

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Metz offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (j) of subsection (2) and paragraph
8 (j) of subsection (7) of section 11.45, Florida Statutes, are
9 amended to read:

10 11.45 Definitions; duties; authorities; reports; rules.—

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

12 (j) Conduct audits of local governmental entities when
13 determined to be necessary by the Auditor General, when directed
14 by the Legislative Auditing Committee, or when otherwise
15 required by law. No later than 18 months after the release of
16 the audit report, the Auditor General shall perform such
17 appropriate followup procedures as he or she deems necessary to

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18 determine the audited entity's progress in addressing the
19 findings and recommendations contained within the Auditor
20 General's previous report. The Auditor General shall notify each
21 member of the audited entity's governing body and the
22 Legislative Auditing Committee of the results of his or her
23 determination. For purposes of this paragraph, local
24 governmental entities do not include water management districts.
25

26 The Auditor General shall perform his or her duties
27 independently but under the general policies established by the
28 Legislative Auditing Committee. This subsection does not limit
29 the Auditor General's discretionary authority to conduct other
30 audits or engagements of governmental entities as authorized in
31 subsection (3).

32 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

33 (j) The Auditor General shall notify the Legislative
34 Auditing Committee of any financial or operational audit report
35 prepared pursuant to this section which indicates that a
36 district school board, state university, or Florida College
37 System institution has failed to take full corrective action in
38 response to a recommendation that was included in the two
39 preceding financial or operational audit reports.

40 1. The committee may direct the governing body of the
41 district school board, state university, or Florida College
42 System institution to provide a written statement to the
43 committee explaining why full corrective action has not been

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44 taken or, if the governing body intends to take full corrective
45 action, describing the corrective action to be taken and when it
46 will occur.

47 2. If the committee determines that the written statement
48 is not sufficient, the committee may require the chair of the
49 governing body of the district school board, state university,
50 or Florida College System institution, or the chair's designee,
51 to appear before the committee.

52 3. If the committee determines that the district school
53 board, state university, or Florida College System institution
54 has failed to take full corrective action for which there is no
55 justifiable reason or has failed to comply with committee
56 requests made pursuant to this section, the committee shall
57 refer the matter to the State Board of Education or the Board of
58 Governors, as appropriate, to proceed in accordance with s.
59 1008.32 or s. 1008.322, respectively.

60 Section 2. Paragraphs (g) and (h) of subsection (1) of
61 section 20.05, Florida Statutes, are amended, and paragraph (i)
62 is added to that subsection, to read:

63 20.05 Heads of departments; powers and duties.—

64 (1) Each head of a department, subject to the allotment of
65 executive power under Article IV of the State Constitution, and
66 except as otherwise provided by law, must:

67 (g) If a department is under the direct supervision of a
68 board, including a board consisting of the Governor and Cabinet,

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69 however designated, employ an executive director to serve at its
70 pleasure; ~~and~~

71 (h) Make recommendations concerning more effective
72 internal structuring of the department to the Legislature.
73 Unless otherwise required by law, such recommendations must be
74 provided to the Legislature at least 30 days before the first
75 day of the regular session at which they are to be considered,
76 when practicable; and

77 (i) Establish and maintain internal controls designed to
78 prevent and detect fraud, waste, and abuse; to ensure the
79 administration of assigned public duties and responsibilities in
80 accordance with applicable laws, rules, contracts, grant
81 agreements, and best practices; to promote and encourage
82 economic and efficient operations; to ensure the reliability of
83 financial records and reports; and to safeguard assets.

84 Section 3. Paragraph (b) of subsection (1) of section
85 20.055, Florida Statutes, is amended to read:

86 20.055 Agency inspectors general.—

87 (1) For the purposes of this section:

88 (b) "Agency head" means the Governor, a Cabinet officer, a
89 secretary as defined in s. 20.03(5), or an executive director as
90 defined in s. 20.03(6). It also includes the chair of the Public
91 Service Commission, the Director of the Office of Insurance
92 Regulation of the Financial Services Commission, the Director of
93 the Office of Financial Regulation of the Financial Services
94 Commission, the chair of the board of directors of the Florida

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95 Housing Finance Corporation, and the Chief Justice of the ~~State~~
96 Supreme Court.

