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1 A bill to be entitled

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



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31 Office of Government Accountability from certain
32 activities; amending s. 11.45, F.S.; revising a
33 definition; assigning certain duties to the Office of
34 Government Accountability; assigning the authority to
35 conduct audits and other engagements to the Office of
36 Government Accountability; requiring audited entities to
37 provide for a corrective action plan when determined
38 necessary by the Auditor General; requiring certain
39 entities to provide additional data and other information
40 related to their corrective action plan; requiring the
41 Office of Government Accountability to perform followup
42 procedures; requiring the Office of Government
43 Accountability to provide a copy of its determination of
44 the audited entity's progress to certain entities;
45 providing for certain responsibilities of the Office of
46 Government Accountability; providing criteria for audits
47 of municipalities based on a certified petition; providing
48 for the adoption of rules by the Office of Government
49 Accountability; amending s. 11.47, F.S.; replacing the
50 Office of the Auditor General and the Office of Program
51 Policy Analysis and Government Accountability with the
52 Office of Government Accountability; repealing ss. 11.51
53 and 11.511, F.S., relating to the Office of Program Policy
54 Analysis and Government Accountability and its director;
55 amending s. 11.513, F.S.; requiring certain reviews to be
56 conducted by the Office of Government Accountability
57 instead of the Office of Program Policy Analysis and
58 Government Accountability; deleting the due dates for
59 reviews; amending s. 14.203, F.S.; assigning
60 responsibilities to the Office of Government



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61 Accountability formerly held by the Office of Program
62 Policy Analysis and Government Accountability; amending s.
63 17.041, F.S.; assigning responsibilities to the Office of
64 Government Accountability formerly held by the Auditor
65 General; amending s. 20.055, F.S.; assigning
66 responsibilities to the Office of Government
67 Accountability formerly held by the Auditor General;
68 revising responsibilities of state agency inspectors
69 general concerning followup of reports issued by the
70 Office of Government Accountability; amending s. 20.50,
71 F.S.; correcting a cross reference; amending ss. 20.23,
72 24.105, 24.108, 24.120, 24.123, 25.075, 39.202, 68.085,
73 and 68.087, F.S.; assigning responsibilities to the Office
74 of Government Accountability formerly held by the Auditor
75 General or the Office of Program Policy Analysis and
76 Government Accountability; repealing s. 70.20(13), F.S.,
77 relating to a review conducted by the Office of Program
78 Policy Analysis and Government Accountability; amending
79 ss. 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



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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



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121 of Government Accountability formerly held by the Auditor
 122 General or the Office of Program Policy Analysis and
 123 Government Accountability; amending s. 288.905, F.S.;
 124 assigning responsibilities to the Office of Government
 125 Accountability formerly held by the Office of Program
 126 Policy Analysis and Government Accountability; deleting
 127 provisions relating to a review completed by the Office of
 128 Program Policy Analysis and Government Accountability;
 129 amending ss. 288.906, 288.9517, 288.9604, 290.00689,
 130 296.17, 296.41, 298.17, 310.131, 320.023, 320.08058,
 131 320.08062, 322.081, and 322.135, F.S.; assigning
 132 responsibilities to the Office of Government
 133 Accountability formerly held by the Auditor General or the
 134 Office of Program Policy Analysis and Government
 135 Accountability; repealing s. 324.202, F.S., relating to a
 136 completed pilot project in the Department of Highway
 137 Safety and Motor Vehicles and a review completed by the
 138 Office of Program Policy Analysis and Government
 139 Accountability; amending ss. 331.419, 334.0445, 336.022,
 140 339.406, 365.173, 373.45926, 373.4595, 373.536, 403.1835,
 141 403.8532, and 409.2563, F.S.; assigning responsibilities
 142 to the Office of Government Accountability formerly held
 143 by the Auditor General or the Office of Program Policy
 144 Analysis and Government Accountability; amending s.
 145 411.01, F.S.; assigning responsibilities to the Office of
 146 Government Accountability formerly held by the Office of
 147 Program Policy Analysis and Government Accountability;
 148 deleting an obsolete requirement relating to a completed
 149 review by the Office of Program Policy Analysis and
 150 Government Accountability; amending ss. 411.011, 411.221,



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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
 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



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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 for construction of the act
 205 in pari materia with laws enacted during the Regular
 206 Session of the Legislature; providing an effective date.

207
 208 Be It Enacted by the Legislature of the State of Florida:
 209

210 Section 1. Subsections (3), (4), and (5) of section 11.40,



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211 Florida Statutes, are amended to read:

212 11.40 Legislative Auditing Committee.--

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

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

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

238 (a) In the case of a local governmental entity or district
239 school board, request the Department of Revenue and the
240 Department of Banking and Finance to withhold any funds not



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241 pledged for bond debt service satisfaction which are payable to
 242 such entity until the entity complies with the law. The
 243 committee, in its request, shall specify the date such action
 244 shall begin, and the request must be received by the Department
 245 of Revenue and the Department of Banking and Finance 30 days
 246 before the date of the distribution mandated by law. The
 247 Department of Revenue and the Department of Banking and Finance
 248 are authorized to implement the provisions of this paragraph.

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

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

257 Section 2. Section 11.42, Florida Statutes, is amended to
 258 read:

259 11.42 The Auditor General.--

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

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



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271 Vacancies in the office shall be filled in the same manner as
272 the original appointment.

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

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

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

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

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

299 ~~(6)(a) The headquarters of the Auditor General shall be at~~
300 ~~the state capital, but to facilitate auditing and to eliminate~~



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301 ~~unnecessary traveling the Auditor General may establish field~~
302 ~~offices located outside the state capital. The Auditor General~~
303 ~~shall be provided with adequate quarters to carry out the~~
304 ~~position's functions in the state capital and in other areas of~~
305 ~~the state.~~

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

309 (7) The Auditor General may make and enforce reasonable
310 rules and regulations necessary to facilitate audits that the
311 Office of Government Accountability ~~which she or he is~~
312 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~~
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:



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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 audits as directed by the Auditor General or as
341 directed by the Legislative Auditing Committee. The Division of
342 Policy Analysis and Agency Review shall also be responsible for
343 maintaining the Florida Government Accountability Report, which
344 summarizes accountability information on all major state
345 programs, and providing this information to the Legislature
346 electronically and by other means.

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

354 (5) The Auditor General shall employ qualified persons
355 necessary for the efficient operation of the Office of
356 Government Accountability. The staff must be chosen to provide a
357 broad background of experience and expertise and, to the maximum
358 extent possible, represent a range of disciplines that includes
359 auditing, accounting, law, engineering, public administration,
360 environmental science, policy analysis, economics, sociology,



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361 and philosophy. The Auditor General shall fix their duties and
362 compensation and, with the approval of the President of the
363 Senate and the Speaker of the House of Representatives, shall
364 adopt and administer a uniform personnel, job classification,
365 and pay plan for such employees.

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

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

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

384 (8) No officer or salaried employee of the Office of
385 Government Accountability shall serve as the representative of
386 any political party or on any executive committee or other
387 governing body thereof; serve as an executive, officer, or
388 employee of any political party committee, organization, or
389 association; or be engaged on behalf of any candidate for public
390 office in the solicitation of votes or other activities on



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391 behalf of such candidacy. Neither the Auditor General nor any
 392 employee of the Office of Government Accountability may become a
 393 candidate for election to public office unless he or she first
 394 resigns from office or employment. No officer or salaried
 395 employee of the Office of Government Accountability shall
 396 actively engage in any other business or profession or be
 397 otherwise employed without the prior written permission of the
 398 Auditor General.

399 Section 4. Paragraph (a) of subsection (1) and subsections
 400 (2) through (9) of section 11.45, Florida Statutes, are amended
 401 to read:

402 11.45 Definitions; duties; authorities; reports; rules.--

403 (1) DEFINITIONS.--As used in ss. 11.40-11.513 ~~11.40-~~
 404 ~~11.515~~, the term:

405 (a) "Audit" means a financial audit, operational audit, ~~or~~
 406 performance audit, examination, policy analysis, program
 407 evaluation and justification review, review, or other
 408 engagements.

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

411 (a) Conduct audits ~~of records~~ and perform related duties
 412 as prescribed by law, concurrent resolution of the Legislature,
 413 or as directed by the Legislative Auditing Committee.

414 (b) Annually conduct a financial audit of state
 415 government.

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

418 (d) Annually conduct financial and operational audits of
 419 the accounts and records of all district school boards in
 420 counties with populations of fewer than 150,000, according to



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421 the most recent federal decennial statewide census.

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

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

431 (g) At least every 2 years, conduct a performance audit of
432 the local government financial reporting system, which, for the
433 purpose of this chapter, means any statutory provisions related
434 to local government financial reporting. The purpose of such an
435 audit is to determine the accuracy, efficiency, and
436 effectiveness of the reporting system in achieving its goals and
437 to make recommendations to the local governments, the Governor,
438 and the Legislature as to how the reporting system can be
439 improved and how program costs can be reduced. The local
440 government financial reporting system should provide for the
441 timely, accurate, uniform, and cost-effective accumulation of
442 financial and other information that can be used by the members
443 of the Legislature and other appropriate officials to accomplish
444 the following goals:

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



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451 relating to local government.

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

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

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

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

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

478 (m)(k) Conduct audits of local governmental entities when
 479 determined to be necessary by the Auditor General, when directed
 480 by the Legislative Auditing Committee, or when otherwise



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481 required by law. ~~No later than 18 months after the release of~~
482 ~~the audit report, the Auditor General shall perform such~~
483 ~~appropriate followup procedures as he or she deems necessary to~~
484 ~~determine the audited entity's progress in addressing the~~
485 ~~findings and recommendations contained within the Auditor~~
486 ~~General's previous report. The Auditor General shall provide a~~
487 ~~copy of his or her determination to each member of the audited~~
488 ~~entity's governing body and to the Legislative Auditing~~
489 ~~Committee.~~

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

494 (o) Provide a statement in its reports whether the entity
495 audited by the Office of Government Accountability must file a
496 corrective action plan to address findings and recommendations
497 included in the report. Whenever determined necessary by the
498 Office of Government Accountability, the audited entity shall
499 provide a corrective action plan to the Legislative Auditing
500 Committee. The audited entity shall provide the corrective
501 action plan no later than 2 months after the release of the
502 report by the Office of Government Accountability. The
503 corrective action plan shall include completion dates, data, and
504 other information that describes in detail what the entity will
505 do to implement the recommendations within the report. The
506 entity shall provide data and other information that describes
507 with specificity the progress the entity has made in
508 implementing the corrective action plan. The entity shall
509 provide such data within 12 months after the submission of the
510 corrective action plan or the time period specified by the



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511 Office of Government Accountability. The Office of Government
 512 Accountability shall perform followup procedures to verify the
 513 entity's progress in addressing findings and recommendations
 514 contained within the report issued by the Office of Government
 515 Accountability. The Office of Government Accountability shall
 516 provide a copy of its determination to the audited entity, the
 517 Legislative Auditing Committee, and the appropriate legislative
 518 standing committees.

519

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

526 (3) AUTHORITY FOR AUDITS ~~AND OTHER ENGAGEMENTS~~.--

527 ~~(a) The Office of Government Accountability Auditor General~~
 528 ~~may, pursuant to the direction of the Auditor General his or her~~
 529 ~~own authority, or at the direction of the Legislative Auditing~~
 530 ~~Committee, conduct audits ~~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



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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.

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.



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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.



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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.

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



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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
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



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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
 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



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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
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.



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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
 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 Auditor General shall notify
 742 the Legislative Auditing Committee. The committee shall proceed
 743 in accordance with s. 11.40(5).

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

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



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751 11.40(5).

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

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

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

780 (e) The Auditor General shall notify the Governor and the



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

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



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

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

835 ~~(h) The Auditor General shall transmit to the President of~~
836 ~~the Senate, the Speaker of the House of Representatives, and the~~
837 ~~Legislative Auditing Committee by December 1 of each year a list~~
838 ~~of statutory and fiscal changes recommended by the Auditor~~
839 ~~General. The Auditor General may also transmit recommendations~~
840 ~~at other times of the year when the information would be timely~~



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841 ~~and useful for the Legislature.~~

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

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

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

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

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

866 Section 5. Section 11.47, Florida Statutes, is amended to
 867 read:

868 11.47 Penalties; failure to make a proper audit or
 869 examination; making a false report; failure to produce documents
 870 or information.--



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

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

893 (3) Any person who willfully fails or refuses to furnish
 894 or produce any book, record, paper, document, data, or
 895 sufficient information necessary to a proper audit ~~or~~
 896 ~~examination~~ which the Office of Government Accountability
 897 ~~Auditor General or the Office of Program Policy Analysis and~~
 898 ~~Government Accountability~~ is by law authorized to perform shall
 899 be guilty of a misdemeanor of the first degree, punishable as
 900 provided in s. 775.082 or s. 775.083.



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

908 Section 6. Section 11.51, Florida Statutes, is repealed:
909 ~~11.51 Office of Program Policy Analysis and Government~~
910 ~~Accountability.~~

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

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

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

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

929 ~~(5) At the conclusion of an examination, the designated~~
930 ~~representative of the director of the Office of Program Policy~~



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

945 ~~(6) No later than 18 months after the release of a report~~
946 ~~of the Office of Program Policy Analysis and Government~~
947 ~~Accountability, the agencies that are the subject of that report~~
948 ~~shall provide data and other information that describes with~~
949 ~~specificity what the agencies have done to respond to the~~
950 ~~recommendations contained in the report. The Office of Program~~
951 ~~Policy Analysis and Government Accountability may verify the~~
952 ~~data and information provided by the agencies. If the data and~~
953 ~~information provided by the agencies are deemed sufficient and~~
954 ~~accurate, the Office of Program Policy Analysis and Government~~
955 ~~Accountability shall report to the Legislative Auditing~~
956 ~~Committee and to the legislative standing committees concerned~~
957 ~~with the subject areas of the audit. The report shall include a~~
958 ~~summary of the agencies' responses, the evaluation of those~~
959 ~~responses, and any recommendations deemed to be appropriate.~~

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



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961 ~~11.511 Director of the Office of Program Policy Analysis~~
962 ~~and Government Accountability; appointment; employment of staff;~~
963 ~~powers and duties.—~~

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

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

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

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

982 ~~(3)(a) The director shall make all spending decisions~~
983 ~~under the annual operating budget approved by the President of~~
984 ~~the Senate and the Speaker of the House of Representatives. The~~
985 ~~director shall employ and set the compensation of such~~
986 ~~professional, technical, legal, and clerical staff as may be~~
987 ~~necessary to fulfill the responsibilities of the Office of~~
988 ~~Program Policy Analysis and Government Accountability, in~~
989 ~~accordance with the joint policies and procedures of the~~
990 ~~President of the Senate and the Speaker of the House of~~



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991 ~~Representatives, and may remove these personnel. The staff must~~
992 ~~be chosen to provide a broad background of experience and~~
993 ~~expertise and, to the maximum extent possible, to represent a~~
994 ~~range of disciplines that includes law, engineering, public~~
995 ~~administration, environmental science, policy analysis,~~
996 ~~economics, sociology, and philosophy.~~

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

1009 ~~(4) The director shall perform and/or contract for the~~
1010 ~~performance of examinations and other duties as prescribed by~~
1011 ~~law. The director shall perform his or her duties independently~~
1012 ~~but under general policies established by the Legislative~~
1013 ~~Auditing Committee.~~

1014 ~~(5) The director may adopt and enforce reasonable rules~~
1015 ~~necessary to facilitate the examinations, reports, and other~~
1016 ~~tasks that he or she is authorized to perform.~~

1017 ~~(6) When the director determines that conducting an~~
1018 ~~examination would not be possible due to workload limitations or~~
1019 ~~the project does not appear to be of critical interest to the~~
1020 ~~Legislature, then, with the consent of the President of the~~



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1021 ~~Senate and the Speaker of the House of Representatives, the~~
 1022 ~~director may temporarily or indefinitely postpone such~~
 1023 ~~examinations. The director may at any time conduct a performance~~
 1024 ~~review of a governmental entity created by law.~~

1025 Section 8. Section 11.513, Florida Statutes, is amended to
 1026 read:

1027 11.513 Program evaluation and justification review.--

1028 (1) Each state agency may ~~shall~~ be subject to a program
 1029 evaluation and justification review by the Office of ~~Program~~
 1030 ~~Policy Analysis and Government Accountability as determined by~~
 1031 ~~the Legislative Auditing Committee. This review shall be~~
 1032 conducted at the discretion of the Auditor General upon
 1033 consultation with the Legislative Auditing Committee or the
 1034 Legislative Budget Commission. Each state agency shall offer its
 1035 complete cooperation to the Office of ~~Program Policy Analysis~~
 1036 ~~and Government Accountability~~ so that such review may be
 1037 accomplished.

1038 (2) A state agency's inspector general, internal auditor,
 1039 or other person designated by the agency head must ~~shall~~
 1040 develop, in consultation with the Office of ~~Program Policy~~
 1041 ~~Analysis and Government Accountability~~, a plan for monitoring
 1042 and reviewing the state agency's major programs to ensure that
 1043 performance data are maintained timely and accurately and
 1044 supported by agency records.

1045 (3) The program evaluation and justification review shall
 1046 ~~be conducted on major programs, but may include other programs.~~
 1047 ~~The review shall be~~ comprehensive in its scope but, at a
 1048 minimum, must be conducted in such a manner as to specifically
 1049 determine the following, and to consider and determine what
 1050 changes, if any, are needed with respect thereto:



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- 1051 (a) The identifiable cost of each program.
- 1052 (b) The specific purpose of each program, as well as the
1053 specific public benefit derived therefrom.
- 1054 (c) Progress toward achieving the outputs and outcomes
1055 associated with each program.
- 1056 (d) An explanation of circumstances contributing to the
1057 state agency's ability to achieve, not achieve, or exceed its
1058 projected outputs and outcomes, as defined in s. 216.011,
1059 associated with each program.
- 1060 (e) Alternate courses of action that would result in
1061 administration of the same program in a more efficient or
1062 effective manner. The courses of action to be considered must
1063 include, but are not limited to:
- 1064 1. Whether the program could be organized in a more
1065 efficient and effective manner, whether the program's mission,
1066 goals, or objectives should be redefined, or, when the state
1067 agency cannot demonstrate that its efforts have had a positive
1068 effect, whether the program should be reduced in size or
1069 eliminated.
- 1070 2. Whether the program could be administered more
1071 efficiently or effectively to avoid duplication of activities
1072 and ensure that activities are adequately coordinated.
- 1073 3. Whether the program could be performed more efficiently
1074 or more effectively by another unit of government or a private
1075 entity, or whether a program performed by a private entity could
1076 be performed more efficiently and effectively by a state agency.
- 1077 4. When compared to costs, whether effectiveness warrants
1078 elimination of the program or, if the program serves a limited
1079 interest, whether it should be redesigned to require users to
1080 finance program costs.



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1081 5. Whether the cost to administer the program exceeds
 1082 license and other fee revenues paid by those being regulated.

1083 6. Whether other changes could improve the efficiency and
 1084 effectiveness of the program.

1085 (f) The consequences of discontinuing such program. If any
 1086 discontinuation is recommended, such recommendation must be
 1087 accompanied by a description of alternatives to implement such
 1088 recommendation, including an implementation schedule for
 1089 discontinuation and recommended procedures for assisting state
 1090 agency employees affected by the discontinuation.

1091 (g) Determination as to public policy, which may include
 1092 recommendations as to whether it would be sound public policy to
 1093 continue or discontinue funding the program, either in whole or
 1094 in part, in the existing manner.

1095 (h) Whether the information reported as part of the
 1096 state's performance-based program budgeting system has relevance
 1097 and utility for the evaluation of each program.

1098 (i) Whether state agency management has established
 1099 control systems sufficient to ensure that performance data are
 1100 maintained and supported by state agency records and accurately
 1101 presented in state agency performance reports.

1102 (4) Upon completion of a program evaluation and
 1103 justification review ~~No later than December 1 of the second year~~
 1104 ~~following the year in which an agency begins operating under a~~
 1105 ~~performance-based program budget, the Office of Program Policy~~
 1106 ~~Analysis and Government Accountability shall submit a report of~~
 1107 ~~evaluation and justification review~~ findings and recommendations
 1108 to the President of the Senate, the Speaker of the House of
 1109 Representatives, the chairpersons of the appropriate substantive
 1110 committees, the chairpersons of the appropriations committees,



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1111 the Legislative Auditing Committee, the Governor, the head of
 1112 each state agency that was the subject of the evaluation and
 1113 justification review, and the head of any state agency that is
 1114 substantially affected by the findings and recommendations.

1115 (5) The Legislature intends that the program evaluation
 1116 and justification review procedure be designed to assess the
 1117 efficiency, effectiveness, and long-term implications of current
 1118 or alternative state policies, and that the procedure results in
 1119 recommendations for the improvement of such policies and state
 1120 government. To that end, whenever possible, all reports
 1121 submitted pursuant to subsection (4) must include an
 1122 identification of the estimated financial consequences,
 1123 including any potential savings, that could be realized if the
 1124 recommendations or alternative courses of action were
 1125 implemented.

1126 (6) Evaluation and justification reviews may include
 1127 consideration of programs provided by other agencies which are
 1128 integrally related to the programs administered by the state
 1129 agency or entity which is being reviewed ~~scheduled for review as~~
 1130 ~~determined by the Legislative Auditing Committee.~~

1131 Section 9. Subsection (2) of section 14.203, Florida
 1132 Statutes, is amended to read:

1133 14.203 State Council on Competitive Government.--It is the
 1134 policy of this state that all state services be performed in the
 1135 most effective and efficient manner in order to provide the best
 1136 value to the citizens of the state. The state also recognizes
 1137 that competition among service providers may improve the quality
 1138 of services provided, and that competition, innovation, and
 1139 creativity among service providers should be encouraged.

1140 (2) There is hereby created the State Council on



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1141 Competitive Government, which shall be composed of the Governor
 1142 and Cabinet, sitting as the Administration Commission as defined
 1143 in s. 14.202. The council, on its own initiative, or the Office
 1144 of ~~Program Policy Analysis and~~ Government Accountability,
 1145 ~~created pursuant to s. 11.51,~~ may identify commercial activities
 1146 currently being performed by state agencies and, if it is
 1147 determined that such services may be better provided by
 1148 requiring competition with private sources or other state agency
 1149 service providers, may recommend that a state agency engage in
 1150 any process, including competitive bidding, that creates
 1151 competition with private sources or other state agency service
 1152 providers.

1153 Section 10. Subsections (1) and (4) of section 17.041,
 1154 Florida Statutes, are amended to read:

1155 17.041 County and district accounts and claims.--

1156 (1) It shall be the duty of the Department of Banking and
 1157 Finance of this state to adjust and settle, or cause to be
 1158 adjusted and settled, all accounts and claims heretofore or
 1159 hereafter reported to it by the Office of Government
 1160 Accountability Auditor General, the appropriate county or
 1161 district official, or any person against all county and district
 1162 officers and employees, and against all other persons entrusted
 1163 with, or who may have received, any property, funds, or moneys
 1164 of a county or district or who may be in anywise indebted to or
 1165 accountable to a county or district for any property, funds,
 1166 moneys, or other thing of value, and to require such officer,
 1167 employee, or person to render full accounts thereof and to yield
 1168 up such property, funds, moneys, or other thing of value
 1169 according to law to the officer or authority entitled by law to
 1170 receive the same.



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1171 (4) Should it appear to the department that any criminal
1172 statute of this state has or may have been violated by such
1173 defaulting officer, employee, or person, such information,
1174 evidence, documents, and other things tending to show such a
1175 violation, whether in the hands of the Comptroller, the Office
1176 of Government Accountability Auditor General, the county, or the
1177 district, shall be forthwith turned over to the proper state
1178 attorney for inspection, study, and such action as may be deemed
1179 proper, or the same may be brought to the attention of the
1180 proper grand jury.

1181 Section 11. Paragraph (g) of subsection (2) and paragraphs
1182 (e), (f), and (g) of subsection (5) of section 20.055, Florida
1183 Statutes, are amended to read:

1184 20.055 Agency inspectors general.--

1185 (2) The Office of Inspector General is hereby established
1186 in each state agency to provide a central point for coordination
1187 of and responsibility for activities that promote
1188 accountability, integrity, and efficiency in government. It
1189 shall be the duty and responsibility of each inspector general,
1190 with respect to the state agency in which the office is
1191 established, to:

1192 (g) Ensure effective coordination and cooperation between
1193 the Office of Government Accountability Auditor General, federal
1194 auditors, and other governmental bodies with a view toward
1195 avoiding duplication.

1196 (5) In carrying out the auditing duties and
1197 responsibilities of this act, each inspector general shall
1198 review and evaluate internal controls necessary to ensure the
1199 fiscal accountability of the state agency. The inspector general
1200 shall conduct financial, compliance, electronic data processing,



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1201 and performance audits of the agency and prepare audit reports
 1202 of his or her findings. The scope and assignment of the audits
 1203 shall be determined by the inspector general; however, the
 1204 agency head may at any time direct the inspector general to
 1205 perform an audit of a special program, function, or
 1206 organizational unit. The performance of the audit shall be under
 1207 the direction of the inspector general, except that if the
 1208 inspector general does not possess the qualifications specified
 1209 in subsection (4), the director of auditing shall perform the
 1210 functions listed in this subsection.

1211 (e) The inspector general shall submit the final report to
 1212 the agency head and to the Office of Government Accountability
 1213 ~~Auditor General~~.

1214 (f) The Office of Government Accountability ~~Auditor~~
 1215 ~~General~~, in connection with the independent audit ~~postaudit~~ of
 1216 the same agency pursuant to s. 11.45, shall give appropriate
 1217 consideration to internal audit reports and the resolution of
 1218 findings therein. The Legislative Auditing Committee may inquire
 1219 into the reasons or justifications for failure of the agency
 1220 head to correct the deficiencies reported in internal audits
 1221 that are also reported by the Office of Government
 1222 Accountability ~~Auditor General~~ and shall take appropriate
 1223 action.

1224 (g) The inspector general shall monitor the implementation
 1225 of the state agency's corrective action plan prepared in
 1226 accordance with s. 11.45(2)(o). ~~response to any report on the~~
 1227 ~~state agency issued by the Auditor General or by the Office of~~
 1228 ~~Program Policy Analysis and Government Accountability. No later~~
 1229 ~~than 6 months after the Auditor General or the Office of Program~~
 1230 ~~Policy Analysis and Government Accountability publishes a report~~



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1231 ~~on the state agency, the inspector general shall provide a~~
1232 ~~written response to the agency head on the status of corrective~~
1233 ~~actions taken. The Inspector General shall file a copy of such~~
1234 ~~response with the Legislative Auditing Committee.~~

1235 Section 12. Subsection (6) of section 20.23, Florida
1236 Statutes, is amended to read:

1237 20.23 Department of Transportation.--There is created a
1238 Department of Transportation which shall be a decentralized
1239 agency.

1240 (6) To facilitate the efficient and effective management
1241 of the department in a businesslike manner, the department shall
1242 develop a system for the submission of monthly management
1243 reports to the Florida Transportation Commission and secretary
1244 from the district secretaries. The commission and the secretary
1245 shall determine which reports are required to fulfill their
1246 respective responsibilities under this section. A copy of each
1247 such report shall be submitted monthly to the appropriations and
1248 transportation committees of the Senate and the House of
1249 Representatives. Recommendations made by the Office of
1250 Government Accountability Auditor General in its ~~his or her~~
1251 audits of the department that relate to management practices,
1252 systems, or reports shall be implemented in a timely manner.
1253 However, if the department determines that one or more of the
1254 recommendations should be altered or should not be implemented,
1255 it shall provide a written explanation of such determination to
1256 the Legislative Auditing Committee within 6 months after the
1257 date the recommendations were published.

1258 Section 13. Paragraph (c) of subsection (2) of section
1259 20.50, Florida Statutes, is amended to read:

1260 20.50 Agency for Workforce Innovation.--There is created



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1261 the Agency for Workforce Innovation within the Department of
1262 Management Services. The agency shall be a separate budget
1263 entity, and the director of the agency shall be the agency head
1264 for all purposes. The agency shall not be subject to control,
1265 supervision, or direction by the Department of Management
1266 Services in any manner, including, but not limited to,
1267 personnel, purchasing, transactions involving real or personal
1268 property, and budgetary matters.

1269 (2) The Agency for Workforce Innovation shall be the
1270 designated administrative agency for receipt of federal
1271 workforce development grants and other federal funds, and shall
1272 carry out the duties and responsibilities assigned by the
1273 Governor under each federal grant assigned to the agency. The
1274 agency shall be a separate budget entity and shall expend each
1275 revenue source as provided by federal and state law and as
1276 provided in plans developed by and agreements with Workforce
1277 Florida, Inc. The agency shall prepare and submit as a separate
1278 budget entity a unified budget request for workforce
1279 development, in accordance with chapter 216 for, and in
1280 conjunction with, Workforce Florida, Inc., and its board. The
1281 head of the agency is the director of Workforce Innovation, who
1282 shall be appointed by the Governor. Accountability and reporting
1283 functions of the agency shall be administered by the director or
1284 his or her designee. Included in these functions are budget
1285 management, financial management, audit, performance management
1286 standards and controls, assessing outcomes of service delivery,
1287 and financial administration of workforce programs pursuant to
1288 s. 445.004(5) and (8)~~(9)~~. Within the agency's overall
1289 organizational structure, the agency shall include the following
1290 offices which shall have the specified responsibilities:



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1291 (a) The Office of Workforce Services shall administer the
1292 unemployment compensation program, the Rapid Response program,
1293 the Work Opportunity Tax Credit program, the Alien Labor
1294 Certification program, and any other programs that are delivered
1295 directly by agency staff rather than through the one-stop
1296 delivery system. The office shall be directed by the Deputy
1297 Director for Workforce Services, who shall be appointed by and
1298 serve at the pleasure of the director.

1299 (b) The Office of Program Support and Accountability shall
1300 administer state merit system program staff within the workforce
1301 service delivery system, pursuant to policies of Workforce
1302 Florida, Inc. The office shall be responsible for delivering
1303 services through the one-stop delivery system and for ensuring
1304 that participants in welfare transition programs receive case
1305 management services, diversion assistance, support services,
1306 including subsidized child care and transportation services,
1307 Medicaid services, and transition assistance to enable them to
1308 succeed in the workforce. The office shall also be responsible
1309 for program quality assurance, grants and contract management,
1310 contracting, financial management, and reporting. The office
1311 shall be directed by the Deputy Director for Program Support and
1312 Accountability, who shall be appointed by and serve at the
1313 pleasure of the director. The office shall be responsible for:

1314 1. Establishing monitoring, quality assurance, and quality
1315 improvement systems that routinely assess the quality and
1316 effectiveness of contracted programs and services.

1317 2. Annual review of each regional workforce board and
1318 administrative entity to ensure adequate systems of reporting
1319 and control are in place, and monitoring, quality assurance, and
1320 quality improvement activities are conducted routinely, and



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1321 corrective action is taken to eliminate deficiencies.

1322 (c) The Office of Agency Support Services shall be
 1323 responsible for procurement, human resource services, and
 1324 information services including delivering information on labor
 1325 markets, employment, occupations, and performance, and shall
 1326 implement and maintain information systems that are required for
 1327 the effective operation of the one-stop delivery system and the
 1328 school readiness services system, including, but not limited to,
 1329 those systems described in s. 445.009. The office will be under
 1330 the direction of the Deputy Director for Agency Support
 1331 Services, who shall be appointed by and serve at the pleasure of
 1332 the director. The office shall be responsible for establishing:

1333 1. Information systems and controls that report reliable,
 1334 timely and accurate fiscal and performance data for assessing
 1335 outcomes, service delivery, and financial administration of
 1336 workforce programs pursuant to s. 445.004(5) and (8)~~(9)~~.

1337 2. Information systems that support service integration
 1338 and case management by providing for case tracking for
 1339 participants in welfare transition programs.

1340 3. Information systems that support school readiness
 1341 services.

1342 (d) The Unemployment Appeals Commission, authorized by s.
 1343 443.012, shall not be subject to the control, supervision, or
 1344 direction by the Agency for Workforce Innovation in the
 1345 performance of its powers and duties but shall receive any and
 1346 all support and assistance from the agency that may be required
 1347 for the performance of its duties.

1348 Section 14. Paragraph (c) of subsection (12) of section
 1349 24.105, Florida Statutes, is amended to read:

1350 24.105 Powers and duties of department.--The department



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1351 shall:

1352 (12)(c) Any information made confidential and exempt from
1353 the provisions of s. 119.07(1) under this subsection shall be
1354 disclosed to the ~~Auditor General, to the~~ Office of Program
1355 ~~Policy Analysis and~~ Government Accountability, or to the
1356 independent auditor selected under s. 24.123 upon such person's
1357 request therefor. If the President of the Senate or the Speaker
1358 of the House of Representatives certifies that information made
1359 confidential under this subsection is necessary for effecting
1360 legislative changes, the requested information shall be
1361 disclosed to him or her, and he or she may disclose such
1362 information to members of the Legislature and legislative staff
1363 as necessary to effect such purpose.

