropriations committees, legislative personnel
 3890 committees, and the affected certified bargaining unions.

3891 Section 106. Subsection (2) of section 336.022, Florida
 3892 Statutes, is amended to read:

3893 336.022 County transportation trust fund; controls and
 3894 administrative remedies.--

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



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3916 cited by the Office of Government Accountability ~~Auditor General~~
 3917 and such corrections have been certified by the Office of
 3918 Government Accountability ~~Auditor General~~ as having been
 3919 completed.

3920 Section 107. Subsection (7) of section 339.406, Florida
 3921 Statutes, is amended to read:

3922 339.406 Contract between the department and the
 3923 corporation.--The contract must provide for:

3924 (7) The authority for the department and the Office of
 3925 Government Accountability ~~Auditor General~~ to conduct audits.

3926 Section 108. Subsection (3) of section 365.173, Florida
 3927 Statutes, is amended to read:

3928 365.173 Wireless Emergency Telephone System Fund.--

3929 (3) The Office of Government Accountability ~~Auditor~~
 3930 ~~General~~ shall annually audit the fund to ensure that moneys in
 3931 the fund are being managed in accordance with this section and
 3932 s. 365.172. The Office of Government Accountability ~~Auditor~~
 3933 ~~General~~ shall provide a report of the annual audit to the board.

3934 Section 109. Subsection (3) of section 373.45926, Florida
 3935 Statutes, is amended to read:

3936 373.45926 Everglades Trust Fund; allocation of revenues
 3937 and expenditure of funds for conservation and protection of
 3938 natural resources and abatement of water pollution.--

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



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3945 Joint Legislative Committee on Everglades Oversight. At the
 3946 direction of the Joint Legislative Committee on Everglades
 3947 Oversight, an audit may be made from time to time by the Office
 3948 of Government Accountability ~~Auditor General~~, and such audit
 3949 shall be within the authority of said Office of Government
 3950 Accountability ~~Auditor General~~ to make.

3951 Section 110. Paragraph (c) of subsection (3) of section
 3952 373.4595, Florida Statutes, is amended to read:

3953 373.4595 Lake Okeechobee Protection Program.--

3954 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
 3955 program for Lake Okeechobee that achieves phosphorus load
 3956 reductions for Lake Okeechobee shall be immediately implemented
 3957 as specified in this subsection. The program shall address the
 3958 reduction of phosphorus loading to the lake from both internal
 3959 and external sources. Phosphorus load reductions shall be
 3960 achieved through a phased program of implementation. Initial
 3961 implementation actions shall be technology-based, based upon a
 3962 consideration of both the availability of appropriate technology
 3963 and the cost of such technology, and shall include phosphorus
 3964 reduction measures at both the source and the regional level.
 3965 The initial phase of phosphorus load reductions shall be based
 3966 upon the district's Technical Publication 81-2 and the
 3967 district's WOD program, with subsequent phases of phosphorus
 3968 load reductions based upon the total maximum daily loads
 3969 established in accordance with s. 403.067. In the development
 3970 and administration of the Lake Okeechobee Protection Program,
 3971 the coordinating agencies shall maximize opportunities provided
 3972 by federal cost-sharing programs and opportunities for
 3973 partnerships with the private sector.



3974 (c) Lake Okeechobee Watershed Phosphorus Control
 3975 Program.--The Lake Okeechobee Watershed Phosphorus Control
 3976 Program is designed to be a multifaceted approach to reducing
 3977 phosphorus loads by improving the management of phosphorus
 3978 sources within the Lake Okeechobee watershed through continued
 3979 implementation of existing regulations and best management
 3980 practices, development and implementation of improved best
 3981 management practices, improvement and restoration of the
 3982 hydrologic function of natural and managed systems, and
 3983 utilization of alternative technologies for nutrient reduction.
 3984 The coordinating agencies shall facilitate the application of
 3985 federal programs that offer opportunities for water quality
 3986 treatment, including preservation, restoration, or creation of
 3987 wetlands on agricultural lands.

3988 1. Agricultural nonpoint source best management practices,
 3989 developed in accordance with s. 403.067 and designed to achieve
 3990 the objectives of the Lake Okeechobee Protection Program, shall
 3991 be implemented on an expedited basis. By March 1, 2001, the
 3992 coordinating agencies shall develop an interagency agreement
 3993 pursuant to ss. 373.046 and 373.406(5) that assures the
 3994 development of best management practices that complement
 3995 existing regulatory programs and specifies how those best
 3996 management practices are implemented and verified. The
 3997 interagency agreement shall address measures to be taken by the
 3998 coordinating agencies during any best management practice
 3999 reevaluation performed pursuant to sub-subparagraph d. The
 4000 department shall use best professional judgment in making the
 4001 initial determination of best management practice effectiveness.

4002 a. As provided in s. 403.067(7)(d), by October 1, 2000,



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4003 the Department of Agriculture and Consumer Services, in
 4004 consultation with the department, the district, and affected
 4005 parties, shall initiate rule development for interim measures,
 4006 best management practices, conservation plans, nutrient
 4007 management plans, or other measures necessary for Lake
 4008 Okeechobee phosphorus load reduction. The rule shall include
 4009 thresholds for requiring conservation and nutrient management
 4010 plans and criteria for the contents of such plans. Development
 4011 of agricultural nonpoint source best management practices shall
 4012 initially focus on those priority basins listed in subparagraph
 4013 (b)1. The Department of Agriculture and Consumer Services, in
 4014 consultation with the department, the district, and affected
 4015 parties, shall conduct an ongoing program for improvement of
 4016 existing and development of new interim measures or best
 4017 management practices for the purpose of adoption of such
 4018 practices by rule.

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



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4032 provide technical and financial assistance for implementation of
4033 agricultural best management practices, subject to the
4034 availability of funds.

4035 c. The district or department shall conduct monitoring at
4036 representative sites to verify the effectiveness of agricultural
4037 nonpoint source best management practices.

4038 d. Where water quality problems are detected for
4039 agricultural nonpoint sources despite the appropriate
4040 implementation of adopted best management practices, the
4041 Department of Agriculture and Consumer Services, in consultation
4042 with the other coordinating agencies and affected parties, shall
4043 institute a reevaluation of the best management practices and
4044 make appropriate changes to the rule adopting best management
4045 practices.

4046 2. Nonagricultural nonpoint source best management
4047 practices, developed in accordance with s. 403.067 and designed
4048 to achieve the objectives of the Lake Okeechobee Protection
4049 Program, shall be implemented on an expedited basis. By March 1,
4050 2001, the department and the district shall develop an
4051 interagency agreement pursuant to ss. 373.046 and 373.406(5)
4052 that assures the development of best management practices that
4053 complement existing regulatory programs and specifies how those
4054 best management practices are implemented and verified. The
4055 interagency agreement shall address measures to be taken by the
4056 department and the district during any best management practice
4057 reevaluation performed pursuant to sub-subparagraph d.

4058 a. The department and the district are directed to work
4059 with the University of Florida's Institute of Food and
4060 Agricultural Sciences to develop appropriate nutrient



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4061 application rates for all nonagricultural soil amendments in the
4062 watershed. As provided in s. 403.067(7)(c), by January 1, 2001,
4063 the department, in consultation with the district and affected
4064 parties, shall develop interim measures, best management
4065 practices, or other measures necessary for Lake Okeechobee
4066 phosphorus load reduction. Development of nonagricultural
4067 nonpoint source best management practices shall initially focus
4068 on those priority basins listed in subparagraph (b)1. The
4069 department, the district, and affected parties shall conduct an
4070 ongoing program for improvement of existing and development of
4071 new interim measures or best management practices. The district
4072 shall adopt technology-based standards under the district's WOD
4073 program for nonagricultural nonpoint sources of phosphorus.

4074 b. Where nonagricultural nonpoint source best management
4075 practices or interim measures have been developed by the
4076 department and adopted by the district, the owner or operator of
4077 a nonagricultural nonpoint source shall implement interim
4078 measures or best management practices and be subject to the
4079 provisions of s. 403.067(7). The department and district shall
4080 provide technical and financial assistance for implementation of
4081 nonagricultural nonpoint source best management practices,
4082 subject to the availability of funds.

4083 c. The district or the department shall conduct monitoring
4084 at representative sites to verify the effectiveness of
4085 nonagricultural nonpoint source best management practices.

4086 d. Where water quality problems are detected for
4087 nonagricultural nonpoint sources despite the appropriate
4088 implementation of adopted best management practices, the
4089 department and the district shall institute a reevaluation of



4090 the best management practices.

4091 3. The provisions of subparagraphs 1. and 2. shall not
 4092 preclude the department or the district from requiring
 4093 compliance with water quality standards or with current best
 4094 management practices requirements set forth in any applicable
 4095 regulatory program authorized by law for the purpose of
 4096 protecting water quality. Additionally, subparagraphs 1. and 2.
 4097 are applicable only to the extent that they do not conflict with
 4098 any rules promulgated by the department that are necessary to
 4099 maintain a federally delegated or approved program.

4100 4. Projects which reduce the phosphorus load originating
 4101 from domestic wastewater systems within the Lake Okeechobee
 4102 watershed shall be given funding priority in the department's
 4103 revolving loan program under s. 403.1835. The department shall
 4104 coordinate and provide assistance to those local governments
 4105 seeking financial assistance for such priority projects.

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



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4119 projects located in a rural area of critical economic concern
4120 designated by the Governor. Grant applications may be submitted
4121 by any person or tribal entity, and eligible projects may
4122 include, but are not limited to, the purchase of conservation
4123 and flowage easements, hydrologic restoration of wetlands,
4124 creating treatment wetlands, development of a management plan
4125 for natural resources, and financial support to implement a
4126 management plan.

4127 6.a. The department shall require all entities disposing
4128 of domestic wastewater residuals within the Lake Okeechobee
4129 watershed and the remaining areas of Okeechobee, Glades, and
4130 Hendry Counties to develop and submit to the department an
4131 agricultural use plan that limits applications based upon
4132 phosphorus loading. By July 1, 2005, phosphorus concentrations
4133 originating from these application sites shall not exceed the
4134 limits established in the district's WOD program.

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



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4148 notwithstanding provisions to the contrary in chapter 367. The
4149 fee shall be established by the county commission or its
4150 designated assignee in the county in which the alternative
4151 method treatment facility is located. The fee shall be
4152 calculated to be no higher than that necessary to recover the
4153 facility's prudent cost of providing the service. Upon request
4154 by an affected county commission, the Florida Public Service
4155 Commission will provide assistance in establishing the fee.
4156 Further, for utilities and utility authorities that use the
4157 additional line item environmental protection disposal fee, such
4158 fee shall not be considered a rate increase under the rules of
4159 the Public Service Commission and shall be exempt from such
4160 rules. Utilities using the provisions of this section may
4161 immediately include in their sewer invoicing the new
4162 environmental protection disposal fee. Proceeds from this
4163 environmental protection disposal fee shall be used for
4164 treatment and disposal of wastewater residuals, including any
4165 treatment technology that helps reduce the volume of residuals
4166 that require final disposal, but such proceeds shall not be used
4167 for transportation or shipment costs for disposal or any costs
4168 relating to the land application of residuals in the Lake
4169 Okeechobee watershed.

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



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4177 methodology used in establishing the environmental protection
4178 disposal fee. The Florida Public Service Commission or the
4179 county commission shall, within 120 days after completion of an
4180 audit, file the audit report with the President of the Senate
4181 and the Speaker of the House of Representatives and shall
4182 provide copies to the county commissions of the counties set
4183 forth in sub-subparagraph b. The books and records of any
4184 facilities receiving compensation from an environmental
4185 protection disposal fee shall be open to the Florida Public
4186 Service Commission and the Office of Government Accountability
4187 ~~Auditor General~~ for review upon request.

4188 7. The Department of Health shall require all entities
4189 disposing of septage within the Lake Okeechobee watershed and
4190 the remaining areas of Okeechobee, Glades, and Hendry Counties
4191 to develop and submit to that agency, by July 1, 2003, an
4192 agricultural use plan that limits applications based upon
4193 phosphorus loading. By July 1, 2005, phosphorus concentrations
4194 originating from these application sites shall not exceed the
4195 limits established in the district's WOD program.