97 Section 4. Subsection (5) is added to section 25.382,
98 Florida Statutes, to read:

99 25.382 State courts system.—

100 (5) The Supreme Court shall ensure that the state courts
101 system establishes and maintains internal controls designed to
102 prevent and detect fraud, waste, and abuse; to ensure the
103 administration of assigned public duties and responsibilities in
104 accordance with applicable laws, rules, contracts, grant
105 agreements, and best practices; to promote and encourage
106 economic and efficient operations; to ensure the reliability of
107 financial records and reports; and to safeguard assets.

108 Section 5. Paragraph (i) is added to subsection (2) of
109 section 28.35, Florida Statutes, to read:

110 28.35 Florida Clerks of Court Operations Corporation.—

111 (2) The duties of the corporation shall include the
112 following:

113 (i) Establishing and maintaining internal controls
114 designed to prevent and detect fraud, waste, and abuse; to
115 ensure the administration of assigned public duties and
116 responsibilities in accordance with applicable laws, rules,
117 contracts, grant agreements, and best practices; to promote and
118 encourage economic and efficient operations; to ensure the
119 reliability of records and reports; and to safeguard assets.

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120 Section 6. Subsection (6) of section 43.16, Florida
121 Statutes, is renumbered as subsection (7), and a new subsection
122 (6) is added to that section to read:

123 43.16 Justice Administrative Commission; membership,
124 powers and duties.—

125 (6) The commission, each state attorney, public defender,
126 criminal conflict and civil regional counsel, capital collateral
127 regional counsel, and the Guardian Ad Litem program must
128 establish and maintain internal controls designed to prevent and
129 detect fraud, waste, and abuse; to ensure the administration of
130 assigned public duties and responsibilities in accordance with
131 applicable laws, rules, contracts, grant agreements, and best
132 practices; to promote and encourage economic and efficient
133 operations; to ensure the reliability of financial records and
134 reports; and to safeguard assets.

135 Section 7. Subsection (11) of section 215.985, Florida
136 Statutes, is amended to read:

137 215.985 Transparency in government spending.—

138 (11) Each water management district shall provide a
139 monthly financial statement in the form and manner prescribed by
140 the Department of Financial Services to the district's its
141 governing board and make such monthly financial statement
142 available for public access on its website.

143 Section 8. Subsection (3) of section 218.33, Florida
144 Statutes, is renumbered as subsection (4), and a new subsection
145 (3) is added to that section to read:

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146 218.33 Local governmental entities; establishment of
147 uniform fiscal years and accounting practices and procedures.-

148 (3) Each local governmental entity must establish and
149 maintain internal controls designed to prevent and detect fraud,
150 waste, and abuse; to ensure the administration of assigned
151 public duties and responsibilities in accordance with applicable
152 laws, rules, contracts, grant agreements, and best practices; to
153 promote and encourage economic and efficient operations; to
154 ensure the reliability of financial records and reports; and to
155 safeguard assets.

156 Section 9. Paragraph (e) of subsection (4) of section
157 373.536, Florida Statutes, is amended to read:

158 373.536 District budget and hearing thereon.-

159 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.-

160 (e) ~~By September 1, 2012,~~ Each district shall provide a
161 monthly financial statement in the form and manner prescribed by
162 the Department of Financial Services to the district's governing
163 board and make such monthly financial statement available for
164 public access on its website.

165 Section 10. Paragraph (1) of subsection (12) of section
166 1001.42, Florida Statutes, is amended to read:

167 1001.42 Powers and duties of district school board.-The
168 district school board, acting as a board, shall exercise all
169 powers and perform all duties listed below:

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170 (12) FINANCE.—Take steps to assure students adequate
171 educational facilities through the financial procedure
172 authorized in chapters 1010 and 1011 and as prescribed below:

173 (1) Internal auditor.—May employ an internal auditor to
174 perform ongoing financial verification of the financial records
175 of the school district and such other audits and reviews as the
176 district school board directs for the purpose of establishing
177 and maintaining internal controls designed to prevent and detect
178 fraud, waste, and abuse; to ensure the administration of
179 assigned public duties and responsibilities in accordance with
180 applicable laws, rules, contracts, grant agreements, school
181 board-approved policies, and best practices; to promote and
182 encourage economic and efficient operations; to ensure the
183 reliability of financial records and reports; and to safeguard
184 assets. The internal auditor shall report directly to the
185 district school board or its designee.

