

1 A bill to be entitled
2 An act relating to the Auditor General; amending s. 11.45,
3 F.S.; requiring that financial audits be conducted in
4 accordance with certain auditing standards and activities;
5 expanding the definition and standards of "operational
6 audit"; revising the duties of the Auditor General
7 pertaining to financial audits of district boards of
8 trustees of community colleges, district school boards,
9 universities, colleges, the Florida Clerks of Court
10 Operations Corporation, and the Florida School for the
11 Deaf and Blind; revising the time for conducting certain
12 operational audits; revising the requirements for
13 conducting a performance audit of the ad valorem tax laws;
14 deleting the authority of the Auditor General to conduct
15 an audit of the Investment Fraud Restoration Financing
16 Corporation; authorizing the Auditor General to conduct
17 audits or other engagements of certain virtual education
18 providers; expanding the requirements of the annual report
19 to the legislative leadership and Legislative Auditing
20 Committee; amending s. 25.075, F.S.; deleting the
21 requirement that the Auditor General audit certain reports
22 made to the Supreme Court in accordance with the uniform
23 case reporting system established by the court; amending
24 s. 28.35, F.S.; deleting the requirements that the Florida
25 Clerks of Court Operations Corporation submit an annual
26 audited financial statement to the Auditor General and
27 that the Auditor General conduct an audit of the
28 corporation; amending s. 195.096, F.S.; deleting the

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29 requirement that the Auditor General conduct a performance
30 audit of the administration of ad valorem tax laws;
31 amending s. 218.31, F.S.; requiring that financial audits
32 be conducted in accordance with certain auditing standards
33 and activities; amending s. 273.05, F.S.; transferring the
34 responsibility of developing rules for surplus property
35 records from the Auditor General to the Chief Financial
36 Officer; amending s. 365.173, F.S.; deleting certain
37 responsibilities of the Auditor General for the Emergency
38 Communications Number E911 System Fund; amending s.
39 943.25, F.S.; deleting certain responsibilities of the
40 Auditor General pertaining to criminal justice trust
41 funds; amending s. 1002.36, F.S.; deleting the requirement
42 that the Auditor General perform annual audits of the
43 Florida School for the Deaf and the Blind; amending s.
44 1009.53, F.S.; revising the criteria for audits for
45 institutions which receive a certain amount of funds from
46 the Bright Futures Scholarship program; providing a date
47 by which certain reports must be submitted; providing that
48 an institution that is not subject to the audit shall
49 attest, under penalty of perjury, that the scholarship
50 proceeds were used in compliance with law; providing that
51 the Department of Education may establish the form and
52 format for the attestation; amending ss. 938.01 and
53 943.17, F.S.; conforming cross-references to changes made
54 by the act; providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
 58 Section 1. Paragraphs (c) and (g) of subsection (1),
 59 subsection (2), paragraphs (u), (v), (w), and (x) of subsection
 60 (3), and paragraph (h) of subsection (7) of section 11.45,
 61 Florida Statutes, are amended, and a new paragraph (x) is added
 62 to subsection (3) of that section, to read:

63 11.45 Definitions; duties; authorities; reports; rules.—

64 (1) DEFINITIONS.—As used in ss. 11.40-11.513, the term:

65 (c) "Financial audit" means an examination of financial
 66 statements in order to express an opinion on the fairness with
 67 which they are presented in conformity with generally accepted
 68 accounting principles and an examination to determine whether
 69 operations are properly conducted in accordance with legal and
 70 regulatory requirements. Financial audits must be conducted in
 71 accordance with auditing standards generally accepted in the
 72 United States ~~auditing standards~~ and government auditing
 73 standards as adopted by the Board of Accountancy. When
 74 applicable, the scope of financial audits shall encompass the
 75 additional activities necessary to establish compliance with the
 76 Single Audit Act Amendments of 1996, 31 U.S.C.A. ss. 7501-7507
 77 and other applicable federal law.

78 (g) "Operational audit" means an ~~a financial-related~~ audit
 79 whose purpose is to evaluate management's performance in
 80 establishing and maintaining internal controls, including
 81 controls designed to prevent and detect fraud, waste, and abuse,
 82 and in administering assigned responsibilities in accordance
 83 with applicable laws, ~~administrative~~ rules, regulations,
 84 contracts, grant agreements, and other guidelines. Operational

85 audits must be conducted in accordance with government auditing
 86 standards. Operational audits examine ~~and to determine the~~
 87 ~~extent to which the internal controls control,~~ as designed and
 88 placed in operation to, promote ~~promotes~~ and encourage
 89 ~~encourages~~ the achievement of management's control objectives in
 90 the categories of compliance, economic and efficient operations,
 91 reliability of financial records and reports, and safeguarding
 92 of assets and the identification of weaknesses in those internal
 93 controls.