1364 Section 15. Paragraph (b) of subsection (7) of section
1365 24.108, Florida Statutes, is amended to read:

1366 24.108 Division of Security; duties; security report.--
1367 (7)

1368 (b) The portion of the security report containing the
1369 overall evaluation of the department in terms of each aspect of
1370 security shall be presented to the Governor, the President of
1371 the Senate, and the Speaker of the House of Representatives. The
1372 portion of the security report containing specific
1373 recommendations shall be confidential and shall be presented
1374 only to the secretary, the Governor, and the Office of
1375 Government Accountability ~~Auditor General~~; however, upon
1376 certification that such information is necessary for the purpose
1377 of effecting legislative changes, such information shall be
1378 disclosed to the President of the Senate and the Speaker of the
1379 House of Representatives, who may disclose such information to
1380 members of the Legislature and legislative staff as necessary to



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1381 effect such purpose. However, any person who receives a copy of
1382 such information or other information which is confidential
1383 pursuant to this act or rule of the department shall maintain
1384 its confidentiality. The confidential portion of the report is
1385 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1386 of the State Constitution.

1387 Section 16. Subsection (4) of section 24.120, Florida
1388 Statutes, is amended to read:

1389 24.120 Financial matters; Administrative Trust Fund;
1390 interagency cooperation.--

1391 (4) The department shall cooperate with the State
1392 Treasurer, the Comptroller, ~~the Auditor General~~, and the Office
1393 of ~~Program Policy Analysis and~~ Government Accountability by
1394 giving employees designated by any of them access to facilities
1395 of the department for the purpose of efficient compliance with
1396 their respective responsibilities.

1397 Section 17. Subsection (2) of section 24.123, Florida
1398 Statutes, is amended to read:

1399 24.123 Annual audit of financial records and reports.--

1400 (2) The Office of Government Accountability ~~Auditor~~
1401 ~~General~~ may at any time conduct an audit of any phase of the
1402 operations of the state lottery and shall receive a copy of the
1403 yearly independent financial audit and any security report
1404 prepared pursuant to s. 24.108.

1405 Section 18. Subsection (3) of section 25.075, Florida
1406 Statutes, is amended to read:

1407 25.075 Uniform case reporting system.--

1408 (3) The Office of Government Accountability ~~Auditor~~
1409 ~~General~~ shall audit the reports made to the Supreme Court in
1410 accordance with the uniform system established by the Supreme



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1411 Court.

1412 Section 19. Paragraph (k) of subsection (2) of section
1413 39.202, Florida Statutes, is amended to read:

1414 39.202 Confidentiality of reports and records in cases of
1415 child abuse or neglect.--

1416 (2) Access to such records, excluding the name of the
1417 reporter which shall be released only as provided in subsection
1418 (4), shall be granted only to the following persons, officials,
1419 and agencies:

1420 (k) Any appropriate official of a Florida advocacy council
1421 investigating a report of known or suspected child abuse,
1422 abandonment, or neglect; ~~the Auditor General~~ or the Office of
1423 ~~Program Policy Analysis and~~ Government Accountability for the
1424 purpose of conducting audits or examinations pursuant to law; or
1425 the guardian ad litem for the child.

1426 Section 20. Subsection (2) of section 68.085, Florida
1427 Statutes, is amended to read:

1428 68.085 Awards to plaintiffs bringing action.--

1429 (2) If the department proceeds with an action which the
1430 court finds to be based primarily on disclosures of specific
1431 information, other than that provided by the person bringing the
1432 action, relating to allegations or transactions in a criminal,
1433 civil, or administrative hearing; a legislative, administrative,
1434 inspector general, or Office of Government Accountability
1435 ~~Auditor General~~ report, hearing, audit, or investigation; or
1436 from the news media, the court may award such sums as it
1437 considers appropriate, but in no case more than 10 percent of
1438 the proceeds recovered under a judgment or received in
1439 settlement of a claim under this act, taking into account the
1440 significance of the information and the role of the person



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1441 bringing the action in advancing the case to litigation.

1442 Section 21. Subsection (3) of section 68.087, Florida
 1443 Statutes, is amended to read:

1444 68.087 Exemptions to civil actions.--

1445 (3) No court shall have jurisdiction over an action
 1446 brought under this act based upon the public disclosure of
 1447 allegations or transactions in a criminal, civil, or
 1448 administrative hearing; in a legislative, administrative,
 1449 inspector general, or Office of Government Accountability
 1450 ~~Auditor General~~, Comptroller, or Department of Banking and
 1451 Finance report, hearing, audit, or investigation; or from the
 1452 news media, unless the action is brought by the department, or
 1453 unless the person bringing the action is an original source of
 1454 the information. For purposes of this subsection, the term
 1455 "original source" means an individual who has direct and
 1456 independent knowledge of the information on which the
 1457 allegations are based and has voluntarily provided the
 1458 information to the department before filing an action under this
 1459 act based on the information.

1460 Section 22. Subsection (13) of section 70.20, Florida
 1461 Statutes, is amended to read:

1462 70.20 Balancing of interests.--It is a policy of this
 1463 state to encourage municipalities, counties, and other
 1464 governmental entities and sign owners to enter into relocation
 1465 and reconstruction agreements that allow governmental entities
 1466 to undertake public projects and accomplish public goals without
 1467 the expenditure of public funds while allowing the continued
 1468 maintenance of private investment in signage as a medium of
 1469 commercial and noncommercial communication.

1470 ~~(13) Effective upon this section becoming a law, the~~



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1471 ~~Office of Program Policy Analysis and Government Accountability,~~
 1472 ~~in consultation with the property appraisers and the affected~~
 1473 ~~private sector parties, shall conduct a study of the value of~~
 1474 ~~offsite signs in relation to, and in comparison with, the~~
 1475 ~~valuation of other commercial properties for ad valorem tax~~
 1476 ~~purposes, including a comparison of tax valuations from other~~
 1477 ~~states. The Office of Program Policy Analysis and Government~~
 1478 ~~Accountability shall complete the study by December 31, 2002,~~
 1479 ~~and shall report the results of the study to the President of~~
 1480 ~~the Senate and the Speaker of the House of Representatives.~~

1481 Section 23. Subsection (1) of section 110.116, Florida
 1482 Statutes, is amended to read:

1483 110.116 Personnel information system; payroll
 1484 procedures.--

1485 (1) The Department of Management Services shall establish
 1486 and maintain, in coordination with the payroll system of the
 1487 Department of Banking and Finance, a complete personnel
 1488 information system for all authorized and established positions
 1489 in the state service, with the exception of employees of the
 1490 Legislature. The specifications shall be developed in
 1491 conjunction with the payroll system of the Department of Banking
 1492 and Finance and in coordination with the Office of Government
 1493 Accountability ~~Auditor General~~. The Department of Banking and
 1494 Finance shall determine that the position occupied by each
 1495 employee has been authorized and established in accordance with
 1496 the provisions of s. 216.251. The Department of Management
 1497 Services shall develop and maintain a position numbering system
 1498 that will identify each established position, and such
 1499 information shall be a part of the payroll system of the
 1500 Department of Banking and Finance. With the exception of



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1501 employees of the Legislature, this system shall include all
 1502 career service positions and those positions exempted from
 1503 career service provisions, notwithstanding the funding source of
 1504 the salary payments, and information regarding persons receiving
 1505 payments from other sources. Necessary revisions shall be made
 1506 in the personnel and payroll procedures of the state to avoid
 1507 duplication insofar as is feasible. A list shall be organized by
 1508 budget entity to show the employees or vacant positions within
 1509 each budget entity. This list shall be available to the Speaker
 1510 of the House of Representatives and the President of the Senate
 1511 upon request.

1512 Section 24. Paragraph (b) of subsection (8) of section
 1513 112.061, Florida Statutes, is amended to read:

1514 112.061 Per diem and travel expenses of public officers,
 1515 employees, and authorized persons.--

1516 (8) OTHER EXPENSES.--

1517 (b) Other expenses which are not specifically authorized
 1518 by this section may be approved by the Department of Banking and
 1519 Finance pursuant to rules adopted by it. Expenses approved
 1520 pursuant to this paragraph shall be reported by the Department
 1521 of Banking and Finance to the Office of Government
 1522 Accountability ~~Auditor General~~ annually.

1523 Section 25. Paragraphs (a) and (c) of subsection (8) of
 1524 section 112.324, Florida Statutes, are amended to read:

1525 112.324 Procedures on complaints of violations; public
 1526 records and meeting exemptions.--

1527 (8) If, in cases pertaining to complaints other than
 1528 complaints against impeachable officers or members of the
 1529 Legislature, upon completion of a full and final investigation
 1530 by the commission, the commission finds that there has been a



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1531 violation of this part or of s. 8, Art. II of the State
 1532 Constitution, it shall be the duty of the commission to report
 1533 its findings and recommend appropriate action to the proper
 1534 disciplinary official or body as follows, and such official or
 1535 body shall have the power to invoke the penalty provisions of
 1536 this part, including the power to order the appropriate
 1537 elections official to remove a candidate from the ballot for a
 1538 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
 1539 State Constitution:

1540 (a) The President of the Senate and the Speaker of the
 1541 House of Representatives, jointly, in any case concerning the
 1542 Public Counsel, members of the Public Service Commission,
 1543 members of the Public Service Commission Nominating Council, the
 1544 Auditor General, ~~the director of the Office of Program Policy~~
 1545 ~~Analysis and Government Accountability~~, or members of the
 1546 Legislative Committee on Intergovernmental Relations.

1547 (c) The President of the Senate, in any case concerning an
 1548 employee of the Senate; the Speaker of the House of
 1549 Representatives, in any case concerning an employee of the House
 1550 of Representatives; or the President and the Speaker, jointly,
 1551 in any case concerning an employee of a committee of the
 1552 Legislature whose members are appointed solely by the President
 1553 and the Speaker or in any case concerning an employee of the
 1554 Public Counsel, Public Service Commission, ~~Auditor General,~~
 1555 ~~Office of Program Policy Analysis and Government Accountability,~~
 1556 or Legislative Committee on Intergovernmental Relations.

1557 Section 26. Section 112.658, Florida Statutes, is
 1558 repealed:

1559 ~~112.658 Office of Program Policy Analysis and Government~~
 1560 ~~Accountability to determine compliance of the Florida Retirement~~



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1561 ~~System.--~~

1562 ~~(1) The Office of Program Policy Analysis and Government~~
1563 ~~Accountability shall determine, through the examination of~~
1564 ~~actuarial reviews, financial statements, and the practices and~~
1565 ~~procedures of the Department of Management Services, the~~
1566 ~~compliance of the Florida Retirement System with the provisions~~
1567 ~~of this act.~~

1568 ~~(2) The Office of Program Policy Analysis and Government~~
1569 ~~Accountability shall employ an independent consulting actuary~~
1570 ~~who is an enrolled actuary as defined in this part to assist in~~
1571 ~~the determination of compliance.~~

1572 ~~(3) The Office of Program Policy Analysis and Government~~
1573 ~~Accountability shall employ the same actuarial standards to~~
1574 ~~monitor the Department of Management Services as the Department~~
1575 ~~of Management Services uses to monitor local governments.~~

1576 Section 27. Subsection (6) of section 119.07, Florida
1577 Statutes, is amended to read:

1578 119.07 Inspection, examination, and duplication of
1579 records; exemptions.--

1580 (6) Nothing in subsection (3) or any other general or
1581 special law shall limit the access of the Auditor General, the
1582 Office of Program Policy Analysis and Government Accountability,
1583 or any state, county, municipal, university, board of community
1584 college, school district, or special district internal auditor
1585 to public records when such person states in writing that such
1586 records are needed for a properly authorized audit, examination,
1587 or investigation. Such person shall maintain the confidentiality
1588 of any public records that are confidential or exempt from the
1589 provisions of subsection (1) and shall be subject to the same
1590 penalties as the custodians of those public records for



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1591 violating confidentiality.

1592 Section 28. Subsection (5) of section 121.051, Florida
 1593 Statutes, is amended to read:

1594 121.051 Participation in the system.--

1595 (5) RIGHTS LIMITED.--

1596 (a) Participation in the system shall not give any member
 1597 the right to be retained in the employ of the employer or, upon
 1598 dismissal, to have any right or interest in the fund other than
 1599 herein provided.

1600 (b) A member who is convicted by a court of competent
 1601 jurisdiction of causing a shortage in a public account, when
 1602 such shortage is certified by the Office of Government
 1603 Accountability Auditor General or a certified public accountant,
 1604 may not retire or receive any benefits under this chapter so
 1605 long as such shortage exists.

1606 Section 29. Paragraph (c) of subsection (1) of section
 1607 121.055, Florida Statutes, is amended to read:

1608 121.055 Senior Management Service Class.--There is hereby
 1609 established a separate class of membership within the Florida
 1610 Retirement System to be known as the "Senior Management Service
 1611 Class," which shall become effective February 1, 1987.

1612 (1)

1613 (c)1. Effective January 1, 1990, participation in the
 1614 Senior Management Service Class shall be compulsory for up to 75
 1615 nonelective positions at the level of committee staff director
 1616 or higher or equivalent managerial or policymaking positions
 1617 within the House of Representatives, as selected by the Speaker
 1618 of the House of Representatives, up to 50 nonelective positions
 1619 at the level of committee staff director or higher or equivalent
 1620 managerial or policymaking positions within the Senate, as



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1621 selected by the President of the Senate, all staff directors of
1622 joint committees and service offices of the Legislature, the
1623 Auditor General and up to 9 managerial or policymaking positions
1624 within the Office of Government Accountability ~~his or her office~~
1625 as selected by the Auditor General, and the executive director
1626 of the Commission on Ethics.

1627 2. Participation in this class shall be compulsory, except
1628 as provided in subparagraph 3., for any legislative employee who
1629 holds a position designated for coverage in the Senior
1630 Management Service Class, and such participation shall continue
1631 until the employee terminates employment in a covered position.

1632 3. In lieu of participation in the Senior Management
1633 Service Class, at the discretion of the President of the Senate
1634 and the Speaker of the House of Representatives, such members
1635 may participate in the Senior Management Service Optional
1636 Annuity Program as established in subsection (6).

1637 Section 30. Paragraph (x) of subsection (1) of section
1638 125.01, Florida Statutes, is amended to read:

1639 125.01 Powers and duties.--

1640 (1) The legislative and governing body of a county shall
1641 have the power to carry on county government. To the extent not
1642 inconsistent with general or special law, this power includes,
1643 but is not restricted to, the power to:

1644 (x) Employ an independent certified public accounting firm
1645 to audit any funds, accounts, and financial records of the
1646 county and its agencies and governmental subdivisions. Entities
1647 that are funded wholly or in part by the county, at the
1648 discretion of the county, may be required by the county to
1649 conduct a performance audit paid for by the county. An entity
1650 shall not be considered as funded by the county by virtue of the



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1651 fact that such entity utilizes the county to collect taxes,
1652 assessments, fees, or other revenue. If an independent special
1653 district receives county funds pursuant to a contract or
1654 interlocal agreement for the purposes of funding, in whole or in
1655 part, a discrete program of the district, only that program may
1656 be required by the county to undergo a performance audit. Not
1657 fewer than five copies of each complete audit report, with
1658 accompanying documents, shall be filed with the clerk of the
1659 circuit court and maintained there for public inspection. The
1660 clerk shall thereupon forward one complete copy of the audit
1661 report with accompanying documents to the Office of Government
1662 Accountability Auditor General.

1663 Section 31. Section 136.08, Florida Statutes, is amended
1664 to read:

1665 136.08 Accounts subject to examination by authorized
1666 persons.--The accounts of each and every board and the county
1667 accounts of each and every depository, mentioned or provided for
1668 in this chapter, shall at all times be subject to the inspection
1669 and examination by the county auditor and by the Office of
1670 Government Accountability Auditor General.

1671 Section 32. Paragraph (o) of subsection (1) of section
1672 154.11, Florida Statutes, is amended to read:

1673 154.11 Powers of board of trustees.--

1674 (1) The board of trustees of each public health trust
1675 shall be deemed to exercise a public and essential governmental
1676 function of both the state and the county and in furtherance
1677 thereof it shall, subject to limitation by the governing body of
1678 the county in which such board is located, have all of the
1679 powers necessary or convenient to carry out the operation and
1680 governance of designated health care facilities, including, but



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1681 without limiting the generality of, the foregoing:

1682 (o) To employ certified public accountants to audit and
1683 analyze the records of the board and to prepare financial or
1684 revenue statements of the board; however, this paragraph shall
1685 not in any way affect any responsibility of the Office of
1686 Government Accountability ~~Auditor-General~~ pursuant to s. 11.45.

1687 Section 33. Section 163.2526, Florida Statutes, is amended
1688 to read:

1689 163.2526 Review and evaluation.-- Before the 2004 Regular
1690 Session of the Legislature, the Office of ~~Program Policy~~
1691 ~~Analysis and~~ Government Accountability shall perform a review
1692 and evaluation of ss. 163.2511-163.2526, including the financial
1693 incentives listed in s. 163.2520. The report must evaluate the
1694 effectiveness of the designation of urban infill and
1695 redevelopment areas in stimulating urban infill and
1696 redevelopment and strengthening the urban core. A report of the
1697 findings and recommendations of the Office of ~~Program Policy~~
1698 ~~Analysis and~~ Government Accountability shall be submitted to the
1699 President of the Senate and the Speaker of the House of
1700 Representatives before the 2004 Regular Session of the
1701 Legislature.

1702 Section 34. Subsection (12) of section 163.3246, Florida
1703 Statutes, is amended to read:

1704 163.3246 Local government comprehensive planning
1705 certification program.--

1706 (12) The Office of ~~Program Policy Analysis and~~ Government
1707 Accountability shall prepare a report evaluating the
1708 certification program, which shall be submitted to the Governor,
1709 the President of the Senate, and the Speaker of the House of
1710 Representatives by December 1, 2007.



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1711 Section 35. Subsections (2) and (5) of section 189.4035,
 1712 Florida Statutes, are amended to read:

1713 189.4035 Preparation of official list of special
 1714 districts.--

1715 (2) The official list shall be produced by the department
 1716 after the department has notified each special district that is
 1717 currently reporting to the department, the Department of Banking
 1718 and Finance pursuant to s. 218.32, or the Office of Government
 1719 Accountability Auditor General pursuant to s. 218.39. Upon
 1720 notification, each special district shall submit, within 60
 1721 days, its determination of its status. The determination
 1722 submitted by a special district shall be consistent with the
 1723 status reported in the most recent local government audit of
 1724 district activities submitted to the Office of Government
 1725 Accountability Auditor General pursuant to s. 218.39.

1726 (5) The official list of special districts shall be
 1727 distributed by the department on October 1 of each year to the
 1728 President of the Senate, the Speaker of the House of
 1729 Representatives, the Office of Government Accountability Auditor
 1730 General, the Department of Revenue, the Department of Banking
 1731 and Finance, the Department of Management Services, the State
 1732 Board of Administration, counties, municipalities, county
 1733 property appraisers, tax collectors, and supervisors of
 1734 elections and to all interested parties who request the list.

1735 Section 36. Subsection (1) of section 189.412, Florida
 1736 Statutes, is amended to read:

1737 189.412 Special District Information Program; duties and
 1738 responsibilities.--The Special District Information Program of
 1739 the Department of Community Affairs is created and has the
 1740 following special duties:



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1741 (1) The collection and maintenance of special district
1742 compliance status reports from the Office of Government
1743 Accountability Auditor General, the Department of Banking and
1744 Finance, the Division of Bond Finance of the State Board of
1745 Administration, the Department of Management Services, the
1746 Department of Revenue, and the Commission on Ethics for the
1747 reporting required in ss. 112.3144, 112.3145, 112.3148,
1748 112.3149, 112.63, 200.068, 218.32, 218.38, 218.39, and 280.17
1749 and chapter 121 and from state agencies administering programs
1750 that distribute money to special districts. The special district
1751 compliance status reports must consist of a list of special
1752 districts used in that state agency and a list of which special
1753 districts did not comply with the reporting statutorily required
1754 by that agency.

1755 Section 37. Paragraphs (f) and (g) of subsection (5) of
1756 section 189.428, Florida Statutes, are amended to read:

1757 189.428 Special districts; oversight review process.--

1758 (5) Those conducting the oversight review process shall,
1759 at a minimum, consider the listed criteria for evaluating the
1760 special district, but may also consider any additional factors
1761 relating to the district and its performance. If any of the
1762 listed criteria do not apply to the special district being
1763 reviewed, they need not be considered. The criteria to be
1764 considered by the reviewer include:

1765 (f) Whether the Office of Government Accountability
1766 ~~Auditor General~~ has notified the Legislative Auditing Committee
1767 that the special district's audit report, reviewed pursuant to
1768 s. 11.45(7), indicates that a deteriorating financial condition
1769 exists that may cause a condition described in s. 218.503(1) to
1770 occur if actions are not taken to address such condition.



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1771 (g) Whether the Office of Government Accountability
 1772 ~~Auditor General~~ has determined that the special district is in a
 1773 state of financial emergency as provided in s. 218.503(1), and
 1774 has notified the Governor and the Legislative Auditing
 1775 Committee.

1776 Section 38. Paragraph (b) of subsection (4) of section
 1777 192.0105, Florida Statutes, is amended to read:

1778 192.0105 Taxpayer rights.--There is created a Florida
 1779 Taxpayer's Bill of Rights for property taxes and assessments to
 1780 guarantee that the rights, privacy, and property of the
 1781 taxpayers of this state are adequately safeguarded and protected
 1782 during tax levy, assessment, collection, and enforcement
 1783 processes administered under the revenue laws of this state. The
 1784 Taxpayer's Bill of Rights compiles, in one document, brief but
 1785 comprehensive statements that summarize the rights and
 1786 obligations of the property appraisers, tax collectors, clerks
 1787 of the court, local governing boards, the Department of Revenue,
 1788 and taxpayers. Additional rights afforded to payors of taxes and
 1789 assessments imposed under the revenue laws of this state are
 1790 provided in s. 213.015. The rights afforded taxpayers to assure
 1791 that their privacy and property are safeguarded and protected
 1792 during tax levy, assessment, and collection are available only
 1793 insofar as they are implemented in other parts of the Florida
 1794 Statutes or rules of the Department of Revenue. The rights so
 1795 guaranteed to state taxpayers in the Florida Statutes and the
 1796 departmental rules include:

1797 (4) THE RIGHT TO CONFIDENTIALITY.--

1798 (b) The right to limiting access to a taxpayer's records
 1799 by a property appraiser, the Department of Revenue, and the
 1800 Office of Government Accountability ~~Auditor General~~ only to



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1801 those instances in which it is determined that such records are
 1802 necessary to determine either the classification or the value of
 1803 taxable nonhomestead property (see s. 195.027(3)).

1804 Section 39. Section 193.074, Florida Statutes, is amended
 1805 to read:

1806 193.074 Confidentiality of returns.--All returns of
 1807 property and returns required by s. 201.022 submitted by the
 1808 taxpayer pursuant to law shall be deemed to be confidential in
 1809 the hands of the property appraiser, the clerk of the circuit
 1810 court, the department, the tax collector, ~~the Auditor General,~~
 1811 and the Office of ~~Program Policy Analysis and~~ Government
 1812 Accountability, and their employees and persons acting under
 1813 their supervision and control, except upon court order or order
 1814 of an administrative body having quasi-judicial powers in ad
 1815 valorem tax matters, and such returns are exempt from the
 1816 provisions of s. 119.07(1).

1817 Section 40. Paragraph (a) of subsection (2) of section
 1818 193.1142, Florida Statutes, is amended to read:

1819 193.1142 Approval of assessment rolls.--

1820 (2)(a) The executive director or his or her designee shall
 1821 disapprove all or part of any assessment roll of any county not
 1822 in full compliance with the administrative order of the
 1823 executive director issued pursuant to the notice called for in
 1824 s. 195.097 and shall otherwise disapprove all or any part of any
 1825 roll not assessed in substantial compliance with law, as
 1826 disclosed during the investigation by the department, including,
 1827 but not limited to, audits by the Department of Revenue and
 1828 Office of Government Accountability ~~Auditor General~~ establishing
 1829 noncompliance.

1830 Section 41. Subsections (3) and (6) of section 195.027,



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1831 Florida Statutes, are amended to read:

1832 195.027 Rules and regulations.--

1833 (3) The rules and regulations shall provide procedures
 1834 whereby the property appraiser, the Department of Revenue, and
 1835 the Office of Government Accountability ~~Auditor General~~ shall be
 1836 able to obtain access, where necessary, to financial records
 1837 relating to nonhomestead property which records are required to
 1838 make a determination of the proper assessment as to the
 1839 particular property in question. Access to a taxpayer's records
 1840 shall be provided only in those instances in which it is
 1841 determined that such records are necessary to determine either
 1842 the classification or the value of the taxable nonhomestead
 1843 property. Access shall be provided only to those records which
 1844 pertain to the property physically located in the taxing county
 1845 as of January 1 of each year and to the income from such
 1846 property generated in the taxing county for the year in which a
 1847 proper assessment is made. All records produced by the taxpayer
 1848 under this subsection shall be deemed to be confidential in the
 1849 hands of the property appraiser, the department, the tax
 1850 collector, and the Office of Government Accountability ~~Auditor~~
 1851 ~~General~~ and shall not be divulged to any person, firm, or
 1852 corporation, except upon court order or order of an
 1853 administrative body having quasi-judicial powers in ad valorem
 1854 tax matters, and such records are exempt from the provisions of
 1855 s. 119.07(1).

1856 (6) The fees and costs of the sale or purchase and terms
 1857 of financing shall be presumed to be usual unless the buyer or
 1858 seller or agent thereof files a form which discloses the unusual
 1859 fees, costs, and terms of financing. Such form shall be filed
 1860 with the clerk of the circuit court at the time of recording.



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

1880 Section 42. Section 195.084, Florida Statutes, is amended
1881 to read:

1882 195.084 Information exchange.--

1883 (1) The department shall promulgate rules and regulations
1884 for the exchange of information among the department, the
1885 property appraisers' offices, the tax collector, ~~the Auditor~~
1886 ~~General~~, and the Office of ~~Program Policy Analysis and~~
1887 Government Accountability. All records and returns of the
1888 department useful to the property appraiser or the tax collector
1889 shall be made available upon request but subject to the
1890 reasonable conditions imposed by the department. This section



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1891 shall supersede statutes prohibiting disclosure only with
1892 respect to the property appraiser, the tax collector, ~~the~~
1893 ~~Auditor General,~~ and the Office of ~~Program Policy Analysis and~~
1894 Government Accountability, but the department may establish
1895 regulations setting reasonable conditions upon the access to and
1896 custody of such information. The ~~Auditor General,~~ and the Office
1897 of ~~Program Policy Analysis and~~ Government Accountability, the
1898 tax collectors, and the property appraisers shall be bound by
1899 the same requirements of confidentiality as the Department of
1900 Revenue. Breach of confidentiality shall be a misdemeanor of the
1901 first degree, punishable as provided by ss. 775.082 and 775.083.

1902 (2) All of the records of property appraisers and
1903 collectors, including, but not limited to, worksheets and
1904 property record cards, shall be made available to the Department
1905 of Revenue, ~~the Auditor General,~~ and the Office of ~~Program~~
1906 ~~Policy Analysis and~~ Government Accountability. Property
1907 appraisers and collectors are hereby directed to cooperate fully
1908 with representatives of the Department of Revenue, ~~the Auditor~~
1909 ~~General,~~ and the Office of ~~Program Policy Analysis and~~
1910 Government Accountability in realizing the objectives stated in
1911 s. 195.0012.

1912 Section 43. Paragraph (c) of subsection (4) of section
1913 196.101, Florida Statutes, is amended to read:

1914 196.101 Exemption for totally and permanently disabled
1915 persons.--

1916 (4)(c) The department shall require by rule that the
1917 taxpayer annually submit a sworn statement of gross income,
1918 pursuant to paragraph (a). The department shall require that the
1919 filing of such statement be accompanied by copies of federal
1920 income tax returns for the prior year, wage and earnings



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

1936 Section 44. Subsection (6) of section 213.053, Florida
 1937 Statutes, is amended to read:

1938 213.053 Confidentiality and information sharing.--

1939 (6) Any information received by the Department of Revenue
 1940 in connection with the administration of taxes, including, but
 1941 not limited to, information contained in returns, reports,
 1942 accounts, or declarations filed by persons subject to tax, shall
 1943 be made available by the department to the Auditor General or
 1944 his or her authorized agent, ~~the director of the Office of~~
 1945 ~~Program Policy Analysis and Government Accountability or his or~~
 1946 ~~her authorized agent,~~ the Comptroller or his or her authorized
 1947 agent, the Insurance Commissioner or his or her authorized
 1948 agent, the Treasurer or his or her authorized agent, or a
 1949 property appraiser or tax collector or their authorized agents
 1950 pursuant to s. 195.084(1), in the performance of their official



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1951 duties, or to designated employees of the Department of
1952 Education solely for determination of each school district's
1953 price level index pursuant to s. 1011.62(2); however, no
1954 information shall be disclosed to the Auditor General or his or
1955 her authorized agent, ~~the director of the Office of Program~~
1956 ~~Policy Analysis and Government Accountability or his or her~~
1957 ~~authorized agent~~, the Comptroller or his or her authorized
1958 agent, the Insurance Commissioner or his or her authorized
1959 agent, the Treasurer or his or her authorized agent, or to a
1960 property appraiser or tax collector or their authorized agents,
1961 or to designated employees of the Department of Education if
1962 such disclosure is prohibited by federal law. The Auditor
1963 General or his or her authorized agent, ~~the director of the~~
1964 ~~Office of Program Policy Analysis and Government Accountability~~
1965 ~~or his or her authorized agent~~, the Comptroller or his or her
1966 authorized agent, the Treasurer or his or her authorized agent,
1967 and the property appraiser or tax collector and their authorized
1968 agents, or designated employees of the Department of Education
1969 shall be subject to the same requirements of confidentiality and
1970 the same penalties for violation of the requirements as the
1971 department. For the purpose of this subsection, "designated
1972 employees of the Department of Education" means only those
1973 employees directly responsible for calculation of price level
1974 indices pursuant to s. 1011.62(2). It does not include the
1975 supervisors of such employees or any other employees or elected
1976 officials within the Department of Education.

1977 Section 45. Subsections (7), (8), and (9) of section
1978 215.44, Florida Statutes, are renumbered as subsections (6),
1979 (7), and (8), respectively, and present subsection (6) of said
1980 section is amended to read:



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1981 215.44 Board of Administration; powers and duties in
 1982 relation to investment of trust funds.--

1983 ~~(6) The Office of Program Policy Analysis and Government~~
 1984 ~~Accountability shall examine the board's management of~~
 1985 ~~investments every 2 years. The Office of Program Policy Analysis~~
 1986 ~~and Government Accountability shall submit such reports to the~~
 1987 ~~board, the President of the Senate, and the Speaker of the House~~
 1988 ~~of Representatives and their designees.~~

1989 Section 46. Subsection (3) of section 215.93, Florida
 1990 Statutes, is amended to read:

1991 215.93 Florida Financial Management Information System.--

1992 (3) The Florida Financial Management Information System
 1993 shall include financial management data and utilize the chart of
 1994 accounts approved by the Comptroller. Common financial
 1995 management data shall include, but not be limited to, data
 1996 codes, titles, and definitions used by one or more of the
 1997 functional owner subsystems. The Florida Financial Management
 1998 Information System shall utilize common financial management
 1999 data codes. The council shall recommend and the board shall
 2000 adopt policies regarding the approval and publication of the
 2001 financial management data. The Comptroller shall adopt policies
 2002 regarding the approval and publication of the chart of accounts.
 2003 The Comptroller's chart of accounts shall be consistent with the
 2004 common financial management data codes established by the
 2005 coordinating council. Further, all systems not a part of the
 2006 Florida Financial Management Information System which provide
 2007 information to the system shall use the common data codes from
 2008 the Florida Financial Management Information System and the
 2009 Comptroller's chart of accounts. Data codes that cannot be
 2010 supplied by the Florida Financial Management Information System



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2011 and the Comptroller's chart of accounts and that are required
 2012 for use by the information subsystems shall be approved by the
 2013 board upon recommendation of the coordinating council. However,
 2014 board approval shall not be required for those data codes
 2015 specified by the Office of Government Accountability Auditor
 2016 ~~General~~ under the provisions of s. 215.94(6)(c).

2017 Section 47. Subsections (6) and (7) of section 215.94,
 2018 Florida Statutes, are amended to read:

2019 215.94 Designation, duties, and responsibilities of
 2020 functional owners.--

2021 (6)(a) The Office of Government Accountability Auditor
 2022 ~~General~~ shall be advised by the functional owner of each
 2023 information subsystem as to the date that the development or
 2024 significant modification of its functional system specifications
 2025 is to begin.

2026 (b) Upon such notification, the Office of Government
 2027 Accountability Auditor General shall participate with each
 2028 functional owner to the extent necessary to provide assurance
 2029 that:

2030 1. The accounting information produced by the information
 2031 subsystem adheres to generally accepted accounting principles.

2032 2. The information subsystem contains the necessary
 2033 controls to maintain its integrity, within acceptable limits and
 2034 at an acceptable cost.

2035 3. The information subsystem is auditable.

2036 (c) The Office of Government Accountability Auditor
 2037 ~~General~~ shall specify those additional features,
 2038 characteristics, controls, and internal control measures deemed
 2039 necessary to carry out the provisions of this subsection.