4196 8. The Department of Agriculture and Consumer Services
4197 shall initiate rulemaking requiring entities within the Lake
4198 Okeechobee watershed and the remaining areas of Okeechobee,
4199 Glades, and Hendry Counties which land-apply animal manure to
4200 develop conservation or nutrient management plans that limit
4201 application, based upon phosphorus loading. Such rules may
4202 include criteria and thresholds for the requirement to develop a
4203 conservation or nutrient management plan, requirements for plan
4204 approval, and recordkeeping requirements.

4205 9. Prior to authorizing a discharge into works of the



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4206 district, the district shall require responsible parties to
 4207 demonstrate that proposed changes in land use will not result in
 4208 increased phosphorus loading over that of existing land uses.

4209 10. The district, the department, or the Department of
 4210 Agriculture and Consumer Services, as appropriate, shall
 4211 implement those alternative nutrient reduction technologies
 4212 determined to be feasible pursuant to subparagraph (d)6.

4213 Section 111. Paragraph (a) of subsection (6) of section
 4214 373.536, Florida Statutes, is amended to read:

4215 373.536 District budget and hearing thereon.--

4216 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 4217 WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

4218 (a) Each district must, by the date specified for each
 4219 item, furnish copies of the following documents to the Governor,
 4220 the President of the Senate, the Speaker of the House of
 4221 Representatives, the chairs of all legislative committees and
 4222 subcommittees having substantive or fiscal jurisdiction over the
 4223 districts, as determined by the President of the Senate or the
 4224 Speaker of the House of Representatives as applicable, the
 4225 secretary of the department, and the governing board of each
 4226 county in which the district has jurisdiction or derives any
 4227 funds for the operations of the district:

4228 1. The adopted budget, to be furnished within 10 days
 4229 after its adoption.

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



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4235 a copy of the audit to the Office of Government Accountability
 4236 ~~Auditor General~~ within 10 days after its acceptance by the
 4237 governing board.

4238 3. A 5-year capital improvements plan, to be furnished
 4239 within 45 days after the adoption of the final budget. The plan
 4240 must include expected sources of revenue for planned
 4241 improvements and must be prepared in a manner comparable to the
 4242 fixed capital outlay format set forth in s. 216.043.

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



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4264 in a final evaluation report and shall submit a copy of the
 4265 report to the Governor, the President of the Senate, and the
 4266 Speaker of the House of Representatives.

4267 Section 112. Paragraph (c) of subsection (6) of section
 4268 403.1835, Florida Statutes, is amended to read:

4269 403.1835 Water pollution control financial assistance.--

4270 (6) Prior to approval of financial assistance, the
 4271 applicant shall:

4272 (c) Provide assurance that records will be kept using
 4273 generally accepted accounting principles and that the
 4274 department, the Office of Government Accountability ~~Auditor~~
 4275 ~~General~~, or their agents will have access to all records
 4276 pertaining to the financial assistance provided.

4277 Section 113. Paragraph (d) of subsection (11) of section
 4278 403.8532, Florida Statutes, is amended to read:

4279 403.8532 Drinking water state revolving loan fund; use;
 4280 rules.--

4281 (11) Prior to approval of a loan, the local government or
 4282 public water system shall, at a minimum:

4283 (d) Provide assurance that records will be kept using
 4284 generally accepted accounting principles and that the department
 4285 or its agents and the Office of Government Accountability
 4286 ~~Auditor General~~ will have access to all records pertaining to
 4287 the loan.

4288 Section 114. Subsection (17) of section 409.2563, Florida
 4289 Statutes, is amended to read:

4290 409.2563 Administrative establishment of child support
 4291 obligations.--

4292 (17) EVALUATION.--



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



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4322 which must include the findings of the evaluation and any
4323 recommendations to improve the administrative process
4324 established by this section. The department shall report to the
4325 Governor and Cabinet, the President of the Senate, and the
4326 Speaker of the House of Representatives by June 30, 2004, on the
4327 implementation and results of the procedures established by this
4328 section.

4329 (b) The Office of ~~Program Policy Analysis and~~ Government
4330 Accountability shall conduct an evaluation of the statewide
4331 implementation of the administrative process for establishing
4332 child support provided for in this section. This evaluation
4333 shall examine whether these processes have been effectively
4334 implemented and administered statewide and are operating to the
4335 benefit of the children, including, but not limited to the
4336 ability of Title IV-D parents to easily access the court system
4337 for necessary court action. The Office of ~~Program Policy~~
4338 ~~Analysis and~~ Government Accountability shall submit an
4339 evaluation report on the statewide implementation of the
4340 administrative processes for establishing child support by
4341 January 31, 2005.

4342 Section 115. Subsections (12) and (13) of section 411.01,
4343 Florida Statutes, are renumbered as subsections (11) and (12),
4344 respectively, and present subsections (8) and (11) of said
4345 section are amended to read:

4346 411.01 Florida Partnership for School Readiness; school
4347 readiness coalitions.--

4348 (8) STANDARDS; OUTCOME MEASURES.--All publicly funded
4349 school readiness programs shall be required to meet the
4350 performance standards and outcome measures developed and



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4351 approved by the partnership. The Office of ~~Program Policy~~
4352 ~~Analysis and~~ Government Accountability shall provide
4353 consultation to the partnership in the development of the
4354 measures and standards. These performance standards and outcome
4355 measures shall be applicable on a statewide basis.

4356 ~~(11) REPORTS. The Office of Program Policy Analysis and~~
4357 ~~Government Accountability shall assess the implementation,~~
4358 ~~efficiency, and outcomes of the school readiness program and~~
4359 ~~report its findings to the President of the Senate and the~~
4360 ~~Speaker of the House of Representatives by January 1, 2002.~~
4361 ~~Subsequent reviews shall be conducted at the direction of the~~
4362 ~~Joint Legislative Auditing Committee.~~

4363 Section 116. Section 411.011, Florida Statutes, is amended
4364 to read:

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



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4380 and Human Services, and the Comptroller General of the United
4381 States for the purpose of federal audits; to individuals or
4382 organizations conducting studies for institutions to develop,
4383 validate, or administer assessments or improve instruction; to
4384 accrediting organizations in order to carry out their
4385 accrediting functions; to appropriate parties in connection with
4386 an emergency if the information is necessary to protect the
4387 health or safety of the student or other individuals; to the
4388 Office of Government Accountability ~~Auditor General~~ in
4389 connection with its ~~his or her~~ official functions; to a court of
4390 competent jurisdiction in compliance with an order of that court
4391 pursuant to a lawfully issued subpoena; and to parties to an
4392 interagency agreement among school readiness coalitions, local
4393 governmental agencies, providers of school readiness programs,
4394 state agencies, and the Florida Partnership for School Readiness
4395 for the purpose of implementing the school readiness program.
4396 Agencies, organizations, or individuals that receive school
4397 readiness records in order to carry out their official functions
4398 must protect the data in a manner that will not permit the
4399 personal identification of students and their parents by persons
4400 other than those authorized to receive the records. This section
4401 is subject to the Open Government Sunset Review Act of 1995 in
4402 accordance with s. 119.15 and shall stand repealed on October 2,
4403 2005, unless reviewed and saved from repeal through reenactment
4404 by the Legislature.

4405 Section 117. Subsection (2) of section 411.221, Florida
4406 Statutes, is amended to read:

4407 411.221 Prevention and early assistance strategic plan;
4408 agency responsibilities.--



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4409 (2) The strategic plan and subsequent plan revisions shall
 4410 incorporate and otherwise utilize, to the fullest extent
 4411 possible, the evaluation findings and recommendations from
 4412 intraagency, independent third-party, field projects, and
 4413 reports issued by the ~~Auditor General or the Office of Program~~
 4414 ~~Policy Analysis and~~ Government Accountability, as well as the
 4415 recommendations of the State Coordinating Council for School
 4416 Readiness Programs.

4417 Section 118. Subsection (1) of section 421.091, Florida
 4418 Statutes, is amended to read:

4419 421.091 Financial accounting and investments; fiscal
 4420 year.--

4421 (1) A complete and full financial accounting and audit in
 4422 accordance with federal audit standards of public housing
 4423 agencies shall be made biennially by a certified public
 4424 accountant. A copy of such audit shall be filed with the
 4425 governing body and with the Office of Government Accountability
 4426 ~~Auditor General~~.

4427 Section 119. Subsection (2) of section 427.705, Florida
 4428 Statutes, is amended to read:

4429 427.705 Administration of the telecommunications access
 4430 system.--

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



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4438 follow in order to ensure that the administrative costs of the
 4439 system are reasonable.

4440 Section 120. Section 443.1316, Florida Statutes, is
 4441 amended to read:

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



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4467 services pursuant to a contract of the department with the
 4468 Agency for Workforce Innovation. Sections 213.018, 213.025,
 4469 213.051, 213.053, 213.055, 213.071, 213.10, 213.2201, 213.23,
 4470 213.24(2), 213.27, 213.28, 213.285, 213.37, 213.50, 213.67,
 4471 213.69, 213.73, 213.733, 213.74, and 213.757 apply to the
 4472 collection of unemployment contributions by the Department of
 4473 Revenue unless prohibited by federal law.

4474 Section 121. Subsection (6) of section 445.003, Florida
 4475 Statutes, is amended to read:

4476 445.003 Implementation of the federal Workforce Investment
 4477 Act of 1998.--

4478 (6) LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.--

4479 ~~(a)~~ Workforce Florida, Inc., may recommend workforce-
 4480 related divisions, bureaus, units, programs, duties,
 4481 commissions, boards, and councils that can be eliminated,
 4482 consolidated, or privatized.

4483 ~~(b) The Office of Program Policy Analysis and Government~~
 4484 ~~Accountability shall review the workforce development system, as~~
 4485 ~~established by this act. The office shall submit its final~~
 4486 ~~report and recommendations by December 31, 2002, to the~~
 4487 ~~President of the Senate and the Speaker of the House of~~
 4488 ~~Representatives.~~

4489 Section 122. Subsections (9), (10), and (11) of section
 4490 445.004, Florida Statutes, are renumbered as subsections (8),
 4491 (9), and (10), respectively, and present subsections (8) and (9)
 4492 of said section are amended to read:

4493 445.004 Workforce Florida, Inc.; creation; purpose;
 4494 membership; duties and powers.--

4495 ~~(8) The Auditor General may, pursuant to his or her own~~



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4496 ~~authority or at the direction of the Legislative Auditing~~
 4497 ~~Committee, conduct an audit of Workforce Florida, Inc., or the~~
 4498 ~~programs or entities created by Workforce Florida, Inc. The~~
 4499 ~~Office of Program Policy Analysis and Government Accountability,~~
 4500 ~~pursuant to its authority or at the direction of the Legislative~~
 4501 ~~Auditing Committee, may review the systems and controls related~~
 4502 ~~to performance outcomes and quality of services of Workforce~~
 4503 ~~Florida, Inc.~~

4504 (8)~~(9)~~ Workforce Florida, Inc., in collaboration with the
 4505 regional workforce boards and appropriate state agencies and
 4506 local public and private service providers, and in consultation
 4507 with the Office of ~~Program Policy Analysis and Government~~
 4508 ~~Accountability~~, shall establish uniform measures and standards
 4509 to gauge the performance of the workforce development strategy.
 4510 These measures and standards must be organized into three
 4511 outcome tiers.

4512 (a) The first tier of measures must be organized to
 4513 provide benchmarks for systemwide outcomes. Workforce Florida,
 4514 Inc., must, in collaboration with the Office of ~~Program Policy~~
 4515 ~~Analysis and Government Accountability~~, establish goals for the
 4516 tier-one outcomes. Systemwide outcomes may include employment in
 4517 occupations demonstrating continued growth in wages; continued
 4518 employment after 3, 6, 12, and 24 months; reduction in and
 4519 elimination of public assistance reliance; job placement;
 4520 employer satisfaction; and positive return on investment of
 4521 public resources.

4522 (b) The second tier of measures must be organized to
 4523 provide a set of benchmark outcomes for the initiatives of the
 4524 First Jobs/First Wages Council, the Better Jobs/Better Wages



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4525 Council, and the High Skills/High Wages Council and for each of
4526 the strategic components of the workforce development strategy.
4527 Cost per entered employment, earnings at placement, retention in
4528 employment, job placement, and entered employment rate must be
4529 included among the performance outcome measures.

4530 (c) The third tier of measures must be the operational
4531 output measures to be used by the agency implementing programs,
4532 and it may be specific to federal requirements. The tier-three
4533 measures must be developed by the agencies implementing
4534 programs, and Workforce Florida, Inc., may be consulted in this
4535 effort. Such measures must be reported to Workforce Florida,
4536 Inc., by the appropriate implementing agency.