94 (2) DUTIES.—The Auditor General shall:

95 (a) Conduct audits of records and perform related duties
 96 as prescribed by law, concurrent resolution of the Legislature,
 97 or as directed by the Legislative Auditing Committee.

98 (b) Annually conduct a financial audit of state
 99 government.

100 (c) Annually conduct financial audits of all state
 101 ~~universities and district boards of trustees of community~~
 102 ~~colleges.~~

103 (d) Annually conduct financial audits of the accounts and
 104 records of all district school boards in counties with
 105 populations of fewer than 150,000, according to the most recent
 106 federal decennial statewide census.

107 (e) Once every 3 years, conduct financial audits of the
 108 accounts and records of all district school boards in counties
 109 with populations of 150,000 or more, according to the most
 110 recent federal decennial statewide census. ~~Through fiscal year~~
 111 ~~2008-2009, annually conduct an audit of the Wireless Emergency~~
 112 ~~Telephone System Fund as described in s. 365.173.~~

113 ~~(f) Annually conduct audits of the accounts and records of~~
 114 ~~the Florida School for the Deaf and the Blind.~~

115 (f)(g) At least every 3 ~~2~~ years, conduct operational
 116 audits of the accounts and records of state agencies, and
 117 universities, colleges, district school boards, the Florida
 118 Clerks of Court Operations Corporation, and the Florida School
 119 for the Deaf and the Blind. ~~In connection with these audits, the~~
 120 ~~Auditor General shall give appropriate consideration to reports~~
 121 ~~issued by state agencies' inspectors general or universities'~~
 122 ~~inspectors general and the resolution of findings therein.~~

123 (g)(h) At least every 3 ~~2~~ years, conduct a performance
 124 audit of the local government financial reporting system, which,
 125 for the purpose of this chapter, means any statutory provisions
 126 related to local government financial reporting. The purpose of
 127 such an audit is to determine the accuracy, efficiency, and
 128 effectiveness of the reporting system in achieving its goals and
 129 to make recommendations to the local governments, the Governor,
 130 and the Legislature as to how the reporting system can be
 131 improved and how program costs can be reduced. The Auditor
 132 General shall determine the scope of such audits. The local
 133 government financial reporting system should provide for the
 134 timely, accurate, uniform, and cost-effective accumulation of
 135 financial and other information that can be used by the members
 136 of the Legislature and other appropriate officials to accomplish
 137 the following goals:

- 138 1. Enhance citizen participation in local government;
- 139 2. Improve the financial condition of local governments;
- 140 3. Provide essential government services in an efficient

141 and effective manner; and

142 4. Improve decisionmaking on the part of the Legislature,
 143 state agencies, and local government officials on matters
 144 relating to local government.

145 (h)(i) At least Once every 3 years, conduct a performance
 146 audit audits of the Department of Revenue's administration of
 147 the ad valorem tax laws ~~as described in s. 195.096.~~ The
 148 performance audit shall report on the activities of the ad
 149 valorem tax program of the Department of Revenue related to the
 150 ad valorem tax rolls. The Auditor General shall include, for at
 151 least four counties so reviewed, findings as to the accuracy of
 152 assessment procedures, projections, and computations made by the
 153 division, using the same generally accepted appraisal standards
 154 and procedures to which the division and the property appraisers
 155 are required to adhere. However, the report may not include any
 156 findings or statistics related to any ad valorem tax roll that
 157 is in litigation between the state and county officials at the
 158 time the report is to be issued.

159 ~~(j) Once every 3 years, conduct financial audits of the~~
 160 ~~accounts and records of all district school boards in counties~~
 161 ~~with populations of 125,000 or more, according to the most~~
 162 ~~recent federal decennial statewide census.~~

163 (i)(k) Once every 3 years, review a sample of each state
 164 agency's internal audit reports at each state agency, as defined
 165 in s. 20.0551(1)(a), to determine compliance with current
 166 Standards for the Professional Practice of Internal Auditing or,
 167 if appropriate, government auditing standards.