2040 Further, it shall be the responsibility of each functional owner



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2041 to install and incorporate such specified features,
2042 characteristics, controls, and internal control measures within
2043 each information subsystem.

2044 (7) The Office of Government Accountability ~~Auditor~~
2045 ~~General~~ shall provide to the board and the coordinating council
2046 the findings and recommendations of any audit regarding the
2047 provisions of ss. 215.90-215.96.

2048 Section 48. Subsections (2), (5), (6), (7), (8), (9), and
2049 (10) of section 215.97, Florida Statutes, are amended to read:

2050 215.97 Florida Single Audit Act.--

2051 (2) Definitions; as used in this section, the term:

2052 (a) "Audit threshold" means the amount to use in
2053 determining when a state single audit of a nonstate entity shall
2054 be conducted in accordance with this section. Each nonstate
2055 entity that expends a total amount of state financial assistance
2056 equal to or in excess of \$300,000 in any fiscal year of such
2057 nonstate entity shall be required to have a state single audit
2058 for such fiscal year in accordance with the requirements of this
2059 section. Every 2 years the Office of Government Accountability
2060 ~~Auditor General~~, after consulting with the Executive Office of
2061 the Governor, the Comptroller, and all state agencies that
2062 provide state financial assistance to nonstate entities, shall
2063 review the amount for requiring audits under this section and
2064 may adjust such dollar amount consistent with the purpose of
2065 this section.

2066 (b) "Auditing standards" means the auditing standards as
2067 stated in the rules of the Office of Government Accountability
2068 ~~Auditor General~~ as applicable to for-profit organizations,
2069 nonprofit organizations, or local governmental entities.

2070 (c) "Catalog of State Financial Assistance" means a



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2071 comprehensive listing of state projects. The Catalog of State
2072 Financial Assistance shall be issued by the Executive Office of
2073 the Governor after conferring with the Comptroller and all state
2074 agencies that provide state financial assistance to nonstate
2075 entities. The Catalog of State Financial Assistance shall
2076 include for each listed state project: the responsible state
2077 agency; standard state project number identifier; official
2078 title; legal authorization; and description of the state
2079 project, including objectives, restrictions, application and
2080 awarding procedures, and other relevant information determined
2081 necessary.

2082 (d) "Financial reporting package" means the nonstate
2083 entities' financial statements, Schedule of State Financial
2084 Assistance, auditor's reports, management letter, auditee's
2085 written responses or corrective action plan, correspondence on
2086 followup of prior years' corrective actions taken, and such
2087 other information determined by the Office of Government
2088 Accountability ~~Auditor General~~ to be necessary and consistent
2089 with the purposes of this section.

2090 (e) "Federal financial assistance" means financial
2091 assistance from federal sources passed through the state and
2092 provided to nonstate entities to carry out a federal program.
2093 "Federal financial assistance" includes all types of federal
2094 assistance as defined in applicable United States Office of
2095 Management and Budget circulars.

2096 (f) "For-profit organization" means any organization or
2097 sole proprietor but is not a local governmental entity or a
2098 nonprofit organization.

2099 (g) "Independent auditor" means an external state or local
2100 government auditor or a certified public accountant who meets



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2101 the independence standards.

2102 (h) "Internal control over state projects" means a
 2103 process, effected by an entity's management and other personnel,
 2104 designed to provide reasonable assurance regarding the
 2105 achievement of objectives in the following categories:

- 2106 1. Effectiveness and efficiency of operations.
- 2107 2. Reliability of financial operations.
- 2108 3. Compliance with applicable laws and regulations.

2109 (i) "Local governmental entity" means a county agency,
 2110 municipality, or special district or any other entity (other
 2111 than a district school board or community college), however
 2112 styled, which independently exercises any type of governmental
 2113 function.

2114 (j) "Major state project" means any state project meeting
 2115 the criteria as stated in the rules of the Executive Office of
 2116 the Governor. Such criteria shall be established after
 2117 consultation with the Comptroller and appropriate state agencies
 2118 that provide state financial assistance and shall consider the
 2119 amount of state project expenditures or expenses or inherent
 2120 risks. Each major state project shall be audited in accordance
 2121 with the requirements of this section.

2122 (k) "Nonprofit organization" means any corporation, trust,
 2123 association, cooperative, or other organization that:

- 2124 1. Is operated primarily for scientific, educational
 2125 service, charitable, or similar purpose in the public interest;
- 2126 2. Is not organized primarily for profit;
- 2127 3. Uses net proceeds to maintain, improve, or expand the
 2128 operations of the organization; and
- 2129 4. Has no part of its income or profit distributable to
 2130 its members, directors, or officers.



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2131 (l) "Nonstate entity" means a local governmental entity,
2132 nonprofit organization, or for-profit organization that receives
2133 state resources.

2134 (m) "Recipient" means a nonstate entity that receives
2135 state financial assistance directly from a state awarding
2136 agency.

2137 (n) "Schedule of State Financial Assistance" means a
2138 document prepared in accordance with the rules of the
2139 Comptroller and included in each financial reporting package
2140 required by this section.

2141 (o) "State awarding agency" means the state agency that
2142 provided state financial assistance to the nonstate entity.

2143 (p) "State financial assistance" means financial
2144 assistance from state resources, not including federal financial
2145 assistance and state matching, provided to nonstate entities to
2146 carry out a state project. "State financial assistance" includes
2147 all types of state assistance as stated in the rules of the
2148 Executive Office of the Governor established in consultation
2149 with the Comptroller and appropriate state agencies that provide
2150 state financial assistance. It includes state financial
2151 assistance provided directly by state awarding agencies or
2152 indirectly by recipients of state awards or subrecipients. It
2153 does not include procurement contracts used to buy goods or
2154 services from vendors. Audits of such procurement contracts with
2155 vendors are outside of the scope of this section. Also, audits
2156 of contracts to operate state-government-owned and contractor-
2157 operated facilities are excluded from the audit requirements of
2158 this section.

2159 (q) "State matching" means state resources provided to
2160 nonstate entities to be used to meet federal financial



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2161 participation matching requirements of federal programs.

2162 (r) "State project" means all state financial assistance
2163 to a nonstate entity assigned a single state project number
2164 identifier in the Catalog of State Financial Assistance.

2165 (s) "State Projects Compliance Supplement" means a
2166 document issued by the Executive Office of the Governor, in
2167 consultation with the Comptroller and all state agencies that
2168 provide state financial assistance. The State Projects
2169 Compliance Supplement shall identify state projects, the
2170 significant compliance requirements, eligibility requirements,
2171 matching requirements, suggested audit procedures, and other
2172 relevant information determined necessary.

2173 (t) "State project-specific audit" means an audit of one
2174 state project performed in accordance with the requirements of
2175 subsection (9).

2176 (u) "State single audit" means an audit of a nonstate
2177 entity's financial statements and state financial assistance.
2178 Such audits shall be conducted in accordance with the auditing
2179 standards as stated in the rules of the Office of Government
2180 Accountability Auditor General.

2181 (v) "Subrecipient" means a nonstate entity that receives
2182 state financial assistance through another nonstate entity.

2183 (w) "Vendor" means a dealer, distributor, merchant, or
2184 other seller providing goods or services that are required for
2185 the conduct of a state project. These goods or services may be
2186 for an organization's own use or for the use of beneficiaries of
2187 the state project.

2188 (5) Each state awarding agency shall:

2189 (a) Provide to a recipient information needed by the
2190 recipient to comply with the requirements of this section,



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2191 including:

2192 1. The audit and accountability requirements for state
 2193 projects as stated in this section and applicable rules of the
 2194 Executive Office of the Governor, rules of the Comptroller, and
 2195 rules of the Office of Government Accountability ~~Auditor~~
 2196 ~~General~~.

2197 2. Information from the Catalog of State Financial
 2198 Assistance, including the standard state project number
 2199 identifier; official title; legal authorization; and description
 2200 of the state project including objectives, restrictions, and
 2201 other relevant information determined necessary.

2202 3. Information from the State Projects Compliance
 2203 Supplement, including the significant compliance requirements,
 2204 eligibility requirements, matching requirements, suggested audit
 2205 procedures, and other relevant information determined necessary.

2206 (b) Require the recipient, as a condition of receiving
 2207 state financial assistance, to allow the state awarding agency,
 2208 the Comptroller, and the Office of Government Accountability
 2209 ~~Auditor General~~ access to the recipient's records and the
 2210 recipient's independent auditor's working papers as necessary
 2211 for complying with the requirements of this section.

2212 (c) Notify the recipient that this section does not limit
 2213 the authority of the state awarding agency to conduct or arrange
 2214 for the conduct of additional audits or evaluations of state
 2215 financial assistance or limit the authority of any state agency
 2216 inspector general, the Office of Government Accountability
 2217 ~~Auditor General~~, or any other state official.

2218 (d) Be provided one copy of each financial reporting
 2219 package prepared in accordance with the requirement of this
 2220 section.



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2221 (e) Review the recipient financial reporting package,
 2222 including the management letters and corrective action plans, to
 2223 the extent necessary to determine whether timely and appropriate
 2224 corrective action has been taken with respect to audit findings
 2225 and recommendations pertaining to state financial assistance
 2226 provided by the state agency.

2227 (6) As a condition of receiving state financial
 2228 assistance, each recipient that provides state financial
 2229 assistance to a subrecipient shall:

2230 (a) Provide to a subrecipient information needed by the
 2231 subrecipient to comply with the requirements of this section,
 2232 including:

2233 1. Identification of the state awarding agency.

2234 2. The audit and accountability requirements for state
 2235 projects as stated in this section and applicable rules of the
 2236 Executive Office of the Governor, rules of the Comptroller, and
 2237 rules of the Office of Government Accountability Auditor
 2238 ~~General~~.

2239 3. Information from the Catalog of State Financial
 2240 Assistance, including the standard state project number
 2241 identifier; official title; legal authorization; and description
 2242 of the state project, including objectives, restrictions, and
 2243 other relevant information.

2244 4. Information from the State Projects Compliance
 2245 Supplement including the significant compliance requirements,
 2246 eligibility requirements, matching requirements, and suggested
 2247 audit procedures, and other relevant information determined
 2248 necessary.

2249 (b) Review the subrecipient audit reports, including the
 2250 management letters, to the extent necessary to determine whether



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2251 timely and appropriate corrective action has been taken with
 2252 respect to audit findings and recommendations pertaining to
 2253 state financial assistance provided by the state agency.

2254 (c) Perform such other procedures as specified in terms
 2255 and conditions of the written agreement with the state awarding
 2256 agency including any required monitoring of the subrecipient's
 2257 use of state financial assistance through onsite visits, limited
 2258 scope audits, or other specified procedures.

2259 (d) Require subrecipients, as a condition of receiving
 2260 state financial assistance, to permit the independent auditor of
 2261 the recipient, the state awarding agency, the Comptroller, and
 2262 the Office of Government Accountability Auditor General access
 2263 to the subrecipient's records and the subrecipient's independent
 2264 auditor's working papers as necessary to comply with the
 2265 requirements of this section.

2266 (7) Each recipient or subrecipient of state financial
 2267 assistance shall comply with the following:

2268 (a) Each nonstate entity that receives state financial
 2269 assistance and meets audit threshold requirements, in any fiscal
 2270 year of the nonstate entity, as stated in the rules of the
 2271 Office of Government Accountability Auditor General, shall have
 2272 a state single audit conducted for such fiscal year in
 2273 accordance with the requirements of this act and with additional
 2274 requirements established in rules of the Executive Office of the
 2275 Governor, rules of the Comptroller, and rules of the Office of
 2276 Government Accountability Auditor General. If only one state
 2277 project is involved in a nonstate entity's fiscal year, the
 2278 nonstate entity may elect to have only a state project-specific
 2279 audit of the state project for that fiscal year.

2280 (b) Each nonstate entity that receives state financial



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2281 assistance and does not meet the threshold requirements, in any
2282 fiscal year of the nonstate entity, as stated in this law or the
2283 rules of the Office of Government Accountability Auditor General
2284 is exempt for such fiscal year from the state single audit
2285 requirements of this section. However, such nonstate entity must
2286 meet terms and conditions specified in the written agreement
2287 with the state awarding agency.

2288 (c) Regardless of the amount of the state financial
2289 assistance, the provisions of this section do not exempt a
2290 nonstate entity from compliance with provisions of law relating
2291 to maintaining records concerning state financial assistance to
2292 such nonstate entity or allowing access and examination of those
2293 records by the state awarding agency, the Comptroller, or the
2294 Office of Government Accountability Auditor General.

2295 (d) Audits conducted pursuant to this section shall be
2296 performed annually.

2297 (e) Audits conducted pursuant to this section shall be
2298 conducted by independent auditors in accordance with auditing
2299 standards as stated in rules of the Office of Government
2300 Accountability Auditor General.

2301 (f) Upon completion of the audit as required by this
2302 section, a copy of the recipient's financial reporting package
2303 shall be filed with the state awarding agency and the Office of
2304 Government Accountability Auditor General. Upon completion of
2305 the audit as required by this section, a copy of the
2306 subrecipient's financial reporting package shall be filed with
2307 the recipient that provided the state financial assistance. The
2308 financial reporting package shall be filed in accordance with
2309 the rules of the Auditor General.

2310 (g) All financial reporting packages prepared pursuant to



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2311 the requirements of this section shall be available for public
2312 inspection.

2313 (h) If an audit conducted pursuant to this section
2314 discloses any significant audit findings relating to state
2315 financial assistance, including material noncompliance with
2316 individual state project compliance requirements or reportable
2317 conditions in internal controls of the nonstate entity, the
2318 nonstate entity shall submit as part of the audit package to the
2319 state awarding agency a plan for corrective action to eliminate
2320 such audit findings or a statement describing the reasons that
2321 corrective action is not necessary.

2322 (i) An audit conducted in accordance with this section is
2323 in addition to any audit of federal awards required by the
2324 federal Single Audit Act and other federal laws and regulations.
2325 To the extent that such federally required audits provide the
2326 state awarding agency with information it requires to carry out
2327 its responsibilities under state law or other guidance, a state
2328 agency shall rely upon and use that information.

2329 (j) Unless prohibited by law, the cost of audits pursuant
2330 to this section is allowable charges to state projects. However,
2331 any charges to state projects should be limited to those
2332 incremental costs incurred as a result of the audit requirements
2333 of this section in relation to other audit requirements. The
2334 nonstate entity should allocate such incremental costs to all
2335 state projects for which it expended state financial assistance.

2336 (k) Audit costs may not be charged to state projects when
2337 audits required by this section have not been made or have been
2338 made but not in accordance with this section. If a nonstate
2339 entity fails to have an audit conducted consistent with this
2340 section, state awarding agencies may take appropriate corrective



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2341 action to enforce compliance.

2342 (1) This section does not prohibit the state awarding
 2343 agency from including terms and conditions in the written
 2344 agreement which require additional assurances that state
 2345 financial assistance meets the applicable requirements of laws,
 2346 regulations, and other compliance rules.

2347 (m) A state awarding agency that provides state financial
 2348 assistance to nonstate entities and conducts or arranges for
 2349 audits of state financial assistance that are in addition to the
 2350 audits conducted under this act shall, consistent with other
 2351 applicable law, arrange for funding the full cost of such
 2352 additional audits.

2353 (8) The independent auditor when conducting a state single
 2354 audit of recipients or subrecipients shall:

2355 (a) Determine whether the nonstate entity's financial
 2356 statements are presented fairly in all material respects in
 2357 conformity with generally accepted accounting principles.

2358 (b) Determine whether state financial assistance shown on
 2359 the Schedule of State Financial Assistance is presented fairly
 2360 in all material respects in relation to the nonstate entity's
 2361 financial statements taken as a whole.

2362 (c) With respect to internal controls pertaining to each
 2363 major state project:

- 2364 1. Obtain an understanding of internal controls;
- 2365 2. Assess control risk;
- 2366 3. Perform tests of controls unless the controls are
 2367 deemed to be ineffective; and
- 2368 4. Determine whether the nonstate entity has internal
 2369 controls in place to provide reasonable assurance of compliance
 2370 with the provisions of laws and rules pertaining to state



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2371 financial assistance that have a material effect on each major
 2372 state project.

2373 (d) Determine whether each major state project complied
 2374 with the provisions of laws, rules, and guidelines as identified
 2375 in the State Projects Compliance Supplement, or otherwise
 2376 identified by the state awarding agency, which have a material
 2377 effect on each major state project. When major state projects
 2378 are less than 50 percent of the nonstate entity's total
 2379 expenditures for all state financial assistance, the auditor
 2380 shall select and test additional state projects as major state
 2381 projects as necessary to achieve audit coverage of at least 50
 2382 percent of the expenditures for all state financial assistance
 2383 provided to the nonstate entity. Additional state projects
 2384 needed to meet the 50-percent requirement may be selected on an
 2385 inherent risk basis as stated in the rules of the Executive
 2386 Office of the Governor.

2387 (e) Report on the results of any audit conducted pursuant
 2388 to this section in accordance with the rules of the Executive
 2389 Office of the Governor, rules of the Comptroller, and rules of
 2390 the Office of Government Accountability ~~Auditor General~~. Audit
 2391 reports shall include summaries of the auditor's results
 2392 regarding the nonstate entity's financial statements; Schedule
 2393 of State Financial Assistance; internal controls; and compliance
 2394 with laws, rules, and guidelines.

2395 (f) Issue a management letter as prescribed in the rules
 2396 of the Office of Government Accountability ~~Auditor General~~.

2397 (g) Upon notification by the nonstate entity, make
 2398 available the working papers relating to the audit conducted
 2399 pursuant to the requirements of this section to the state
 2400 awarding agency, the Comptroller, or the Office of Government



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2401 Accountability Auditor General for review or copying.

2402 (9) The independent auditor, when conducting a state
2403 project-specific audit of recipients or subrecipients, shall:

2404 (a) Determine whether the nonstate entity's schedule of
2405 state financial assistance is presented fairly in all material
2406 respects in conformity with stated accounting policies.

2407 (b) Obtain an understanding of internal control and
2408 perform tests of internal control over the state project
2409 consistent with the requirements of a major state project.

2410 (c) Determine whether or not the auditee has complied with
2411 applicable provisions of laws, rules, and guidelines as
2412 identified in the State Projects Compliance Supplement, or
2413 otherwise identified by the state awarding agency, which could
2414 have a direct and material effect on the state project.

2415 (d) Report on the results of a state project-specific
2416 audit consistent with the requirements of the state single audit
2417 and issue a management letter as prescribed in the rules of the
2418 Office of Government Accountability Auditor General.

2419 (e) Upon notification by the nonstate entity, make
2420 available the working papers relating to the audit conducted
2421 pursuant to the requirements of this section to the state
2422 awarding agency, the Comptroller, or the Office of Government
2423 Accountability Auditor General for review or copying.

2424 (10) The Office of Government Accountability Auditor
2425 General shall:

2426 (a) Have the authority to audit state financial assistance
2427 provided to any nonstate entity when determined necessary by the
2428 Auditor General or when directed by the Legislative Auditing
2429 Committee.

2430 (b) Adopt rules that state the auditing standards that



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2431 independent auditors are to follow for audits of nonstate
2432 entities required by this section.

2433 (c) Adopt rules that describe the contents and the filing
2434 deadlines for the financial reporting package.

2435 (d) Provide technical advice upon request of the
2436 Comptroller, Executive Office of the Governor, and state
2437 agencies relating to financial reporting and audit
2438 responsibilities contained in this section.

2439 (e) Be provided one copy of each financial reporting
2440 package prepared in accordance with the requirements of this
2441 section.

2442 (f) Perform ongoing reviews of a sample of financial
2443 reporting packages filed pursuant to the requirements of this
2444 section to determine compliance with the reporting requirements
2445 of this section and applicable rules of the Executive Office of
2446 the Governor, rules of the Comptroller, and rules of the Office
2447 of Government Accountability Auditor General.

2448 Section 49. Subsection (1) of section 215.981, Florida
2449 Statutes, is amended to read:

2450 215.981 Audits of state agency direct-support
2451 organizations and citizen support organizations.--

2452 (1) Each direct-support organization and each citizen
2453 support organization, created or authorized pursuant to law, and
2454 created, approved, or administered by a state agency, other than
2455 a university, district board of trustees of a community college,
2456 or district school board, shall provide for an annual ~~financial~~
2457 audit of its financial statements in order to express an opinion
2458 on the fairness with which they are presented in conformity with
2459 generally accepted accounting principles. The audit is ~~accounts~~
2460 ~~and records~~ to be conducted by an independent certified public



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2461 accountant in accordance with rules adopted by the Office of
 2462 Government Accountability Auditor General pursuant to s.
 2463 11.45(8) and the state agency that created, approved, or
 2464 administers the direct-support organization or citizen support
 2465 organization. The audit report shall be submitted within 9
 2466 months after the end of the fiscal year to the Office of
 2467 Government Accountability Auditor General and to the state
 2468 agency responsible for creation, administration, or approval of
 2469 the direct-support organization or citizen support organization.
 2470 Such state agency, ~~the Auditor General,~~ and the Office of
 2471 ~~Program Policy Analysis and~~ Government Accountability shall have
 2472 the authority to require and receive from the organization or
 2473 from the independent auditor any records relative to the
 2474 operation of the organization.

2475 Section 50. Subsections (5) and (12) of section 216.023,
 2476 Florida Statutes, are amended to read:

2477 216.023 Legislative budget requests to be furnished to
 2478 Legislature by agencies.--

2479 (5) ~~Prior to September 15 of the fiscal year prior to~~
 2480 ~~which the judicial branch is required to submit a performance-~~
 2481 ~~based program budget request, the Chief Justice of the Supreme~~
 2482 ~~Court shall identify and, after consultation with the Office of~~
 2483 ~~Program Policy Analysis and Government Accountability, submit to~~
 2484 ~~the President of the Senate and the Speaker of the House of~~
 2485 ~~Representatives a list of proposed programs and associated~~
 2486 ~~performance measures. The judicial branch shall provide~~
 2487 ~~documentation to accompany the list of proposed programs and~~
 2488 ~~performance measures as provided under subsection (4).~~ The
 2489 judicial branch shall submit a performance-based program agency
 2490 budget request using the programs and performance measures



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2491 adopted by the Legislature. The Chief Justice may propose
2492 revisions to approved programs or performance measures for the
2493 judicial branch. The Legislature shall have final approval of
2494 all programs and associated performance measures and standards
2495 for the judicial branch through the General Appropriations Act
2496 or legislation implementing the General Appropriations Act. ~~By~~
2497 ~~September 15, 2001, the Chief Justice of the Supreme Court shall~~
2498 ~~submit to the President of the Senate and the Speaker of the~~
2499 ~~House of Representatives a performance-based program budget~~
2500 ~~request for programs of the judicial branch approved by the~~
2501 ~~Legislature and provide a copy to the Executive Office of the~~
2502 ~~Governor.~~

2503 (12) The legislative budget request from each agency and
2504 from the judicial branch shall be reviewed by the Legislature.
2505 The review may allow for the opportunity to have information or
2506 testimony by the agency, the judicial branch, ~~the Auditor~~
2507 ~~General~~, the Office of ~~Program Policy Analysis and~~ Government
2508 Accountability, the Governor's Office of Planning and Budgeting,
2509 and the public regarding the proper level of funding for the
2510 agency in order to carry out its mission.

2511 Section 51. Paragraph (a) of subsection (3) of section
2512 216.102, Florida Statutes, is amended to read:

2513 216.102 Filing of financial information; handling by
2514 Comptroller; penalty for noncompliance.--

2515 (3) The Comptroller shall:

2516 (a) Prepare and furnish to the Office of Government
2517 Accountability ~~Auditor General~~ annual financial statements for
2518 the state on or before December 31 of each year, using generally
2519 accepted accounting principles.

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2521 The Comptroller may furnish and publish in electronic form the
 2522 financial statements and the comprehensive annual financial
 2523 report required under paragraphs (a), (b), and (c).

2524 Section 52. Subsection (2) of section 216.141, Florida
 2525 Statutes, is amended to read:

2526 216.141 Budget system procedures; planning and programming
 2527 by state agencies.--

2528 (2) The Florida Management Information Board shall notify
 2529 the Office of Government Accountability ~~Auditor General~~ of any
 2530 changes or modifications to the Florida Financial Management
 2531 Information System and its functional owner information
 2532 subsystems.

2533 Section 53. Paragraph (f) of subsection (2) and subsection
 2534 (4) of section 216.163, Florida Statutes, are amended to read:

2535 216.163 Governor's recommended budget; form and content;
 2536 declaration of collective bargaining impasses.--

2537 (2) The Governor's recommended budget shall also include:

2538 (f) The Governor's recommendations for high-risk
 2539 information technology projects which should be subject to
 2540 monitoring under s. 282.322. These recommendations shall include
 2541 proviso language which specifies whether funds are specifically
 2542 provided to contract for project monitoring, or whether the
 2543 Office of Government Accountability ~~Auditor General~~ will conduct
 2544 such project monitoring. When funds are recommended for
 2545 contracting with a project monitor, such funds may equal 1
 2546 percent to 5 percent of the project's estimated total costs.
 2547 These funds shall be specifically appropriated and nonrecurring.

2548 (4) The Executive Office of the Governor shall review the
 2549 findings of the Office of ~~Program Policy Analysis and~~ Government
 2550 Accountability, to the extent they are available, request any



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2551 reports or additional analyses as necessary, and submit a
 2552 recommendation for executive agencies, which may include a
 2553 recommendation regarding incentives or disincentives for agency
 2554 performance. Incentives or disincentives may apply to all or
 2555 part of a state agency. The Chief Justice shall review the
 2556 findings of the Office of ~~Program Policy Analysis and~~ Government
 2557 Accountability regarding judicial branch performance and make
 2558 appropriate recommendations for the judicial branch.

2559 (a) Incentives may include, but are not limited to:

2560 1. Additional flexibility in budget management, such as,
 2561 but not limited to, the use of lump sums or special categories;
 2562 consolidation of budget entities or program components;
 2563 consolidation of appropriation categories; and increased agency
 2564 transfer authority between appropriation categories or budget
 2565 entities.

2566 2. Additional flexibility in salary rate and position
 2567 management.

2568 3. Retention of up to 50 percent of all unencumbered
 2569 balances of appropriations as of June 30, or undisbursed
 2570 balances as of December 31, excluding special categories and
 2571 grants and aids, which may be used for nonrecurring purposes
 2572 including, but not limited to, lump-sum bonuses, employee
 2573 training, or productivity enhancements, including technology and
 2574 other improvements.

2575 4. Additional funds to be used for, but not limited to,
 2576 lump-sum bonuses, employee training, or productivity
 2577 enhancements, including technology and other improvements.

2578 5. Additional funds provided pursuant to law to be
 2579 released to an agency quarterly or incrementally contingent upon
 2580 the accomplishment of units of output or outcome specified in



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2581 the General Appropriations Act.

2582 (b) Disincentives may include, but are not limited to:

2583 1. Mandatory quarterly reports to the Executive Office of
 2584 the Governor and the Legislature on the agency's progress in
 2585 meeting performance standards.

2586 2. Mandatory quarterly appearances before the Legislature,
 2587 the Governor, or the Governor and Cabinet to report on the
 2588 agency's progress in meeting performance standards.

2589 3. Elimination or restructuring of the program, which may
 2590 include, but not be limited to, transfer of the program or
 2591 outsourcing all or a portion of the program.

2592 4. Reduction of total positions for a program.

2593 5. Restriction on or reduction of the spending authority
 2594 provided in s. 216.292(2).

2595 6. Reduction of managerial salaries.

2596 Section 54. Paragraph (b) of subsection (1) of section
 2597 216.177, Florida Statutes, is amended to read:

2598 216.177 Appropriations acts, statement of intent,
 2599 violation, notice, review and objection procedures.--

2600 (1) When an appropriations act is delivered to the
 2601 Governor after the Legislature has adjourned sine die, as soon
 2602 as practicable, but no later than the 10th day before the end of
 2603 the period allowed by law for veto consideration in any year in
 2604 which an appropriation is made, the chairs of the legislative
 2605 appropriations committees shall jointly transmit:

2606 (b) The documents set forth in s. 216.0442(2)(a) and (c),
 2607 to the Executive Office of the Governor, the Comptroller, the
 2608 Auditor General, ~~the director of the Office of Program Policy~~
 2609 ~~Analysis and Government Accountability~~, the Chief Justice of the
 2610 Supreme Court, and each state agency. A request for additional



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

2622 Section 55. Subsection (2) of section 216.178, Florida
 2623 Statutes, is amended to read:

2624 216.178 General Appropriations Act; format; procedure.--

2625 (2) The Office of Planning and Budgeting shall develop a
 2626 final budget report that reflects the net appropriations for
 2627 each budget item. The report shall reflect actual expenditures
 2628 for each of the 2 preceding fiscal years and the estimated
 2629 expenditures for the current fiscal year. In addition, the
 2630 report must contain the actual revenues and cash balances for
 2631 the preceding 2 fiscal years and the estimated revenues and cash
 2632 balances for the current fiscal year. The report may also
 2633 contain expenditure data, program objectives, and program
 2634 measures for each state agency program. The report must be
 2635 produced by October 15 each year. A copy of the report must be
 2636 made available to each member of the Legislature, to the head of
 2637 each state agency, to the Auditor General, ~~to the director of~~
 2638 ~~the Office of Program Policy Analysis and Government~~
 2639 ~~Accountability~~, and to the public.

2640 Section 56. Subsection (12) of section 216.181, Florida



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2641 Statutes, is amended to read:

2642 216.181 Approved budgets for operations and fixed capital
2643 outlay.--

2644 (12) There is appropriated nonoperating budget for
2645 refunds, payments to the United States Treasury, payments of the
2646 service charge to the General Revenue Fund, and transfers of
2647 funds specifically required by law. Such authorized budget,
2648 together with related releases, shall be transmitted by the
2649 state agency or by the judicial branch to the Comptroller for
2650 entry in the Comptroller's records in the manner and format
2651 prescribed by the Executive Office of the Governor in
2652 consultation with the Comptroller. A copy of such authorized
2653 budgets shall be furnished to the Executive Office of the
2654 Governor or the Chief Justice, the chairs of the legislative
2655 committees responsible for developing the general appropriations
2656 acts, and the Office of Government Accountability Auditor
2657 ~~General~~. The Governor may withhold approval of nonoperating
2658 investment authority for certain trust funds when deemed in the
2659 best interest of the state. The Governor for the executive
2660 branch, and the Chief Justice for the judicial branch, may
2661 establish nonoperating budgets for transfers, purchase of
2662 investments, special expenses, distributions, and any other
2663 nonoperating budget categories they deem necessary and in the
2664 best interest of the state and consistent with legislative
2665 intent and policy. The provisions of this subsection are subject
2666 to the notice, review, and objection procedures set forth in s.
2667 216.177. For purposes of this section, the term "nonoperating
2668 budgets" means nonoperating disbursement authority for purchase
2669 of investments, refunds, payments to the United States Treasury,
2670 transfers of funds specifically required by law, distributions



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2671 of assets held by the state in a trustee capacity as an agent of
 2672 fiduciary, special expenses, and other nonoperating budget
 2673 categories as determined necessary by the Executive Office of
 2674 the Governor, not otherwise appropriated in the General
 2675 Appropriations Act.

2676 Section 57. Subsection (1) of section 216.192, Florida
 2677 Statutes, is amended to read:

2678 216.192 Release of appropriations; revision of budgets.--

2679 (1) Unless otherwise provided in the General
 2680 Appropriations Act, on July 1 of each fiscal year, up to 25
 2681 percent of the original approved operating budget of each agency
 2682 and of the judicial branch may be released until such time as
 2683 annual plans for quarterly releases for all appropriations have
 2684 been developed, approved, and furnished to the Comptroller by
 2685 the Executive Office of the Governor for state agencies and by
 2686 the Chief Justice of the Supreme Court for the judicial branch.
 2687 The plans, including appropriate plans of releases for fixed
 2688 capital outlay projects that correspond with each project
 2689 schedule, shall attempt to maximize the use of trust funds and
 2690 shall be transmitted to the Comptroller by August 1 of each
 2691 fiscal year. Such releases shall at no time exceed the total
 2692 appropriations available to a state agency or to the judicial
 2693 branch, or the approved budget for such agency or the judicial
 2694 branch if less. The Comptroller shall enter such releases in his
 2695 or her records in accordance with the release plans prescribed
 2696 by the Executive Office of the Governor and the Chief Justice,
 2697 unless otherwise amended as provided by law. The Executive
 2698 Office of the Governor and the Chief Justice shall transmit a
 2699 copy of the approved annual releases to the head of the state
 2700 agency, the chair and vice chair of the Legislative Budget



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2701 Commission, and the Office of Government Accountability ~~Auditor~~
 2702 ~~General~~. The Comptroller shall authorize all expenditures to be
 2703 made from the appropriations on the basis of such releases and
 2704 in accordance with the approved budget, and not otherwise.
 2705 Expenditures shall be authorized only in accordance with
 2706 legislative authorizations. Nothing herein precludes periodic
 2707 reexamination and revision by the Executive Office of the
 2708 Governor or by the Chief Justice of the annual plans for release
 2709 of appropriations and the notifications of the parties of all
 2710 such revisions.