186 Section 11. Paragraph (j) of subsection (9) of section
187 1002.33, Florida Statutes, is amended to read:

188 1002.33 Charter schools.—

189 (9) CHARTER SCHOOL REQUIREMENTS.—

190 (j) The governing body of the charter school shall be
191 responsible for:

192 1. Establishing and maintaining internal controls designed
193 to prevent and detect fraud, waste, and abuse; to ensure the
194 administration of assigned public duties and responsibilities in
195 accordance with applicable laws, rules, contracts, grant

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196 agreements, and best practices; to promote and encourage
197 economic and efficient operations; to ensure the reliability of
198 financial records and reports; and to safeguard assets.

199 ~~2.1.~~ Ensuring that the charter school has retained the
200 services of a certified public accountant or auditor for the
201 annual financial audit, pursuant to s. 1002.345(2), who shall
202 submit the report to the governing body.

203 ~~3.2.~~ Reviewing and approving the audit report, including
204 audit findings and recommendations for the financial recovery
205 plan.

206 ~~4.3-a.~~ Performing the duties in s. 1002.345, including
207 monitoring a corrective action plan.

208 b. Monitoring a financial recovery plan in order to ensure
209 compliance.

210 ~~5.4.~~ Participating in governance training approved by the
211 department which must include government in the sunshine,
212 conflicts of interest, ethics, and financial responsibility.

213 Section 12. Subsections (3) and (4) of section 1010.01,
214 Florida Statutes, are renumbered as subsections (4) and (5),
215 respectively, and new subsections (3) and (6) are added to that
216 section to read:

217 1010.01 Uniform records and accounts.—

218 (3) Each Florida College System institution shall annually
219 file with the State Board of Education financial statements
220 prepared in conformity with accounting principles generally
221 accepted by the United States and the uniform classification of

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222 accounts prescribed by the State Board of Education. The State
223 Board of Education's rules shall prescribe the filing deadline
224 for the financial statements.

225 (6) Each school district, Florida College System
226 institution, and state university shall establish and maintain
227 internal controls designed to prevent and detect fraud, waste,
228 and abuse; to ensure the administration of assigned public
229 duties and responsibilities in accordance with applicable laws,
230 rules, contracts, grant agreements, and best practices; to
231 promote and encourage economic and efficient operations; to
232 ensure the reliability of financial records and reports; and to
233 safeguard assets.

234 Section 13. The Legislature finds that a proper and
235 legitimate state purpose is served when internal controls are
236 established to prevent and detect fraud, waste, and abuse, and
237 to safeguard and account for government funds and property.
238 Therefore, the Legislature determines and declares that this act
239 fulfills an important state interest.

240 Section 14. This act shall take effect July 1, 2014.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1327 (2014)

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247 An act relating to government accountability; amending s. 11.45,
248 F.S.; excluding water management districts from certain audit
249 requirements; expanding certain audit provisions to include
250 district school boards; amending ss. 20.05, 25.382, 28.35,
251 43.16, 218.33, and 1002.33, F.S.; revising the responsibilities
252 of department heads, the commission, each state attorney, public
253 defender, criminal conflict and civil regional counsel, the
254 capital collateral counsel, the Guardian Ad Litem program, the
255 Supreme Court as it relates to the state courts system, the
256 Florida Clerks of Court Operations Corporation, local
257 governmental entities, and governing bodies of charter schools
258 to include the responsibility of establishing certain internal
259 controls; amending s. 20.055, F.S.; amending the definition of
260 the term "agency head"; amending s. 215.985, F.S.; specifying
261 requirements for a monthly financial statement; amending s.
262 373.536, F.S.; deleting unnecessary date; amending s. 1001.42,
263 F.S.; revising the responsibilities of a district school board's
264 internal auditor to permit certain audits and reviews; amending
265 s. 1010.01, F.S.; requiring each Florida College System
266 institution to file certain annual financial statements with the
267 State Board of Education; requiring each school district,
268 Florida College System institution, and state university to
269 establish certain internal controls; providing that the act
270 fulfills an important state interest; providing an effective
271 date.

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