168 (j)(l) Conduct audits of local governmental entities when

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169 determined to be necessary by the Auditor General, when directed
 170 by the Legislative Auditing Committee, or when otherwise
 171 required by law. No later than 18 months after the release of
 172 the audit report, the Auditor General shall perform such
 173 appropriate followup procedures as he or she deems necessary to
 174 determine the audited entity's progress in addressing the
 175 findings and recommendations contained within the Auditor
 176 General's previous report. The Auditor General shall notify
 177 ~~provide a copy of his or her determination to~~ each member of the
 178 audited entity's governing body and ~~to~~ the Legislative Auditing
 179 Committee of the results of his or her determination.

180
 181 The Auditor General shall perform his or her duties
 182 independently but under the general policies established by the
 183 Legislative Auditing Committee. This subsection does not limit
 184 the Auditor General's discretionary authority to conduct other
 185 audits or engagements of governmental entities as authorized in
 186 subsection (3).

187 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 188 Auditor General may, pursuant to his or her own authority, or at
 189 the direction of the Legislative Auditing Committee, conduct
 190 audits or other engagements as determined appropriate by the
 191 Auditor General of:

192 ~~(u) The Investment Fraud Restoration Financing Corporation~~
 193 ~~created pursuant to chapter 517.~~

194 (u) ~~(v)~~ The books and records of any permitholder that
 195 conducts race meetings or jai alai exhibitions under chapter
 196 550.

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197 (v) ~~(w)~~ The corporation defined in part II of chapter 946,
 198 known as the Prison Rehabilitative Industries and Diversified
 199 Enterprises, Inc., or PRIDE Enterprises.

200 (w) ~~(*)~~ The Florida Virtual School pursuant to s. 1002.37.

201 (x) Virtual education providers receiving state funds or
 202 funds from local ad valorem taxes.

203 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

204 (h) The Auditor General shall compile and transmit to the
 205 President of the Senate, the Speaker of the House of
 206 Representatives, and the Legislative Auditing Committee by
 207 December 1 of each year an annual report, which shall include a
 208 projected 2-year work plan identifying the audits and other
 209 accountability activities to be undertaken and a list of
 210 statutory and fiscal changes recommended by the Auditor General.
 211 The Auditor General may also transmit recommendations at other
 212 times of the year when the information would be timely and
 213 useful for the Legislature.

214 Section 2. Subsection (3) of section 25.075, Florida
 215 Statutes, is amended to read:

216 25.075 Uniform case reporting system.—

217 ~~(3) The Auditor General shall audit the reports made to~~
 218 ~~the Supreme Court in accordance with the uniform system~~
 219 ~~established by the Supreme Court.~~

220 Section 3. Subsection (5) of section 28.35, Florida
 221 Statutes, is amended to read:

222 28.35 Florida Clerks of Court Operations Corporation.—

223 ~~(5)(a) The corporation shall submit an annual audited~~
 224 ~~financial statement to the Auditor General in a form and manner~~

225 ~~prescribed by the Auditor General. The Auditor General shall~~
 226 ~~conduct an annual audit of the operations of the corporation,~~
 227 ~~including the use of funds and compliance with the provisions of~~
 228 ~~this section and ss. 28.36 and 28.37.~~

229 (b) Certified public accountants conducting audits of
 230 counties pursuant to s. 218.39 shall report, as part of the
 231 audit, whether or not the clerks of the courts have complied
 232 with the requirements of this section and s. 28.36. In addition,
 233 each clerk of court shall forward a copy of the portion of the
 234 financial audit relating to the court-related duties of the
 235 clerk of court to the Supreme Court. The Auditor General shall
 236 develop a compliance supplement for the audit of compliance with
 237 the budgets and applicable performance standards certified by
 238 the corporation.

239 Section 4. Subsections (7), (8), and (9) of section
 240 195.096, Florida Statutes, are amended to read:

241 195.096 Review of assessment rolls.—

242 ~~(7) The Auditor General shall conduct a performance audit~~
 243 ~~of the administration of ad valorem tax laws by the department~~
 244 ~~triennially following completion of reviews conducted pursuant~~
 245 ~~to this section. The audit report shall be submitted to the~~
 246 ~~Legislature no later than April 1, on a triennial basis,~~
 247 ~~reporting on the activities of the ad valorem tax program of the~~
 248 ~~Department of Revenue related to the ad valorem tax rolls. The~~
 249 ~~Auditor General shall include, for at least four counties so~~
 250 ~~reviewed, findings as to the accuracy of assessment procedures,~~
 251 ~~projections, and computations made by the division, utilizing~~
 252 ~~the same generally accepted appraisal standards and procedures~~

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253 ~~to which the division and the property appraisers are required~~
 254 ~~to adhere. However, the report shall not include any findings or~~
 255 ~~statistics related to any ad valorem tax roll which is in~~
 256 ~~litigation between the state and county officials at the time~~
 257 ~~the report is to be issued.~~

258 ~~(7)-(8)~~ When a roll is prepared as an interim roll pursuant
 259 to s. 193.1145, the department shall compute assessment levels
 260 for both the interim roll and the final approved roll.