2711 Section 58. Subsection (3) of section 216.231, Florida
 2712 Statutes, is amended to read:

2713 216.231 Release of certain classified appropriations.--

2714 (3) Notwithstanding any other provisions of law, moneys
 2715 appropriated in any appropriations act to the Governor for
 2716 discretionary contingencies may be expended at his or her
 2717 discretion to promote general government and intergovernmental
 2718 cooperation and to enhance the image of the state. All funds
 2719 expended for such purposes shall be accounted for, and a report
 2720 showing the amounts expended, the names of the persons receiving
 2721 the amounts expended, and the purpose of each expenditure shall
 2722 be annually reported to the Office of Government Accountability
 2723 ~~Auditor General~~ and the legislative appropriations committees.

2724 Section 59. Paragraph (a) of subsection (1) of section
 2725 216.262, Florida Statutes, is amended to read:

2726 216.262 Authorized positions.--

2727 (1)(a) Unless otherwise expressly provided by law, the
 2728 total number of authorized positions may not exceed the total
 2729 provided in the appropriations acts. In the event any state
 2730 agency or entity of the judicial branch finds that the number of



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2731 positions so provided is not sufficient to administer its
 2732 authorized programs, it may file an application with the
 2733 Executive Office of the Governor or the Chief Justice; and, if
 2734 the Executive Office of the Governor or Chief Justice certifies
 2735 that there are no authorized positions available for addition,
 2736 deletion, or transfer within the agency as provided in paragraph
 2737 (c) and recommends an increase in the number of positions, the
 2738 Governor or the Chief Justice may, after a public hearing,
 2739 authorize an increase in the number of positions for the
 2740 following reasons only:

- 2741 1. To implement or provide for continuing federal grants
- 2742 or changes in grants not previously anticipated;
- 2743 2. To meet emergencies pursuant to s. 252.36;
- 2744 3. To satisfy new federal regulations or changes therein;
- 2745 4. To take advantage of opportunities to reduce operating
- 2746 expenditures or to increase the revenues of the state or local
- 2747 government; and
- 2748 5. To authorize positions which were not fixed by the
- 2749 Legislature through error in drafting the appropriations acts.

2750
 2751 The provisions of this paragraph are subject to the notice and
 2752 review procedures set forth in s. 216.177. A copy of the
 2753 application, the certification, and the final authorization
 2754 shall be filed with the Legislative Budget Commission, the
 2755 appropriations committees, and with the Office of Government
 2756 Accountability Auditor General.

2757 Section 60. Subsections (2) and (3) of section 216.292,
 2758 Florida Statutes, is amended to read:

2759 216.292 Appropriations nontransferable; exceptions.--

2760 (2) A lump sum appropriated for a performance-based



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2761 program must be distributed by the Governor for state agencies
 2762 or the Chief Justice for the judicial branch into the
 2763 traditional expenditure categories in accordance with s.
 2764 216.181(6)(b). At any time during the year, the agency head or
 2765 Chief Justice may transfer funds between those categories with
 2766 no limit on the amount of the transfer. Authorized revisions of
 2767 the original approved operating budget, together with related
 2768 changes, if any, must be transmitted by the state agency or by
 2769 the judicial branch to the Executive Office of the Governor or
 2770 the Chief Justice, the chair and vice chair of the Legislative
 2771 Budget Commission, and the Office of ~~Program Policy Analysis and~~
 2772 ~~Government Accountability, and the Auditor General~~. Such
 2773 authorized revisions shall be consistent with the intent of the
 2774 approved operating budget, shall be consistent with legislative
 2775 policy and intent, and shall not conflict with specific spending
 2776 policies specified in the General Appropriations Act. The
 2777 Executive Office of the Governor shall forward a copy of the
 2778 revisions within 7 working days to the Comptroller for entry in
 2779 his or her records in the manner and format prescribed by the
 2780 Executive Office of the Governor in consultation with the
 2781 Comptroller. Such authorized revisions shall be consistent with
 2782 the intent of the approved operating budget, shall be consistent
 2783 with legislative policy and intent, and shall not conflict with
 2784 specific spending policies specified in the General
 2785 Appropriations Act.

2786 (3) The head of each department or the Chief Justice of
 2787 the Supreme Court, whenever it is deemed necessary by reason of
 2788 changed conditions, may transfer appropriations funded from
 2789 identical funding sources, except appropriations for fixed
 2790 capital outlay, and transfer the amounts included within the



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2791 total original approved budget and releases as furnished
 2792 pursuant to ss. 216.181 and 216.192, as follows:

2793 (a) Between categories of appropriations within a budget
 2794 entity, if no category of appropriation is increased or
 2795 decreased by more than 5 percent of the original approved budget
 2796 or \$150,000, whichever is greater, by all action taken under
 2797 this subsection.

2798 (b) Additionally, between budget entities within identical
 2799 categories of appropriations, if no category of appropriation is
 2800 increased or decreased by more than 5 percent of the original
 2801 approved budget or \$150,000, whichever is greater, by all action
 2802 taken under this subsection.

2803 (c) Such authorized revisions must be consistent with the
 2804 intent of the approved operating budget, must be consistent with
 2805 legislative policy and intent, and must not conflict with
 2806 specific spending policies specified in the General
 2807 Appropriations Act.

2808
 2809 Such authorized revisions, together with related changes, if
 2810 any, in the plan for release of appropriations, shall be
 2811 transmitted by the state agency or by the judicial branch to the
 2812 Comptroller for entry in the Comptroller's records in the manner
 2813 and format prescribed by the Executive Office of the Governor in
 2814 consultation with the Comptroller. A copy of such revision shall
 2815 be furnished to the Executive Office of the Governor or the
 2816 Chief Justice, the chair and vice chair of the Legislative
 2817 Budget Commission, and the Auditor General, ~~and the director of~~
 2818 ~~the Office of Program Policy Analysis and Government~~
 2819 ~~Accountability.~~

2820 Section 61. Paragraph (a) of subsection (1) and



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2821 subsections (2) and (3) of section 216.301, Florida Statutes,
 2822 are amended to read:

2823 216.301 Appropriations; undisbursed balances.--

2824 (1)(a) Any balance of any appropriation, except an
 2825 appropriation for fixed capital outlay, which is not disbursed
 2826 but which is expended or contracted to be expended shall, at the
 2827 end of each fiscal year, be certified by the head of the
 2828 affected state agency or the judicial or legislative branches,
 2829 on or before August 1 of each year, to the Executive Office of
 2830 the Governor, showing in detail the obligees to whom obligated
 2831 and the amounts of such obligations. On or before September 1 of
 2832 each year, the Executive Office of the Governor shall review and
 2833 approve or disapprove, consistent with legislative policy and
 2834 intent, any or all of the items and amounts certified by the
 2835 head of the affected state agency and shall approve all items
 2836 and amounts certified by the Chief Justice of the Supreme Court
 2837 for the judicial branch and by the legislative branch and shall
 2838 furnish the Comptroller, the legislative appropriations
 2839 committees, and the Office of Government Accountability ~~Auditor~~
 2840 ~~General~~ a detailed listing of the items and amounts approved as
 2841 legal encumbrances against the undisbursed balance of such
 2842 appropriation. The review shall assure that trust funds have
 2843 been fully maximized. Any such encumbered balance remaining
 2844 undisbursed on December 31 of the same calendar year in which
 2845 such certification was made shall revert to the fund from which
 2846 appropriated and shall be available for reappropriation by the
 2847 Legislature. In the event such certification is not made and an
 2848 obligation is proven to be legal, due, and unpaid, then the
 2849 obligation shall be paid and charged to the appropriation for
 2850 the current fiscal year of the state agency or the legislative



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2851 or judicial branch affected.

2852 (2)(a) Any balance of any appropriation for fixed capital
2853 outlay not disbursed but expended or contracted or committed to
2854 be expended shall, at the end of each fiscal year, be certified
2855 by the head of the affected state agency or the legislative or
2856 judicial branch, on or before August 1 of each year, to the
2857 Executive Office of the Governor, showing in detail the
2858 commitment or to whom obligated and the amount of such
2859 commitment or obligation. On or before September 1 of each year,
2860 the Executive Office of the Governor shall review and approve or
2861 disapprove, consistent with legislative policy and intent, any
2862 or all of the items and amounts certified by the head of the
2863 affected state agency and shall approve all items and amounts
2864 certified by the Chief Justice of the Supreme Court and by the
2865 legislative branch and shall furnish the Comptroller, the
2866 legislative appropriations committees, and the Office of
2867 Government Accountability ~~Auditor General~~ a detailed listing of
2868 the items and amounts approved as legal encumbrances against the
2869 undisbursed balances of such appropriations. In the event such
2870 certification is not made and the balance of the appropriation
2871 has reverted and the obligation is proven to be legal, due, and
2872 unpaid, then the same shall be presented to the Legislature for
2873 its consideration.

2874 (b) Such certification as herein required shall be in the
2875 form and on the date approved by the Executive Office of the
2876 Governor. Any balance not so certified shall revert to the fund
2877 from which appropriated and shall be available for
2878 reappropriation.

2879 (3) Notwithstanding the provisions of subsection (2), the
2880 unexpended balance of any appropriation for fixed capital outlay



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

2895 Section 62. Subsections (17) and (18) of section 218.31,
 2896 Florida Statutes, are amended to read:

2897 218.31 Definitions.--As used in this part, except where
 2898 the context clearly indicates a different meaning:

2899 (17) "Financial audit" means an examination of financial
 2900 statements in order to express an opinion on the fairness with
 2901 which they are presented in conformity with generally accepted
 2902 accounting principles and an examination to determine whether
 2903 operations are properly conducted in accordance with legal and
 2904 regulatory requirements. Financial audits must be conducted in
 2905 accordance with generally accepted auditing standards and
 2906 government auditing standards as adopted by the Board of
 2907 Accountancy and as prescribed by rules adopted ~~promulgated~~ by
 2908 the Office of Government Accountability ~~Auditor General~~.

2909 (18) "Management letter" means a statement of the
 2910 auditor's comments and recommendations as prescribed by rules



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2911 adopted by the Office of Government Accountability Auditor
 2912 ~~General~~.

2913 Section 63. Paragraphs (e) and (f) of subsection (1) and
 2914 subsection (2) of section 218.32, Florida Statutes, are amended
 2915 to read:

2916 218.32 Annual financial reports; local governmental
 2917 entities.--

2918 (1)(e) Each local governmental entity that is not required
 2919 to provide for an audit report in accordance with s. 218.39 must
 2920 submit the annual financial report to the department no later
 2921 than April 30 of each year. The department shall consult with
 2922 the Office of Government Accountability Auditor General in the
 2923 development of the format of annual financial reports submitted
 2924 pursuant to this paragraph. The format shall include balance
 2925 sheet information to be utilized by the Office of Government
 2926 Accountability Auditor General pursuant to s. 11.45(7)(f). The
 2927 department must forward the financial information contained
 2928 within these entities' annual financial reports to the Office of
 2929 Government Accountability Auditor General in electronic form.
 2930 This paragraph does not apply to housing authorities created
 2931 under chapter 421.

2932 (f) If the department does not receive a completed annual
 2933 financial report from a local governmental entity within the
 2934 required period, it shall notify the Legislative Auditing
 2935 Committee of the local governmental entity's failure to comply
 2936 with the reporting requirements. The committee shall proceed in
 2937 accordance with s. 11.40(5).

2938 (2) The department shall annually by December 1 file a
 2939 verified report with the Governor, the Legislature, the Office
 2940 of Government Accountability Auditor General, and the Special



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2941 District Information Program of the Department of Community
 2942 Affairs showing the revenues, both locally derived and derived
 2943 from intergovernmental transfers, and the expenditures of each
 2944 local governmental entity, regional planning council, local
 2945 government finance commission, and municipal power corporation
 2946 that is required to submit an annual financial report. The
 2947 report must include, but is not limited to:

2948 (a) The total revenues and expenditures of each local
 2949 governmental entity that is a component unit included in the
 2950 annual financial report of the reporting entity.

2951 (b) The amount of outstanding long-term debt by each local
 2952 governmental entity. For purposes of this paragraph, the term
 2953 "long-term debt" means any agreement or series of agreements to
 2954 pay money, which, at inception, contemplate terms of payment
 2955 exceeding 1 year in duration.

2956 Section 64. Subsections (1), (2), (7), (8), and (9) of
 2957 section 218.39, Florida Statutes, are amended to read:

2958 218.39 Annual financial audit reports.--

2959 (1) If, by the first day in any fiscal year, a local
 2960 governmental entity, district school board, charter school, or
 2961 charter technical career center has not been notified that a
 2962 financial audit for that fiscal year will be performed by the
 2963 Office of Government Accountability ~~Auditor General~~, each of the
 2964 following entities shall have an annual financial audit of its
 2965 accounts and records completed within 12 months after the end of
 2966 its fiscal year by an independent certified public accountant
 2967 retained by it and paid from its public funds:

2968 (a) Each county.

2969 (b) Any municipality with revenues or the total of
 2970 expenditures and expenses in excess of \$250,000.



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2971 (c) Any special district with revenues or the total of
 2972 expenditures and expenses in excess of \$100,000.

2973 (d) Each district school board.

2974 (e) Each charter school established under s. 1002.33.

2975 (f) Each charter technical center established under s.
 2976 1002.34.

2977 (g) Each municipality with revenues or the total of
 2978 expenditures and expenses between \$100,000 and \$250,000 that has
 2979 not been subject to a financial audit pursuant to this
 2980 subsection for the 2 preceding fiscal years.

2981 (h) Each special district with revenues or the total of
 2982 expenditures and expenses between \$50,000 and \$100,000 that has
 2983 not been subject to a financial audit pursuant to this
 2984 subsection for the 2 preceding fiscal years.

2985 (2) The county audit report shall be a single document
 2986 that includes a financial audit of the county as a whole and,
 2987 for each county agency other than a board of county
 2988 commissioners, an audit of its financial accounts and records,
 2989 including reports on compliance and internal control, management
 2990 letters, and financial statements as required by rules adopted
 2991 by the Office of Government Accountability Auditor General. In
 2992 addition to such requirements, if a board of county
 2993 commissioners elects to have a separate audit of its financial
 2994 accounts and records in the manner required by rules adopted by
 2995 the Auditor General for other county agencies, such separate
 2996 audit shall be included in the county audit report.

2997 (7) The predecessor auditor of a district school board
 2998 shall provide the Office of Government Accountability Auditor
 2999 General access to the prior year's working papers in accordance
 3000 with the Statements on Auditing Standards, including



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3001 documentation of planning, internal control, audit results, and
 3002 other matters of continuing accounting and auditing
 3003 significance, such as the working paper analysis of balance
 3004 sheet accounts and those relating to contingencies.

3005 (8) All audits conducted in accordance with this section
 3006 must be conducted in accordance with the rules of the Office of
 3007 Government Accountability Auditor General promulgated pursuant
 3008 to s. 11.45. All audit reports and the officer's written
 3009 statement of explanation or rebuttal must be submitted to the
 3010 Office of Government Accountability Auditor General within 45
 3011 days after delivery of the audit report to the entity's
 3012 governing body, but no later than 12 months after the end of the
 3013 fiscal year.

3014 (9) Each charter school and charter technical career
 3015 center must file a copy of its audit report with the sponsoring
 3016 entity; the local district school board, if not the sponsoring
 3017 entity; the Office of Government Accountability Auditor General;
 3018 and with the Department of Education.

3019 Section 65. Paragraph (f) of subsection (4) of section
 3020 220.187, Florida Statutes, is amended to read:

3021 220.187 Credits for contributions to nonprofit
 3022 scholarship-funding organizations.--

3023 (4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 3024 ORGANIZATIONS.--

3025 (f) An eligible nonprofit scholarship-funding organization
 3026 that receives eligible contributions must provide to the Office
 3027 of Government Accountability Auditor General an annual financial
 3028 and compliance audit of its accounts and records conducted by an
 3029 independent certified public accountant and in accordance with
 3030 rules adopted by the Office of Government Accountability Auditor



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3031 ~~General.~~

3032 Section 66. Subsection (3) of section 243.73, Florida
 3033 Statutes, is amended to read:

3034 243.73 Reports; audits.--

3035 (3) The Office of Government Accountability Auditor
 3036 ~~General~~ may, pursuant to direction by the Auditor General ~~his or~~
 3037 ~~her own authority~~ or at the direction of the Legislative
 3038 Auditing Committee, conduct an audit of the authority or any
 3039 programs or entities created by the authority.

3040 Section 67. Subsection (11) of section 253.025, Florida
 3041 Statutes, is amended to read:

3042 253.025 Acquisition of state lands for purposes other than
 3043 preservation, conservation, and recreation.--

3044 (11) The Office of Government Accountability Auditor
 3045 ~~General~~ shall conduct audits of acquisitions and divestitures
 3046 which, according to its ~~his or her~~ preliminary assessments of
 3047 board-approved acquisitions and divestitures, it ~~he or she~~ deems
 3048 necessary. These preliminary assessments shall be initiated not
 3049 later than 60 days following the final approval by the board of
 3050 land acquisitions under this section. If an audit is conducted,
 3051 the Office of Government Accountability Auditor ~~General~~ shall
 3052 submit an audit report to the board of trustees, the President
 3053 of the Senate, the Speaker of the House of Representatives, and
 3054 their designees.

3055 Section 68. Subsection (2) of section 259.037, Florida
 3056 Statutes, is amended to read:

3057 259.037 Land Management Uniform Accounting Council.--

3058 (2) The ~~Auditor General and the director of the Office of~~
 3059 ~~Program Policy Analysis and Government Accountability, or their~~
 3060 ~~designees~~, shall advise the council to ensure that appropriate



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3061 accounting procedures are utilized and that a uniform method of
 3062 collecting and reporting accurate costs of land management
 3063 activities are created and can be used by all agencies.

3064 Section 69. Subsection (16) of section 259.041, Florida
 3065 Statutes, is amended to read:

3066 259.041 Acquisition of state-owned lands for preservation,
 3067 conservation, and recreation purposes.--

3068 (16) The Office of Government Accountability Auditor
 3069 ~~General~~ shall conduct audits of acquisitions and divestitures
 3070 which it ~~he or she~~ deems necessary, according to its ~~his or her~~
 3071 preliminary assessments of board-approved acquisitions and
 3072 divestitures. These preliminary assessments shall be initiated
 3073 not later than 60 days following the final approval by the board
 3074 of land acquisitions under this section. If an audit is
 3075 conducted, the Office of Government Accountability Auditor
 3076 ~~General~~ shall submit an audit report to the board of trustees,
 3077 the President of the Senate, the Speaker of the House of
 3078 Representatives, and their designees.

3079 Section 70. Subsection (8) of section 267.1732, Florida
 3080 Statutes, is amended to read:

3081 267.1732 Direct-support organization.--

3082 (8) The identity of a donor or prospective donor of
 3083 property to a direct-support organization who desires to remain
 3084 anonymous, and all information identifying such donor or
 3085 prospective donor, is confidential and exempt from the
 3086 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 3087 Constitution; and that anonymity must be maintained in the
 3088 auditor's report. The university and the Office of Government
 3089 Accountability Auditor ~~General~~ shall have access to all records
 3090 of the direct-support organization at any time it is requested.



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3091 Section 71. Section 273.02, Florida Statutes, is amended
 3092 to read:

3093 273.02 Record and inventory of certain property.--The word
 3094 "property" as used in this section means equipment, fixtures,
 3095 and other tangible personal property of a nonconsumable and
 3096 nonexpendable nature, the value or cost of which is \$1,000 or
 3097 more and the normal expected life of which is 1 year or more,
 3098 and hardback-covered bound books that are circulated to students
 3099 or the general public, the value or cost of which is \$25 or
 3100 more, and hardback-covered bound books, the value or cost of
 3101 which is \$250 or more. Each item of property which it is
 3102 practicable to identify by marking shall be marked in the manner
 3103 required by the Office of Government Accountability Auditor
 3104 ~~General~~. Each custodian shall maintain an adequate record of
 3105 property in his or her custody, which record shall contain such
 3106 information as shall be required by the Office of Government
 3107 Accountability Auditor ~~General~~. Once each year, on July 1 or as
 3108 soon thereafter as is practicable, and whenever there is a
 3109 change of custodian, each custodian shall take an inventory of
 3110 property in his or her custody. The inventory shall be compared
 3111 with the property record, and all discrepancies shall be traced
 3112 and reconciled. All publicly supported libraries shall be exempt
 3113 from marking hardback-covered bound books, as required by this
 3114 section. The catalog and inventory control records maintained by
 3115 each publicly supported library shall constitute the property
 3116 record of hardback-covered bound books with a value or cost of
 3117 \$25 or more included in each publicly supported library
 3118 collection and shall serve as a perpetual inventory in lieu of
 3119 an annual physical inventory. All books identified by these
 3120 records as missing shall be traced and reconciled, and the



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3121 library inventory shall be adjusted accordingly.

3122 Section 72. Subsection (5) of section 273.05, Florida
3123 Statutes, is amended to read:

3124 273.05 Surplus property.--

3125 (5) The custodian shall maintain records of property that
3126 is certified as surplus with information indicating the value
3127 and condition of the property. Agency records for property
3128 certified as surplus shall comply with rules adopted ~~issued~~ by
3129 the Office of Government Accountability Auditor General.

3130 Section 73. Subsection (2) of section 273.055, Florida
3131 Statutes, is amended to read:

3132 273.055 Disposition of state-owned tangible personal
3133 property.--

3134 (2) Custodians shall maintain records to identify each
3135 property item as to disposition. Such records shall comply with
3136 rules adopted ~~issued~~ by the Office of Government Accountability
3137 Auditor General.

3138 Section 74. Subsection (2) of section 274.02, Florida
3139 Statutes, is amended to read:

3140 274.02 Record and inventory of certain property.--

3141 (2) Each item of property which it is practicable to
3142 identify by marking shall be marked in the manner required by
3143 the Office of Government Accountability Auditor General. Each
3144 governmental unit shall maintain an adequate record of its
3145 property, which record shall contain such information as shall
3146 be required by the Office of Government Accountability Auditor
3147 General. Each governmental unit shall take an inventory of its
3148 property in the custody of a custodian whenever there is a
3149 change in such custodian. A complete physical inventory of all
3150 property shall be taken annually, and the date inventoried shall



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3151 be entered on the property record. The inventory shall be
 3152 compared with the property record, and all discrepancies shall
 3153 be traced and reconciled.

3154 Section 75. Paragraph (a) of subsection (2) of section
 3155 282.318, Florida Statutes, is amended to read:

3156 282.318 Security of data and information technology
 3157 resources.--

3158 (2)(a) The State Technology Office, in consultation with
 3159 each agency head, is responsible and accountable for assuring an
 3160 adequate level of security for all data and information
 3161 technology resources of each agency and, to carry out this
 3162 responsibility, shall, at a minimum:

3163 1. Designate an information security manager who shall
 3164 administer the security program of each agency for its data and
 3165 information technology resources.

3166 2. Conduct, and periodically update, a comprehensive risk
 3167 analysis to determine the security threats to the data and
 3168 information technology resources of each agency. The risk
 3169 analysis information is confidential and exempt from the
 3170 provisions of s. 119.07(1), except that such information shall
 3171 be available to the Office of Government Accountability Auditor
 3172 ~~General~~ in performing its auditing ~~his or her postauditing~~
 3173 duties.

3174 3. Develop, and periodically update, written internal
 3175 policies and procedures to assure the security of the data and
 3176 information technology resources of each agency. The internal
 3177 policies and procedures which, if disclosed, could facilitate
 3178 the unauthorized modification, disclosure, or destruction of
 3179 data or information technology resources are confidential
 3180 information and exempt from the provisions of s. 119.07(1),



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3181 except that such information shall be available to the Office of
 3182 Government Accountability Auditor General in performing its
 3183 auditing his or her postauditing duties.

3184 4. Implement appropriate cost-effective safeguards to
 3185 reduce, eliminate, or recover from the identified risks to the
 3186 data and information technology resources of each agency.

3187 5. Ensure that periodic internal audits and evaluations of
 3188 each security program for the data and information technology
 3189 resources of the agency are conducted. The results of such
 3190 internal audits and evaluations are confidential information and
 3191 exempt from the provisions of s. 119.07(1), except that such
 3192 information shall be available to the Office of Government
 3193 Accountability Auditor General in performing its auditing his or
 3194 her postauditing duties.

3195 6. Include appropriate security requirements, as
 3196 determined by the State Technology Office, in consultation with
 3197 each agency head, in the written specifications for the
 3198 solicitation of information technology resources.

3199 Section 76. Subsection (1) of section 282.322, Florida
 3200 Statutes, is amended to read:

3201 282.322 Special monitoring process for designated
 3202 information resources management projects.--

3203 (1) For each information resources management project
 3204 which is designated for special monitoring in the General
 3205 Appropriations Act, with a proviso requiring a contract with a
 3206 project monitor, the Technology Review Workgroup established
 3207 pursuant to s. 216.0446, in consultation with each affected
 3208 agency, shall be responsible for contracting with the project
 3209 monitor. Upon contract award, funds equal to the contract amount
 3210 shall be transferred to the Technology Review Workgroup upon



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3211 request and subsequent approval of a budget amendment pursuant
 3212 to s. 216.292. With the concurrence of the Legislative Auditing
 3213 Committee, the Office of Government Accountability ~~office of the~~
 3214 ~~Auditor General~~ shall be the project monitor for other projects
 3215 designated for special monitoring. However, nothing in this
 3216 section precludes the Office of Government Accountability
 3217 ~~Auditor General~~ from conducting such monitoring on any project
 3218 designated for special monitoring. In addition to monitoring and
 3219 reporting on significant communications between a contracting
 3220 agency and the appropriate federal authorities, the project
 3221 monitoring process shall consist of evaluating each major stage
 3222 of the designated project to determine whether the deliverables
 3223 have been satisfied and to assess the level of risks associated
 3224 with proceeding to the next stage of the project. The major
 3225 stages of each designated project shall be determined based on
 3226 the agency's information systems development methodology. Within
 3227 20 days after an agency has completed a major stage of its
 3228 designated project or at least 90 days, the project monitor
 3229 shall issue a written report, including the findings and
 3230 recommendations for correcting deficiencies, to the agency head,
 3231 for review and comment. Within 20 days after receipt of the
 3232 project monitor's report, the agency head shall submit a written
 3233 statement of explanation or rebuttal concerning the findings and
 3234 recommendations of the project monitor, including any corrective
 3235 action to be taken by the agency. The project monitor shall
 3236 include the agency's statement in its final report, which shall
 3237 be forwarded, within 7 days after receipt of the agency's
 3238 statement, to the agency head, the inspector general's office of
 3239 the agency, the Executive Office of the Governor, the
 3240 appropriations committees of the Legislature, the ~~Joint~~



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3241 Legislative Auditing Committee, the Technology Review Workgroup,
3242 the President of the Senate, and the Speaker of the House of
3243 Representatives, ~~and the Office of Program Policy Analysis and~~
3244 ~~Government Accountability~~. The Office of Government
3245 Accountability Auditor General shall also receive a copy of the
3246 project monitor's report for those projects in which the Office
3247 of Government Accountability Auditor General is not the project
3248 monitor.

3249 Section 77. Paragraph (b) of subsection (2) of section
3250 287.045, Florida Statutes, is amended to read:

3251 287.045 Procurement of products and materials with
3252 recycled content.--

3253 (2)(b) The Office of Government Accountability Auditor
3254 ~~General~~ shall assist in monitoring the product procurement
3255 requirements.

3256 Section 78. Subsection (2) of section 287.058, Florida
3257 Statutes, is amended to read:

3258 287.058 Contract document.--

3259 (2) The written agreement shall be signed by the agency
3260 head and the contractor prior to the rendering of any
3261 contractual service the value of which is in excess of the
3262 threshold amount provided in s. 287.017 for CATEGORY TWO, except
3263 in the case of a valid emergency as certified by the agency
3264 head. The certification of an emergency shall be prepared within
3265 30 days after the contractor begins rendering the service and
3266 shall state the particular facts and circumstances which
3267 precluded the execution of the written agreement prior to the
3268 rendering of the service. If the agency fails to have the
3269 contract signed by the agency head and the contractor prior to
3270 rendering the contractual service, and if an emergency does not



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3271 exist, the agency head shall, no later than 30 days after the
3272 contractor begins rendering the service, certify the specific
3273 conditions and circumstances to the department as well as
3274 describe actions taken to prevent recurrence of such
3275 noncompliance. The agency head may delegate the certification
3276 only to other senior management agency personnel. A copy of the
3277 certification shall be furnished to the Comptroller with the
3278 voucher authorizing payment. The department shall report
3279 repeated instances of noncompliance by an agency to the Office
3280 of Government Accountability Auditor General. Nothing in this
3281 subsection shall be deemed to authorize additional compensation
3282 prohibited by s. 215.425. The procurement of contractual
3283 services shall not be divided so as to avoid the provisions of
3284 this section.

3285 Section 79. Subsection (11) of section 287.0943, Florida
3286 Statutes, is amended to read:

3287 287.0943 Certification of minority business enterprises.--

3288 (11) To deter fraud in the program, the Office of
3289 Government Accountability Auditor General may review the
3290 criteria by which a business became certified as a certified
3291 minority business enterprise.

3292 Section 80. Section 287.115, Florida Statutes, is amended
3293 to read:

3294 287.115 Comptroller; annual report.--The Comptroller shall
3295 submit to the Office of Government Accountability ~~office of the~~
3296 ~~Auditor General~~ an annual report on those contractual service
3297 contracts disallowed by the Comptroller, which report shall
3298 include, but is not limited to, the name of the user agency, the
3299 name of the firm or individual from which the contractual
3300 service was to be acquired, a description of the contractual



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3301 service, the financial terms of the contract, and the reason for
 3302 rejection.

3303 Section 81. Subsection (5) of section 287.17, Florida
 3304 Statutes, is amended to read:

3305 287.17 Limitation on use of motor vehicles and aircraft.--

3306 (5) Each state agency's head shall, by December 31, 2000,
 3307 conduct a review of motor vehicle utilization with oversight
 3308 from the agency's inspector general. This review shall consist
 3309 of two parts. The first part of the review shall determine the
 3310 number of miles that each assigned motor vehicle has been driven
 3311 on official state business in the past fiscal year. Commuting
 3312 mileage shall be excluded from calculating vehicle use. The
 3313 purpose of this review is to determine whether employees with
 3314 assigned motor vehicles are driving the vehicles a sufficient
 3315 number of miles to warrant continued vehicle assignment. The
 3316 second part of the review shall identify employees who have
 3317 driven personal vehicles extensively on state business in the
 3318 past fiscal year. The purpose of this review is to determine
 3319 whether it would be cost-effective to provide state motor
 3320 vehicles to such employees. In making this determination, the
 3321 inspector general shall use the break-even mileage criteria
 3322 developed by the Department of Management Services. A copy of
 3323 the review shall be presented to the Office of ~~Program Policy~~
 3324 ~~Analysis and~~ Government Accountability.

3325 Section 82. Paragraphs (d) and (e) of subsection (4) of
 3326 section 288.1224, Florida Statutes, are amended to read:

3327 288.1224 Powers and duties.--The commission:

3328 (4)

3329 (d) The plan shall include recommendations regarding
 3330 specific performance standards and measurable outcomes for the



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3331 commission and its direct-support organization. The commission,
 3332 in consultation with the Office of ~~Program Policy Analysis and~~
 3333 Government Accountability, shall develop a plan for monitoring
 3334 its operations to ensure that performance data are maintained
 3335 and supported by records of the organization.

3336 ~~(e) Prior to the 2003 Regular Session of the Legislature,~~
 3337 ~~the Office of Program Policy Analysis and Government~~
 3338 ~~Accountability shall conduct a review of, and prepare a report~~
 3339 ~~on, the Florida Commission on Tourism and its direct support~~
 3340 ~~organization. The review shall be comprehensive in its scope,~~
 3341 ~~but, at a minimum, must be conducted in such a manner as to~~
 3342 ~~specifically determine:~~

3343 ~~1. The progress toward achieving the established outcomes.~~

3344 ~~2. The circumstances contributing to the organization's~~
 3345 ~~ability to achieve, not achieve, or exceed its established~~
 3346 ~~outcomes.~~

3347 ~~3. Whether it would be sound public policy to continue or~~
 3348 ~~discontinue funding the organization, and the consequences of~~
 3349 ~~discontinuing the organization.~~

3350
 3351 ~~The report shall be submitted by January 1, 2003, to the~~
 3352 ~~President of the Senate, the Speaker of the House of~~
 3353 ~~Representatives, the Senate Minority Leader, and the House~~
 3354 ~~Minority Leader.~~

3355 Section 83. Subsection (6) of section 288.1226, Florida
 3356 Statutes, is amended to read:

3357 288.1226 Florida Tourism Industry Marketing Corporation;
 3358 use of property; board of directors; duties; audit.--

3359 (6) ANNUAL AUDIT.--The corporation shall provide for an
 3360 annual financial audit in accordance with s. 215.981. The annual



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3361 audit report shall be submitted to the ~~Auditor General; the~~
3362 Office of ~~Policy Analysis and~~ Government Accountability; and the
3363 Office of Tourism, Trade, and Economic Development for review.
3364 The Office of ~~Program Policy Analysis and~~ Government
3365 Accountability and; the Office of Tourism, Trade, and Economic
3366 Development; ~~and the Auditor General~~ have the authority to
3367 require and receive from the corporation or from its independent
3368 auditor any detail or supplemental data relative to the
3369 operation of the corporation. The Office of Tourism, Trade, and
3370 Economic Development shall annually certify whether the
3371 corporation is operating in a manner and achieving the
3372 objectives that are consistent with the policies and goals of
3373 the commission and its long-range marketing plan. The identity
3374 of a donor or prospective donor to the corporation who desires
3375 to remain anonymous and all information identifying such donor
3376 or prospective donor are confidential and exempt from the
3377 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
3378 Constitution. Such anonymity shall be maintained in the
3379 auditor's report.