4537 (d) Regional differences must be reflected in the
4538 establishment of performance goals and may include job
4539 availability, unemployment rates, average worker wage, and
4540 available employable population.

4541 (e) Job placement must be reported pursuant to s. 1008.39.
4542 Positive outcomes for providers of education and training must
4543 be consistent with ss. 1008.42 and 1008.43.

4544 (f) The uniform measures of success that are adopted by
4545 Workforce Florida, Inc., or the regional workforce boards must
4546 be developed in a manner that provides for an equitable
4547 comparison of the relative success or failure of any service
4548 provider in terms of positive outcomes.

4549 (g) By December 1 of each year, Workforce Florida, Inc.,
4550 shall provide the Legislature with a report detailing the
4551 performance of Florida's workforce development system, as
4552 reflected in the three-tier measurement system. Additionally,
4553 this report must benchmark Florida outcomes, at all tiers,



4554 against other states that collect data similarly.

4555 Section 123. Paragraph (d) of subsection (3) of section
4556 445.009, Florida Statutes, is amended to read:

4557 445.009 One-stop delivery system.--

4558 (3) Notwithstanding any other provision of law, any
4559 memorandum of understanding in effect on June 30, 2000, between
4560 a regional workforce board and the Department of Labor and
4561 Employment Security governing the delivery of workforce services
4562 shall remain in effect until September 30, 2000. Beginning
4563 October 1, 2000, regional workforce boards shall enter into a
4564 memorandum of understanding with the Agency for Workforce
4565 Innovation for the delivery of employment services authorized by
4566 the federal Wagner-Peyser Act. This memorandum of understanding
4567 must be performance based.

4568 ~~(d) The Office of Program Policy Analysis and Government~~
4569 ~~Accountability, in consultation with Workforce Florida, Inc.,~~
4570 ~~shall review the delivery of employment services under the~~
4571 ~~Wagner-Peyser Act and the integration of those services with~~
4572 ~~other activities performed through the one-stop delivery system~~
4573 ~~and shall provide recommendations to the Legislature for~~
4574 ~~improving the effectiveness of the delivery of employment~~
4575 ~~services in this state. The Office of Program Policy Analysis~~
4576 ~~and Government Accountability shall submit a report and~~
4577 ~~recommendations to the Governor, the President of the Senate,~~
4578 ~~and the Speaker of the House of Representatives by December 31,~~
4579 ~~2002.~~

4580 Section 124. Paragraph (a) of subsection (1) of section
4581 445.011, Florida Statutes, is amended to read:

4582 445.011 Workforce information systems.--



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4583 (1) Workforce Florida, Inc., shall implement, subject to
 4584 legislative appropriation, automated information systems that
 4585 are necessary for the efficient and effective operation and
 4586 management of the workforce development system. These
 4587 information systems shall include, but need not be limited to,
 4588 the following:

4589 (a) An integrated management system for the one-stop
 4590 service delivery system, which includes, at a minimum, common
 4591 registration and intake, screening for needs and benefits, case
 4592 planning and tracking, training benefits management, service and
 4593 training provider management, performance reporting, executive
 4594 information and reporting, and customer-satisfaction tracking
 4595 and reporting.

4596 1. The system should report current budgeting,
 4597 expenditure, and performance information for assessing
 4598 performance related to outcomes, service delivery, and financial
 4599 administration for workforce programs pursuant to s. 445.004(5)
 4600 and (8)~~(9)~~.

4601 2. The information system should include auditable systems
 4602 and controls to ensure financial integrity and valid and
 4603 reliable performance information.

4604 3. The system should support service integration and case
 4605 management by providing for case tracking for participants in
 4606 welfare transition programs.

4607
 4608 Section 125. Subsection (10) of section 446.609, Florida
 4609 Statutes, is amended to read:

4610 446.609 Jobs for Florida's Graduates Act.--

4611 (10) ASSESSMENT OF PROGRAM RESULTS.--The success of the



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4612 Jobs for Florida's Graduates Program shall be assessed as
4613 follows:

4614 (a) No later than November 1 of each year of the Jobs for
4615 Florida's Graduates Program, Jobs for America's Graduates, Inc.,
4616 shall conduct and deliver to the Office of ~~Program Policy~~
4617 ~~Analysis and~~ Government Accountability a full review and report
4618 of the program's activities. The Office of ~~Program Policy~~
4619 ~~Analysis and~~ Government Accountability shall audit and review
4620 the report and deliver the report, along with its analysis and
4621 any recommendations for expansion, curtailment, modification, or
4622 continuation, to the board not later than December 31 of the
4623 same year.

4624 (b) Beginning in the first year of the Jobs for Florida's
4625 Graduates Program, the Office of Economic and Demographic
4626 Research shall undertake, during the initial phase, an ongoing
4627 longitudinal study of participants to determine the overall
4628 efficacy of the program. The division shall transmit its
4629 findings each year to the Office of ~~Program Policy Analysis and~~
4630 Government Accountability for inclusion in the report provided
4631 for in paragraph (a).

4632 Section 126. Paragraph (d) of subsection (3) and
4633 subsection (9) of section 455.32, Florida Statutes, are amended
4634 to read:

4635 455.32 Management Privatization Act.--

4636 (3) Based upon the request of any board, commission, or
4637 council, the department is authorized to contract with a
4638 corporation or other business entity to perform support services
4639 specified in the contract. The contract must be in compliance
4640 with this section and other applicable laws and must be approved



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4641 by the board before the department enters into the contract. The
 4642 department shall retain responsibility for any duties it
 4643 currently exercises relating to its police powers and any other
 4644 current duty that is not provided to the corporation by the
 4645 contract. The contract shall provide, at a minimum, that:

4646 (d) The corporation keep financial and statistical
 4647 information as necessary to completely disclose the financial
 4648 condition and operation of the project and as requested by the
 4649 Office of ~~Program Policy Analysis and~~ Government Accountability,
 4650 ~~the Auditor General,~~ and the department.

4651 (9) The corporation shall provide for an annual financial
 4652 audit of its financial accounts and records by an independent
 4653 certified public accountant. The annual audit report shall
 4654 include a management letter in accordance with s. 11.45 and a
 4655 detailed supplemental schedule of expenditures for each
 4656 expenditure category. The annual audit report must be submitted
 4657 to the board, the department, and the Office of Government
 4658 Accountability ~~Auditor General~~ for review.

4659 Section 127. Paragraph (j) of subsection (3) of section
 4660 471.038, Florida Statutes, is amended to read:

4661 471.038 Florida Engineers Management Corporation.--

4662 (3) The Florida Engineers Management Corporation is
 4663 created to provide administrative, investigative, and
 4664 prosecutorial services to the board in accordance with the
 4665 provisions of chapter 455 and this chapter. The management
 4666 corporation may hire staff as necessary to carry out its
 4667 functions. Such staff are not public employees for the purposes
 4668 of chapter 110 or chapter 112, except that the board of
 4669 directors and the staff are subject to the provisions of s.



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4670 112.061. The provisions of s. 768.28 apply to the management
 4671 corporation, which is deemed to be a corporation primarily
 4672 acting as an instrumentality of the state, but which is not an
 4673 agency within the meaning of s. 20.03(11). The management
 4674 corporation shall:

4675 (j) Provide for an annual financial audit of its financial
 4676 accounts and records by an independent certified public
 4677 accountant. The annual audit report shall include a management
 4678 letter in accordance with s. 11.45 and a detailed supplemental
 4679 schedule of expenditures for each expenditure category. The
 4680 annual audit report must be submitted to the board, the
 4681 department, and the Office of Government Accountability ~~Auditor~~
 4682 ~~General~~ for review.

4683 Section 128. Subsection (4) of section 527.22, Florida
 4684 Statutes, is amended to read:

4685 527.22 Florida Propane Gas Education, Safety, and Research
 4686 Council established; membership; duties and responsibilities.--

4687 (4) The council shall keep minutes, accounting records,
 4688 and other records as necessary to clearly reflect all of the
 4689 acts and transactions of the council and regularly report such
 4690 information to the commissioner, along with such other
 4691 information as the commissioner requires. All records of the
 4692 council shall be kept on file with the department, and these
 4693 records and other documents about matters within the
 4694 jurisdiction of the council shall be subject to the review and
 4695 inspection of the department's Inspector General, the Office of
 4696 Government Accountability ~~Auditor General~~, and the members of
 4697 the council, or other interested parties upon request. All
 4698 records of the council are subject to the provisions of s.



4699 119.07.

4700 Section 129. Paragraph (c) of subsection (2) of section
4701 550.125, Florida Statutes, is amended to read:

4702 550.125 Uniform reporting system; bond requirement.--

4703 (2)

4704 (c) The ~~Auditor General and the~~ Office of Program Policy
4705 ~~Analysis and~~ Government Accountability may, pursuant to the
4706 direction of the Auditor General ~~their own authority~~ or at the
4707 direction of the Legislative Auditing Committee, audit, examine,
4708 and check the books and records of any permitholder. These audit
4709 reports shall become part of, and be maintained in, the division
4710 files.

4711 Section 130. Paragraph (d) of subsection (10) of section
4712 601.15, Florida Statutes, is amended to read:

4713 601.15 Advertising campaign; methods of conducting; excise
4714 tax; emergency reserve fund; citrus research.--

4715 (10) The powers and duties of the Department of Citrus
4716 include the following:

4717 (d) To keep books, records, and accounts of all of its
4718 activities, which books, records, and accounts shall be open to
4719 inspection, audit, and examination by the ~~Auditor General and~~
4720 ~~the~~ Office of Program Policy Analysis and Government
4721 Accountability.

4722 Section 131. Subsection (2) of section 616.263, Florida
4723 Statutes, is amended to read:

4724 616.263 Annual reports of authority.--

4725 (2) The authority shall at all times maintain proper
4726 accounting systems and procedures and shall be subject to audit
4727 by the Office of Government Accountability ~~Auditor General~~.



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4728 Section 132. Subsection (5) of section 744.708, Florida
4729 Statutes, is amended to read:

4730 744.708 Reports and standards.--

4731 (5) An independent audit by a qualified certified public
4732 accountant shall be performed at least every 2 years. The audit
4733 should include an investigation into the practices of the office
4734 for managing the person and property of the wards. A copy of the
4735 report shall be submitted to the Statewide Public Guardianship
4736 Office. In addition, the office of public guardian shall be
4737 subject to audits or examinations by the ~~Auditor General and the~~
4738 ~~Office of Program Policy Analysis and Government Accountability~~
4739 pursuant to law.

4740 Section 133. Subsection (3) of section 943.25, Florida
4741 Statutes, is amended to read:

4742 943.25 Criminal justice trust funds; source of funds; use
4743 of funds.--

4744 (3) The Office of Government Accountability ~~Auditor~~
4745 ~~General~~ is directed in its ~~her or his~~ audit of courts to
4746 ascertain that such assessments have been collected and remitted
4747 and shall report to the Legislature. All such records of the
4748 courts shall be open for its ~~her or his~~ inspection. The Office
4749 of Government Accountability ~~Auditor General~~ is further directed
4750 to conduct audits of the expenditures of the trust funds and to
4751 report to the Legislature. Such audits shall be conducted in
4752 accordance with s. 11.45.

4753 Section 134. Paragraph (a) of subsection (1) of section
4754 944.105, Florida Statutes, is amended to read:

4755 944.105 Contractual arrangements with private entities for
4756 operation and maintenance of correctional facilities and



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4757 supervision of inmates.--

4758 (1) The Department of Corrections is authorized to enter
4759 into contracts with private vendors for the provision of the
4760 operation and maintenance of correctional facilities and the
4761 supervision of inmates. However, no such contract shall be
4762 entered into or renewed unless:

4763 (a) The contract offers a substantial savings to the
4764 department, as determined by the department. In determining the
4765 cost savings, the department, after consultation with the Office
4766 of Government Accountability Auditor General, shall calculate
4767 all the cost components that contribute to the inmate per diem,
4768 including all administrative costs associated with central and
4769 regional office administration. Services which are provided to
4770 the department by other government agencies without any direct
4771 cost to the department shall be assigned an equivalent cost and
4772 included in the per diem. The private firm shall be assessed the
4773 total annual cost to the state of monitoring the contract;

4774 Section 135. Paragraph (c) of subsection (2) of section
4775 944.512, Florida Statutes, is amended to read:

4776 944.512 State lien on proceeds from literary or other type
4777 of account of crime for which convicted.--

4778 (2) The proceeds of such account shall be distributed in
4779 the following order:

4780 (c) After payments have been made pursuant to paragraph
4781 (a) or paragraph (b), an amount equal to pay all court costs in
4782 the prosecution of the convicted felon, which shall include, but
4783 not be limited to, jury fees and expenses, court reporter fees,
4784 and reasonable per diem for the prosecuting attorneys for the
4785 state, shall go to the General Revenue Fund. Additional costs



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4786 shall be assessed for the computed per capita cost of
 4787 imprisonment or supervision by the state or county correctional
 4788 system. Such costs shall be determined and certified by the
 4789 prosecuting attorney and the imprisoning entity and subject to
 4790 review by the Office of Government Accountability Auditor
 4791 ~~General~~.