261 ~~(8)-(9)~~ Chapter 120 does ~~shall~~ not apply to this section.

262 Section 5. Subsection (17) of section 218.31, Florida
 263 Statutes, is amended to read:

264 218.31 Definitions.—As used in this part, except where the
 265 context clearly indicates a different meaning:

266 (17) "Financial audit" means an examination of financial
 267 statements in order to express an opinion on the fairness with
 268 which they are presented in conformity with generally accepted
 269 accounting principles and an examination to determine whether
 270 operations are properly conducted in accordance with legal and
 271 regulatory requirements. Financial audits must be conducted in
 272 accordance with auditing standards generally accepted in the
 273 United States ~~auditing standards~~ and government auditing
 274 standards as adopted by the Board of Accountancy and as
 275 prescribed by rules promulgated by the Auditor General. When
 276 applicable, the scope of financial audits shall encompass the
 277 additional activities necessary to establish compliance with the
 278 Single Audit Act Amendments of 1996, 31 U.S.C.A. ss. 7501-7507
 279 and other applicable federal law.

280 Section 6. Subsection (5) of section 273.05, Florida

281 Statutes, is amended to read:

282 273.05 Surplus property.—

283 (5) The custodian shall maintain records of property that
 284 is certified as surplus with information indicating the value
 285 and condition of the property. Agency records for property
 286 certified as surplus shall comply with rules issued by the Chief
 287 Financial Officer ~~Auditor General~~.

288 Section 7. Subsection (3) of section 365.173, Florida
 289 Statutes, is amended to read:

290 365.173 Emergency Communications Number E911 System Fund.—

291 ~~(3) The Auditor General shall annually audit the fund to~~
 292 ~~ensure that moneys in the fund are being managed in accordance~~
 293 ~~with this section and s. 365.172. The Auditor General shall~~
 294 ~~provide a report of the annual audit to the board.~~

295 Section 8. Subsections (3) and (4) and paragraph (d) of
 296 subsection (5) of section 943.25, Florida Statutes, are amended,
 297 and present subsections (4) through (12) are renumbered as
 298 subsections (3) through (11), respectively, to read:

299 943.25 Criminal justice trust funds; source of funds; use
 300 of funds.—

301 ~~(3) The Auditor General is directed in her or his audit of~~
 302 ~~courts to ascertain that such assessments have been collected~~
 303 ~~and remitted and shall report to the Legislature. All such~~
 304 ~~records of the courts shall be open for her or his inspection.~~
 305 ~~The Auditor General is further directed to conduct audits of the~~
 306 ~~expenditures of the trust funds and to report to the~~
 307 ~~Legislature. Such audits shall be conducted in accordance with~~
 308 ~~s. 11.45.~~

309 (3)~~(4)~~ The commission shall, by rule, establish,
 310 implement, supervise, and evaluate the expenditures of the
 311 Criminal Justice Standards and Training Trust Fund for approved
 312 advanced and specialized training program courses. Criminal
 313 justice training school enhancements may be authorized by the
 314 commission subject to the provisions of subsection (6) ~~(7)~~. The
 315 commission may approve the training of appropriate support
 316 personnel when it can be demonstrated that these personnel
 317 directly support the criminal justice function.

318 (4)~~(5)~~ The commission shall authorize the establishment of
 319 regional training councils to advise and assist the commission
 320 in developing and maintaining a plan assessing regional criminal
 321 justice training needs and to act as an extension of the
 322 commission in the planning, programming, and budgeting for
 323 expenditures of the moneys in the Criminal Justice Standards and
 324 Training Trust Fund.

325 (d) A public criminal justice training school must be
 326 designated by the commission to receive and distribute the
 327 disbursements authorized under subsection (8) ~~(9)~~.