3380 Section 84. Subsection (2) of section 288.1227, Florida
3381 Statutes, is amended to read:

3382 288.1227 Annual report of the Florida Commission on
3383 Tourism; audits.--

3384 (2) The Office of Government Accountability ~~Auditor~~
3385 ~~General~~ may, pursuant to the direction of the Auditor General
3386 ~~his or her own authority~~ or at the direction of the Legislative
3387 Auditing Committee, conduct an audit of the commission or its
3388 direct-support organization.

3389 Section 85. Section 288.7011, Florida Statutes, is amended
3390 to read:



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3391 288.7011 Assistance to certified development
 3392 corporation.--The Office of Tourism, Trade, and Economic
 3393 Development is authorized to enter into contracts with a
 3394 nonprofit, statewide development corporation certified pursuant
 3395 to s. 503 of the Small Business Investment Act of 1958, as
 3396 amended, to permit such corporation to locate and contract for
 3397 administrative and technical staff assistance and support,
 3398 including, without limitation, assistance to the development
 3399 corporation in the packaging and servicing of loans for the
 3400 purpose of stimulating and expanding the availability of private
 3401 equity capital and long-term loans to small businesses. Such
 3402 assistance and support will cease when the corporation has
 3403 received state support in an amount the equivalent of \$250,000
 3404 per year over a 5-year period beginning July 1, 1997. Any
 3405 contract between the office and such corporation shall specify
 3406 that the records of the corporation must be available for audit
 3407 by the office and by the Office of Government Accountability
 3408 ~~Auditor General~~.

3409 Section 86. Subsection (10) of section 288.7091, Florida
 3410 Statutes, is amended to read:

3411 288.7091 Duties of the Florida Black Business Investment
 3412 Board, Inc.--The Florida Black Business Investment Board, Inc.,
 3413 shall:

3414 (10) Annually, provide for a financial audit as defined in
 3415 s. 11.45 of its accounts and records by an independent certified
 3416 public accountant. The audit report shall be filed within 12
 3417 months after the end of the fiscal year to the Governor, the
 3418 President of the Senate, the Speaker of the House of
 3419 Representatives, and the Office of Government Accountability
 3420 ~~Auditor General~~.



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3421 Section 87. Subsection (8) of section 288.7092, Florida
 3422 Statutes, is amended to read:

3423 288.7092 Return on investment from activities of the
 3424 corporation.--

3425 (8) The corporation, in consultation with the Office of
 3426 ~~Program Policy Analysis and~~ Government Accountability, shall
 3427 hire a private accounting firm or economic analysis firm to
 3428 develop the methodology for establishing and reporting return on
 3429 investment and in-kind contributions as described in this
 3430 section. The Office of ~~Program Policy Analysis and~~ Government
 3431 Accountability shall review and offer feedback on the
 3432 methodology before it is implemented. The private accounting
 3433 firm or economic analysis firm shall certify whether the
 3434 applicable statements in the annual report comply with this
 3435 section.

3436 Section 88. Subsection (8) of section 288.90151, Florida
 3437 Statutes, is amended to read:

3438 288.90151 Return on investment from activities of
 3439 Enterprise Florida, Inc.--

3440 (8) Enterprise Florida, Inc., in consultation with the
 3441 Office of ~~Program Policy Analysis and~~ Government Accountability,
 3442 shall hire a private accounting firm to develop the methodology
 3443 for establishing and reporting return-on-investment and in-kind
 3444 contributions as described in this section and to develop,
 3445 analyze, and report on the results of the customer-satisfaction
 3446 survey. The Office of ~~Program Policy Analysis and~~ Government
 3447 Accountability shall review and offer feedback on the
 3448 methodology before it is implemented. The private accounting
 3449 firm shall certify whether the applicable statements in the
 3450 annual report comply with this subsection.



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3451 Section 89. Paragraphs (a) and (c) of subsection (4) of
 3452 section 288.905, Florida Statutes, are amended to read:

3453 288.905 Duties of the board of directors of Enterprise
 3454 Florida, Inc.--

3455 (4)(a) The strategic plan shall also include
 3456 recommendations regarding specific performance standards and
 3457 measurable outcomes. Enterprise Florida, Inc., in consultation
 3458 with the Office of Tourism, Trade, and Economic Development and
 3459 the Office of ~~Program Policy Analysis and Government~~
 3460 ~~Accountability~~, shall establish performance-measure outcomes for
 3461 Enterprise Florida, Inc., and its boards and advisory
 3462 committees. Enterprise Florida, Inc., in consultation with the
 3463 Office of Tourism, Trade, and Economic Development and the
 3464 Office of ~~Program Policy Analysis and Government~~ ~~Accountability~~,
 3465 shall develop a plan for monitoring its operations to ensure
 3466 that performance data are maintained and supported by records of
 3467 the organization. On a biennial basis, Enterprise Florida, Inc.,
 3468 in consultation with the Office of Tourism, Trade, and Economic
 3469 Development and the Office of ~~Program Policy Analysis and~~
 3470 ~~Government Accountability~~, shall review the performance-measure
 3471 outcomes for Enterprise Florida, Inc., and its boards, and make
 3472 any appropriate modifications to them. In developing measurable
 3473 objectives and performance outcomes, Enterprise Florida, Inc.,
 3474 shall consider the effect of its programs, activities, and
 3475 services on its client population. Enterprise Florida, Inc.,
 3476 shall establish standards such as job growth among client firms,
 3477 growth in the number and strength of businesses within targeted
 3478 sectors, client satisfaction, including the satisfaction of its
 3479 local and regional economic development partners, businesses
 3480 retained and recruited statewide and within rural and urban core



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3481 communities, employer wage growth, and increased export sales
 3482 among client companies to use in evaluating performance toward
 3483 accomplishing the mission of Enterprise Florida, Inc.

3484 ~~(c) Prior to the 2002 Regular Session of the Legislature,~~
 3485 ~~the Office of Program Policy Analysis and Government~~
 3486 ~~Accountability shall conduct a review of Enterprise Florida,~~
 3487 ~~Inc., and its boards and shall submit a report by January 1,~~
 3488 ~~2002, to the President of the Senate, the Speaker of the House~~
 3489 ~~of Representatives, the Senate Minority Leader, and the House~~
 3490 ~~Minority Leader. The review shall be comprehensive in its scope,~~
 3491 ~~but, at a minimum, must be conducted in such a manner as to~~
 3492 ~~specifically determine:~~

3493 ~~1. The progress towards achieving the established~~
 3494 ~~outcomes.~~

3495 ~~2. The circumstances contributing to the organization's~~
 3496 ~~ability to achieve, not achieve, or exceed its established~~
 3497 ~~outcomes.~~

3498 ~~3. Whether it would be sound public policy to continue or~~
 3499 ~~discontinue funding the organization, and the consequences of~~
 3500 ~~discontinuing the organization.~~

3501 Section 90. Subsection (7) of section 288.906, Florida
 3502 Statutes, is amended to read:

3503 288.906 Annual report of Enterprise Florida, Inc.; audits;
 3504 confidentiality.--Prior to December 1 of each year, Enterprise
 3505 Florida, Inc., shall submit to the Governor, the President of
 3506 the Senate, the Speaker of the House of Representatives, the
 3507 Senate Minority Leader, and the House Minority Leader a complete
 3508 and detailed report including, but not limited to:

3509 (7) An annual compliance and financial audit of accounts
 3510 and records by an independent certified public accountant at the



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3511 end of its most recent fiscal year performed in accordance with
 3512 rules adopted by the Office of Government Accountability Auditor
 3513 General.

3514
 3515 The detailed report required by this subsection shall also
 3516 include the information identified in subsections (1)-(7), if
 3517 applicable, for any board established within the corporate
 3518 structure of Enterprise Florida, Inc.

3519 Section 91. Subsection (1) of section 288.9517, Florida
 3520 Statutes, is amended to read:

3521 288.9517 Audits; confidentiality.--

3522 (1) The ~~Auditor General and the director of the Office of~~
 3523 ~~Program Policy Analysis and Government Accountability~~ may,
 3524 pursuant to the direction of the Auditor General ~~their own~~
 3525 ~~authority~~ or at the direction of the Legislative Auditing
 3526 Committee, conduct an audit or examination of the technology
 3527 development board or the programs or entities created by the
 3528 board. The audit, examination, or report may not reveal the
 3529 identity of any person who has anonymously made a donation to
 3530 the board pursuant to subsection (2).

3531 Section 92. Paragraph (c) of subsection (4) of section
 3532 288.9604, Florida Statutes, is amended to read:

3533 288.9604 Creation of the authority.--

3534 (4)

3535 (c) The directors of the corporation shall annually elect
 3536 one of their members as chair and one as vice chair. The
 3537 corporation may employ a president, technical experts, and such
 3538 other agents and employees, permanent and temporary, as it
 3539 requires and determine their qualifications, duties, and
 3540 compensation. For such legal services as it requires, the



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

3553 Section 93. Subsection (6) of section 290.00689, Florida
 3554 Statutes, is amended to read:

3555 290.00689 Designation of enterprise zone pilot project
 3556 area.--

3557 (6) Prior to the 2004 Regular Session of the Legislature,
 3558 the Office of ~~Program Policy Analysis and Government~~
 3559 Accountability shall review and evaluate the effectiveness and
 3560 viability of the pilot project area created under this section,
 3561 using the research design prescribed pursuant to s. 290.015. The
 3562 office shall specifically evaluate whether relief from certain
 3563 taxes induced new investment and development in the area;
 3564 increased the number of jobs created or retained in the area;
 3565 induced the renovation, rehabilitation, restoration,
 3566 improvement, or new construction of businesses or housing within
 3567 the area; and contributed to the economic viability and
 3568 profitability of business and commerce located within the area.
 3569 The office shall submit a report of its findings and
 3570 recommendations to the Speaker of the House of Representatives



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3571 and the President of the Senate no later than January 15, 2004.

3572 Section 94. Section 296.17, Florida Statutes, is amended
 3573 to read:

3574 296.17 Audit; inspection; and standards for the home.--The
 3575 home shall be open at any time to audit and inspection by the
 3576 ~~Auditor General and the Office of Program Policy Analysis and~~
 3577 Government Accountability, as provided by law, the Department of
 3578 Veterans' Affairs, the United States Department of Veterans
 3579 Affairs, and to any other audits or inspections as required by
 3580 law to maintain appropriate standards in the home. The standards
 3581 that the department shall use to regulate the operation of the
 3582 home shall be those prescribed by the United States Department
 3583 of Veterans Affairs, provided that where the state's standards
 3584 are more restrictive, the standards of the state shall apply.

3585 Section 95. Section 296.41, Florida Statutes, is amended
 3586 to read:

3587 296.41 Audit; inspection; standards for the home.--The
 3588 home shall be open at any time to audit and inspection by the
 3589 ~~Auditor General and the Office of Program Policy Analysis and~~
 3590 Government Accountability, as provided by law, the department,
 3591 and the United States Department of Veterans Affairs, and to any
 3592 other audits or inspections as required by law to maintain
 3593 appropriate standards in the home. The standards that the
 3594 department shall use to regulate the operation of the home shall
 3595 be those prescribed by the United States Department of Veterans
 3596 Affairs, provided that where the state's standards are more
 3597 restrictive, the standards of the state shall apply.

3598 Section 96. Section 298.17, Florida Statutes, is amended
 3599 to read:

3600 298.17 Appointment and duties of treasurer of district;



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3601 appointment of deputies; bond of treasurer; audit of books;
 3602 disbursements by warrant; form of warrant.--The board of
 3603 supervisors in any district shall select and appoint some
 3604 competent person, bank or trust company, organized under the
 3605 laws of the state, as treasurer of such district, who shall
 3606 receive and receipt for all the drainage taxes collected by the
 3607 county collector or collectors, and the treasurer shall also
 3608 receive and receipt for the proceeds of all tax sales made under
 3609 the provisions of this chapter. Said treasurer shall receive
 3610 such compensation as may be fixed by the board of supervisors.
 3611 Said board of supervisors shall also have the authority to
 3612 employ a fiscal agent, who shall be either a resident of the
 3613 state or some corporation organized under the laws of Florida
 3614 and authorized by such laws to act as such fiscal agent for
 3615 municipal corporations, who shall assist in the keeping of the
 3616 tax books, collections of taxes, the remitting of funds to pay
 3617 maturing bonds and coupons, and perform such other service in
 3618 the general management of the fiscal and clerical affairs of the
 3619 district as may be determined by such board; and said board
 3620 shall have the right to define the duties of such fiscal agent
 3621 and fix its compensation. Said board of supervisors shall
 3622 furnish the secretary and the treasurer with necessary office
 3623 room, furniture, stationery, maps, plats, typewriter, and
 3624 postage. The secretary and the treasurer, or either of them, may
 3625 appoint, by and with the advice and consent of the board of
 3626 supervisors, one or more deputies as may be necessary. Said
 3627 treasurer shall give bond in such amount as shall be fixed by
 3628 the board of supervisors, conditioned that the treasurer will
 3629 well and truly account for and pay out, as provided by law, all
 3630 moneys received by him or her as taxes from the county



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3631 collector, and the proceeds from tax sales for delinquent taxes,
 3632 and from any other source whatever on account or claim of said
 3633 district, which bond shall be signed by at least two sureties,
 3634 or by some surety or bonding company, approved and accepted by
 3635 said board of supervisors, and said bond shall be in addition to
 3636 the bond for proceeds of sales of bonds, which is required by s.
 3637 298.47. Said bond shall be placed and remain in the custody of
 3638 the president of the board of supervisors, and shall be kept
 3639 separate from all papers in the custody of the secretary or
 3640 treasurer. Said treasurer shall keep all funds received by him
 3641 or her from any source whatever deposited at all times in some
 3642 bank, banks, or trust company to be designated by the board of
 3643 supervisors. All interest accruing on such funds shall, when
 3644 paid, be credited to the district. The board of supervisors
 3645 shall audit or have audited the books of the said treasurer of
 3646 said district at least once each year and make a report thereof
 3647 to the landowners at the annual meeting and publish a statement
 3648 within 30 days thereafter, showing the amount of money received,
 3649 the amount paid out during such year, and the amount in the
 3650 treasury at the beginning and end of the year. A certified copy
 3651 of said annual audit shall be filed with the Office of
 3652 Government Accountability ~~state auditor~~. The treasurer of the
 3653 district shall pay out funds of the district only on warrants
 3654 issued by the district, said warrants to be signed by the
 3655 president of the board of supervisors and attested by the
 3656 signature of the secretary. All warrants shall be in the
 3657 following form:

3658
 3659 \$_____ Fund _____ No. of Warrant _____
 3660



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3661 Treasurer of _____ Water Control District, State of
 3662 Florida. Pay to _____ Dollars out of the money in _____
 3663 fund of _____ Water Control District. For _____

3664 By order of board of supervisors of _____ Water Control
 3665 District, Florida.

3666 (President of District.)

3667

3668 Attest: (Secretary of District.)

3669 Section 97. Section 310.131, Florida Statutes, is amended
 3670 to read:

3671 310.131 Assessment of percentage of gross pilotage.--The
 3672 department shall assess the licensed state pilots in the
 3673 respective ports of the state a percentage of the gross amount
 3674 of pilotage earned by such pilots during each year, which
 3675 percentage will be established by the board not to exceed 2
 3676 percent, to be paid into the Professional Regulation Trust Fund
 3677 by such pilots at such time and in such manner as the board
 3678 prescribes or as is set forth in the General Appropriations Act.
 3679 The financial records of all pilots and deputy pilots relating
 3680 to pilotage are subject to audit by the department and the
 3681 Office of Government Accountability ~~Auditor General~~. The
 3682 department shall by rule set a procedure for verifying the
 3683 amount of pilotage at each port and may charge costs to the
 3684 appropriate port if the port does not comply with such
 3685 procedure.

3686 Section 98. Paragraph (d) of subsection (5) of section
 3687 320.023, Florida Statutes, is amended to read:

3688 320.023 Requests to establish voluntary checkoff on motor
 3689 vehicle registration application.--

3690 (5) A voluntary contribution collected and distributed



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3691 under this chapter, or any interest earned from those
3692 contributions, may not be used for commercial or for-profit
3693 activities nor for general or administrative expenses, except as
3694 authorized by law.

3695 (d) Any organization subject to audit pursuant to s.
3696 215.97 shall submit an audit report in accordance with rules
3697 adopted promulgated by the Office of Government Accountability
3698 ~~Auditor General~~. The annual attestation shall be submitted to
3699 the department for review within 9 months after the end of the
3700 organization's fiscal year.

3701 Section 99. Paragraph (e) of subsection (2), paragraph (b)
3702 of subsection (9), and paragraph (c) of subsection (20) of
3703 section 320.08058, Florida Statutes, are amended to read:

3704 320.08058 Specialty license plates.--

3705 (2) CHALLENGER LICENSE PLATES.--

3706 (e) The Office of Government Accountability ~~Auditor~~
3707 ~~General~~ has the authority to examine any and all records
3708 pertaining to the Astronauts Memorial Foundation, Inc., and the
3709 Technological Research and Development Authority to determine
3710 compliance with the law.

3711 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

3712 (b) The license plate annual use fees are to be annually
3713 distributed as follows:

3714 1. Fifty-five percent of the proceeds from the Florida
3715 Professional Sports Team plate must be deposited into the
3716 Professional Sports Development Trust Fund within the Office of
3717 Tourism, Trade, and Economic Development. These funds must be
3718 used solely to attract and support major sports events in this
3719 state. As used in this subparagraph, the term "major sports
3720 events" means, but is not limited to, championship or all-star



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3721 contests of Major League Baseball, the National Basketball
 3722 Association, the National Football League, the National Hockey
 3723 League, the men's and women's National Collegiate Athletic
 3724 Association Final Four basketball championship, or a horseracing
 3725 or dogracing Breeders' Cup. All funds must be used to support
 3726 and promote major sporting events, and the uses must be approved
 3727 by the Florida Sports Foundation.

3728 2. The remaining proceeds of the Florida Professional
 3729 Sports Team license plate must be allocated to the Florida
 3730 Sports Foundation, a direct-support organization of the Office
 3731 of Tourism, Trade, and Economic Development. These funds must be
 3732 deposited into the Professional Sports Development Trust Fund
 3733 within the Office of Tourism, Trade, and Economic Development.
 3734 These funds must be used by the Florida Sports Foundation to
 3735 promote the economic development of the sports industry; to
 3736 distribute licensing and royalty fees to participating
 3737 professional sports teams; to institute a grant program for
 3738 communities bidding on minor sporting events that create an
 3739 economic impact for the state; to distribute funds to Florida-
 3740 based charities designated by the Florida Sports Foundation and
 3741 the participating professional sports teams; and to fulfill the
 3742 sports promotion responsibilities of the Office of Tourism,
 3743 Trade, and Economic Development.

3744 3. The Florida Sports Foundation shall provide an annual
 3745 financial audit in accordance with s. 215.981 of its financial
 3746 accounts and records by an independent certified public
 3747 accountant pursuant to the contract established by the Office of
 3748 Tourism, Trade, and Economic Development as specified in s.
 3749 288.1229(5). The auditor shall submit the audit report to the
 3750 Office of Tourism, Trade, and Economic Development for review



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3751 and approval. If the audit report is approved, the office shall
3752 certify the audit report to the Office of Government
3753 Accountability Auditor ~~General~~ for review.

3754 (20) PROTECT WILD DOLPHINS LICENSE PLATES.--

3755 (c) The Office of Government Accountability Auditor
3756 ~~General~~ may examine any records of the Harbor Branch
3757 Oceanographic Institution, Inc., and any other organization that
3758 receives funds from the sale of this plate, to determine
3759 compliance with law.

3760 Section 100. Paragraph (c) of subsection (1) of section
3761 320.08062, Florida Statutes, is amended to read:

3762 320.08062 Audits and attestations required; annual use
3763 fees of specialty license plates.--

3764 (1)(c) Any organization subject to audit pursuant to s.
3765 215.97 shall submit an audit report in accordance with rules
3766 adopted promulgated by the Office of Government Accountability
3767 ~~Auditor General~~. The annual attestation shall be submitted to
3768 the department for review within 9 months after the end of the
3769 organization's fiscal year.

3770 Section 101. Paragraph (d) of subsection (5) of section
3771 322.081, Florida Statutes, is amended to read:

3772 322.081 Requests to establish voluntary check-off on
3773 driver's license application.--

3774 (5) A voluntary contribution collected and distributed
3775 under this chapter, or any interest earned from those
3776 contributions, may not be used for commercial or for-profit
3777 activities nor for general or administrative expenses, except as
3778 authorized by law.

3779 (d) Any organization subject to audit pursuant to s.
3780 215.97 shall submit an audit report in accordance with rules



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3781 adopted ~~promulgated~~ by the Office of Government Accountability
3782 ~~Auditor General~~. The annual attestation must be submitted to the
3783 department for review within 9 months after the end of the
3784 organization's fiscal year.

3785 Section 102. Subsection (6) of section 322.135, Florida
3786 Statutes, is amended to read:

3787 322.135 Driver's license agents.--

3788 (6) Administration of driver license services by a county
3789 tax collector as the exclusive agent of the department must be
3790 revenue neutral with no adverse state fiscal impact and with no
3791 adverse unfunded mandate to the tax collector. ~~Toward this end,~~
3792 ~~the Cost Determination and Allocation Task Force is created, to~~
3793 ~~be established by July 1, 2001. The task force shall be composed~~
3794 ~~of two representatives appointed by the executive director of~~
3795 ~~the department, two tax collectors appointed by the president of~~
3796 ~~the Florida Tax Collectors, Inc., one from a small population~~
3797 ~~county and one from a large population county; one person~~
3798 ~~appointed by the Speaker of the House of Representatives; one~~
3799 ~~person appointed by the President of the Senate; and the~~
3800 ~~Governor's appointee. If requested by the task force, the Auditor~~
3801 ~~General must provide technical assistance. The purpose of the~~
3802 ~~task force is to recommend the allocation of cost between the~~
3803 ~~Department of Highway Safety and Motor Vehicles and tax~~
3804 ~~collectors to administer driver license services authorized in~~
3805 ~~this chapter. These recommendations must be submitted in a~~
3806 ~~written report by January 1, 2002. The task force shall dissolve~~
3807 ~~on January 1, 2002. The written report shall be presented to the~~
3808 ~~President of the Senate, the Speaker of the House of~~
3809 ~~Representatives, and the Executive Office of the Governor, and~~
3810 ~~shall contain findings and determinations and related allocation~~



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3811 ~~recommendations dealing with costs, both construction and~~
3812 ~~operating costs, of both the department and the applicable tax~~
3813 ~~collectors, appropriate allocations of costs between the~~
3814 ~~department and the tax collectors, and fee recommendations to~~
3815 ~~assure that the fees paid for these driver license services do~~
3816 ~~not result in a loss of revenue to the state in excess of costs~~
3817 ~~incurred by the state.~~

3818 Section 103. Section 324.202, Florida Statutes, is amended
3819 to read:

3820 324.202 Seizure of motor vehicle license plates by
3821 recovery agents.--

3822 ~~(1) The Department of Highway Safety and Motor Vehicles~~
3823 ~~shall implement a pilot program using recovery agents for the~~
3824 ~~seizure of license plates in Broward County, Dade County, and~~
3825 ~~Hillsborough County. Licensed recovery agents and recovery~~
3826 ~~agencies as described in s. 493.6101(20) and (21) may seize~~
3827 ~~license plates of motor vehicles whose registrations have been~~
3828 ~~suspended pursuant to s. 316.646 or s. 627.733 in such counties~~
3829 ~~upon compliance with this section and rules of the Department of~~
3830 ~~Highway Safety and Motor Vehicles. Upon the implementation of~~
3831 ~~the vehicle information system overall reorganization to the~~
3832 ~~Oracle database of driver licenses and a verification of an~~
3833 ~~error rate of 2 percent or less for valid license plates seized~~
3834 ~~during the period following implementation of the database, as~~
3835 ~~determined by the Office of Program Policy Analysis and~~
3836 ~~Government Accountability, the program shall be expanded to~~
3837 ~~those counties where a majority of the governing body of the~~
3838 ~~county has requested the program be implemented. The~~
3839 ~~determination by the Office of Program Policy Analysis and~~
3840 ~~Government Accountability shall be submitted to the Senate and~~



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3841 ~~the House of Representatives committees responsible for~~
 3842 ~~insurance and transportation issues no later than January 1,~~
 3843 ~~2001. The program authorizing recovery agents and agencies to~~
 3844 ~~seize license plates shall be repealed July 1, 2002.~~

3845 (2) The Department of Highway Safety and Motor Vehicles
 3846 shall:

3847 (1)(a) Provide a procedure for recovery agents or recovery
 3848 agencies who seize license plates pursuant to this section. This
 3849 procedure shall include the development and distribution of
 3850 forms and monthly renewal notices, including the name and most
 3851 current address available to the department of persons not in
 3852 compliance with s. 316.646 or s. 627.733.

3853 (2)(b) Provide a method for the payment of a fee of \$25 to
 3854 the recovery agent or recovery agency seizing an eligible
 3855 license plate pursuant to this section.

3856 Section 104. Subsection (2) of section 331.419, Florida
 3857 Statutes, is amended to read:

3858 331.419 Reports and audits.--

3859 (2) By September 1, 2000, the corporation, in cooperation
 3860 with the Office of Program Policy Analysis and Government
 3861 Accountability, shall develop a research design, including goals
 3862 and measurable objectives for the corporation, which will
 3863 provide the Legislature with a quantitative evaluation of the
 3864 corporation. The corporation shall utilize the monitoring
 3865 mechanisms and reports developed in the designs and provide
 3866 these reports to the Governor, the President of the Senate, the
 3867 Speaker of the House of Representatives, and the Office of
 3868 ~~Program Policy Analysis and Government Accountability.~~

3869 Section 105. Subsection (4) of section 334.0445, Florida
 3870 Statutes, is amended to read:



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3871 334.0445 Model career service classification and
 3872 compensation plan.--

3873 (4) The department shall issue a baseline report on the
 3874 performance measures outlined in subsection (3) within 30 days
 3875 after implementation of this act and shall provide quarterly
 3876 progress reports to the Department of Management Services, the
 3877 Executive Office of the Governor, legislative appropriations
 3878 committees, legislative personnel committees, ~~the Auditor~~
 3879 ~~General~~, the Office of ~~Program Policy Analysis and~~ Government
 3880 Accountability, and the affected certified bargaining unions.
 3881 Such reports shall contain the mandatory measures listed in this
 3882 legislation, as well as other mutually agreed-upon measures
 3883 between the Department of Transportation, the Department of
 3884 Management Services, the Executive Office of the Governor,
 3885 legislative appropriations committees, legislative personnel
 3886 committees, and the affected certified bargaining unions.

3887 Section 106. Subsection (2) of section 336.022, Florida
 3888 Statutes, is amended to read:

3889 336.022 County transportation trust fund; controls and
 3890 administrative remedies.--

3891 (2) The Office of Government Accountability ~~Auditor~~
 3892 ~~General~~ shall conduct an audit of each such special trust fund
 3893 at such intervals of time as practicable and in accordance with
 3894 s. 11.45, to assure that the surplus of the constitutional gas
 3895 tax distributed to each county is being expended in accordance
 3896 with law. If, as a result of an audit, the Office of Government
 3897 Accountability ~~Auditor General~~ determines that a county has
 3898 violated the constitutional or statutory requirements for
 3899 expenditure of transportation funds, it ~~he or she~~ shall
 3900 immediately notify the county. The county shall have an



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3901 opportunity to respond to the auditor's report within 30 days
 3902 after the date of written notification to the county. If the
 3903 Office of Government Accountability ~~Auditor General~~ refuses to
 3904 modify or repeal its ~~his or her~~ findings, the county may have
 3905 such findings reviewed pursuant to the provisions of the
 3906 Administrative Procedure Act, chapter 120. If the findings of
 3907 the Office of Government Accountability ~~Auditor General~~ are
 3908 upheld after exhaustion of all administrative and legal remedies
 3909 of the county, no further surplus constitutional gas tax funds
 3910 in excess of funds for committed projects shall be distributed
 3911 to the violating county until the county corrects the matters
 3912 cited by the Office of Government Accountability ~~Auditor General~~
 3913 and such corrections have been certified by the Office of
 3914 Government Accountability ~~Auditor General~~ as having been
 3915 completed.

3916 Section 107. Subsection (7) of section 339.406, Florida
 3917 Statutes, is amended to read:

3918 339.406 Contract between the department and the
 3919 corporation.--The contract must provide for:

3920 (7) The authority for the department and the Office of
 3921 Government Accountability ~~Auditor General~~ to conduct audits.

3922 Section 108. Subsection (3) of section 365.173, Florida
 3923 Statutes, is amended to read:

3924 365.173 Wireless Emergency Telephone System Fund.--

3925 (3) The Office of Government Accountability ~~Auditor~~
 3926 ~~General~~ shall annually audit the fund to ensure that moneys in
 3927 the fund are being managed in accordance with this section and
 3928 s. 365.172. The Office of Government Accountability ~~Auditor~~
 3929 ~~General~~ shall provide a report of the annual audit to the board.

3930 Section 109. Subsection (3) of section 373.45926, Florida



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3931 Statutes, is amended to read:

3932 373.45926 Everglades Trust Fund; allocation of revenues
3933 and expenditure of funds for conservation and protection of
3934 natural resources and abatement of water pollution.--

3935 (3) The South Florida Water Management District shall
3936 furnish, on a quarterly basis, a detailed copy of its
3937 expenditures from the Everglades Trust Fund to the Governor, the
3938 President of the Senate, and the Speaker of the House of
3939 Representatives, and shall make copies available to the public.
3940 The information shall be provided in a format approved by the
3941 Joint Legislative Committee on Everglades Oversight. At the
3942 direction of the Joint Legislative Committee on Everglades
3943 Oversight, an audit may be made from time to time by the Office
3944 of Government Accountability Auditor General, and such audit
3945 shall be within the authority of said Office of Government
3946 Accountability Auditor General to make.

3947 Section 110. Paragraph (c) of subsection (3) of section
3948 373.4595, Florida Statutes, is amended to read:

3949 373.4595 Lake Okeechobee Protection Program.--

3950 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
3951 program for Lake Okeechobee that achieves phosphorus load
3952 reductions for Lake Okeechobee shall be immediately implemented
3953 as specified in this subsection. The program shall address the
3954 reduction of phosphorus loading to the lake from both internal
3955 and external sources. Phosphorus load reductions shall be
3956 achieved through a phased program of implementation. Initial
3957 implementation actions shall be technology-based, based upon a
3958 consideration of both the availability of appropriate technology
3959 and the cost of such technology, and shall include phosphorus
3960 reduction measures at both the source and the regional level.



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3961 The initial phase of phosphorus load reductions shall be based
3962 upon the district's Technical Publication 81-2 and the
3963 district's WOD program, with subsequent phases of phosphorus
3964 load reductions based upon the total maximum daily loads
3965 established in accordance with s. 403.067. In the development
3966 and administration of the Lake Okeechobee Protection Program,
3967 the coordinating agencies shall maximize opportunities provided
3968 by federal cost-sharing programs and opportunities for
3969 partnerships with the private sector.

3970 (c) Lake Okeechobee Watershed Phosphorus Control
3971 Program.--The Lake Okeechobee Watershed Phosphorus Control
3972 Program is designed to be a multifaceted approach to reducing
3973 phosphorus loads by improving the management of phosphorus
3974 sources within the Lake Okeechobee watershed through continued
3975 implementation of existing regulations and best management
3976 practices, development and implementation of improved best
3977 management practices, improvement and restoration of the
3978 hydrologic function of natural and managed systems, and
3979 utilization of alternative technologies for nutrient reduction.
3980 The coordinating agencies shall facilitate the application of
3981 federal programs that offer opportunities for water quality
3982 treatment, including preservation, restoration, or creation of
3983 wetlands on agricultural lands.

3984 1. Agricultural nonpoint source best management practices,
3985 developed in accordance with s. 403.067 and designed to achieve
3986 the objectives of the Lake Okeechobee Protection Program, shall
3987 be implemented on an expedited basis. By March 1, 2001, the
3988 coordinating agencies shall develop an interagency agreement
3989 pursuant to ss. 373.046 and 373.406(5) that assures the
3990 development of best management practices that complement



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3991 existing regulatory programs and specifies how those best
3992 management practices are implemented and verified. The
3993 interagency agreement shall address measures to be taken by the
3994 coordinating agencies during any best management practice
3995 reevaluation performed pursuant to sub-subparagraph d. The
3996 department shall use best professional judgment in making the
3997 initial determination of best management practice effectiveness.