4792 Section 136. Subsections (3) and (5) of section 944.719,
 4793 Florida Statutes, are amended to read:

4794 944.719 Adoption of rules, monitoring, and reporting.--

4795 (3) The private vendor shall provide a work area at the
 4796 private correctional facility for use by the contract monitor
 4797 appointed by the department and shall provide the monitor with
 4798 access to all data, reports, and other materials that the
 4799 monitor, and the Auditor General, ~~and the Office of Program~~
 4800 ~~Policy Analysis and Government Accountability~~ determine are
 4801 necessary to carry out monitoring and auditing responsibilities.

4802 (5) The Office of ~~Program Policy Analysis and~~ Government
 4803 Accountability shall conduct a performance audit, including a
 4804 review of the annual financial audit of the private entity and
 4805 shall deliver a report to the Legislature by February 1 of the
 4806 third year following any contract awarded by the department for
 4807 the operation of a correctional facility by a private vendor.

4808 (a) The report shall determine the reasonableness of the
 4809 cost analysis procedures used by the department for comparing
 4810 services provided under the contract and for comparing the
 4811 quality of the services provided under the contract with the
 4812 costs and quality of similar services provided by the
 4813 department.

4814 (b) In preparing the report, the office shall consider, in



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4815 addition to other factors it determines are significant:

4816 1. The extent to which the private vendor and the
 4817 department have complied with the terms of the contract and ss.
 4818 944.710-944.719.

4819 2. The wages and benefits that are provided to the staff
 4820 of the private correctional facility as compared to wages and
 4821 benefits provided to employees of the department performing
 4822 comparable tasks.

4823 Section 137. Subsections (1) and (3) of section 946.516,
 4824 Florida Statutes, are amended to read:

4825 946.516 Corporation status report and annual financial
 4826 audit report.--

4827 (1) The corporation shall submit to the Governor and the
 4828 Legislature, on or before July 1 of each year, a report on the
 4829 status of the correctional work programs, including, but not
 4830 limited to, the proposed use of the profits from such programs,
 4831 a breakdown of the amount of noninmate labor used, work
 4832 subcontracted to other vendors, use of consultants, finished
 4833 goods purchased for resale, and the number of inmates working in
 4834 the correctional work programs at the time of such report. In
 4835 addition, the corporation shall submit to the department, the
 4836 Governor, the Legislature, and the Office of Government
 4837 Accountability ~~Auditor General~~ an annual financial audit report
 4838 and such other information as may be requested by the
 4839 Legislature, together with recommendations relating to
 4840 provisions for reasonable tax incentives to private enterprises
 4841 which employ inmates, parolees, or former inmates who have
 4842 participated in correctional work programs.

4843 (3) The corporation shall have an annual financial audit



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4844 of its accounts and records by an independent certified public
4845 accountant retained by it and paid from its funds. ~~The Auditor~~
4846 ~~General or the director of the Office of Program Policy Analysis~~
4847 ~~and Government Accountability may, pursuant to his or her own~~
4848 ~~authority or at the direction of the Joint Legislative Auditing~~
4849 ~~Committee, conduct an audit of the corporation.~~

4850 Section 138. Subsection (3) of section 948.15, Florida
4851 Statutes, is amended to read:

4852 948.15 Misdemeanor probation services.--

4853 (3) Any private entity providing services for the
4854 supervision of misdemeanor probationers must contract with the
4855 county in which the services are to be rendered. In a county
4856 with a population of less than 70,000, the county court judge,
4857 or the administrative judge of the county court in a county that
4858 has more than one county court judge, must approve the contract.
4859 Terms of the contract must state, but are not limited to:

4860 (a) The extent of the services to be rendered by the
4861 entity providing supervision or rehabilitation.

4862 (b) Staff qualifications and criminal record checks of
4863 staff in accordance with essential standards established by the
4864 American Correctional Association as of January 1, 1991.

4865 (c) Staffing levels.

4866 (d) The number of face-to-face contacts with the offender.

4867 (e) Procedures for handling the collection of all offender
4868 fees and restitution.

4869 (f) Procedures for handling indigent offenders which
4870 ensure placement irrespective of ability to pay.

4871 (g) Circumstances under which revocation of an offender's
4872 probation may be recommended.



- 4873 (h) Reporting and recordkeeping requirements.
- 4874 (i) Default and contract termination procedures.
- 4875 (j) Procedures that aid offenders with job assistance.

4876

4877 In addition, the entity shall supply the chief judge's office
 4878 with a quarterly report summarizing the number of offenders
 4879 supervised by the private entity, payment of the required
 4880 contribution under supervision or rehabilitation, and the number
 4881 of offenders for whom supervision or rehabilitation will be
 4882 terminated. All records of the entity must be open to inspection
 4883 upon the request of the county, the court, the ~~Auditor General,~~
 4884 ~~the Office of Program Policy Analysis and Government~~
 4885 ~~Accountability,~~ or agents thereof.

4886 Section 139. Paragraph (a) of subsection (5) of section
 4887 957.07, Florida Statutes, is amended to read:

4888 957.07 Cost-saving requirements.--

4889 (5)(a) By February 1, 2002, and each year thereafter, the
 4890 Prison Per-Diem Workgroup shall develop consensus per diem rates
 4891 to be used when determining per diem rates of privately operated
 4892 prisons. The Office of ~~Program Policy Analysis and Government~~
 4893 ~~Accountability, the Office of the Auditor General,~~ and the
 4894 staffs of the appropriations committees of both the Senate and
 4895 the House of Representatives are the principals of the
 4896 workgroup. The workgroup may consult with other experts to
 4897 assist in the development of the consensus per diem rates. All
 4898 meetings of the workgroup shall be open to the public as
 4899 provided in chapter 286.

4900 Section 140. Section 957.11, Florida Statutes, is amended
 4901 to read:



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4902 957.11 Evaluation of costs and benefits of contracts.--The
4903 Office of ~~Program Policy Analysis and~~ Government Accountability
4904 may conduct an evaluation ~~shall develop and implement an~~
4905 ~~evaluation of the costs and benefits~~ of each contract entered
4906 into under this chapter. This evaluation must include a
4907 comparison of the costs and benefits of constructing and
4908 operating prisons by the state versus by private contractors.
4909 ~~The Office of Program Policy Analysis and Government~~
4910 ~~Accountability shall also evaluate the performance of the~~
4911 ~~private contractor at the end of the term of each management~~
4912 ~~contract and make recommendations to the Speaker of the House of~~
4913 ~~Representatives and the President of the Senate on whether to~~
4914 ~~continue the contract.~~

4915 Section 141. Paragraph (a) of subsection (1) of section
4916 985.31, Florida Statutes, is amended to read:

4917 985.31 Serious or habitual juvenile offender.--

4918 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
4919 provisions of this chapter and the establishment of appropriate
4920 program guidelines and standards, contractual instruments, which
4921 shall include safeguards of all constitutional rights, shall be
4922 developed as follows:

4923 (a) The department shall provide for:

4924 1. The oversight of implementation of assessment and
4925 treatment approaches.

4926 2. The identification and prequalification of appropriate
4927 individuals or not-for-profit organizations, including minority
4928 individuals or organizations when possible, to provide
4929 assessment and treatment services to serious or habitual
4930 delinquent children.



4931 3. The monitoring and evaluation of assessment and
 4932 treatment services for compliance with the provisions of this
 4933 chapter and all applicable rules and guidelines pursuant
 4934 thereto.

4935 4. The development of an annual report on the performance
 4936 of assessment and treatment to be presented to the Governor, the
 4937 Attorney General, the President of the Senate, the Speaker of
 4938 the House of Representatives, and the Office of Government
 4939 Accountability ~~Auditor General~~ no later than January 1 of each
 4940 year.

4941 Section 142. Paragraph (a) of subsection (1) of section
 4942 985.311, Florida Statutes, is amended to read:

4943 985.311 Intensive residential treatment program for
 4944 offenders less than 13 years of age.--

4945 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
 4946 provisions of this chapter and the establishment of appropriate
 4947 program guidelines and standards, contractual instruments, which
 4948 shall include safeguards of all constitutional rights, shall be
 4949 developed for intensive residential treatment programs for
 4950 offenders less than 13 years of age as follows:

4951 (a) The department shall provide for:

4952 1. The oversight of implementation of assessment and
 4953 treatment approaches.

4954 2. The identification and prequalification of appropriate
 4955 individuals or not-for-profit organizations, including minority
 4956 individuals or organizations when possible, to provide
 4957 assessment and treatment services to intensive offenders less
 4958 than 13 years of age.

4959 3. The monitoring and evaluation of assessment and



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4960 treatment services for compliance with the provisions of this
 4961 chapter and all applicable rules and guidelines pursuant
 4962 thereto.

4963 4. The development of an annual report on the performance
 4964 of assessment and treatment to be presented to the Governor, the
 4965 Attorney General, the President of the Senate, the Speaker of
 4966 the House of Representatives, ~~the Auditor General,~~ and the
 4967 Office of ~~Program Policy Analysis and~~ Government Accountability
 4968 no later than January 1 of each year.

4969 Section 143. Paragraph (d) of subsection (4) of section
 4970 985.412, Florida Statutes, is amended to read:

4971 985.412 Quality assurance and cost-effectiveness.--

4972 (4)

4973 (d) In collaboration with the Office of Economic and
 4974 Demographic Research, and contract service providers, the
 4975 department shall develop a work plan to refine the cost-
 4976 effectiveness model so that the model is consistent with the
 4977 performance-based program budgeting measures approved by the
 4978 Legislature to the extent the department deems appropriate. The
 4979 department shall notify the Office of ~~Program Policy Analysis~~
 4980 ~~and~~ Government Accountability of any meetings to refine the
 4981 model.

4982 Section 144. Subsection (3) of section 985.416, Florida
 4983 Statutes, is amended to read:

4984 985.416 Innovation zones.--The department shall encourage
 4985 each of the juvenile justice circuit boards to propose at least
 4986 one innovation zone within the circuit for the purpose of
 4987 implementing any experimental, pilot, or demonstration project
 4988 that furthers the legislatively established goals of the



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4989 department. An innovation zone is a defined geographic area such
 4990 as a circuit, commitment region, county, municipality, service
 4991 delivery area, school campus, or neighborhood providing a
 4992 laboratory for the research, development, and testing of the
 4993 applicability and efficacy of model programs, policy options,
 4994 and new technologies for the department.

4995 (3) Before implementing an innovation zone under this
 4996 subsection, the secretary shall, in conjunction with the Office
 4997 of ~~Program Policy Analysis and~~ Government Accountability,
 4998 develop measurable and valid objectives for such zone within a
 4999 negotiated reasonable period of time. Moneys designated for an
 5000 innovation zone in one operating circuit may not be used to fund
 5001 an innovation zone in another operating circuit.

5002 Section 145. Subsection (4) of section 1001.24, Florida
 5003 Statutes, is amended to read:

5004 1001.24 Direct-support organization; use of property;
 5005 board of directors; audit.--

5006 (4) ANNUAL AUDIT.--Each direct-support organization shall
 5007 provide for an annual financial audit in accordance with s.
 5008 215.981. The identity of donors who desire to remain anonymous
 5009 shall be protected, and that anonymity shall be maintained in
 5010 the auditor's report. All records of the organization other than
 5011 the auditor's report, management letter, and any supplemental
 5012 data requested by the ~~Auditor General and the~~ Office of ~~Program~~
 5013 ~~Policy Analysis and~~ Government Accountability shall be
 5014 confidential and exempt from the provisions of s. 119.07(1).