328 Section 9. Subsection (3) of section 1002.36, Florida
 329 Statutes, is amended to read:

330 1002.36 Florida School for the Deaf and the Blind.—

331 (3) AUDITS.—The Auditor General shall conduct ~~annual~~
 332 audits of the accounts and records of the Florida School for the
 333 Deaf and the Blind as provided in s. 11.45. The Department of
 334 Education's Inspector General is authorized to conduct
 335 investigations at the school as provided in s. 1001.20(4)(e).

336 Section 10. Paragraph (c) of subsection (5) of section

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337 1009.53, Florida Statutes, is amended, and paragraph (d) is
 338 added to that subsection, to read:

339 1009.53 Florida Bright Futures Scholarship Program.—

340 (5) The department shall issue awards from the scholarship
 341 program annually. Annual awards may be for up to 45 semester
 342 credit hours or the equivalent. Before the registration period
 343 each semester, the department shall transmit payment for each
 344 award to the president or director of the postsecondary
 345 education institution, or his or her representative, except that
 346 the department may withhold payment if the receiving institution
 347 fails to report or to make refunds to the department as required
 348 in this section.

349 (c) Each institution that receives moneys through this
 350 program shall provide for a ~~prepare an annual report that~~
 351 ~~includes an annual~~ financial audit, as defined in s.
 352 11.45(1)(c), conducted by an independent certified public
 353 accountant or the Auditor General, for each fiscal year in which
 354 the institution expends program moneys in excess of \$100,000. At
 355 least every 2 years, the audit ~~The report~~ shall include an
 356 examination ~~audit~~ of the institution's administration of the
 357 program and the institution's ~~a complete~~ accounting of the
 358 moneys for the program since the last examination of the
 359 institution's administration of the program. The ~~This~~ report on
 360 the audit must be submitted to the department within 9 months
 361 after the end of the fiscal year ~~annually by March 1.~~ The
 362 department may conduct its own annual audit of an institution's
 363 administration of the program. The department may request a
 364 refund of any moneys overpaid to the institution for the

365 program. The department may suspend or revoke an institution's
 366 eligibility to receive future moneys for the program if the
 367 department finds that an institution has not complied with this
 368 section. The institution must remit within 60 days any refund
 369 requested in accordance with this subsection.

370 (d) Any institution not subject to audit pursuant to this
 371 subsection shall attest, under penalties of perjury, that
 372 proceeds received under this subsection were used in compliance
 373 with the applicable law. The attestation shall be made annually
 374 in a form and format determined by the department.

375 Section 11. Paragraph (b) of subsection (1) of section
 376 938.01, Florida Statutes, is amended to read:

377 938.01 Additional Court Cost Clearing Trust Fund.—

378 (1) All courts created by Art. V of the State Constitution
 379 shall, in addition to any fine or other penalty, require every
 380 person convicted for violation of a state penal or criminal
 381 statute or convicted for violation of a municipal or county
 382 ordinance to pay \$3 as a court cost. Any person whose
 383 adjudication is withheld pursuant to the provisions of s.
 384 318.14(9) or (10) shall also be liable for payment of such cost.
 385 In addition, \$3 from every bond estreature or forfeited bail
 386 bond related to such penal statutes or penal ordinances shall be
 387 remitted to the Department of Revenue as described in this
 388 subsection. However, no such assessment may be made against any
 389 person convicted for violation of any state statute, municipal
 390 ordinance, or county ordinance relating to the parking of
 391 vehicles.

392 (b) All funds in the Department of Law Enforcement

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393 Criminal Justice Standards and Training Trust Fund shall be
394 disbursed only in compliance with s. 943.25(8)~~(9)~~.

395 Section 12. Paragraph (c) of subsection (1) of section
396 943.17, Florida Statutes, is amended to read:

397 943.17 Basic recruit, advanced, and career development
398 training programs; participation; cost; evaluation.—The
399 commission shall, by rule, design, implement, maintain,
400 evaluate, and revise entry requirements and job-related
401 curricula and performance standards for basic recruit, advanced,
402 and career development training programs and courses. The rules
403 shall include, but are not limited to, a methodology to assess
404 relevance of the subject matter to the job, student performance,
405 and instructor competency.

406 (1) The commission shall:

407 (c) Design, implement, maintain, evaluate, revise, or
408 adopt a career development training program which is limited to
409 those courses related to promotion to a higher rank or position.
410 Career development courses will not be eligible for funding as
411 provided in s. 943.25(8)~~(9)~~.

412 Section 13. This act shall take effect July 1, 2011.