3998 a. As provided in s. 403.067(7)(d), by October 1, 2000,
3999 the Department of Agriculture and Consumer Services, in
4000 consultation with the department, the district, and affected
4001 parties, shall initiate rule development for interim measures,
4002 best management practices, conservation plans, nutrient
4003 management plans, or other measures necessary for Lake
4004 Okeechobee phosphorus load reduction. The rule shall include
4005 thresholds for requiring conservation and nutrient management
4006 plans and criteria for the contents of such plans. Development
4007 of agricultural nonpoint source best management practices shall
4008 initially focus on those priority basins listed in subparagraph
4009 (b)1. The Department of Agriculture and Consumer Services, in
4010 consultation with the department, the district, and affected
4011 parties, shall conduct an ongoing program for improvement of
4012 existing and development of new interim measures or best
4013 management practices for the purpose of adoption of such
4014 practices by rule.

4015 b. Where agricultural nonpoint source best management
4016 practices or interim measures have been adopted by rule of the
4017 Department of Agriculture and Consumer Services, the owner or
4018 operator of an agricultural nonpoint source addressed by such
4019 rule shall either implement interim measures or best management
4020 practices or demonstrate compliance with the district's WOD



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4021 program by conducting monitoring prescribed by the department or
 4022 the district. Owners or operators of agricultural nonpoint
 4023 sources who implement interim measures or best management
 4024 practices adopted by rule of the Department of Agriculture and
 4025 Consumer Services shall be subject to the provisions of s.
 4026 403.067(7). The Department of Agriculture and Consumer Services,
 4027 in cooperation with the department and the district, shall
 4028 provide technical and financial assistance for implementation of
 4029 agricultural best management practices, subject to the
 4030 availability of funds.

4031 c. The district or department shall conduct monitoring at
 4032 representative sites to verify the effectiveness of agricultural
 4033 nonpoint source best management practices.

4034 d. Where water quality problems are detected for
 4035 agricultural nonpoint sources despite the appropriate
 4036 implementation of adopted best management practices, the
 4037 Department of Agriculture and Consumer Services, in consultation
 4038 with the other coordinating agencies and affected parties, shall
 4039 institute a reevaluation of the best management practices and
 4040 make appropriate changes to the rule adopting best management
 4041 practices.

4042 2. Nonagricultural nonpoint source best management
 4043 practices, developed in accordance with s. 403.067 and designed
 4044 to achieve the objectives of the Lake Okeechobee Protection
 4045 Program, shall be implemented on an expedited basis. By March 1,
 4046 2001, the department and the district shall develop an
 4047 interagency agreement pursuant to ss. 373.046 and 373.406(5)
 4048 that assures the development of best management practices that
 4049 complement existing regulatory programs and specifies how those
 4050 best management practices are implemented and verified. The



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4051 interagency agreement shall address measures to be taken by the
4052 department and the district during any best management practice
4053 reevaluation performed pursuant to sub-subparagraph d.

4054 a. The department and the district are directed to work
4055 with the University of Florida's Institute of Food and
4056 Agricultural Sciences to develop appropriate nutrient
4057 application rates for all nonagricultural soil amendments in the
4058 watershed. As provided in s. 403.067(7)(c), by January 1, 2001,
4059 the department, in consultation with the district and affected
4060 parties, shall develop interim measures, best management
4061 practices, or other measures necessary for Lake Okeechobee
4062 phosphorus load reduction. Development of nonagricultural
4063 nonpoint source best management practices shall initially focus
4064 on those priority basins listed in subparagraph (b)1. The
4065 department, the district, and affected parties shall conduct an
4066 ongoing program for improvement of existing and development of
4067 new interim measures or best management practices. The district
4068 shall adopt technology-based standards under the district's WOD
4069 program for nonagricultural nonpoint sources of phosphorus.

4070 b. Where nonagricultural nonpoint source best management
4071 practices or interim measures have been developed by the
4072 department and adopted by the district, the owner or operator of
4073 a nonagricultural nonpoint source shall implement interim
4074 measures or best management practices and be subject to the
4075 provisions of s. 403.067(7). The department and district shall
4076 provide technical and financial assistance for implementation of
4077 nonagricultural nonpoint source best management practices,
4078 subject to the availability of funds.

4079 c. The district or the department shall conduct monitoring
4080 at representative sites to verify the effectiveness of



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4081 nonagricultural nonpoint source best management practices.

4082 d. Where water quality problems are detected for
4083 nonagricultural nonpoint sources despite the appropriate
4084 implementation of adopted best management practices, the
4085 department and the district shall institute a reevaluation of
4086 the best management practices.

4087 3. The provisions of subparagraphs 1. and 2. shall not
4088 preclude the department or the district from requiring
4089 compliance with water quality standards or with current best
4090 management practices requirements set forth in any applicable
4091 regulatory program authorized by law for the purpose of
4092 protecting water quality. Additionally, subparagraphs 1. and 2.
4093 are applicable only to the extent that they do not conflict with
4094 any rules promulgated by the department that are necessary to
4095 maintain a federally delegated or approved program.

4096 4. Projects which reduce the phosphorus load originating
4097 from domestic wastewater systems within the Lake Okeechobee
4098 watershed shall be given funding priority in the department's
4099 revolving loan program under s. 403.1835. The department shall
4100 coordinate and provide assistance to those local governments
4101 seeking financial assistance for such priority projects.

4102 5. Projects that make use of private lands, or lands held
4103 in trust for Indian tribes, to reduce nutrient loadings or
4104 concentrations within a basin by one or more of the following
4105 methods: restoring the natural hydrology of the basin, restoring
4106 wildlife habitat or impacted wetlands, reducing peak flows after
4107 storm events, increasing aquifer recharge, or protecting range
4108 and timberland from conversion to development, are eligible for
4109 grants available under this section from the coordinating
4110 agencies. For projects of otherwise equal priority, special



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4111 funding priority will be given to those projects that make best
4112 use of the methods outlined above that involve public-private
4113 partnerships or that obtain federal match money. Preference
4114 ranking above the special funding priority will be given to
4115 projects located in a rural area of critical economic concern
4116 designated by the Governor. Grant applications may be submitted
4117 by any person or tribal entity, and eligible projects may
4118 include, but are not limited to, the purchase of conservation
4119 and flowage easements, hydrologic restoration of wetlands,
4120 creating treatment wetlands, development of a management plan
4121 for natural resources, and financial support to implement a
4122 management plan.

4123 6.a. The department shall require all entities disposing
4124 of domestic wastewater residuals within the Lake Okeechobee
4125 watershed and the remaining areas of Okeechobee, Glades, and
4126 Hendry Counties to develop and submit to the department an
4127 agricultural use plan that limits applications based upon
4128 phosphorus loading. By July 1, 2005, phosphorus concentrations
4129 originating from these application sites shall not exceed the
4130 limits established in the district's WOD program.

4131 b. Private and government-owned utilities within Monroe,
4132 Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River,
4133 Okeechobee, Highlands, Hendry, and Glades Counties that dispose
4134 of wastewater residual sludge from utility operations and septic
4135 removal by land spreading in the Lake Okeechobee watershed may
4136 use a line item on local sewer rates to cover wastewater
4137 residual treatment and disposal if such disposal and treatment
4138 is done by approved alternative treatment methodology at a
4139 facility located within the areas designated by the Governor as
4140 rural areas of critical economic concern pursuant to s.



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4141 288.0656. This additional line item is an environmental
 4142 protection disposal fee above the present sewer rate and shall
 4143 not be considered a part of the present sewer rate to customers,
 4144 notwithstanding provisions to the contrary in chapter 367. The
 4145 fee shall be established by the county commission or its
 4146 designated assignee in the county in which the alternative
 4147 method treatment facility is located. The fee shall be
 4148 calculated to be no higher than that necessary to recover the
 4149 facility's prudent cost of providing the service. Upon request
 4150 by an affected county commission, the Florida Public Service
 4151 Commission will provide assistance in establishing the fee.
 4152 Further, for utilities and utility authorities that use the
 4153 additional line item environmental protection disposal fee, such
 4154 fee shall not be considered a rate increase under the rules of
 4155 the Public Service Commission and shall be exempt from such
 4156 rules. Utilities using the provisions of this section may
 4157 immediately include in their sewer invoicing the new
 4158 environmental protection disposal fee. Proceeds from this
 4159 environmental protection disposal fee shall be used for
 4160 treatment and disposal of wastewater residuals, including any
 4161 treatment technology that helps reduce the volume of residuals
 4162 that require final disposal, but such proceeds shall not be used
 4163 for transportation or shipment costs for disposal or any costs
 4164 relating to the land application of residuals in the Lake
 4165 Okeechobee watershed.

4166 c. No less frequently than once every 3 years, the Florida
 4167 Public Service Commission or the county commission through the
 4168 services of an independent auditor shall perform a financial
 4169 audit of all facilities receiving compensation from an
 4170 environmental protection disposal fee. The Florida Public



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4171 Service Commission or the county commission through the services
4172 of an independent auditor shall also perform an audit of the
4173 methodology used in establishing the environmental protection
4174 disposal fee. The Florida Public Service Commission or the
4175 county commission shall, within 120 days after completion of an
4176 audit, file the audit report with the President of the Senate
4177 and the Speaker of the House of Representatives and shall
4178 provide copies to the county commissions of the counties set
4179 forth in sub-subparagraph b. The books and records of any
4180 facilities receiving compensation from an environmental
4181 protection disposal fee shall be open to the Florida Public
4182 Service Commission and the Office of Government Accountability
4183 ~~Auditor General~~ for review upon request.

4184 7. The Department of Health shall require all entities
4185 disposing of septage within the Lake Okeechobee watershed and
4186 the remaining areas of Okeechobee, Glades, and Hendry Counties
4187 to develop and submit to that agency, by July 1, 2003, an
4188 agricultural use plan that limits applications based upon
4189 phosphorus loading. By July 1, 2005, phosphorus concentrations
4190 originating from these application sites shall not exceed the
4191 limits established in the district's WOD program.

4192 8. The Department of Agriculture and Consumer Services
4193 shall initiate rulemaking requiring entities within the Lake
4194 Okeechobee watershed and the remaining areas of Okeechobee,
4195 Glades, and Hendry Counties which land-apply animal manure to
4196 develop conservation or nutrient management plans that limit
4197 application, based upon phosphorus loading. Such rules may
4198 include criteria and thresholds for the requirement to develop a
4199 conservation or nutrient management plan, requirements for plan
4200 approval, and recordkeeping requirements.



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4201 9. Prior to authorizing a discharge into works of the
4202 district, the district shall require responsible parties to
4203 demonstrate that proposed changes in land use will not result in
4204 increased phosphorus loading over that of existing land uses.

4205 10. The district, the department, or the Department of
4206 Agriculture and Consumer Services, as appropriate, shall
4207 implement those alternative nutrient reduction technologies
4208 determined to be feasible pursuant to subparagraph (d)6.

4209 Section 111. Paragraph (a) of subsection (6) of section
4210 373.536, Florida Statutes, is amended to read:

4211 373.536 District budget and hearing thereon.--

4212 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
4213 WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

4214 (a) Each district must, by the date specified for each
4215 item, furnish copies of the following documents to the Governor,
4216 the President of the Senate, the Speaker of the House of
4217 Representatives, the chairs of all legislative committees and
4218 subcommittees having substantive or fiscal jurisdiction over the
4219 districts, as determined by the President of the Senate or the
4220 Speaker of the House of Representatives as applicable, the
4221 secretary of the department, and the governing board of each
4222 county in which the district has jurisdiction or derives any
4223 funds for the operations of the district:

4224 1. The adopted budget, to be furnished within 10 days
4225 after its adoption.

4226 2. A financial audit of its accounts and records, to be
4227 furnished within 10 days after its acceptance by the governing
4228 board. The audit must be conducted in accordance with the
4229 provisions of s. 11.45 and the rules adopted thereunder. In
4230 addition to the entities named above, the district must provide



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4231 a copy of the audit to the Office of Government Accountability
 4232 ~~Auditor General~~ within 10 days after its acceptance by the
 4233 governing board.

4234 3. A 5-year capital improvements plan, to be furnished
 4235 within 45 days after the adoption of the final budget. The plan
 4236 must include expected sources of revenue for planned
 4237 improvements and must be prepared in a manner comparable to the
 4238 fixed capital outlay format set forth in s. 216.043.

4239 4. A 5-year water resource development work program to be
 4240 furnished within 45 days after the adoption of the final budget.
 4241 The program must describe the district's implementation strategy
 4242 for the water resource development component of each approved
 4243 regional water supply plan developed or revised under s.
 4244 373.0361. The work program must address all the elements of the
 4245 water resource development component in the district's approved
 4246 regional water supply plans. Within 45 days after its submittal,
 4247 the department shall review the proposed work program and submit
 4248 its findings, questions, and comments to the district. The
 4249 review must include a written evaluation of the program's
 4250 consistency with the furtherance of the district's approved
 4251 regional water supply plans, and the adequacy of proposed
 4252 expenditures. As part of the review, the department shall give
 4253 interested parties the opportunity to provide written comments
 4254 on each district's proposed work program. Within 60 days after
 4255 receipt of the department's evaluation, the governing board
 4256 shall state in writing to the department which changes
 4257 recommended in the evaluation it will incorporate into its work
 4258 program or specify the reasons for not incorporating the
 4259 changes. The department shall include the district's responses
 4260 in a final evaluation report and shall submit a copy of the



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4261 report to the Governor, the President of the Senate, and the
 4262 Speaker of the House of Representatives.

4263 Section 112. Paragraph (c) of subsection (6) of section
 4264 403.1835, Florida Statutes, is amended to read:

4265 403.1835 Water pollution control financial assistance.--

4266 (6) Prior to approval of financial assistance, the
 4267 applicant shall:

4268 (c) Provide assurance that records will be kept using
 4269 generally accepted accounting principles and that the
 4270 department, the Office of Government Accountability ~~Auditor~~
 4271 ~~General~~, or their agents will have access to all records
 4272 pertaining to the financial assistance provided.

4273 Section 113. Paragraph (d) of subsection (11) of section
 4274 403.8532, Florida Statutes, is amended to read:

4275 403.8532 Drinking water state revolving loan fund; use;
 4276 rules.--

4277 (11) Prior to approval of a loan, the local government or
 4278 public water system shall, at a minimum:

4279 (d) Provide assurance that records will be kept using
 4280 generally accepted accounting principles and that the department
 4281 or its agents and the Office of Government Accountability
 4282 ~~Auditor General~~ will have access to all records pertaining to
 4283 the loan.

4284 Section 114. Subsection (17) of section 409.2563, Florida
 4285 Statutes, is amended to read:

4286 409.2563 Administrative establishment of child support
 4287 obligations.--

4288 (17) EVALUATION.--

4289 (a) For the purpose of identifying measurable outcomes and
 4290 evaluating the administrative process created by this section, a



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4291 study area shall be established. The study area must be located
 4292 in a county selected by the Department of Revenue having a
 4293 population of fewer than 500,000, in which the Title IV-D
 4294 caseload did not exceed 20,000 cases, and the obligation rate
 4295 was approximately 65 percent at the end of the 1999-2000 fiscal
 4296 year. The Department of Revenue shall develop measurable
 4297 outcomes that at a minimum consist of the department's support
 4298 order establishment performance measures that are applicable to
 4299 the administrative process, a measure of the effectiveness of
 4300 the administrative process in establishing support orders as
 4301 compared to the judicial process, and a measure of the cost
 4302 efficiency of the administrative process as compared to the
 4303 judicial process. The department shall use the procedures of
 4304 this section to establish support obligations in Title IV-D
 4305 cases on behalf of custodial parents or caretaker relatives
 4306 residing in the county selected for the study area. By June 30,
 4307 2002, the Department of Revenue shall submit a report on the
 4308 implementation of the administrative process in the study area
 4309 to the Governor and Cabinet, the President of the Senate, and
 4310 the Speaker of the House of Representatives. The Office of
 4311 ~~Program Policy Analysis and~~ Government Accountability shall
 4312 conduct an evaluation of the operation and impact of the
 4313 administrative process in the study area. In evaluating the
 4314 administrative process, achievement of the measurable outcomes
 4315 must be considered. The Office of ~~Program Policy Analysis and~~
 4316 Government Accountability shall submit an evaluation report on
 4317 the administrative process in the study area by June 30, 2003,
 4318 which must include the findings of the evaluation and any
 4319 recommendations to improve the administrative process
 4320 established by this section. The department shall report to the



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4321 Governor and Cabinet, the President of the Senate, and the
 4322 Speaker of the House of Representatives by June 30, 2004, on the
 4323 implementation and results of the procedures established by this
 4324 section.

4325 (b) The Office of ~~Program Policy Analysis and~~ Government
 4326 Accountability shall conduct an evaluation of the statewide
 4327 implementation of the administrative process for establishing
 4328 child support provided for in this section. This evaluation
 4329 shall examine whether these processes have been effectively
 4330 implemented and administered statewide and are operating to the
 4331 benefit of the children, including, but not limited to the
 4332 ability of Title IV-D parents to easily access the court system
 4333 for necessary court action. The Office of ~~Program Policy~~
 4334 ~~Analysis and~~ Government Accountability shall submit an
 4335 evaluation report on the statewide implementation of the
 4336 administrative processes for establishing child support by
 4337 January 31, 2005.

4338 Section 115. Subsections (12) and (13) of section 411.01,
 4339 Florida Statutes, are renumbered as subsections (11) and (12),
 4340 respectively, and present subsections (8) and (11) of said
 4341 section are amended to read:

4342 411.01 Florida Partnership for School Readiness; school
 4343 readiness coalitions.--

4344 (8) STANDARDS; OUTCOME MEASURES.--All publicly funded
 4345 school readiness programs shall be required to meet the
 4346 performance standards and outcome measures developed and
 4347 approved by the partnership. The Office of ~~Program Policy~~
 4348 ~~Analysis and~~ Government Accountability shall provide
 4349 consultation to the partnership in the development of the
 4350 measures and standards. These performance standards and outcome



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4351 measures shall be applicable on a statewide basis.

4352 ~~(11) REPORTS.—The Office of Program Policy Analysis and~~
4353 ~~Government Accountability shall assess the implementation,~~
4354 ~~efficiency, and outcomes of the school readiness program and~~
4355 ~~report its findings to the President of the Senate and the~~
4356 ~~Speaker of the House of Representatives by January 1, 2002.~~
4357 ~~Subsequent reviews shall be conducted at the direction of the~~
4358 ~~Joint Legislative Auditing Committee.~~

4359 Section 116. Section 411.011, Florida Statutes, is amended
4360 to read:

4361 411.011 Records of children in school readiness
4362 programs.--The individual records of children enrolled in school
4363 readiness programs provided under s. 411.01, when held in the
4364 possession of the school readiness coalition or the Florida
4365 Partnership for School Readiness, are confidential and exempt
4366 from the provisions of s. 119.07 and s. 24(a), Art. I of the
4367 State Constitution. For the purposes of this section, records
4368 include assessment data, health data, records of teacher
4369 observations, and identifying data, including the child's social
4370 security number. A parent, guardian, or individual acting as a
4371 parent in the absence of a parent or guardian has the right to
4372 inspect and review the individual school readiness program
4373 record of his or her child and to obtain a copy of the record.
4374 School readiness records may be released to the United States
4375 Secretary of Education, the United States Secretary of Health
4376 and Human Services, and the Comptroller General of the United
4377 States for the purpose of federal audits; to individuals or
4378 organizations conducting studies for institutions to develop,
4379 validate, or administer assessments or improve instruction; to
4380 accrediting organizations in order to carry out their



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

4401 Section 117. Subsection (2) of section 411.221, Florida
4402 Statutes, is amended to read:

4403 411.221 Prevention and early assistance strategic plan;
4404 agency responsibilities.--

4405 (2) The strategic plan and subsequent plan revisions shall
4406 incorporate and otherwise utilize, to the fullest extent
4407 possible, the evaluation findings and recommendations from
4408 intraagency, independent third-party, field projects, and
4409 reports issued by the ~~Auditor General or the Office of Program~~
4410 ~~Policy Analysis and~~ Government Accountability, as well as the



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4411 recommendations of the State Coordinating Council for School
4412 Readiness Programs.

4413 Section 118. Subsection (1) of section 421.091, Florida
4414 Statutes, is amended to read:

4415 421.091 Financial accounting and investments; fiscal
4416 year.--

4417 (1) A complete and full financial accounting and audit in
4418 accordance with federal audit standards of public housing
4419 agencies shall be made biennially by a certified public
4420 accountant. A copy of such audit shall be filed with the
4421 governing body and with the Office of Government Accountability
4422 ~~Auditor General~~.

4423 Section 119. Subsection (2) of section 427.705, Florida
4424 Statutes, is amended to read:

4425 427.705 Administration of the telecommunications access
4426 system.--

4427 (2) The administrator shall be audited annually by an
4428 independent auditing firm to assure proper management of any
4429 revenues it receives and disburses. The administrator's books
4430 and records shall be open to the commission and to the Office of
4431 Government Accountability ~~Auditor General~~ for review upon
4432 request. The commission shall have the authority to establish
4433 fiscal and operational requirements for the administrator to
4434 follow in order to ensure that the administrative costs of the
4435 system are reasonable.

4436 Section 120. Section 443.1316, Florida Statutes, is
4437 amended to read:

4438 443.1316 Contract with Department of Revenue for
4439 unemployment tax collection services.--By January 1, 2001, the
4440 Agency for Workforce Innovation shall enter into a contract with



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4441 the Department of Revenue which shall provide for the Department
 4442 of Revenue to provide unemployment tax collection services. The
 4443 Department of Revenue, in consultation with the Department of
 4444 Labor and Employment Security, shall determine the number of
 4445 positions needed to provide unemployment tax collection services
 4446 within the Department of Revenue. The number of unemployment tax
 4447 collection service positions the Department of Revenue
 4448 determines are needed shall not exceed the number of positions
 4449 that, prior to the contract, were authorized to the Department
 4450 of Labor and Employment Security for this purpose. Upon entering
 4451 into the contract with the Agency for Workforce Innovation to
 4452 provide unemployment tax collection services, the number of
 4453 required positions, as determined by the Department of Revenue,
 4454 shall be authorized within the Department of Revenue. Beginning
 4455 January 1, 2002, the Office of ~~Program Policy Analysis and~~
 4456 Government Accountability shall conduct a feasibility study
 4457 regarding privatization of unemployment tax collection services.
 4458 A report on the conclusions of this study shall be submitted to
 4459 the Governor, the President of the Senate, and the Speaker of
 4460 the House of Representatives. The Department of Revenue is
 4461 considered to be administering a revenue law of this state when
 4462 the department provides unemployment compensation tax collection
 4463 services pursuant to a contract of the department with the
 4464 Agency for Workforce Innovation. Sections 213.018, 213.025,
 4465 213.051, 213.053, 213.055, 213.071, 213.10, 213.2201, 213.23,
 4466 213.24(2), 213.27, 213.28, 213.285, 213.37, 213.50, 213.67,
 4467 213.69, 213.73, 213.733, 213.74, and 213.757 apply to the
 4468 collection of unemployment contributions by the Department of
 4469 Revenue unless prohibited by federal law.

4470 Section 121. Subsection (6) of section 445.003, Florida



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4471 Statutes, is amended to read:

4472 445.003 Implementation of the federal Workforce Investment
4473 Act of 1998.--

4474 (6) LONG-TERM CONSOLIDATION OF WORKFORCE DEVELOPMENT.--

4475 ~~(a)~~ Workforce Florida, Inc., may recommend workforce-
4476 related divisions, bureaus, units, programs, duties,
4477 commissions, boards, and councils that can be eliminated,
4478 consolidated, or privatized.

4479 ~~(b) The Office of Program Policy Analysis and Government~~
4480 ~~Accountability shall review the workforce development system, as~~
4481 ~~established by this act. The office shall submit its final~~
4482 ~~report and recommendations by December 31, 2002, to the~~
4483 ~~President of the Senate and the Speaker of the House of~~
4484 ~~Representatives.~~

4485 Section 122. Subsections (9), (10), and (11) of section
4486 445.004, Florida Statutes, are renumbered as subsections (8),
4487 (9), and (10), respectively, and present subsections (8) and (9)
4488 of said section are amended to read:

4489 445.004 Workforce Florida, Inc.; creation; purpose;
4490 membership; duties and powers.--

4491 ~~(8) The Auditor General may, pursuant to his or her own~~
4492 ~~authority or at the direction of the Legislative Auditing~~
4493 ~~Committee, conduct an audit of Workforce Florida, Inc., or the~~
4494 ~~programs or entities created by Workforce Florida, Inc. The~~
4495 ~~Office of Program Policy Analysis and Government Accountability,~~
4496 ~~pursuant to its authority or at the direction of the Legislative~~
4497 ~~Auditing Committee, may review the systems and controls related~~
4498 ~~to performance outcomes and quality of services of Workforce~~
4499 ~~Florida, Inc.~~

4500 (8)~~(9)~~ Workforce Florida, Inc., in collaboration with the



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4501 regional workforce boards and appropriate state agencies and
4502 local public and private service providers, and in consultation
4503 with the Office of ~~Program Policy Analysis and~~ Government
4504 Accountability, shall establish uniform measures and standards
4505 to gauge the performance of the workforce development strategy.
4506 These measures and standards must be organized into three
4507 outcome tiers.

4508 (a) The first tier of measures must be organized to
4509 provide benchmarks for systemwide outcomes. Workforce Florida,
4510 Inc., must, in collaboration with the Office of ~~Program Policy~~
4511 ~~Analysis and~~ Government Accountability, establish goals for the
4512 tier-one outcomes. Systemwide outcomes may include employment in
4513 occupations demonstrating continued growth in wages; continued
4514 employment after 3, 6, 12, and 24 months; reduction in and
4515 elimination of public assistance reliance; job placement;
4516 employer satisfaction; and positive return on investment of
4517 public resources.

4518 (b) The second tier of measures must be organized to
4519 provide a set of benchmark outcomes for the initiatives of the
4520 First Jobs/First Wages Council, the Better Jobs/Better Wages
4521 Council, and the High Skills/High Wages Council and for each of
4522 the strategic components of the workforce development strategy.
4523 Cost per entered employment, earnings at placement, retention in
4524 employment, job placement, and entered employment rate must be
4525 included among the performance outcome measures.

4526 (c) The third tier of measures must be the operational
4527 output measures to be used by the agency implementing programs,
4528 and it may be specific to federal requirements. The tier-three
4529 measures must be developed by the agencies implementing
4530 programs, and Workforce Florida, Inc., may be consulted in this



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4531 effort. Such measures must be reported to Workforce Florida,
4532 Inc., by the appropriate implementing agency.

4533 (d) Regional differences must be reflected in the
4534 establishment of performance goals and may include job
4535 availability, unemployment rates, average worker wage, and
4536 available employable population.

4537 (e) Job placement must be reported pursuant to s. 1008.39.
4538 Positive outcomes for providers of education and training must
4539 be consistent with ss. 1008.42 and 1008.43.

4540 (f) The uniform measures of success that are adopted by
4541 Workforce Florida, Inc., or the regional workforce boards must
4542 be developed in a manner that provides for an equitable
4543 comparison of the relative success or failure of any service
4544 provider in terms of positive outcomes.

4545 (g) By December 1 of each year, Workforce Florida, Inc.,
4546 shall provide the Legislature with a report detailing the
4547 performance of Florida's workforce development system, as
4548 reflected in the three-tier measurement system. Additionally,
4549 this report must benchmark Florida outcomes, at all tiers,
4550 against other states that collect data similarly.

4551 Section 123. Paragraph (d) of subsection (3) of section
4552 445.009, Florida Statutes, is amended to read:

4553 445.009 One-stop delivery system.--

4554 (3) Notwithstanding any other provision of law, any
4555 memorandum of understanding in effect on June 30, 2000, between
4556 a regional workforce board and the Department of Labor and
4557 Employment Security governing the delivery of workforce services
4558 shall remain in effect until September 30, 2000. Beginning
4559 October 1, 2000, regional workforce boards shall enter into a
4560 memorandum of understanding with the Agency for Workforce



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4561 Innovation for the delivery of employment services authorized by
 4562 the federal Wagner-Peyser Act. This memorandum of understanding
 4563 must be performance based.

4564 ~~(d) The Office of Program Policy Analysis and Government~~
 4565 ~~Accountability, in consultation with Workforce Florida, Inc.,~~
 4566 ~~shall review the delivery of employment services under the~~
 4567 ~~Wagner-Peyser Act and the integration of those services with~~
 4568 ~~other activities performed through the one-stop delivery system~~
 4569 ~~and shall provide recommendations to the Legislature for~~
 4570 ~~improving the effectiveness of the delivery of employment~~
 4571 ~~services in this state. The Office of Program Policy Analysis~~
 4572 ~~and Government Accountability shall submit a report and~~
 4573 ~~recommendations to the Governor, the President of the Senate,~~
 4574 ~~and the Speaker of the House of Representatives by December 31,~~
 4575 ~~2002.~~

4576 Section 124. Paragraph (a) of subsection (1) of section
 4577 445.011, Florida Statutes, is amended to read:

4578 445.011 Workforce information systems.--

4579 (1) Workforce Florida, Inc., shall implement, subject to
 4580 legislative appropriation, automated information systems that
 4581 are necessary for the efficient and effective operation and
 4582 management of the workforce development system. These
 4583 information systems shall include, but need not be limited to,
 4584 the following:

4585 (a) An integrated management system for the one-stop
 4586 service delivery system, which includes, at a minimum, common
 4587 registration and intake, screening for needs and benefits, case
 4588 planning and tracking, training benefits management, service and
 4589 training provider management, performance reporting, executive
 4590 information and reporting, and customer-satisfaction tracking



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4591 and reporting.

4592 1. The system should report current budgeting,
4593 expenditure, and performance information for assessing
4594 performance related to outcomes, service delivery, and financial
4595 administration for workforce programs pursuant to s. 445.004(5)
4596 and (8)~~(9)~~.

4597 2. The information system should include auditable systems
4598 and controls to ensure financial integrity and valid and
4599 reliable performance information.

4600 3. The system should support service integration and case
4601 management by providing for case tracking for participants in
4602 welfare transition programs.

4603

4604 Section 125. Subsection (10) of section 446.609, Florida
4605 Statutes, is amended to read:

4606 446.609 Jobs for Florida's Graduates Act.--

4607 (10) ASSESSMENT OF PROGRAM RESULTS.--The success of the
4608 Jobs for Florida's Graduates Program shall be assessed as
4609 follows:

4610 (a) No later than November 1 of each year of the Jobs for
4611 Florida's Graduates Program, Jobs for America's Graduates, Inc.,
4612 shall conduct and deliver to the Office of ~~Program Policy~~
4613 ~~Analysis and~~ Government Accountability a full review and report
4614 of the program's activities. The Office of ~~Program Policy~~
4615 ~~Analysis and~~ Government Accountability shall audit and review
4616 the report and deliver the report, along with its analysis and
4617 any recommendations for expansion, curtailment, modification, or
4618 continuation, to the board not later than December 31 of the
4619 same year.

4620 (b) Beginning in the first year of the Jobs for Florida's



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4621 Graduates Program, the Office of Economic and Demographic
4622 Research shall undertake, during the initial phase, an ongoing
4623 longitudinal study of participants to determine the overall
4624 efficacy of the program. The division shall transmit its
4625 findings each year to the Office of ~~Program Policy Analysis and~~
4626 Government Accountability for inclusion in the report provided
4627 for in paragraph (a).

4628 Section 126. Paragraph (d) of subsection (3) and
4629 subsection (9) of section 455.32, Florida Statutes, are amended
4630 to read:

4631 455.32 Management Privatization Act.--

4632 (3) Based upon the request of any board, commission, or
4633 council, the department is authorized to contract with a
4634 corporation or other business entity to perform support services
4635 specified in the contract. The contract must be in compliance
4636 with this section and other applicable laws and must be approved
4637 by the board before the department enters into the contract. The
4638 department shall retain responsibility for any duties it
4639 currently exercises relating to its police powers and any other
4640 current duty that is not provided to the corporation by the
4641 contract. The contract shall provide, at a minimum, that:

4642 (d) The corporation keep financial and statistical
4643 information as necessary to completely disclose the financial
4644 condition and operation of the project and as requested by the
4645 Office of ~~Program Policy Analysis and~~ Government Accountability,
4646 ~~the Auditor General,~~ and the department.

4647 (9) The corporation shall provide for an annual financial
4648 audit of its financial accounts and records by an independent
4649 certified public accountant. The annual audit report shall
4650 include a management letter in accordance with s. 11.45 and a



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4651 detailed supplemental schedule of expenditures for each
 4652 expenditure category. The annual audit report must be submitted
 4653 to the board, the department, and the Office of Government
 4654 Accountability Auditor General for review.

4655 Section 127. Paragraph (j) of subsection (3) of section
 4656 471.038, Florida Statutes, is amended to read:

4657 471.038 Florida Engineers Management Corporation.--

4658 (3) The Florida Engineers Management Corporation is
 4659 created to provide administrative, investigative, and
 4660 prosecutorial services to the board in accordance with the
 4661 provisions of chapter 455 and this chapter. The management
 4662 corporation may hire staff as necessary to carry out its
 4663 functions. Such staff are not public employees for the purposes
 4664 of chapter 110 or chapter 112, except that the board of
 4665 directors and the staff are subject to the provisions of s.
 4666 112.061. The provisions of s. 768.28 apply to the management
 4667 corporation, which is deemed to be a corporation primarily
 4668 acting as an instrumentality of the state, but which is not an
 4669 agency within the meaning of s. 20.03(11). The management
 4670 corporation shall:

4671 (j) Provide for an annual financial audit of its financial
 4672 accounts and records by an independent certified public
 4673 accountant. The annual audit report shall include a management
 4674 letter in accordance with s. 11.45 and a detailed supplemental
 4675 schedule of expenditures for each expenditure category. The
 4676 annual audit report must be submitted to the board, the
 4677 department, and the Office of Government Accountability Auditor
 4678 General for review.