5015 Section 146. Subsection (4) of section 1001.453, Florida
 5016 Statutes, is amended to read:

5017 1001.453 Direct-support organization; use of property;



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5018 board of directors; audit.--

5019 (4) ANNUAL AUDIT.--Each direct-support organization with
 5020 more than \$100,000 in expenditures or expenses shall provide for
 5021 an annual ~~financial~~ audit of its financial statements in order
 5022 to express an opinion on the fairness with which they are
 5023 presented in conformance with generally accepted accounting
 5024 principles. The audit is ~~accounts and records,~~ to be conducted
 5025 by an independent certified public accountant in accordance with
 5026 rules adopted by the Office of Government Accountability Auditor
 5027 General pursuant to s. 11.45(8) and the Commissioner of
 5028 Education. The annual audit report shall be submitted within 9
 5029 months after the fiscal year's end to the district school board
 5030 and the Office of Government Accountability Auditor General. The
 5031 Commissioner of Education, ~~the Auditor General,~~ and the Office
 5032 of ~~Program Policy Analysis and~~ Government Accountability have
 5033 the authority to require and receive from the organization or
 5034 the district auditor any records relative to the operation of
 5035 the organization. The identity of donors and all information
 5036 identifying donors and prospective donors are confidential and
 5037 exempt from the provisions of s. 119.07(1), and that anonymity
 5038 shall be maintained in the auditor's report. All other records
 5039 and information shall be considered public records for the
 5040 purposes of chapter 119.

5041 Section 147. Paragraph (d) of subsection (3) of section
 5042 1002.22, Florida Statutes, is amended to read:

5043 1002.22 Student records and reports; rights of parents and
 5044 students; notification; penalty.--

5045 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
 5046 student who attends or has attended any public school, area



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5047 technical center, or public postsecondary educational
5048 institution shall have the following rights with respect to any
5049 records or reports created, maintained, and used by any public
5050 educational institution in the state. However, whenever a
5051 student has attained 18 years of age, or is attending a
5052 postsecondary educational institution, the permission or consent
5053 required of, and the rights accorded to, the parents of the
5054 student shall thereafter be required of and accorded to the
5055 student only, unless the student is a dependent student of such
5056 parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
5057 Revenue Code of 1954). The State Board of Education shall adopt
5058 rules whereby parents or students may exercise these rights:

5059 (d) Right of privacy.--Every student shall have a right of
5060 privacy with respect to the educational records kept on him or
5061 her. Personally identifiable records or reports of a student,
5062 and any personal information contained therein, are confidential
5063 and exempt from the provisions of s. 119.07(1). No state or
5064 local educational agency, board, public school, technical
5065 center, or public postsecondary educational institution shall
5066 permit the release of such records, reports, or information
5067 without the written consent of the student's parent, or of the
5068 student himself or herself if he or she is qualified as provided
5069 in this subsection, to any individual, agency, or organization.
5070 However, personally identifiable records or reports of a student
5071 may be released to the following persons or organizations
5072 without the consent of the student or the student's parent:

5073 1. Officials of schools, school systems, technical
5074 centers, or public postsecondary educational institutions in
5075 which the student seeks or intends to enroll; and a copy of such



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5076 records or reports shall be furnished to the parent or student
 5077 upon request.

5078 2. Other school officials, including teachers
 5079 within the educational institution or agency, who have
 5080 legitimate educational interests in the information contained in
 5081 the records.

5082 3. The United States Secretary of Education, the Director
 5083 of the National Institute of Education, the Assistant Secretary
 5084 for Education, the Comptroller General of the United States, or
 5085 state or local educational authorities who are authorized to
 5086 receive such information subject to the conditions set forth in
 5087 applicable federal statutes and regulations of the United States
 5088 Department of Education, or in applicable state statutes and
 5089 rules of the State Board of Education.

5090 4. Other school officials, in connection with a student's
 5091 application for or receipt of financial aid.

5092 5. Individuals or organizations conducting studies for or
 5093 on behalf of an institution or a board of education for the
 5094 purpose of developing, validating, or administering predictive
 5095 tests, administering student aid programs, or improving
 5096 instruction, if such studies are conducted in such a manner as
 5097 will not permit the personal identification of students and
 5098 their parents by persons other than representatives of such
 5099 organizations and if such information will be destroyed when no
 5100 longer needed for the purpose of conducting such studies.

5101 6. Accrediting organizations, in order to carry out their
 5102 accrediting functions.

5103 7. School readiness coalitions and the Florida Partnership
 5104 for School Readiness in order to carry out their assigned



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5105 duties.

5106 8. For use as evidence in student expulsion hearings
5107 conducted by a district school board pursuant to the provisions
5108 of chapter 120.

5109 9. Appropriate parties in connection with an emergency, if
5110 knowledge of the information in the student's educational
5111 records is necessary to protect the health or safety of the
5112 student or other individuals.

5113 10. The ~~Auditor General and the~~ Office of ~~Program Policy~~
5114 ~~Analysis and~~ Government Accountability in connection with its
5115 ~~their~~ official functions; however, except when the collection of
5116 personally identifiable information is specifically authorized
5117 by law, any data collected by the ~~Auditor General and the~~ Office
5118 of ~~Program Policy Analysis and~~ Government Accountability is
5119 confidential and exempt from the provisions of s. 119.07(1) and
5120 shall be protected in such a way as will not permit the personal
5121 identification of students and their parents by other than the
5122 ~~Auditor General, the Office of Program Policy Analysis and~~
5123 ~~Government Accountability, and~~ its ~~their~~ staff, and such
5124 personally identifiable data shall be destroyed when no longer
5125 needed for the ~~Auditor General's and the~~ Office of ~~Program~~
5126 ~~Policy Analysis and~~ Government Accountability's official use.

5127 11.a. A court of competent jurisdiction in compliance with
5128 an order of that court or the attorney of record pursuant to a
5129 lawfully issued subpoena, upon the condition that the student
5130 and the student's parent are notified of the order or subpoena
5131 in advance of compliance therewith by the educational
5132 institution or agency.

5133 b. A person or entity pursuant to a court of competent



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5134 jurisdiction in compliance with an order of that court or the
5135 attorney of record pursuant to a lawfully issued subpoena, upon
5136 the condition that the student, or his or her parent if the
5137 student is either a minor and not attending a postsecondary
5138 educational institution or a dependent of such parent as defined
5139 in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of
5140 1954), is notified of the order or subpoena in advance of
5141 compliance therewith by the educational institution or agency.

5142 12. Credit bureaus, in connection with an agreement for
5143 financial aid that the student has executed, provided that such
5144 information may be disclosed only to the extent necessary to
5145 enforce the terms or conditions of the financial aid agreement.
5146 Credit bureaus shall not release any information obtained
5147 pursuant to this paragraph to any person.

5148 13. Parties to an interagency agreement among the
5149 Department of Juvenile Justice, school and law enforcement
5150 authorities, and other signatory agencies for the purpose of
5151 reducing juvenile crime and especially motor vehicle theft by
5152 promoting cooperation and collaboration, and the sharing of
5153 appropriate information in a joint effort to improve school
5154 safety, to reduce truancy and in-school and out-of-school
5155 suspensions, and to support alternatives to in-school and out-
5156 of-school suspensions and expulsions that provide structured and
5157 well-supervised educational programs supplemented by a
5158 coordinated overlay of other appropriate services designed to
5159 correct behaviors that lead to truancy, suspensions, and
5160 expulsions, and that support students in successfully completing
5161 their education. Information provided in furtherance of such
5162 interagency agreements is intended solely for use in determining



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5163 the appropriate programs and services for each juvenile or the
5164 juvenile's family, or for coordinating the delivery of such
5165 programs and services, and as such is inadmissible in any court
5166 proceedings prior to a dispositional hearing unless written
5167 consent is provided by a parent or other responsible adult on
5168 behalf of the juvenile.

5169
5170 This paragraph does not prohibit any educational institution
5171 from publishing and releasing to the general public directory
5172 information relating to a student if the institution elects to
5173 do so. However, no educational institution shall release, to any
5174 individual, agency, or organization that is not listed in
5175 subparagraphs 1.-13., directory information relating to the
5176 student body in general or a portion thereof unless it is
5177 normally published for the purpose of release to the public in
5178 general. Any educational institution making directory
5179 information public shall give public notice of the categories of
5180 information that it has designated as directory information with
5181 respect to all students attending the institution and shall
5182 allow a reasonable period of time after such notice has been
5183 given for a parent or student to inform the institution in
5184 writing that any or all of the information designated should not
5185 be released.

5186 Section 148. Subsections (4) through (9) of section
5187 1002.36, Florida Statutes, are renumbered as subsections (3)
5188 through (8), respectively, and present subsection (3) of said
5189 section is amended to read:

5190 1002.36 Florida School for the Deaf and the Blind.--

5191 ~~(3) AUDITS. The Auditor General shall audit the Florida~~



5192 ~~School for the Deaf and the Blind as provided in chapter 11.~~

5193 Section 149. Paragraph (d) of subsection (5) of section
5194 1002.37, Florida Statutes, is amended to read:

5195 1002.37 The Florida Virtual School.--

5196 (5) The board of trustees shall annually submit to the
5197 Governor, the Legislature, the Commissioner of Education, and
5198 the State Board of Education a complete and detailed report
5199 setting forth:

5200 (d) A copy of an annual financial audit of the accounts
5201 and records of the Florida Virtual School, conducted by an
5202 independent certified public accountant and performed in
5203 accordance with rules adopted by the Office of Government
5204 Accountability Auditor General.

5205 Section 150. Subsection (5) of section 1004.28, Florida
5206 Statutes, is amended to read:

5207 1004.28 Direct-support organizations; use of property;
5208 board of directors; activities; audit; facilities.--

5209 (5) ANNUAL AUDIT.--Each direct-support organization shall
5210 provide for an annual ~~financial~~ audit of its financial
5211 statements in order to express an opinion on the fairness with
5212 which they are presented in conformance with generally accepted
5213 accounting principles. The audit is ~~accounts and records~~ to be
5214 conducted by an independent certified public accountant in
5215 accordance with rules adopted by the Office of Government
5216 Accountability Auditor General pursuant to s. 11.45(8) and by
5217 the university board of trustees. The annual audit report shall
5218 be submitted, within 9 months after the end of the fiscal year,
5219 to the Office of Government Accountability Auditor General and
5220 the State Board of Education for review. The State Board of



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5221 Education, the university board of trustees, ~~the Auditor~~
 5222 ~~General~~, and the Office of ~~Program Policy Analysis and~~
 5223 Government Accountability shall have the authority to require
 5224 and receive from the organization or from its independent
 5225 auditor any records relative to the operation of the
 5226 organization. The identity of donors who desire to remain
 5227 anonymous shall be protected, and that anonymity shall be
 5228 maintained in the auditor's report. All records of the
 5229 organization other than the auditor's report, management letter,
 5230 and any supplemental data requested by the State Board of
 5231 Education, the university board of trustees, ~~the Auditor~~
 5232 ~~General~~, and the Office of ~~Program Policy Analysis and~~
 5233 Government Accountability shall be confidential and exempt from
 5234 the provisions of s. 119.07(1).

5235 Section 151. Subsection (5) of section 1004.29, Florida
 5236 Statutes, is amended to read:

5237 1004.29 University health services support
 5238 organizations.--

5239 (5) Each university health services support organization
 5240 shall provide for an annual financial audit in accordance with
 5241 s. 1004.28(5). The auditor's report, management letter, and any
 5242 supplemental data requested by the State Board of Education, the
 5243 university board of trustees, and the Office of Government
 5244 Accountability ~~Auditor General~~ shall be considered public
 5245 records, pursuant to s. 119.07.

5246 Section 152. Paragraph (d) of subsection (2) and paragraph
 5247 (b) of subsection (8) of section 1004.43, Florida Statutes, are
 5248 amended to read:

5249 1004.43 H. Lee Moffitt Cancer Center and Research



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5250 Institute.--There is established the H. Lee Moffitt Cancer
 5251 Center and Research Institute at the University of South
 5252 Florida.

5253 (2) The State Board of Education shall provide in the
 5254 agreement with the not-for-profit corporation for the following:

5255 (d) Preparation of an annual financial audit of the not-
 5256 for-profit corporation's accounts and records and the accounts
 5257 and records of any subsidiaries to be conducted by an
 5258 independent certified public accountant. The annual audit report
 5259 shall include a management letter, as defined in s. 11.45, and
 5260 shall be submitted to the Office of Government Accountability
 5261 ~~Auditor General~~ and the State Board of Education. The State
 5262 Board of Education, ~~the Auditor General,~~ and the Office of
 5263 ~~Program Policy Analysis and~~ Government Accountability shall have
 5264 the authority to require and receive from the not-for-profit
 5265 corporation and any subsidiaries or from their independent
 5266 auditor any detail or supplemental data relative to the
 5267 operation of the not-for-profit corporation or subsidiary.

5268 (8)

5269 (b) Proprietary confidential business information is
 5270 confidential and exempt from the provisions of s. 119.07(1) and
 5271 s. 24(a), Art. I of the State Constitution. However, ~~the Auditor~~
 5272 ~~General,~~ the Office of ~~Program Policy Analysis and~~ Government
 5273 Accountability, and the State Board of Education, pursuant to
 5274 their oversight and auditing functions, must be given access to
 5275 all proprietary confidential business information upon request
 5276 and without subpoena and must maintain the confidentiality of
 5277 information so received. As used in this paragraph, the term
 5278 "proprietary confidential business information" means



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5279 information, regardless of its form or characteristics, which is
5280 owned or controlled by the not-for-profit corporation or its
5281 subsidiaries; is intended to be and is treated by the not-for-
5282 profit corporation or its subsidiaries as private and the
5283 disclosure of which would harm the business operations of the
5284 not-for-profit corporation or its subsidiaries; has not been
5285 intentionally disclosed by the corporation or its subsidiaries
5286 unless pursuant to law, an order of a court or administrative
5287 body, a legislative proceeding pursuant to s. 5, Art. III of the
5288 State Constitution, or a private agreement that provides that
5289 the information may be released to the public; and which is
5290 information concerning:

5291 1. Internal auditing controls and reports of internal
5292 auditors;

5293 2. Matters reasonably encompassed in privileged attorney-
5294 client communications;

5295 3. Contracts for managed-care arrangements, including
5296 preferred provider organization contracts, health maintenance
5297 organization contracts, and exclusive provider organization
5298 contracts, and any documents directly relating to the
5299 negotiation, performance, and implementation of any such
5300 contracts for managed-care arrangements;

5301 4. Bids or other contractual data, banking records, and
5302 credit agreements the disclosure of which would impair the
5303 efforts of the not-for-profit corporation or its subsidiaries to
5304 contract for goods or services on favorable terms;

5305 5. Information relating to private contractual data, the
5306 disclosure of which would impair the competitive interest of the
5307 provider of the information;



- 5308 6. Corporate officer and employee personnel information;
- 5309 7. Information relating to the proceedings and records of
- 5310 credentialed panels and committees and of the governing board
- 5311 of the not-for-profit corporation or its subsidiaries relating
- 5312 to credentialing;
- 5313 8. Minutes of meetings of the governing board of the not-
- 5314 for-profit corporation and its subsidiaries, except minutes of
- 5315 meetings open to the public pursuant to subsection (9);
- 5316 9. Information that reveals plans for marketing services
- 5317 that the corporation or its subsidiaries reasonably expect to be
- 5318 provided by competitors;
- 5319 10. Trade secrets as defined in s. 688.002, including
- 5320 reimbursement methodologies or rates; or
- 5321 11. The identity of donors or prospective donors of
- 5322 property who wish to remain anonymous or any information
- 5323 identifying such donors or prospective donors. The anonymity of
- 5324 these donors or prospective donors must be maintained in the
- 5325 auditor's report.

5326

5327 As used in this paragraph, the term "managed care" means systems

5328 or techniques generally used by third-party payors or their

5329 agents to affect access to and control payment for health care

5330 services. Managed-care techniques most often include one or more

5331 of the following: prior, concurrent, and retrospective review of

5332 the medical necessity and appropriateness of services or site of

5333 services; contracts with selected health care providers;

5334 financial incentives or disincentives related to the use of

5335 specific providers, services, or service sites; controlled

5336 access to and coordination of services by a case manager; and



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5337 payor efforts to identify treatment alternatives and modify
 5338 benefit restrictions for high-cost patient care.

5339 Section 153. Paragraph (d) of subsection (3) of section
 5340 1004.445, Florida Statutes, is amended to read:

5341 1004.445 Florida Alzheimer's Center and Research
 5342 Institute.--

5343 (3) The State Board of Education shall provide in the
 5344 agreement with the not-for-profit corporation for the following:

5345 (d) Preparation of an annual postaudit of the not-for-
 5346 profit corporation's financial accounts and the financial
 5347 accounts of any subsidiaries to be conducted by an independent
 5348 certified public accountant. The annual audit report shall
 5349 include management letters and shall be submitted to the Office
 5350 of Government Accountability ~~Auditor General~~ and the State Board
 5351 of Education for review. The State Board of Education, ~~the~~
 5352 ~~Auditor General~~, and the Office of ~~Program Policy Analysis and~~
 5353 Government Accountability shall have the authority to require
 5354 and receive from the not-for-profit corporation and any
 5355 subsidiaries, or from their independent auditor, any detail or
 5356 supplemental data relative to the operation of the not-for-
 5357 profit corporation or subsidiary.

5358 Section 154. Subsection (2) of section 1004.58, Florida
 5359 Statutes, is amended to read:

5360 1004.58 Leadership Board for Applied Research and Public
 5361 Service.--

5362 (2) Membership of the board shall be:

5363 (a) The Commissioner of Education, or the commissioner's
 5364 designee, who shall serve as chair.

5365 (b) The director of the Office of Planning and Budgeting



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5366 of the Executive Office of the Governor.

5367 (c) The secretary of the Department of Management
5368 Services.

5369 (d) The director of Economic and Demographic Research.

5370 ~~(e) The director of the Office of Program Policy Analysis
5371 and Government Accountability.~~

5372 ~~(e)(f)~~ The President of the Florida League of Cities.

5373 ~~(f)(g)~~ The President for the Florida Association of
5374 Counties.

5375 ~~(g)(h)~~ The President of the Florida School Board
5376 Association.

5377 ~~(h)(i)~~ Five additional university president members,
5378 designated by the commissioner, to rotate annually.

5379 Section 155. Subsection (6) of section 1004.70, Florida
5380 Statutes, is amended to read:

5381 1004.70 Community college direct-support organizations.--

5382 (6) ANNUAL AUDIT.--Each direct-support organization shall
5383 provide for an annual ~~financial~~ audit of its financial
5384 statements in order to express an opinion on the fairness with
5385 which they are presented in conformance with generally accepted
5386 accounting principles. The audit is to be conducted by an
5387 independent certified public accountant in accordance with rules
5388 adopted by the Office of Governmental Accountability Auditor
5389 ~~General~~ pursuant to s. 11.45(8). The annual audit report must be
5390 submitted, within 9 months after the end of the fiscal year, to
5391 the Office of Government Accountability Auditor General, the
5392 State Board of Education, and the board of trustees for review.
5393 The board of trustees, ~~the Auditor General~~, and the Office of
5394 ~~Program Policy Analysis and Government Accountability~~ may



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5395 require and receive from the organization or from its
 5396 independent auditor any detail or supplemental data relative to
 5397 the operation of the organization. The identity of donors who
 5398 desire to remain anonymous shall be protected, and that
 5399 anonymity shall be maintained in the auditor's report. All
 5400 records of the organization, other than the auditor's report,
 5401 any information necessary for the auditor's report, any
 5402 information related to the expenditure of funds, and any
 5403 supplemental data requested by the board of trustees, ~~the~~
 5404 ~~Auditor General,~~ and the Office of ~~Program Policy Analysis and~~
 5405 Government Accountability, shall be confidential and exempt from
 5406 the provisions of s. 119.07(1).

5407 Section 156. Subsection (5) of section 1004.78, Florida
 5408 Statutes, is amended to read:

5409 1004.78 Technology transfer centers at community
 5410 colleges.--

5411 (5) A technology transfer center shall be financed from
 5412 the Academic Improvement Program or from moneys of a community
 5413 college which are on deposit or received for use in the
 5414 activities conducted in the center. Such moneys shall be
 5415 deposited by the community college in a permanent technology
 5416 transfer fund in a depository or depositories approved for the
 5417 deposit of state funds and shall be accounted for and disbursed
 5418 subject to audit by the Office of Government Accountability
 5419 ~~Auditor General~~.

5420 Section 157. Subsection (7) of section 1005.37, Florida
 5421 Statutes, is amended to read:

5422 1005.37 Student Protection Fund.--

5423 (7) The Student Protection Fund must be actuarially sound,



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5424 periodically audited by the Office of Government Accountability
 5425 ~~Auditor General~~ in connection with its ~~his or her~~ audit of the
 5426 Department of Education, and reviewed to determine if additional
 5427 fees must be charged to schools eligible to participate in the
 5428 fund.

5429 Section 158. Subsection (6) of section 1006.07, Florida
 5430 Statutes, is amended to read:

5431 1006.07 District school board duties relating to student
 5432 discipline and school safety.--The district school board shall
 5433 provide for the proper accounting for all students, for the
 5434 attendance and control of students at school, and for proper
 5435 attention to health, safety, and other matters relating to the
 5436 welfare of students, including:

5437 (6) SAFETY AND SECURITY BEST PRACTICES.--Use the Safety
 5438 and Security Best Practices developed by the Office of ~~Program~~
 5439 ~~Policy Analysis and~~ Government Accountability to conduct a self-
 5440 assessment of the school districts' current safety and security
 5441 practices. Based on these self-assessment findings, the district
 5442 school superintendent shall provide recommendations to the
 5443 district school board which identify strategies and activities
 5444 that the district school board should implement in order to
 5445 improve school safety and security. Annually each district
 5446 school board must receive the self-assessment results at a
 5447 publicly noticed district school board meeting to provide the
 5448 public an opportunity to hear the district school board members
 5449 discuss and take action on the report findings. Each district
 5450 school superintendent shall report the self-assessment results
 5451 and school board action to the commissioner within 30 days after
 5452 the district school board meeting.



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5453 Section 159. Section 1006.19, Florida Statutes, is amended
5454 to read:

5455 1006.19 Audit of records of nonprofit corporations and
5456 associations handling interscholastic activities.--

5457 (1) Each nonprofit association or corporation that
5458 operates for the purpose of supervising and controlling
5459 interscholastic activities of public high schools and whose
5460 membership is composed of duly certified representatives of
5461 public high schools, and whose rules and regulations are
5462 established by members thereof, shall have an annual financial
5463 audit of its accounts and records by an independent certified
5464 public accountant retained by it and paid from its funds. The
5465 accountant shall furnish a copy of the audit report to the
5466 Office of Government Accountability ~~Auditor General~~.

5467 (2) Any such nonprofit association or corporation shall
5468 keep adequate and complete records of all moneys received by it,
5469 including the source and amount, and all moneys spent by it,
5470 including salaries, fees, expenses, travel allowances, and all
5471 other items of expense. All records of any such organization
5472 shall be open for inspection by the Office of Government
5473 Accountability ~~Auditor General~~.

5474 Section 160. Section 1008.35, Florida Statutes, is amended
5475 to read:

5476 1008.35 Best financial management practices for school
5477 districts; standards; reviews; designation of school
5478 districts.--

5479 (1) The purpose of best financial management practices
5480 reviews is to improve Florida school district management and use
5481 of resources and to identify cost savings. The Office of ~~Program~~



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5482 ~~Policy Analysis and Government Accountability is (OPPAGA) and~~
5483 ~~the Office of the Auditor General are~~ directed to develop a
5484 system for reviewing the financial management practices of
5485 school districts. ~~In this system, the Auditor General shall~~
5486 ~~assist OPPAGA in examining district operations to determine~~
5487 ~~whether they meet "best financial management practices."~~

5488 (2) The best financial management practices adopted by the
5489 Commissioner of Education may be updated periodically after
5490 consultation with the Legislature, the Governor, the Department
5491 of Education, school districts, and the Office of Government
5492 Accountability Auditor General. The Office of Government
5493 Accountability ~~OPPAGA~~ shall submit to the Commissioner of
5494 Education for review and adoption proposed revisions to the best
5495 financial management practices adopted by the commissioner. The
5496 best financial management practices, at a minimum, must instill
5497 public confidence by addressing the school district's use of
5498 resources, identifying ways that the district could save funds,
5499 and improving districts' performance accountability systems,
5500 including public accountability. To achieve these objectives,
5501 best practices shall be developed for, but need not be limited
5502 to, the following areas:

- 5503 (a) Management structures.
- 5504 (b) Performance accountability.
- 5505 (c) Efficient delivery of educational services, including
5506 instructional materials.
- 5507 (d) Administrative and instructional technology.
- 5508 (e) Personnel systems and benefits management.
- 5509 (f) Facilities construction.
- 5510 (g) Facilities maintenance.