4679 Section 128. Subsection (4) of section 527.22, Florida
 4680 Statutes, is amended to read:



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4681 527.22 Florida Propane Gas Education, Safety, and Research
4682 Council established; membership; duties and responsibilities.--

4683 (4) The council shall keep minutes, accounting records,
4684 and other records as necessary to clearly reflect all of the
4685 acts and transactions of the council and regularly report such
4686 information to the commissioner, along with such other
4687 information as the commissioner requires. All records of the
4688 council shall be kept on file with the department, and these
4689 records and other documents about matters within the
4690 jurisdiction of the council shall be subject to the review and
4691 inspection of the department's Inspector General, the Office of
4692 Government Accountability ~~Auditor General~~, and the members of
4693 the council, or other interested parties upon request. All
4694 records of the council are subject to the provisions of s.
4695 119.07.

4696 Section 129. Paragraph (c) of subsection (2) of section
4697 550.125, Florida Statutes, is amended to read:

4698 550.125 Uniform reporting system; bond requirement.--

4699 (2)

4700 (c) The ~~Auditor General and the Office of Program Policy~~
4701 ~~Analysis and~~ Government Accountability may, pursuant to the
4702 direction of the Auditor General ~~their own authority~~ or at the
4703 direction of the Legislative Auditing Committee, audit, examine,
4704 and check the books and records of any permitholder. These audit
4705 reports shall become part of, and be maintained in, the division
4706 files.

4707 Section 130. Paragraph (d) of subsection (10) of section
4708 601.15, Florida Statutes, is amended to read:

4709 601.15 Advertising campaign; methods of conducting; excise
4710 tax; emergency reserve fund; citrus research.--



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4711 (10) The powers and duties of the Department of Citrus
4712 include the following:

4713 (d) To keep books, records, and accounts of all of its
4714 activities, which books, records, and accounts shall be open to
4715 inspection, audit, and examination by the ~~Auditor General and~~
4716 ~~the Office of Program Policy Analysis and Government~~
4717 ~~Accountability.~~

4718 Section 131. Subsection (2) of section 616.263, Florida
4719 Statutes, is amended to read:

4720 616.263 Annual reports of authority.--

4721 (2) The authority shall at all times maintain proper
4722 accounting systems and procedures and shall be subject to audit
4723 by the Office of Government Accountability ~~Auditor General.~~

4724 Section 132. Subsection (5) of section 744.708, Florida
4725 Statutes, is amended to read:

4726 744.708 Reports and standards.--

4727 (5) An independent audit by a qualified certified public
4728 accountant shall be performed at least every 2 years. The audit
4729 should include an investigation into the practices of the office
4730 for managing the person and property of the wards. A copy of the
4731 report shall be submitted to the Statewide Public Guardianship
4732 Office. In addition, the office of public guardian shall be
4733 subject to audits or examinations by the ~~Auditor General and the~~
4734 ~~Office of Program Policy Analysis and Government Accountability~~
4735 pursuant to law.

4736 Section 133. Subsection (3) of section 943.25, Florida
4737 Statutes, is amended to read:

4738 943.25 Criminal justice trust funds; source of funds; use
4739 of funds.--

4740 (3) The Office of Government Accountability ~~Auditor~~



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4741 ~~General~~ is directed in its ~~her or his~~ audit of courts to
 4742 ascertain that such assessments have been collected and remitted
 4743 and shall report to the Legislature. All such records of the
 4744 courts shall be open for its ~~her or his~~ inspection. The Office
 4745 of Government Accountability ~~Auditor General~~ is further directed
 4746 to conduct audits of the expenditures of the trust funds and to
 4747 report to the Legislature. Such audits shall be conducted in
 4748 accordance with s. 11.45.

4749 Section 134. Paragraph (a) of subsection (1) of section
 4750 944.105, Florida Statutes, is amended to read:

4751 944.105 Contractual arrangements with private entities for
 4752 operation and maintenance of correctional facilities and
 4753 supervision of inmates.--

4754 (1) The Department of Corrections is authorized to enter
 4755 into contracts with private vendors for the provision of the
 4756 operation and maintenance of correctional facilities and the
 4757 supervision of inmates. However, no such contract shall be
 4758 entered into or renewed unless:

4759 (a) The contract offers a substantial savings to the
 4760 department, as determined by the department. In determining the
 4761 cost savings, the department, after consultation with the Office
 4762 of Government Accountability ~~Auditor General~~, shall calculate
 4763 all the cost components that contribute to the inmate per diem,
 4764 including all administrative costs associated with central and
 4765 regional office administration. Services which are provided to
 4766 the department by other government agencies without any direct
 4767 cost to the department shall be assigned an equivalent cost and
 4768 included in the per diem. The private firm shall be assessed the
 4769 total annual cost to the state of monitoring the contract;

4770 Section 135. Paragraph (c) of subsection (2) of section



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4771 944.512, Florida Statutes, is amended to read:

4772 944.512 State lien on proceeds from literary or other type
4773 of account of crime for which convicted.--

4774 (2) The proceeds of such account shall be distributed in
4775 the following order:

4776 (c) After payments have been made pursuant to paragraph
4777 (a) or paragraph (b), an amount equal to pay all court costs in
4778 the prosecution of the convicted felon, which shall include, but
4779 not be limited to, jury fees and expenses, court reporter fees,
4780 and reasonable per diem for the prosecuting attorneys for the
4781 state, shall go to the General Revenue Fund. Additional costs
4782 shall be assessed for the computed per capita cost of
4783 imprisonment or supervision by the state or county correctional
4784 system. Such costs shall be determined and certified by the
4785 prosecuting attorney and the imprisoning entity and subject to
4786 review by the Office of Government Accountability Auditor
4787 ~~General~~.

4788 Section 136. Subsections (3) and (5) of section 944.719,
4789 Florida Statutes, are amended to read:

4790 944.719 Adoption of rules, monitoring, and reporting.--

4791 (3) The private vendor shall provide a work area at the
4792 private correctional facility for use by the contract monitor
4793 appointed by the department and shall provide the monitor with
4794 access to all data, reports, and other materials that the
4795 monitor, and the Auditor General, ~~and the Office of Program~~
4796 ~~Policy Analysis and Government Accountability~~ determine are
4797 necessary to carry out monitoring and auditing responsibilities.

4798 (5) The Office of ~~Program Policy Analysis and~~ Government
4799 Accountability shall conduct a performance audit, including a
4800 review of the annual financial audit of the private entity and



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4801 shall deliver a report to the Legislature by February 1 of the
 4802 third year following any contract awarded by the department for
 4803 the operation of a correctional facility by a private vendor.

4804 (a) The report shall determine the reasonableness of the
 4805 cost analysis procedures used by the department for comparing
 4806 services provided under the contract and for comparing the
 4807 quality of the services provided under the contract with the
 4808 costs and quality of similar services provided by the
 4809 department.

4810 (b) In preparing the report, the office shall consider, in
 4811 addition to other factors it determines are significant:

4812 1. The extent to which the private vendor and the
 4813 department have complied with the terms of the contract and ss.
 4814 944.710-944.719.

4815 2. The wages and benefits that are provided to the staff
 4816 of the private correctional facility as compared to wages and
 4817 benefits provided to employees of the department performing
 4818 comparable tasks.

4819 Section 137. Subsections (1) and (3) of section 946.516,
 4820 Florida Statutes, are amended to read:

4821 946.516 Corporation status report and annual financial
 4822 audit report.--

4823 (1) The corporation shall submit to the Governor and the
 4824 Legislature, on or before July 1 of each year, a report on the
 4825 status of the correctional work programs, including, but not
 4826 limited to, the proposed use of the profits from such programs,
 4827 a breakdown of the amount of noninmate labor used, work
 4828 subcontracted to other vendors, use of consultants, finished
 4829 goods purchased for resale, and the number of inmates working in
 4830 the correctional work programs at the time of such report. In



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4831 addition, the corporation shall submit to the department, the
 4832 Governor, the Legislature, and the Office of Government
 4833 Accountability ~~Auditor General~~ an annual financial audit report
 4834 and such other information as may be requested by the
 4835 Legislature, together with recommendations relating to
 4836 provisions for reasonable tax incentives to private enterprises
 4837 which employ inmates, parolees, or former inmates who have
 4838 participated in correctional work programs.

4839 (3) The corporation shall have an annual financial audit
 4840 of its accounts and records by an independent certified public
 4841 accountant retained by it and paid from its funds. ~~The Auditor~~
 4842 ~~General or the director of the Office of Program Policy Analysis~~
 4843 ~~and Government Accountability may, pursuant to his or her own~~
 4844 ~~authority or at the direction of the Joint Legislative Auditing~~
 4845 ~~Committee, conduct an audit of the corporation.~~

4846 Section 138. Subsection (3) of section 948.15, Florida
 4847 Statutes, is amended to read:

4848 948.15 Misdemeanor probation services.--

4849 (3) Any private entity providing services for the
 4850 supervision of misdemeanor probationers must contract with the
 4851 county in which the services are to be rendered. In a county
 4852 with a population of less than 70,000, the county court judge,
 4853 or the administrative judge of the county court in a county that
 4854 has more than one county court judge, must approve the contract.
 4855 Terms of the contract must state, but are not limited to:

4856 (a) The extent of the services to be rendered by the
 4857 entity providing supervision or rehabilitation.

4858 (b) Staff qualifications and criminal record checks of
 4859 staff in accordance with essential standards established by the
 4860 American Correctional Association as of January 1, 1991.



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- 4861 (c) Staffing levels.
- 4862 (d) The number of face-to-face contacts with the offender.
- 4863 (e) Procedures for handling the collection of all offender
- 4864 fees and restitution.
- 4865 (f) Procedures for handling indigent offenders which
- 4866 ensure placement irrespective of ability to pay.
- 4867 (g) Circumstances under which revocation of an offender's
- 4868 probation may be recommended.
- 4869 (h) Reporting and recordkeeping requirements.
- 4870 (i) Default and contract termination procedures.
- 4871 (j) Procedures that aid offenders with job assistance.

4872

4873 In addition, the entity shall supply the chief judge's office

4874 with a quarterly report summarizing the number of offenders

4875 supervised by the private entity, payment of the required

4876 contribution under supervision or rehabilitation, and the number

4877 of offenders for whom supervision or rehabilitation will be

4878 terminated. All records of the entity must be open to inspection

4879 upon the request of the county, the court, the ~~Auditor General,~~

4880 ~~the Office of Program Policy Analysis and Government~~

4881 ~~Accountability,~~ or agents thereof.

4882 Section 139. Paragraph (a) of subsection (5) of section

4883 957.07, Florida Statutes, is amended to read:

4884 957.07 Cost-saving requirements.--

4885 (5)(a) By February 1, 2002, and each year thereafter, the

4886 Prison Per-Diem Workgroup shall develop consensus per diem rates

4887 to be used when determining per diem rates of privately operated

4888 prisons. The Office of ~~Program Policy Analysis and Government~~

4889 ~~Accountability, the Office of the Auditor General,~~ and the

4890 staffs of the appropriations committees of both the Senate and



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4891 the House of Representatives are the principals of the
 4892 workgroup. The workgroup may consult with other experts to
 4893 assist in the development of the consensus per diem rates. All
 4894 meetings of the workgroup shall be open to the public as
 4895 provided in chapter 286.

4896 Section 140. Section 957.11, Florida Statutes, is amended
 4897 to read:

4898 957.11 Evaluation of costs and benefits of contracts.--The
 4899 Office of ~~Program Policy Analysis and~~ Government Accountability
 4900 may conduct an evaluation ~~shall develop and implement an~~
 4901 ~~evaluation of the costs and benefits~~ of each contract entered
 4902 into under this chapter. This evaluation must include a
 4903 comparison of the costs and benefits of constructing and
 4904 operating prisons by the state versus by private contractors.
 4905 ~~The Office of Program Policy Analysis and Government~~
 4906 ~~Accountability shall also evaluate the performance of the~~
 4907 ~~private contractor at the end of the term of each management~~
 4908 ~~contract and make recommendations to the Speaker of the House of~~
 4909 ~~Representatives and the President of the Senate on whether to~~
 4910 ~~continue the contract.~~

4911 Section 141. Paragraph (a) of subsection (1) of section
 4912 985.31, Florida Statutes, is amended to read:

4913 985.31 Serious or habitual juvenile offender.--

4914 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
 4915 provisions of this chapter and the establishment of appropriate
 4916 program guidelines and standards, contractual instruments, which
 4917 shall include safeguards of all constitutional rights, shall be
 4918 developed as follows:

4919 (a) The department shall provide for:

4920 1. The oversight of implementation of assessment and



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4921 treatment approaches.

4922 2. The identification and prequalification of appropriate
4923 individuals or not-for-profit organizations, including minority
4924 individuals or organizations when possible, to provide
4925 assessment and treatment services to serious or habitual
4926 delinquent children.

4927 3. The monitoring and evaluation of assessment and
4928 treatment services for compliance with the provisions of this
4929 chapter and all applicable rules and guidelines pursuant
4930 thereto.

4931 4. The development of an annual report on the performance
4932 of assessment and treatment to be presented to the Governor, the
4933 Attorney General, the President of the Senate, the Speaker of
4934 the House of Representatives, and the Office of Government
4935 Accountability ~~Auditor General~~ no later than January 1 of each
4936 year.

4937 Section 142. Paragraph (a) of subsection (1) of section
4938 985.311, Florida Statutes, is amended to read:

4939 985.311 Intensive residential treatment program for
4940 offenders less than 13 years of age.--

4941 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
4942 provisions of this chapter and the establishment of appropriate
4943 program guidelines and standards, contractual instruments, which
4944 shall include safeguards of all constitutional rights, shall be
4945 developed for intensive residential treatment programs for
4946 offenders less than 13 years of age as follows:

4947 (a) The department shall provide for:

4948 1. The oversight of implementation of assessment and
4949 treatment approaches.

4950 2. The identification and prequalification of appropriate



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4951 individuals or not-for-profit organizations, including minority
 4952 individuals or organizations when possible, to provide
 4953 assessment and treatment services to intensive offenders less
 4954 than 13 years of age.

4955 3. The monitoring and evaluation of assessment and
 4956 treatment services for compliance with the provisions of this
 4957 chapter and all applicable rules and guidelines pursuant
 4958 thereto.

4959 4. The development of an annual report on the performance
 4960 of assessment and treatment to be presented to the Governor, the
 4961 Attorney General, the President of the Senate, the Speaker of
 4962 the House of Representatives, ~~the Auditor General,~~ and the
 4963 Office of ~~Program Policy Analysis and~~ Government Accountability
 4964 no later than January 1 of each year.

4965 Section 143. Paragraph (d) of subsection (4) of section
 4966 985.412, Florida Statutes, is amended to read:

4967 985.412 Quality assurance and cost-effectiveness.--

4968 (4)

4969 (d) In collaboration with the Office of Economic and
 4970 Demographic Research, and contract service providers, the
 4971 department shall develop a work plan to refine the cost-
 4972 effectiveness model so that the model is consistent with the
 4973 performance-based program budgeting measures approved by the
 4974 Legislature to the extent the department deems appropriate. The
 4975 department shall notify the Office of ~~Program Policy Analysis~~
 4976 ~~and~~ Government Accountability of any meetings to refine the
 4977 model.

4978 Section 144. Subsection (3) of section 985.416, Florida
 4979 Statutes, is amended to read:

4980 985.416 Innovation zones.--The department shall encourage



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4981 each of the juvenile justice circuit boards to propose at least
 4982 one innovation zone within the circuit for the purpose of
 4983 implementing any experimental, pilot, or demonstration project
 4984 that furthers the legislatively established goals of the
 4985 department. An innovation zone is a defined geographic area such
 4986 as a circuit, commitment region, county, municipality, service
 4987 delivery area, school campus, or neighborhood providing a
 4988 laboratory for the research, development, and testing of the
 4989 applicability and efficacy of model programs, policy options,
 4990 and new technologies for the department.

4991 (3) Before implementing an innovation zone under this
 4992 subsection, the secretary shall, in conjunction with the Office
 4993 of ~~Program Policy Analysis and~~ Government Accountability,
 4994 develop measurable and valid objectives for such zone within a
 4995 negotiated reasonable period of time. Moneys designated for an
 4996 innovation zone in one operating circuit may not be used to fund
 4997 an innovation zone in another operating circuit.

4998 Section 145. Subsection (4) of section 1001.24, Florida
 4999 Statutes, is amended to read:

5000 1001.24 Direct-support organization; use of property;
 5001 board of directors; audit.--

5002 (4) ANNUAL AUDIT.--Each direct-support organization shall
 5003 provide for an annual financial audit in accordance with s.
 5004 215.981. The identity of donors who desire to remain anonymous
 5005 shall be protected, and that anonymity shall be maintained in
 5006 the auditor's report. All records of the organization other than
 5007 the auditor's report, management letter, and any supplemental
 5008 data requested by the ~~Auditor General and the~~ Office of ~~Program~~
 5009 ~~Policy Analysis and~~ Government Accountability shall be
 5010 confidential and exempt from the provisions of s. 119.07(1).



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5011 Section 146. Subsection (4) of section 1001.453, Florida
 5012 Statutes, is amended to read:

5013 1001.453 Direct-support organization; use of property;
 5014 board of directors; audit.--

5015 (4) ANNUAL AUDIT.--Each direct-support organization with
 5016 more than \$100,000 in expenditures or expenses shall provide for
 5017 an annual ~~financial~~ audit of its financial statements in order
 5018 to express an opinion on the fairness with which they are
 5019 presented in conformance with generally accepted accounting
 5020 principles. The audit is ~~accounts and records,~~ to be conducted
 5021 by an independent certified public accountant in accordance with
 5022 rules adopted by the Office of Government Accountability Auditor
 5023 General pursuant to s. 11.45(8) and the Commissioner of
 5024 Education. The annual audit report shall be submitted within 9
 5025 months after the fiscal year's end to the district school board
 5026 and the Office of Government Accountability Auditor ~~General~~. The
 5027 Commissioner of Education, ~~the Auditor General,~~ and the Office
 5028 of ~~Program Policy Analysis and~~ Government Accountability have
 5029 the authority to require and receive from the organization or
 5030 the district auditor any records relative to the operation of
 5031 the organization. The identity of donors and all information
 5032 identifying donors and prospective donors are confidential and
 5033 exempt from the provisions of s. 119.07(1), and that anonymity
 5034 shall be maintained in the auditor's report. All other records
 5035 and information shall be considered public records for the
 5036 purposes of chapter 119.

5037 Section 147. Paragraph (d) of subsection (3) of section
 5038 1002.22, Florida Statutes, is amended to read:

5039 1002.22 Student records and reports; rights of parents and
 5040 students; notification; penalty.--



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5041 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
5042 student who attends or has attended any public school, area
5043 technical center, or public postsecondary educational
5044 institution shall have the following rights with respect to any
5045 records or reports created, maintained, and used by any public
5046 educational institution in the state. However, whenever a
5047 student has attained 18 years of age, or is attending a
5048 postsecondary educational institution, the permission or consent
5049 required of, and the rights accorded to, the parents of the
5050 student shall thereafter be required of and accorded to the
5051 student only, unless the student is a dependent student of such
5052 parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
5053 Revenue Code of 1954). The State Board of Education shall adopt
5054 rules whereby parents or students may exercise these rights:

5055 (d) Right of privacy.--Every student shall have a right of
5056 privacy with respect to the educational records kept on him or
5057 her. Personally identifiable records or reports of a student,
5058 and any personal information contained therein, are confidential
5059 and exempt from the provisions of s. 119.07(1). No state or
5060 local educational agency, board, public school, technical
5061 center, or public postsecondary educational institution shall
5062 permit the release of such records, reports, or information
5063 without the written consent of the student's parent, or of the
5064 student himself or herself if he or she is qualified as provided
5065 in this subsection, to any individual, agency, or organization.
5066 However, personally identifiable records or reports of a student
5067 may be released to the following persons or organizations
5068 without the consent of the student or the student's parent:

5069 1. Officials of schools, school systems, technical
5070 centers, or public postsecondary educational institutions in



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5071 which the student seeks or intends to enroll; and a copy of such
5072 records or reports shall be furnished to the parent or student
5073 upon request.

5074 2. Other school officials, including teachers
5075 within the educational institution or agency, who have
5076 legitimate educational interests in the information contained in
5077 the records.

5078 3. The United States Secretary of Education, the Director
5079 of the National Institute of Education, the Assistant Secretary
5080 for Education, the Comptroller General of the United States, or
5081 state or local educational authorities who are authorized to
5082 receive such information subject to the conditions set forth in
5083 applicable federal statutes and regulations of the United States
5084 Department of Education, or in applicable state statutes and
5085 rules of the State Board of Education.

5086 4. Other school officials, in connection with a student's
5087 application for or receipt of financial aid.

5088 5. Individuals or organizations conducting studies for or
5089 on behalf of an institution or a board of education for the
5090 purpose of developing, validating, or administering predictive
5091 tests, administering student aid programs, or improving
5092 instruction, if such studies are conducted in such a manner as
5093 will not permit the personal identification of students and
5094 their parents by persons other than representatives of such
5095 organizations and if such information will be destroyed when no
5096 longer needed for the purpose of conducting such studies.

5097 6. Accrediting organizations, in order to carry out their
5098 accrediting functions.

5099 7. School readiness coalitions and the Florida Partnership
5100 for School Readiness in order to carry out their assigned



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5101 duties.

5102 8. For use as evidence in student expulsion hearings
5103 conducted by a district school board pursuant to the provisions
5104 of chapter 120.

5105 9. Appropriate parties in connection with an emergency, if
5106 knowledge of the information in the student's educational
5107 records is necessary to protect the health or safety of the
5108 student or other individuals.

5109 10. The ~~Auditor General and the~~ Office of ~~Program Policy~~
5110 ~~Analysis and~~ Government Accountability in connection with its
5111 ~~their~~ official functions; however, except when the collection of
5112 personally identifiable information is specifically authorized
5113 by law, any data collected by the ~~Auditor General and the~~ Office
5114 of ~~Program Policy Analysis and~~ Government Accountability is
5115 confidential and exempt from the provisions of s. 119.07(1) and
5116 shall be protected in such a way as will not permit the personal
5117 identification of students and their parents by other than the
5118 ~~Auditor General, the Office of Program Policy Analysis and~~
5119 ~~Government Accountability, and~~ its ~~their~~ staff, and such
5120 personally identifiable data shall be destroyed when no longer
5121 needed for the ~~Auditor General's and the~~ Office of ~~Program~~
5122 ~~Policy Analysis and~~ Government Accountability's official use.

5123 11.a. A court of competent jurisdiction in compliance with
5124 an order of that court or the attorney of record pursuant to a
5125 lawfully issued subpoena, upon the condition that the student
5126 and the student's parent are notified of the order or subpoena
5127 in advance of compliance therewith by the educational
5128 institution or agency.

5129 b. A person or entity pursuant to a court of competent
5130 jurisdiction in compliance with an order of that court or the



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5131 attorney of record pursuant to a lawfully issued subpoena, upon
5132 the condition that the student, or his or her parent if the
5133 student is either a minor and not attending a postsecondary
5134 educational institution or a dependent of such parent as defined
5135 in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of
5136 1954), is notified of the order or subpoena in advance of
5137 compliance therewith by the educational institution or agency.

5138 12. Credit bureaus, in connection with an agreement for
5139 financial aid that the student has executed, provided that such
5140 information may be disclosed only to the extent necessary to
5141 enforce the terms or conditions of the financial aid agreement.
5142 Credit bureaus shall not release any information obtained
5143 pursuant to this paragraph to any person.

5144 13. Parties to an interagency agreement among the
5145 Department of Juvenile Justice, school and law enforcement
5146 authorities, and other signatory agencies for the purpose of
5147 reducing juvenile crime and especially motor vehicle theft by
5148 promoting cooperation and collaboration, and the sharing of
5149 appropriate information in a joint effort to improve school
5150 safety, to reduce truancy and in-school and out-of-school
5151 suspensions, and to support alternatives to in-school and out-
5152 of-school suspensions and expulsions that provide structured and
5153 well-supervised educational programs supplemented by a
5154 coordinated overlay of other appropriate services designed to
5155 correct behaviors that lead to truancy, suspensions, and
5156 expulsions, and that support students in successfully completing
5157 their education. Information provided in furtherance of such
5158 interagency agreements is intended solely for use in determining
5159 the appropriate programs and services for each juvenile or the
5160 juvenile's family, or for coordinating the delivery of such



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5161 programs and services, and as such is inadmissible in any court
5162 proceedings prior to a dispositional hearing unless written
5163 consent is provided by a parent or other responsible adult on
5164 behalf of the juvenile.

5165
5166 This paragraph does not prohibit any educational institution
5167 from publishing and releasing to the general public directory
5168 information relating to a student if the institution elects to
5169 do so. However, no educational institution shall release, to any
5170 individual, agency, or organization that is not listed in
5171 subparagraphs 1.-13., directory information relating to the
5172 student body in general or a portion thereof unless it is
5173 normally published for the purpose of release to the public in
5174 general. Any educational institution making directory
5175 information public shall give public notice of the categories of
5176 information that it has designated as directory information with
5177 respect to all students attending the institution and shall
5178 allow a reasonable period of time after such notice has been
5179 given for a parent or student to inform the institution in
5180 writing that any or all of the information designated should not
5181 be released.

5182 Section 148. Subsections (4) through (9) of section
5183 1002.36, Florida Statutes, are renumbered as subsections (3)
5184 through (8), respectively, and present subsection (3) of said
5185 section is amended to read:

5186 1002.36 Florida School for the Deaf and the Blind.--
5187 ~~(3) AUDITS. The Auditor General shall audit the Florida~~
5188 ~~School for the Deaf and the Blind as provided in chapter 11.~~

5189 Section 149. Paragraph (d) of subsection (5) of section
5190 1002.37, Florida Statutes, is amended to read:



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5191 1002.37 The Florida Virtual School.--

5192 (5) The board of trustees shall annually submit to the
 5193 Governor, the Legislature, the Commissioner of Education, and
 5194 the State Board of Education a complete and detailed report
 5195 setting forth:

5196 (d) A copy of an annual financial audit of the accounts
 5197 and records of the Florida Virtual School, conducted by an
 5198 independent certified public accountant and performed in
 5199 accordance with rules adopted by the Office of Government
 5200 Accountability Auditor General.

5201 Section 150. Subsection (5) of section 1004.28, Florida
 5202 Statutes, is amended to read:

5203 1004.28 Direct-support organizations; use of property;
 5204 board of directors; activities; audit; facilities.--

5205 (5) ANNUAL AUDIT.--Each direct-support organization shall
 5206 provide for an annual ~~financial~~ audit of its financial
 5207 statements in order to express an opinion on the fairness with
 5208 which they are presented in conformance with generally accepted
 5209 accounting principles. The audit is ~~accounts and records~~ to be
 5210 conducted by an independent certified public accountant in
 5211 accordance with rules adopted by the Office of Government
 5212 Accountability Auditor General pursuant to s. 11.45(8) and by
 5213 the university board of trustees. The annual audit report shall
 5214 be submitted, within 9 months after the end of the fiscal year,
 5215 to the Office of Government Accountability Auditor General and
 5216 the State Board of Education for review. The State Board of
 5217 Education, the university board of trustees, ~~the Auditor~~
 5218 ~~General~~, and the Office of ~~Program Policy Analysis and~~
 5219 Government Accountability shall have the authority to require
 5220 and receive from the organization or from its independent



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5221 auditor any records relative to the operation of the
5222 organization. The identity of donors who desire to remain
5223 anonymous shall be protected, and that anonymity shall be
5224 maintained in the auditor's report. All records of the
5225 organization other than the auditor's report, management letter,
5226 and any supplemental data requested by the State Board of
5227 Education, the university board of trustees, ~~the Auditor~~
5228 ~~General~~, and the Office of ~~Program Policy Analysis and~~
5229 Government Accountability shall be confidential and exempt from
5230 the provisions of s. 119.07(1).

5231 Section 151. Subsection (5) of section 1004.29, Florida
5232 Statutes, is amended to read:

5233 1004.29 University health services support
5234 organizations.--

5235 (5) Each university health services support organization
5236 shall provide for an annual financial audit in accordance with
5237 s. 1004.28(5). The auditor's report, management letter, and any
5238 supplemental data requested by the State Board of Education, the
5239 university board of trustees, and the Office of Government
5240 Accountability ~~Auditor General~~ shall be considered public
5241 records, pursuant to s. 119.07.

5242 Section 152. Paragraph (d) of subsection (2) and paragraph
5243 (b) of subsection (8) of section 1004.43, Florida Statutes, are
5244 amended to read:

5245 1004.43 H. Lee Moffitt Cancer Center and Research
5246 Institute.--There is established the H. Lee Moffitt Cancer
5247 Center and Research Institute at the University of South
5248 Florida.

5249 (2) The State Board of Education shall provide in the
5250 agreement with the not-for-profit corporation for the following:



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5251 (d) Preparation of an annual financial audit of the not-
5252 for-profit corporation's accounts and records and the accounts
5253 and records of any subsidiaries to be conducted by an
5254 independent certified public accountant. The annual audit report
5255 shall include a management letter, as defined in s. 11.45, and
5256 shall be submitted to the Office of Government Accountability
5257 ~~Auditor General~~ and the State Board of Education. The State
5258 Board of Education, ~~the Auditor General~~, and the Office of
5259 ~~Program Policy Analysis and~~ Government Accountability shall have
5260 the authority to require and receive from the not-for-profit
5261 corporation and any subsidiaries or from their independent
5262 auditor any detail or supplemental data relative to the
5263 operation of the not-for-profit corporation or subsidiary.

5264 (8)

5265 (b) Proprietary confidential business information is
5266 confidential and exempt from the provisions of s. 119.07(1) and
5267 s. 24(a), Art. I of the State Constitution. However, ~~the Auditor~~
5268 ~~General~~, the Office of ~~Program Policy Analysis and~~ Government
5269 Accountability, and the State Board of Education, pursuant to
5270 their oversight and auditing functions, must be given access to
5271 all proprietary confidential business information upon request
5272 and without subpoena and must maintain the confidentiality of
5273 information so received. As used in this paragraph, the term
5274 "proprietary confidential business information" means
5275 information, regardless of its form or characteristics, which is
5276 owned or controlled by the not-for-profit corporation or its
5277 subsidiaries; is intended to be and is treated by the not-for-
5278 profit corporation or its subsidiaries as private and the
5279 disclosure of which would harm the business operations of the
5280 not-for-profit corporation or its subsidiaries; has not been



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5281 intentionally disclosed by the corporation or its subsidiaries
5282 unless pursuant to law, an order of a court or administrative
5283 body, a legislative proceeding pursuant to s. 5, Art. III of the
5284 State Constitution, or a private agreement that provides that
5285 the information may be released to the public; and which is
5286 information concerning:

5287 1. Internal auditing controls and reports of internal
5288 auditors;

5289 2. Matters reasonably encompassed in privileged attorney-
5290 client communications;

5291 3. Contracts for managed-care arrangements, including
5292 preferred provider organization contracts, health maintenance
5293 organization contracts, and exclusive provider organization
5294 contracts, and any documents directly relating to the
5295 negotiation, performance, and implementation of any such
5296 contracts for managed-care arrangements;

5297 4. Bids or other contractual data, banking records, and
5298 credit agreements the disclosure of which would impair the
5299 efforts of the not-for-profit corporation or its subsidiaries to
5300 contract for goods or services on favorable terms;

5301 5. Information relating to private contractual data, the
5302 disclosure of which would impair the competitive interest of the
5303 provider of the information;

5304 6. Corporate officer and employee personnel information;

5305 7. Information relating to the proceedings and records of
5306 credentialing panels and committees and of the governing board
5307 of the not-for-profit corporation or its subsidiaries relating
5308 to credentialing;

5309 8. Minutes of meetings of the governing board of the not-
5310 for-profit corporation and its subsidiaries, except minutes of



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5311 meetings open to the public pursuant to subsection (9);

5312 9. Information that reveals plans for marketing services
5313 that the corporation or its subsidiaries reasonably expect to be
5314 provided by competitors;

5315 10. Trade secrets as defined in s. 688.002, including
5316 reimbursement methodologies or rates; or

5317 11. The identity of donors or prospective donors of
5318 property who wish to remain anonymous or any information
5319 identifying such donors or prospective donors. The anonymity of
5320 these donors or prospective donors must be maintained in the
5321 auditor's report.

5322

5323 As used in this paragraph, the term "managed care" means systems
5324 or techniques generally used by third-party payors or their
5325 agents to affect access to and control payment for health care
5326 services. Managed-care techniques most often include one or more
5327 of the following: prior, concurrent, and retrospective review of
5328 the medical necessity and appropriateness of services or site of
5329 services; contracts with selected health care providers;
5330 financial incentives or disincentives related to the use of
5331 specific providers, services, or service sites; controlled
5332 access to and coordination of services by a case manager; and
5333 payor efforts to identify treatment alternatives and modify
5334 benefit restrictions for high-cost patient care.