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- 5511 (h) Student transportation.
- 5512 (i) Food service operations.
- 5513 (j) Cost control systems, including asset management, risk
- 5514 management, financial management, purchasing, internal auditing,
- 5515 and financial auditing.

5516

5517 In areas for which the commissioner has not adopted best

5518 practices, the Office of Government Accountability ~~OPPAGA~~ may

5519 develop additional best financial management practices, with

5520 input from a broad range of stakeholders. The Office of

5521 Government Accountability ~~OPPAGA~~ shall present any additional

5522 best practices to the commissioner for review and adoption.

5523 Revised best financial management practices adopted by the

5524 commissioner must be used in the next year's scheduled school

5525 district reviews conducted according to this section.

5526 (3) The Office of Government Accountability ~~OPPAGA~~ shall

5527 contract with a private firm selected through a formal request

5528 for proposal process to perform the review, to the extent that

5529 funds are provided for this purpose in the General

5530 Appropriations Act each year. When sufficient funds are not

5531 provided to contract for all the scheduled best financial

5532 management practices reviews, the Office of Government

5533 Accountability ~~OPPAGA~~ shall conduct the remaining reviews

5534 scheduled for that year, except as otherwise provided in this

5535 act. At least one member of the private firm review team shall

5536 have expertise in school district finance. The scope of the

5537 review shall focus on the best practices adopted by the

5538 Commissioner of Education, pursuant to subsection (2). The

5539 Office of Government Accountability ~~OPPAGA~~ may include



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5540 additional items in the scope of the review after seeking input
 5541 from the school district and the Department of Education.

5542 (4) The Office of Government Accountability ~~OPPAGA~~ shall
 5543 consult with the Commissioner of Education throughout the best
 5544 practices review process to ensure that the technical expertise
 5545 of the Department of Education benefits the review process and
 5546 supports the school districts before, during, and after the
 5547 review.

5548 (5) It is the intent of the Legislature that each school
 5549 district shall be subject to a best financial management
 5550 practices review. The Legislature also intends that all school
 5551 districts shall be reviewed on a continuing 5-year cycle, as
 5552 follows, unless specified otherwise in the General
 5553 Appropriations Act, or as provided in this section:

5554 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,
 5555 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River, Monroe,
 5556 Osceola, and Bradford.

5557 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,
 5558 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,
 5559 and Franklin.

5560 (c) Year 3: Palm Beach, Orange, Seminole, Lee, Escambia,
 5561 Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie, Liberty,
 5562 and Lafayette.

5563 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,
 5564 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,
 5565 Hardee, DeSoto, and Glades.

5566 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,
 5567 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,
 5568 Washington, and Calhoun.



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5569 (6)(a) The ~~Joint~~ Legislative Auditing Committee may adjust
 5570 the schedule of districts to be reviewed when unforeseen
 5571 circumstances prevent initiation of reviews scheduled in a given
 5572 year.

5573 (b) Once the 5-year cycle has been completed, reviews
 5574 shall continue, beginning again with those districts included in
 5575 year one of the cycle unless a district has requested and
 5576 received a waiver as provided in subsection (17).

5577 (7) At the direction of the ~~Joint~~ Legislative Auditing
 5578 Committee or the President of the Senate and the Speaker of the
 5579 House of Representatives, and subject to funding by the
 5580 Legislature, the Office of Government Accountability ~~OPPAGA~~ may
 5581 conduct, or contract with a private firm to conduct, up to two
 5582 additional best financial management practices reviews in
 5583 districts not scheduled for review during that year if such
 5584 review is necessary to address adverse financial conditions.

5585 (8) Reviews shall be conducted by the Office of Government
 5586 Accountability ~~OPPAGA~~ and the consultant to the extent
 5587 specifically funded by the Legislature in the General
 5588 Appropriations Act for this purpose. Such funds may be used for
 5589 the cost of reviews by the Office of Government Accountability
 5590 ~~OPPAGA~~ and private consultants contracted by the Office of
 5591 Government Accountability ~~director of OPPAGA~~. Costs may include
 5592 professional services, travel expenses of the Office of
 5593 Government Accountability ~~OPPAGA and staff of the Auditor~~
 5594 ~~General~~, and any other necessary expenses incurred as part of a
 5595 best financial management practices review.

5596 (9) Districts scheduled for review must complete a self-
 5597 assessment instrument provided by the Office of Government



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5598 Accountability ~~OPPAGA~~ which indicates the school district's
 5599 evaluation of its performance on each best practice. The
 5600 district must begin the self-assessment not later than 60 days
 5601 prior to the commencement of the review. The completed self-
 5602 assessment instrument and supporting documentation must be
 5603 submitted to the Office of Government Accountability ~~OPPAGA~~ not
 5604 later than the date of commencement of the review as notified by
 5605 the Office of Government Accountability ~~OPPAGA~~. The best
 5606 practice review team will use this self-assessment information
 5607 during their review of the district.

5608 (10) During the review, the Office of Government
 5609 Accountability ~~OPPAGA~~ and the consultant conducting the review,
 5610 if any, shall hold at least one advertised public forum as part
 5611 of the review in order to explain the best financial management
 5612 practices review process and obtain input from students,
 5613 parents, the business community, and other district residents
 5614 regarding their concerns about the operations and management of
 5615 the school district.

5616 (11) District reviews conducted under this section must be
 5617 completed within 6 months after commencement. The Office of
 5618 Government Accountability ~~OPPAGA~~ shall issue a final report to
 5619 the President of the Senate, the Speaker of the House of
 5620 Representatives, and the district regarding the district's use
 5621 of best financial management practices and cost savings
 5622 recommendations within 60 days after completing the reviews.
 5623 Copies of the final report shall be provided to the Governor,
 5624 the Commissioner of Education, and to the chairs of school
 5625 advisory councils and district advisory councils established
 5626 pursuant to s. 1001.452(1)(a) and (b). The district school board



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5627 shall notify all members of the school advisory councils and
5628 district advisory council by mail that the final report has been
5629 delivered to the school district and to the council chairs. The
5630 notification shall also inform members of the Office of
5631 Government Accountability ~~OPPAGA~~ website address at which an
5632 electronic copy of the report is available.

5633 (12) After receipt of the final report and before the
5634 district school board votes whether to adopt the action plan, or
5635 if no action plan was required because the district was found to
5636 be using the best practices, the district school board shall
5637 hold an advertised public forum to accept public input and
5638 review the findings and recommendations of the report. The
5639 district school board shall advertise and promote this forum in
5640 a manner appropriate to inform school and district advisory
5641 councils, parents, school district employees, the business
5642 community, and other district residents of the opportunity to
5643 attend this meeting. The Office of Government Accountability
5644 ~~OPPAGA~~ and the consultant, if any, shall also be represented at
5645 this forum.

5646 (13)(a) If the district is found not to conform to best
5647 financial management practices, the report must contain an
5648 action plan detailing how the district could meet the best
5649 practices within 2 years. The district school board must decide,
5650 by a majority plus one vote within 90 days after receipt of the
5651 final report, whether or not to implement the action plan and
5652 pursue a "Seal of Best Financial Management" awarded by the
5653 State Board of Education to qualified school districts. If a
5654 district fails to vote on the action plan within 90 days,
5655 district school board members may be required to appear and



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5656 present testimony before a legislative committee, pursuant to s.
5657 11.143.

5658 (b) The district school board may vote to reverse a
5659 decision not to implement an action plan, provided that the
5660 action plan is implemented and there is still sufficient time,
5661 as determined by the district school board, to meet the best
5662 practices within 2 years after issuance of the final report.

5663 (c) Within 90 days after the receipt of the final report,
5664 the district school board must notify the Auditor General ~~OPPAGA~~
5665 and the Commissioner of Education in writing of the date and
5666 outcome of the district school board vote on whether to adopt
5667 the action plan. If the district school board fails to vote on
5668 whether to adopt the action plan, the district school
5669 superintendent must notify the Office of Government
5670 Accountability ~~OPPAGA~~ and the Commissioner of Education. The
5671 Department of Education may contact the school district, assess
5672 the situation, urge the district school board to vote, and offer
5673 technical assistance, if needed.

5674 (14) If a district school board votes to implement the
5675 action plan:

5676 (a) No later than 1 year after receipt of the final
5677 report, the district school board must submit an initial status
5678 report to the President of the Senate, the Speaker of the House
5679 of Representatives, the Governor, the Office of Government
5680 Accountability ~~OPPAGA, the Auditor General,~~ the State Board of
5681 Education, and the Commissioner of Education on progress made
5682 toward implementing the action plan and whether changes have
5683 occurred in other areas of operation that would affect
5684 compliance with the best practices.



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5685 (b) A second status report must be submitted by the school
5686 district to the President of the Senate, the Speaker of the
5687 House of Representatives, the Governor, the Office of Government
5688 Accountability, ~~OPPACA, the Auditor General~~, the Commissioner of
5689 Education, and the State Board of Education no later than 1 year
5690 after submission of the initial report.

5691
5692 Status reports are not required once the Office of Government
5693 Accountability ~~OPPACA~~ concludes that the district is using best
5694 practices.

5695 (15) After receipt of each of a district's two status
5696 reports required by subsection (14), the Office of Government
5697 Accountability ~~OPPACA~~ shall assess the district's implementation
5698 of the action plan and progress toward implementing the best
5699 financial management practices in areas covered by the plan.
5700 Following each assessment, the Office of Government
5701 Accountability ~~OPPACA~~ shall issue a report to the President of
5702 the Senate, the Speaker of the House of Representatives, and the
5703 district indicating whether the district has successfully
5704 implemented the best financial management practices. Copies of
5705 the report must be provided to the Governor, ~~the Auditor~~
5706 ~~General~~, the Commissioner of Education, and the State Board of
5707 Education. If a district has failed to implement an action plan
5708 adopted pursuant to subsection (13), district school board
5709 members and the district school superintendent may be required
5710 to appear before a legislative committee, pursuant to s. 11.143,
5711 to present testimony regarding the district's failure to
5712 implement such action plan.

5713 (16) District school boards that successfully implement



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5714 the best financial management practices within 2 years, or are
 5715 determined in the review to be using the best practices, are
 5716 eligible to receive a "Seal of Best Financial Management." Upon
 5717 notification to the Commissioner of Education and the State
 5718 Board of Education by the Office of Government Accountability
 5719 ~~OPPAGA~~ that a district has been found to be using the best
 5720 financial management practices, the State Board of Education
 5721 shall award that district a "Seal of Best Financial Management"
 5722 certifying that the district is adhering to the state's best
 5723 financial management practices. The State Board of Education
 5724 designation shall be effective for 5 years from the
 5725 certification date or until the next review is completed,
 5726 whichever is later. During the designation period, the district
 5727 school board shall annually, not later than the anniversary date
 5728 of the certification, notify the Office of Government
 5729 Accountability ~~OPPAGA, the Auditor General~~, the Commissioner of
 5730 Education, and the State Board of Education of any changes in
 5731 policies or operations or any other situations that would not
 5732 conform to the state's best financial management practices. The
 5733 State Board of Education may revoke the designation of a
 5734 district school board at any time if it determines that a
 5735 district is no longer complying with the state's best financial
 5736 management practices. If no such changes have occurred and the
 5737 district school board determines that the school district
 5738 continues to conform to the best financial management practices,
 5739 the district school board shall annually report that information
 5740 to the State Board of Education, with copies to the Office of
 5741 Government Accountability ~~OPPAGA, the Auditor General~~, and the
 5742 Commissioner of Education.



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5743 (17)(a) A district school board that has been awarded a
5744 "Seal of Best Financial Management" by the State Board of
5745 Education and has annually reported to the State Board of
5746 Education that the district is still conforming to the best
5747 financial management practices may request a waiver from
5748 undergoing its next scheduled Best Financial Management
5749 Practices review.

5750 (b) To apply for such waiver, not later than September 1
5751 of the fiscal year prior to the fiscal year in which the
5752 district is next scheduled for review, the district school board
5753 shall certify to the Office of Government Accountability ~~OPPAGA~~
5754 and the Department of Education the district school board's
5755 determination that the school district is still conforming to
5756 the best financial management practices.

5757 (c) After consultation with the Department of Education
5758 and review of the district school board's determination, the
5759 Office of Government Accountability ~~OPPAGA~~ may recommend to the
5760 Legislative Budget Commission that the district be granted a
5761 waiver for the next scheduled Best Financial Management
5762 Practices review. If approved for waiver, the Office of
5763 Government Accountability ~~OPPAGA~~ shall notify the school
5764 district and the Department of Education that no review of that
5765 district will be conducted during the next scheduled review
5766 cycle. In that event, the district school board must continue
5767 annual reporting to the State Board of Education as required in
5768 subsection (16). District school boards granted a waiver for one
5769 review cycle are not eligible for waiver of the next scheduled
5770 review cycle.

5771 (18) District school boards that receive a best financial



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5772 management practices review must maintain records that will
 5773 enable independent verification of the implementation of the
 5774 action plan and any related fiscal impacts.

5775 (19) Unrestricted cost savings resulting from
 5776 implementation of the best financial management practices must
 5777 be spent at the school and classroom levels for teacher
 5778 salaries, teacher training, improved classroom facilities,
 5779 student supplies, textbooks, classroom technology, and other
 5780 direct student instruction activities. Cost savings identified
 5781 for a program that has restrictive expenditure requirements
 5782 shall be used for the enhancement of the specific program.

5783 Section 161. Subsection (1) of section 1008.46, Florida
 5784 Statutes, is amended to read:

5785 1008.46 State university accountability process.--It is
 5786 the intent of the Legislature that an accountability process be
 5787 implemented that provides for the systematic, ongoing evaluation
 5788 of quality and effectiveness of state universities. It is
 5789 further the intent of the Legislature that this accountability
 5790 process monitor performance at the system level in each of the
 5791 major areas of instruction, research, and public service, while
 5792 recognizing the differing missions of each of the state
 5793 universities. The accountability process shall provide for the
 5794 adoption of systemwide performance standards and performance
 5795 goals for each standard identified through a collaborative
 5796 effort involving state universities, the Legislature, and the
 5797 Governor's Office. These standards and goals shall be consistent
 5798 with s. 216.011(1) to maintain congruity with the performance-
 5799 based budgeting process. This process requires that university
 5800 accountability reports reflect measures defined through



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5801 performance-based budgeting. The performance-based budgeting
 5802 measures must also reflect the elements of teaching, research,
 5803 and service inherent in the missions of the state universities.

5804 (1) By December 31 of each year, the State Board of
 5805 Education shall submit an annual accountability report providing
 5806 information on the implementation of performance standards,
 5807 actions taken to improve university achievement of performance
 5808 goals, the achievement of performance goals during the prior
 5809 year, and initiatives to be undertaken during the next year. The
 5810 accountability reports shall be designed in consultation with
 5811 the Governor's Office, the Office of ~~Program Policy Analysis and~~
 5812 Government Accountability, and the Legislature.

5813 Section 162. Subsection (4) of section 1009.265, Florida
 5814 Statutes, is amended to read:

5815 1009.265 State employee fee waivers.--

5816 (4) The Office of Government Accountability ~~Auditor~~
 5817 ~~General~~ shall include a review of the cost assessment data in
 5818 conjunction with its ~~his or her~~ audit responsibilities for
 5819 community colleges, state universities, and the Department of
 5820 Education.

5821 Section 163. Paragraph (c) of subsection (5) of section
 5822 1009.53, Florida Statutes, is amended to read:

5823 1009.53 Florida Bright Futures Scholarship Program.--

5824 (5) The department shall issue awards from the scholarship
 5825 program annually. Annual awards may be for up to 45 semester
 5826 credit hours or the equivalent. Before the registration period
 5827 each semester, the department shall transmit payment for each
 5828 award to the president or director of the postsecondary
 5829 education institution, or his or her representative, except that



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5830 the department may withhold payment if the receiving institution
5831 fails to report or to make refunds to the department as required
5832 in this section.

5833 (c) Each institution that receives moneys through this
5834 program shall prepare an annual report that includes an annual
5835 financial audit, conducted by an independent certified public
5836 accountant or the Office of Government Accountability ~~Auditor~~
5837 ~~General~~. The report shall include an audit of the institution's
5838 administration of the program and a complete accounting of the
5839 moneys for the program. This report must be submitted to the
5840 department annually by March 1. The department may conduct its
5841 own annual audit of an institution's administration of the
5842 program. The department may request a refund of any moneys
5843 overpaid to the institution for the program. The department may
5844 suspend or revoke an institution's eligibility to receive future
5845 moneys for the program if the department finds that an
5846 institution has not complied with this section. The institution
5847 must remit within 60 days any refund requested in accordance
5848 with this subsection.

5849 Section 164. Section 1009.976, Florida Statutes, is
5850 amended to read:

5851 1009.976 Annual report.--On or before March 31 of each
5852 year, the Florida Prepaid College Board shall prepare or cause
5853 to be prepared separate reports setting forth in appropriate
5854 detail an accounting of the prepaid program and the savings
5855 program which include a description of the financial condition
5856 of each respective program at the close of the fiscal year. The
5857 board shall submit copies of the reports to the Governor, the
5858 President of the Senate, the Speaker of the House of



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5859 Representatives, and the minority leaders of the House and
 5860 Senate and shall make the report for the prepaid program
 5861 available to each purchaser and the report for the savings
 5862 program available to each benefactor and designated beneficiary.
 5863 The accounts of the fund for the prepaid program and the savings
 5864 program shall be subject to annual audits by the Office of
 5865 Government Accountability ~~Auditor General~~.

5866 Section 165. Subsection (3) of section 1009.983, Florida
 5867 Statutes, is amended to read:

5868 1009.983 Direct-support organization; authority.--

5869 (3) The direct-support organization shall provide for an
 5870 annual financial audit in accordance with s. 215.981. The board
 5871 and Office of Government Accountability ~~Auditor General~~ may
 5872 require and receive from the organization or its independent
 5873 auditor any detail or supplemental data relative to the
 5874 operation of the organization.

5875 Section 166. Subsection (1) of section 1010.305, Florida
 5876 Statutes, is amended to read:

5877 1010.305 Audit of student enrollment.--

5878 (1) The Office of Government Accountability ~~Auditor~~
 5879 ~~General~~ shall periodically examine the records of school
 5880 districts, and other agencies as appropriate, to determine
 5881 compliance with law and State Board of Education rules relating
 5882 to the classification, assignment, and verification of full-time
 5883 equivalent student enrollment and student transportation
 5884 reported under the Florida Education Finance Program.

5885 Section 167. Subsection (2) of section 1011.10, Florida
 5886 Statutes, is amended to read:

5887 1011.10 Penalty.--



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5888 (2) Each member of any district school board voting to
 5889 incur an indebtedness against the district school funds in
 5890 excess of the expenditure allowed by law, or in excess of any
 5891 appropriation as adopted in the original official budget or
 5892 amendments thereto, or to approve or pay any illegal charge
 5893 against the funds, and any chair of a district school board or
 5894 district school superintendent who signs a warrant for payment
 5895 of any such claim or bill of indebtedness against any of the
 5896 funds shall be personally liable for the amount, and shall be
 5897 guilty of malfeasance in office and subject to removal by the
 5898 Governor. It shall be the duty of the Office of Government
 5899 Accountability ~~Auditor General~~, other state officials, or
 5900 independent certified public accountants charged by law with the
 5901 responsibility for auditing school accounts, upon discovering
 5902 any such illegal expenditure or expenditures in excess of the
 5903 appropriations in the budget as officially amended, to certify
 5904 such fact to the Department of Banking and Finance, which
 5905 thereupon shall verify such fact and it shall be the duty of the
 5906 Department of Banking and Finance to advise the Department of
 5907 Legal Affairs thereof, and it shall be the duty of the
 5908 Department of Legal Affairs to cause to be instituted and
 5909 prosecuted, either through its office or through any state
 5910 attorney, proceedings at law or in equity against such member or
 5911 members of a district school board or district school
 5912 superintendent. If either of the officers does not institute
 5913 proceedings within 90 days after the audit has been certified to
 5914 them by the Department of Banking and Finance, any taxpayer may
 5915 institute suit in his or her own name on behalf of the district.
 5916 Section 168. Subsection (6) of section 1011.51, Florida



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5917 Statutes, is amended to read:

5918 1011.51 Independent postsecondary endowment grants.--

5919 (6) Matching endowment grants made pursuant to this
 5920 section to a qualified independent nonprofit college or
 5921 university shall be placed in a separate restricted endowment by
 5922 such institution. The interest or other income accruing from the
 5923 endowment shall be expended exclusively for professorships,
 5924 library resources, scientific and technical equipment, and
 5925 nonathletic scholarships. Moreover, the funds in the endowment
 5926 shall not be used for pervasively sectarian instruction,
 5927 religious worship, or theology or divinity programs or
 5928 resources. The records of the endowment shall be subject to
 5929 review by the department and audit or examination by the ~~Auditor~~
 5930 ~~General and the Office of Program Policy Analysis and Government~~
 5931 ~~Accountability~~. If any institution receiving a matching
 5932 endowment grant pursuant to this section ceases operations and
 5933 undergoes dissolution proceedings, then all funds received
 5934 pursuant to this section from the state shall be returned.

5935 Section 169. Paragraph (f) of subsection (2) of section
 5936 1013.35, Florida Statutes, is amended to read:

5937 1013.35 School district educational facilities plan;
 5938 definitions; preparation, adoption, and amendment; long-term
 5939 work programs.--

5940 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 5941 FACILITIES PLAN.--

5942 (f) Commencing on October 1, 2002, and not less than once
 5943 every 5 years thereafter, the district school board shall
 5944 contract with a qualified, independent third party to conduct a
 5945 financial management and performance audit of the educational



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5946 planning and construction activities of the district. An audit
5947 conducted by the Office of ~~Program Policy Analysis and~~
5948 Government Accountability ~~and the Auditor General~~ pursuant to s.
5949 1008.35 satisfies this requirement.

5950 Section 170. Subsections (2) and (5) of section 1013.512,
5951 Florida Statutes, are amended to read:

5952 1013.512 Land Acquisition and Facilities Maintenance
5953 Operations Advisory Board.--

5954 (2) If the ~~director of the~~ Office of ~~Program Policy~~
5955 ~~Analysis and~~ Government Accountability (~~OPPAGA~~) or the ~~Auditor~~
5956 ~~General~~ determines in a review or examination that significant
5957 deficiencies exist in a school district's land acquisition and
5958 facilities maintenance operational processes, it ~~he or she~~ shall
5959 certify to the President of the Senate, the Speaker of the House
5960 of Representatives, the Legislative Budget Commission, and the
5961 Governor that the deficiency exists. The Legislative Budget
5962 Commission shall determine whether funds for the school district
5963 will be placed in reserve until the deficiencies are corrected.

5964 (5) Within 60 days of convening, the Land Acquisition and
5965 Facilities Maintenance Operations Advisory Board shall assess
5966 the district's progress and corrective actions and report to the
5967 Commissioner of Education. The advisory board's report must
5968 address the release of any funds placed in reserve by the
5969 Executive Office of the Governor. Any recommendation from the
5970 advisory board for the release of funds shall include a
5971 certification that policies established, procedures followed,
5972 and expenditures made by the school board related to site
5973 acquisition and facilities planning, construction, and
5974 maintenance operations are consistent with recommendations of



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5975 the Land Acquisition and Facilities Maintenance Operations
 5976 Advisory Board and will accomplish corrective action and address
 5977 recommendations made by the Office of ~~Program Policy Analysis~~
 5978 ~~and Government Accountability and the Auditor General~~. If the
 5979 advisory board does not recommend release of the funds held in
 5980 reserve, they shall provide additional assistance and submit a
 5981 subsequent report 60 days after the previous report.

5982 Section 171. Section 34 of chapter 2002-22, Laws of
 5983 Florida, is amended to read:

5984 Section 34. Before the 2005 Regular Legislative Session of
 5985 the Legislature, the Office of ~~Program Policy Analysis and~~
 5986 Government Accountability shall conduct a review of and prepare
 5987 a report on the progress of the Division of Vocational
 5988 Rehabilitation of the Department of Education.

5989 Section 172. This act shall take effect on July 1, 2003.

5990