5335 Section 153. Paragraph (d) of subsection (3) of section
5336 1004.445, Florida Statutes, is amended to read:

5337 1004.445 Florida Alzheimer's Center and Research
5338 Institute.--

5339 (3) The State Board of Education shall provide in the
5340 agreement with the not-for-profit corporation for the following:



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5341 (d) Preparation of an annual postaudit of the not-for-
 5342 profit corporation's financial accounts and the financial
 5343 accounts of any subsidiaries to be conducted by an independent
 5344 certified public accountant. The annual audit report shall
 5345 include management letters and shall be submitted to the Office
 5346 of Government Accountability ~~Auditor General~~ and the State Board
 5347 of Education for review. The State Board of Education, ~~the~~
 5348 ~~Auditor General~~, and the Office of ~~Program Policy Analysis and~~
 5349 ~~Government Accountability~~ shall have the authority to require
 5350 and receive from the not-for-profit corporation and any
 5351 subsidiaries, or from their independent auditor, any detail or
 5352 supplemental data relative to the operation of the not-for-
 5353 profit corporation or subsidiary.

5354 Section 154. Subsection (2) of section 1004.58, Florida
 5355 Statutes, is amended to read:

5356 1004.58 Leadership Board for Applied Research and Public
 5357 Service.--

5358 (2) Membership of the board shall be:

5359 (a) The Commissioner of Education, or the commissioner's
 5360 designee, who shall serve as chair.

5361 (b) The director of the Office of Planning and Budgeting
 5362 of the Executive Office of the Governor.

5363 (c) The secretary of the Department of Management
 5364 Services.

5365 (d) The director of Economic and Demographic Research.

5366 ~~(e) The director of the Office of Program Policy Analysis~~
 5367 ~~and Government Accountability.~~

5368 ~~(e)(f)~~ The President of the Florida League of Cities.

5369 ~~(f)(g)~~ The President for the Florida Association of
 5370 Counties.



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5371 (g)~~(h)~~ The President of the Florida School Board
5372 Association.

5373 (h)~~(i)~~ Five additional university president members,
5374 designated by the commissioner, to rotate annually.

5375 Section 155. Subsection (6) of section 1004.70, Florida
5376 Statutes, is amended to read:

5377 1004.70 Community college direct-support organizations.--

5378 (6) ANNUAL AUDIT.--Each direct-support organization shall
5379 provide for an annual ~~financial~~ audit of its financial
5380 statements in order to express an opinion on the fairness with
5381 which they are presented in conformance with generally accepted
5382 accounting principles. The audit is to be conducted by an
5383 independent certified public accountant in accordance with rules
5384 adopted by the Office of Governmental Accountability Auditor
5385 ~~General~~ pursuant to s. 11.45(8). The annual audit report must be
5386 submitted, within 9 months after the end of the fiscal year, to
5387 the Office of Government Accountability Auditor General, the
5388 State Board of Education, and the board of trustees for review.
5389 The board of trustees, ~~the Auditor General~~, and the Office of
5390 ~~Program Policy Analysis and~~ Government Accountability may
5391 require and receive from the organization or from its
5392 independent auditor any detail or supplemental data relative to
5393 the operation of the organization. The identity of donors who
5394 desire to remain anonymous shall be protected, and that
5395 anonymity shall be maintained in the auditor's report. All
5396 records of the organization, other than the auditor's report,
5397 any information necessary for the auditor's report, any
5398 information related to the expenditure of funds, and any
5399 supplemental data requested by the board of trustees, ~~the~~
5400 ~~Auditor General~~, and the Office of ~~Program Policy Analysis and~~



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5401 Government Accountability, shall be confidential and exempt from
 5402 the provisions of s. 119.07(1).

5403 Section 156. Subsection (5) of section 1004.78, Florida
 5404 Statutes, is amended to read:

5405 1004.78 Technology transfer centers at community
 5406 colleges.--

5407 (5) A technology transfer center shall be financed from
 5408 the Academic Improvement Program or from moneys of a community
 5409 college which are on deposit or received for use in the
 5410 activities conducted in the center. Such moneys shall be
 5411 deposited by the community college in a permanent technology
 5412 transfer fund in a depository or depositories approved for the
 5413 deposit of state funds and shall be accounted for and disbursed
 5414 subject to audit by the Office of Government Accountability
 5415 ~~Auditor General~~.

5416 Section 157. Subsection (7) of section 1005.37, Florida
 5417 Statutes, is amended to read:

5418 1005.37 Student Protection Fund.--

5419 (7) The Student Protection Fund must be actuarially sound,
 5420 periodically audited by the Office of Government Accountability
 5421 ~~Auditor General~~ in connection with its ~~his or her~~ audit of the
 5422 Department of Education, and reviewed to determine if additional
 5423 fees must be charged to schools eligible to participate in the
 5424 fund.

5425 Section 158. Subsection (6) of section 1006.07, Florida
 5426 Statutes, is amended to read:

5427 1006.07 District school board duties relating to student
 5428 discipline and school safety.--The district school board shall
 5429 provide for the proper accounting for all students, for the
 5430 attendance and control of students at school, and for proper



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5431 attention to health, safety, and other matters relating to the
 5432 welfare of students, including:

5433 (6) SAFETY AND SECURITY BEST PRACTICES.--Use the Safety
 5434 and Security Best Practices developed by the Office of ~~Program~~
 5435 ~~Policy Analysis and~~ Government Accountability to conduct a self-
 5436 assessment of the school districts' current safety and security
 5437 practices. Based on these self-assessment findings, the district
 5438 school superintendent shall provide recommendations to the
 5439 district school board which identify strategies and activities
 5440 that the district school board should implement in order to
 5441 improve school safety and security. Annually each district
 5442 school board must receive the self-assessment results at a
 5443 publicly noticed district school board meeting to provide the
 5444 public an opportunity to hear the district school board members
 5445 discuss and take action on the report findings. Each district
 5446 school superintendent shall report the self-assessment results
 5447 and school board action to the commissioner within 30 days after
 5448 the district school board meeting.

5449 Section 159. Section 1006.19, Florida Statutes, is amended
 5450 to read:

5451 1006.19 Audit of records of nonprofit corporations and
 5452 associations handling interscholastic activities.--

5453 (1) Each nonprofit association or corporation that
 5454 operates for the purpose of supervising and controlling
 5455 interscholastic activities of public high schools and whose
 5456 membership is composed of duly certified representatives of
 5457 public high schools, and whose rules and regulations are
 5458 established by members thereof, shall have an annual financial
 5459 audit of its accounts and records by an independent certified
 5460 public accountant retained by it and paid from its funds. The



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5461 accountant shall furnish a copy of the audit report to the
 5462 Office of Government Accountability Auditor General.

5463 (2) Any such nonprofit association or corporation shall
 5464 keep adequate and complete records of all moneys received by it,
 5465 including the source and amount, and all moneys spent by it,
 5466 including salaries, fees, expenses, travel allowances, and all
 5467 other items of expense. All records of any such organization
 5468 shall be open for inspection by the Office of Government
 5469 Accountability Auditor General.

5470 Section 160. Section 1008.35, Florida Statutes, is amended
 5471 to read:

5472 1008.35 Best financial management practices for school
 5473 districts; standards; reviews; designation of school
 5474 districts.--

5475 (1) The purpose of best financial management practices
 5476 reviews is to improve Florida school district management and use
 5477 of resources and to identify cost savings. The Office of ~~Program~~
 5478 ~~Policy Analysis and Government Accountability~~ is ~~(OPPAGA) and~~
 5479 ~~the Office of the Auditor General~~ are directed to develop a
 5480 system for reviewing the financial management practices of
 5481 school districts. ~~In this system, the Auditor General shall~~
 5482 ~~assist OPPAGA in examining district operations to determine~~
 5483 ~~whether they meet "best financial management practices."~~

5484 (2) The best financial management practices adopted by the
 5485 Commissioner of Education may be updated periodically after
 5486 consultation with the Legislature, the Governor, the Department
 5487 of Education, school districts, and the Office of Government
 5488 Accountability Auditor General. The Office of Government
 5489 Accountability ~~OPPAGA~~ shall submit to the Commissioner of
 5490 Education for review and adoption proposed revisions to the best



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5491 financial management practices adopted by the commissioner. The
 5492 best financial management practices, at a minimum, must instill
 5493 public confidence by addressing the school district's use of
 5494 resources, identifying ways that the district could save funds,
 5495 and improving districts' performance accountability systems,
 5496 including public accountability. To achieve these objectives,
 5497 best practices shall be developed for, but need not be limited
 5498 to, the following areas:

- 5499 (a) Management structures.
- 5500 (b) Performance accountability.
- 5501 (c) Efficient delivery of educational services, including
 5502 instructional materials.
- 5503 (d) Administrative and instructional technology.
- 5504 (e) Personnel systems and benefits management.
- 5505 (f) Facilities construction.
- 5506 (g) Facilities maintenance.
- 5507 (h) Student transportation.
- 5508 (i) Food service operations.
- 5509 (j) Cost control systems, including asset management, risk
 5510 management, financial management, purchasing, internal auditing,
 5511 and financial auditing.

5512
 5513 In areas for which the commissioner has not adopted best
 5514 practices, the Office of Government Accountability ~~OPPAGA~~ may
 5515 develop additional best financial management practices, with
 5516 input from a broad range of stakeholders. The Office of
 5517 Government Accountability ~~OPPAGA~~ shall present any additional
 5518 best practices to the commissioner for review and adoption.
 5519 Revised best financial management practices adopted by the
 5520 commissioner must be used in the next year's scheduled school



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5521 district reviews conducted according to this section.

5522 (3) The Office of Government Accountability ~~OPPAGA~~ shall
5523 contract with a private firm selected through a formal request
5524 for proposal process to perform the review, to the extent that
5525 funds are provided for this purpose in the General
5526 Appropriations Act each year. When sufficient funds are not
5527 provided to contract for all the scheduled best financial
5528 management practices reviews, the Office of Government
5529 Accountability ~~OPPAGA~~ shall conduct the remaining reviews
5530 scheduled for that year, except as otherwise provided in this
5531 act. At least one member of the private firm review team shall
5532 have expertise in school district finance. The scope of the
5533 review shall focus on the best practices adopted by the
5534 Commissioner of Education, pursuant to subsection (2). The
5535 Office of Government Accountability ~~OPPAGA~~ may include
5536 additional items in the scope of the review after seeking input
5537 from the school district and the Department of Education.

5538 (4) The Office of Government Accountability ~~OPPAGA~~ shall
5539 consult with the Commissioner of Education throughout the best
5540 practices review process to ensure that the technical expertise
5541 of the Department of Education benefits the review process and
5542 supports the school districts before, during, and after the
5543 review.

5544 (5) It is the intent of the Legislature that each school
5545 district shall be subject to a best financial management
5546 practices review. The Legislature also intends that all school
5547 districts shall be reviewed on a continuing 5-year cycle, as
5548 follows, unless specified otherwise in the General
5549 Appropriations Act, or as provided in this section:

5550 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,



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5551 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River, Monroe,
5552 Osceola, and Bradford.

5553 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,
5554 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,
5555 and Franklin.

5556 (c) Year 3: Palm Beach, Orange, Seminole, Lee, Escambia,
5557 Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie, Liberty,
5558 and Lafayette.

5559 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,
5560 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,
5561 Hardee, DeSoto, and Glades.

5562 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,
5563 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,
5564 Washington, and Calhoun.

5565 (6)(a) The ~~Joint~~ Legislative Auditing Committee may adjust
5566 the schedule of districts to be reviewed when unforeseen
5567 circumstances prevent initiation of reviews scheduled in a given
5568 year.

5569 (b) Once the 5-year cycle has been completed, reviews
5570 shall continue, beginning again with those districts included in
5571 year one of the cycle unless a district has requested and
5572 received a waiver as provided in subsection (17).

5573 (7) At the direction of the ~~Joint~~ Legislative Auditing
5574 Committee or the President of the Senate and the Speaker of the
5575 House of Representatives, and subject to funding by the
5576 Legislature, the Office of Government Accountability ~~OPPAGA~~ may
5577 conduct, or contract with a private firm to conduct, up to two
5578 additional best financial management practices reviews in
5579 districts not scheduled for review during that year if such
5580 review is necessary to address adverse financial conditions.



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5581 (8) Reviews shall be conducted by the Office of Government
 5582 Accountability ~~OPPAGA~~ and the consultant to the extent
 5583 specifically funded by the Legislature in the General
 5584 Appropriations Act for this purpose. Such funds may be used for
 5585 the cost of reviews by the Office of Government Accountability
 5586 ~~OPPAGA~~ and private consultants contracted by the Office of
 5587 Government Accountability ~~director of~~ ~~OPPAGA~~. Costs may include
 5588 professional services, travel expenses of the Office of
 5589 Government Accountability ~~OPPAGA and staff of the Auditor~~
 5590 ~~General~~, and any other necessary expenses incurred as part of a
 5591 best financial management practices review.

5592 (9) Districts scheduled for review must complete a self-
 5593 assessment instrument provided by the Office of Government
 5594 Accountability ~~OPPAGA~~ which indicates the school district's
 5595 evaluation of its performance on each best practice. The
 5596 district must begin the self-assessment not later than 60 days
 5597 prior to the commencement of the review. The completed self-
 5598 assessment instrument and supporting documentation must be
 5599 submitted to the Office of Government Accountability ~~OPPAGA~~ not
 5600 later than the date of commencement of the review as notified by
 5601 the Office of Government Accountability ~~OPPAGA~~. The best
 5602 practice review team will use this self-assessment information
 5603 during their review of the district.

5604 (10) During the review, the Office of Government
 5605 Accountability ~~OPPAGA~~ and the consultant conducting the review,
 5606 if any, shall hold at least one advertised public forum as part
 5607 of the review in order to explain the best financial management
 5608 practices review process and obtain input from students,
 5609 parents, the business community, and other district residents
 5610 regarding their concerns about the operations and management of



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5611 the school district.

5612 (11) District reviews conducted under this section must be
 5613 completed within 6 months after commencement. The Office of
 5614 Government Accountability ~~OPPAGA~~ shall issue a final report to
 5615 the President of the Senate, the Speaker of the House of
 5616 Representatives, and the district regarding the district's use
 5617 of best financial management practices and cost savings
 5618 recommendations within 60 days after completing the reviews.
 5619 Copies of the final report shall be provided to the Governor,
 5620 the Commissioner of Education, and to the chairs of school
 5621 advisory councils and district advisory councils established
 5622 pursuant to s. 1001.452(1)(a) and (b). The district school board
 5623 shall notify all members of the school advisory councils and
 5624 district advisory council by mail that the final report has been
 5625 delivered to the school district and to the council chairs. The
 5626 notification shall also inform members of the Office of
 5627 Government Accountability ~~OPPAGA~~ website address at which an
 5628 electronic copy of the report is available.

5629 (12) After receipt of the final report and before the
 5630 district school board votes whether to adopt the action plan, or
 5631 if no action plan was required because the district was found to
 5632 be using the best practices, the district school board shall
 5633 hold an advertised public forum to accept public input and
 5634 review the findings and recommendations of the report. The
 5635 district school board shall advertise and promote this forum in
 5636 a manner appropriate to inform school and district advisory
 5637 councils, parents, school district employees, the business
 5638 community, and other district residents of the opportunity to
 5639 attend this meeting. The Office of Government Accountability
 5640 ~~OPPAGA~~ and the consultant, if any, shall also be represented at



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5641 this forum.

5642 (13)(a) If the district is found not to conform to best
5643 financial management practices, the report must contain an
5644 action plan detailing how the district could meet the best
5645 practices within 2 years. The district school board must decide,
5646 by a majority plus one vote within 90 days after receipt of the
5647 final report, whether or not to implement the action plan and
5648 pursue a "Seal of Best Financial Management" awarded by the
5649 State Board of Education to qualified school districts. If a
5650 district fails to vote on the action plan within 90 days,
5651 district school board members may be required to appear and
5652 present testimony before a legislative committee, pursuant to s.
5653 11.143.

5654 (b) The district school board may vote to reverse a
5655 decision not to implement an action plan, provided that the
5656 action plan is implemented and there is still sufficient time,
5657 as determined by the district school board, to meet the best
5658 practices within 2 years after issuance of the final report.

5659 (c) Within 90 days after the receipt of the final report,
5660 the district school board must notify the Auditor General ~~OPPAGA~~
5661 and the Commissioner of Education in writing of the date and
5662 outcome of the district school board vote on whether to adopt
5663 the action plan. If the district school board fails to vote on
5664 whether to adopt the action plan, the district school
5665 superintendent must notify the Office of Government
5666 Accountability ~~OPPAGA~~ and the Commissioner of Education. The
5667 Department of Education may contact the school district, assess
5668 the situation, urge the district school board to vote, and offer
5669 technical assistance, if needed.

5670 (14) If a district school board votes to implement the



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5671 action plan:

5672 (a) No later than 1 year after receipt of the final
 5673 report, the district school board must submit an initial status
 5674 report to the President of the Senate, the Speaker of the House
 5675 of Representatives, the Governor, the Office of Government
 5676 Accountability ~~OPPACA, the Auditor General,~~ the State Board of
 5677 Education, and the Commissioner of Education on progress made
 5678 toward implementing the action plan and whether changes have
 5679 occurred in other areas of operation that would affect
 5680 compliance with the best practices.

5681 (b) A second status report must be submitted by the school
 5682 district to the President of the Senate, the Speaker of the
 5683 House of Representatives, the Governor, the Office of Government
 5684 Accountability, ~~OPPACA, the Auditor General,~~ the Commissioner of
 5685 Education, and the State Board of Education no later than 1 year
 5686 after submission of the initial report.

5687
 5688 Status reports are not required once the Office of Government
 5689 Accountability ~~OPPACA~~ concludes that the district is using best
 5690 practices.

5691 (15) After receipt of each of a district's two status
 5692 reports required by subsection (14), the Office of Government
 5693 Accountability ~~OPPACA~~ shall assess the district's implementation
 5694 of the action plan and progress toward implementing the best
 5695 financial management practices in areas covered by the plan.
 5696 Following each assessment, the Office of Government
 5697 Accountability ~~OPPACA~~ shall issue a report to the President of
 5698 the Senate, the Speaker of the House of Representatives, and the
 5699 district indicating whether the district has successfully
 5700 implemented the best financial management practices. Copies of



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5701 the report must be provided to the Governor, ~~the Auditor~~
 5702 ~~General~~, the Commissioner of Education, and the State Board of
 5703 Education. If a district has failed to implement an action plan
 5704 adopted pursuant to subsection (13), district school board
 5705 members and the district school superintendent may be required
 5706 to appear before a legislative committee, pursuant to s. 11.143,
 5707 to present testimony regarding the district's failure to
 5708 implement such action plan.

5709 (16) District school boards that successfully implement
 5710 the best financial management practices within 2 years, or are
 5711 determined in the review to be using the best practices, are
 5712 eligible to receive a "Seal of Best Financial Management." Upon
 5713 notification to the Commissioner of Education and the State
 5714 Board of Education by the Office of Government Accountability
 5715 ~~OPAGA~~ that a district has been found to be using the best
 5716 financial management practices, the State Board of Education
 5717 shall award that district a "Seal of Best Financial Management"
 5718 certifying that the district is adhering to the state's best
 5719 financial management practices. The State Board of Education
 5720 designation shall be effective for 5 years from the
 5721 certification date or until the next review is completed,
 5722 whichever is later. During the designation period, the district
 5723 school board shall annually, not later than the anniversary date
 5724 of the certification, notify the Office of Government
 5725 Accountability ~~OPAGA, the Auditor General~~, the Commissioner of
 5726 Education, and the State Board of Education of any changes in
 5727 policies or operations or any other situations that would not
 5728 conform to the state's best financial management practices. The
 5729 State Board of Education may revoke the designation of a
 5730 district school board at any time if it determines that a



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5731 district is no longer complying with the state's best financial
 5732 management practices. If no such changes have occurred and the
 5733 district school board determines that the school district
 5734 continues to conform to the best financial management practices,
 5735 the district school board shall annually report that information
 5736 to the State Board of Education, with copies to the Office of
 5737 Government Accountability ~~OPPAGA, the Auditor General,~~ and the
 5738 Commissioner of Education.

5739 (17)(a) A district school board that has been awarded a
 5740 "Seal of Best Financial Management" by the State Board of
 5741 Education and has annually reported to the State Board of
 5742 Education that the district is still conforming to the best
 5743 financial management practices may request a waiver from
 5744 undergoing its next scheduled Best Financial Management
 5745 Practices review.

5746 (b) To apply for such waiver, not later than September 1
 5747 of the fiscal year prior to the fiscal year in which the
 5748 district is next scheduled for review, the district school board
 5749 shall certify to the Office of Government Accountability ~~OPPAGA~~
 5750 and the Department of Education the district school board's
 5751 determination that the school district is still conforming to
 5752 the best financial management practices.

5753 (c) After consultation with the Department of Education
 5754 and review of the district school board's determination, the
 5755 Office of Government Accountability ~~OPPAGA~~ may recommend to the
 5756 Legislative Budget Commission that the district be granted a
 5757 waiver for the next scheduled Best Financial Management
 5758 Practices review. If approved for waiver, the Office of
 5759 Government Accountability ~~OPPAGA~~ shall notify the school
 5760 district and the Department of Education that no review of that



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5761 district will be conducted during the next scheduled review
5762 cycle. In that event, the district school board must continue
5763 annual reporting to the State Board of Education as required in
5764 subsection (16). District school boards granted a waiver for one
5765 review cycle are not eligible for waiver of the next scheduled
5766 review cycle.

5767 (18) District school boards that receive a best financial
5768 management practices review must maintain records that will
5769 enable independent verification of the implementation of the
5770 action plan and any related fiscal impacts.

5771 (19) Unrestricted cost savings resulting from
5772 implementation of the best financial management practices must
5773 be spent at the school and classroom levels for teacher
5774 salaries, teacher training, improved classroom facilities,
5775 student supplies, textbooks, classroom technology, and other
5776 direct student instruction activities. Cost savings identified
5777 for a program that has restrictive expenditure requirements
5778 shall be used for the enhancement of the specific program.

5779 Section 161. Subsection (1) of section 1008.46, Florida
5780 Statutes, is amended to read:

5781 1008.46 State university accountability process.--It is
5782 the intent of the Legislature that an accountability process be
5783 implemented that provides for the systematic, ongoing evaluation
5784 of quality and effectiveness of state universities. It is
5785 further the intent of the Legislature that this accountability
5786 process monitor performance at the system level in each of the
5787 major areas of instruction, research, and public service, while
5788 recognizing the differing missions of each of the state
5789 universities. The accountability process shall provide for the
5790 adoption of systemwide performance standards and performance



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5791 goals for each standard identified through a collaborative
 5792 effort involving state universities, the Legislature, and the
 5793 Governor's Office. These standards and goals shall be consistent
 5794 with s. 216.011(1) to maintain congruity with the performance-
 5795 based budgeting process. This process requires that university
 5796 accountability reports reflect measures defined through
 5797 performance-based budgeting. The performance-based budgeting
 5798 measures must also reflect the elements of teaching, research,
 5799 and service inherent in the missions of the state universities.

5800 (1) By December 31 of each year, the State Board of
 5801 Education shall submit an annual accountability report providing
 5802 information on the implementation of performance standards,
 5803 actions taken to improve university achievement of performance
 5804 goals, the achievement of performance goals during the prior
 5805 year, and initiatives to be undertaken during the next year. The
 5806 accountability reports shall be designed in consultation with
 5807 the Governor's Office, the Office of ~~Program Policy Analysis and~~
 5808 Government Accountability, and the Legislature.

5809 Section 162. Subsection (4) of section 1009.265, Florida
 5810 Statutes, is amended to read:

5811 1009.265 State employee fee waivers.--

5812 (4) The Office of Government Accountability ~~Auditor~~
 5813 ~~General~~ shall include a review of the cost assessment data in
 5814 conjunction with its ~~his or her~~ audit responsibilities for
 5815 community colleges, state universities, and the Department of
 5816 Education.

5817 Section 163. Paragraph (c) of subsection (5) of section
 5818 1009.53, Florida Statutes, is amended to read:

5819 1009.53 Florida Bright Futures Scholarship Program.--

5820 (5) The department shall issue awards from the scholarship



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5821 program annually. Annual awards may be for up to 45 semester
5822 credit hours or the equivalent. Before the registration period
5823 each semester, the department shall transmit payment for each
5824 award to the president or director of the postsecondary
5825 education institution, or his or her representative, except that
5826 the department may withhold payment if the receiving institution
5827 fails to report or to make refunds to the department as required
5828 in this section.

5829 (c) Each institution that receives moneys through this
5830 program shall prepare an annual report that includes an annual
5831 financial audit, conducted by an independent certified public
5832 accountant or the Office of Government Accountability Auditor
5833 ~~General~~. The report shall include an audit of the institution's
5834 administration of the program and a complete accounting of the
5835 moneys for the program. This report must be submitted to the
5836 department annually by March 1. The department may conduct its
5837 own annual audit of an institution's administration of the
5838 program. The department may request a refund of any moneys
5839 overpaid to the institution for the program. The department may
5840 suspend or revoke an institution's eligibility to receive future
5841 moneys for the program if the department finds that an
5842 institution has not complied with this section. The institution
5843 must remit within 60 days any refund requested in accordance
5844 with this subsection.

5845 Section 164. Section 1009.976, Florida Statutes, is
5846 amended to read:

5847 1009.976 Annual report.--On or before March 31 of each
5848 year, the Florida Prepaid College Board shall prepare or cause
5849 to be prepared separate reports setting forth in appropriate
5850 detail an accounting of the prepaid program and the savings



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5851 program which include a description of the financial condition
 5852 of each respective program at the close of the fiscal year. The
 5853 board shall submit copies of the reports to the Governor, the
 5854 President of the Senate, the Speaker of the House of
 5855 Representatives, and the minority leaders of the House and
 5856 Senate and shall make the report for the prepaid program
 5857 available to each purchaser and the report for the savings
 5858 program available to each benefactor and designated beneficiary.
 5859 The accounts of the fund for the prepaid program and the savings
 5860 program shall be subject to annual audits by the Office of
 5861 Government Accountability Auditor-General.

5862 Section 165. Subsection (3) of section 1009.983, Florida
 5863 Statutes, is amended to read:

5864 1009.983 Direct-support organization; authority.--

5865 (3) The direct-support organization shall provide for an
 5866 annual financial audit in accordance with s. 215.981. The board
 5867 and Office of Government Accountability Auditor-General may
 5868 require and receive from the organization or its independent
 5869 auditor any detail or supplemental data relative to the
 5870 operation of the organization.

5871 Section 166. Subsection (1) of section 1010.305, Florida
 5872 Statutes, is amended to read:

5873 1010.305 Audit of student enrollment.--

5874 (1) The Office of Government Accountability Auditor
 5875 General shall periodically examine the records of school
 5876 districts, and other agencies as appropriate, to determine
 5877 compliance with law and State Board of Education rules relating
 5878 to the classification, assignment, and verification of full-time
 5879 equivalent student enrollment and student transportation
 5880 reported under the Florida Education Finance Program.



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5881 Section 167. Subsection (2) of section 1011.10, Florida
 5882 Statutes, is amended to read:

5883 1011.10 Penalty.--

5884 (2) Each member of any district school board voting to
 5885 incur an indebtedness against the district school funds in
 5886 excess of the expenditure allowed by law, or in excess of any
 5887 appropriation as adopted in the original official budget or
 5888 amendments thereto, or to approve or pay any illegal charge
 5889 against the funds, and any chair of a district school board or
 5890 district school superintendent who signs a warrant for payment
 5891 of any such claim or bill of indebtedness against any of the
 5892 funds shall be personally liable for the amount, and shall be
 5893 guilty of malfeasance in office and subject to removal by the
 5894 Governor. It shall be the duty of the Office of Government
 5895 Accountability ~~Auditor General~~, other state officials, or
 5896 independent certified public accountants charged by law with the
 5897 responsibility for auditing school accounts, upon discovering
 5898 any such illegal expenditure or expenditures in excess of the
 5899 appropriations in the budget as officially amended, to certify
 5900 such fact to the Department of Banking and Finance, which
 5901 thereupon shall verify such fact and it shall be the duty of the
 5902 Department of Banking and Finance to advise the Department of
 5903 Legal Affairs thereof, and it shall be the duty of the
 5904 Department of Legal Affairs to cause to be instituted and
 5905 prosecuted, either through its office or through any state
 5906 attorney, proceedings at law or in equity against such member or
 5907 members of a district school board or district school
 5908 superintendent. If either of the officers does not institute
 5909 proceedings within 90 days after the audit has been certified to
 5910 them by the Department of Banking and Finance, any taxpayer may



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5911 institute suit in his or her own name on behalf of the district.

5912 Section 168. Subsection (6) of section 1011.51, Florida
 5913 Statutes, is amended to read:

5914 1011.51 Independent postsecondary endowment grants.--

5915 (6) Matching endowment grants made pursuant to this
 5916 section to a qualified independent nonprofit college or
 5917 university shall be placed in a separate restricted endowment by
 5918 such institution. The interest or other income accruing from the
 5919 endowment shall be expended exclusively for professorships,
 5920 library resources, scientific and technical equipment, and
 5921 nonathletic scholarships. Moreover, the funds in the endowment
 5922 shall not be used for pervasively sectarian instruction,
 5923 religious worship, or theology or divinity programs or
 5924 resources. The records of the endowment shall be subject to
 5925 review by the department and audit or examination by the ~~Auditor~~
 5926 ~~General and the Office of Program Policy Analysis and Government~~
 5927 ~~Accountability~~. If any institution receiving a matching
 5928 endowment grant pursuant to this section ceases operations and
 5929 undergoes dissolution proceedings, then all funds received
 5930 pursuant to this section from the state shall be returned.

5931 Section 169. Paragraph (f) of subsection (2) of section
 5932 1013.35, Florida Statutes, is amended to read:

5933 1013.35 School district educational facilities plan;
 5934 definitions; preparation, adoption, and amendment; long-term
 5935 work programs.--

5936 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 5937 FACILITIES PLAN.--

5938 (f) Commencing on October 1, 2002, and not less than once
 5939 every 5 years thereafter, the district school board shall
 5940 contract with a qualified, independent third party to conduct a



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5941 financial management and performance audit of the educational
5942 planning and construction activities of the district. An audit
5943 conducted by the Office of ~~Program Policy Analysis and~~
5944 Government Accountability ~~and the Auditor General~~ pursuant to s.
5945 1008.35 satisfies this requirement.

5946 Section 170. Subsections (2) and (5) of section 1013.512,
5947 Florida Statutes, are amended to read:

5948 1013.512 Land Acquisition and Facilities Maintenance
5949 Operations Advisory Board.--

5950 (2) If the ~~director of the~~ Office of ~~Program Policy~~
5951 ~~Analysis and~~ Government Accountability (~~OPPAGA~~) ~~or the Auditor~~
5952 ~~General~~ determines in a review or examination that significant
5953 deficiencies exist in a school district's land acquisition and
5954 facilities maintenance operational processes, it ~~he or she~~ shall
5955 certify to the President of the Senate, the Speaker of the House
5956 of Representatives, the Legislative Budget Commission, and the
5957 Governor that the deficiency exists. The Legislative Budget
5958 Commission shall determine whether funds for the school district
5959 will be placed in reserve until the deficiencies are corrected.

5960 (5) Within 60 days of convening, the Land Acquisition and
5961 Facilities Maintenance Operations Advisory Board shall assess
5962 the district's progress and corrective actions and report to the
5963 Commissioner of Education. The advisory board's report must
5964 address the release of any funds placed in reserve by the
5965 Executive Office of the Governor. Any recommendation from the
5966 advisory board for the release of funds shall include a
5967 certification that policies established, procedures followed,
5968 and expenditures made by the school board related to site
5969 acquisition and facilities planning, construction, and
5970 maintenance operations are consistent with recommendations of



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5971 the Land Acquisition and Facilities Maintenance Operations
 5972 Advisory Board and will accomplish corrective action and address
 5973 recommendations made by the Office of ~~Program Policy Analysis~~
 5974 ~~and Government Accountability and the Auditor General~~. If the
 5975 advisory board does not recommend release of the funds held in
 5976 reserve, they shall provide additional assistance and submit a
 5977 subsequent report 60 days after the previous report.

5978 Section 171. Section 34 of chapter 2002-22, Laws of
 5979 Florida, is amended to read:

5980 Section 34. Before the 2005 Regular Legislative Session of
 5981 the Legislature, the Office of ~~Program Policy Analysis and~~
 5982 Government Accountability shall conduct a review of and prepare
 5983 a report on the progress of the Division of Vocational
 5984 Rehabilitation of the Department of Education.

5985 Section 172. If any law amended by this act was also
 5986 amended by a law enacted at the 2003 Regular Session of the
 5987 Legislature, such laws shall be construed as if they had been
 5988 enacted at the same session of the Legislature, and full effect
 5989 shall be given to each if possible.

5990 Section 173. This act shall take effect on July 1, 2003.

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