

By Senator Gibson

24-01614-16

20161636__

1 A bill to be entitled
2 An act relating to duties of the Legislative Auditing
3 Committee; amending s. 11.40, F.S.; repealing
4 provisions requiring compensation report audits of
5 legislative branch and executive branch lobbying firms
6 by independent contract auditors, specifying
7 procedures for selecting independent contract
8 auditors, and requiring audit reports to be provided
9 to specified legislative and executive entities;
10 amending s. 11.45, F.S.; repealing a requirement that
11 the Auditor General conduct specified audits of local
12 government entities under certain circumstances;
13 amending s. 215.985, F.S.; repealing provisions
14 requiring the committee's input related to the website
15 of the Executive Office of the Governor; amending s.
16 218.39, F.S.; repealing provisions regarding the
17 committee's duties related to certain annual financial
18 audit reports; amending s. 1002.395, F.S.; correcting
19 a cross-reference; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (3) of section 11.40, Florida
24 Statutes, is amended to read:

25 11.40 Legislative Auditing Committee.—

26 ~~(3)(a) As used in this subsection, "independent contract~~
27 ~~auditor" means a state-licensed certified public accountant or~~
28 ~~firm with which a state-licensed certified public accountant is~~
29 ~~currently employed or associated who is actively engaged in the~~
30 ~~accounting profession.~~

31 ~~(b) Audits specified in this subsection cover the quarterly~~
32 ~~compensation reports for the previous calendar year for a random~~

24-01614-16

20161636__

33 ~~sample of 3 percent of all legislative branch lobbying firms and~~
34 ~~a random sample of 3 percent of all executive branch lobbying~~
35 ~~firms calculated using as the total number of such lobbying~~
36 ~~firms those filing a compensation report for the preceding~~
37 ~~calendar year. The committee shall provide for a system of~~
38 ~~random selection of the lobbying firms to be audited.~~

39 ~~(c) The committee shall create and maintain a list of not~~
40 ~~less than 10 independent contract auditors approved to conduct~~
41 ~~the required audits. Each lobbying firm selected for audit in~~
42 ~~the random audit process may designate one of the independent~~
43 ~~contract auditors from the committee's approved list. Upon~~
44 ~~failure for any reason of a lobbying firm selected in the random~~
45 ~~selection process to designate an independent contract auditor~~
46 ~~from the committee's list within 30 calendar days after being~~
47 ~~notified by the committee of its selection, the committee shall~~
48 ~~assign one of the available independent contract auditors from~~
49 ~~the approved list to perform the required audit. No independent~~
50 ~~contract auditor, whether designated by the lobbying firm or by~~
51 ~~the committee, may perform the audit of a lobbying firm where~~
52 ~~the auditor and lobbying firm have ever had a direct personal~~
53 ~~relationship or any professional accounting, auditing, tax~~
54 ~~advisory, or tax preparing relationship with each other. The~~
55 ~~committee shall obtain a written, sworn certification subject to~~
56 ~~s. 837.06, both from the randomly selected lobbying firm and~~
57 ~~from the proposed independent contract auditor, that no such~~
58 ~~relationship has ever existed.~~

59 ~~(d) Each independent contract auditor shall be engaged by~~
60 ~~and compensated solely by the state for the work performed in~~
61 ~~accomplishing an audit under this subsection.~~

24-01614-16

20161636__

62 ~~(e) Any violations of law, deficiencies, or material~~
63 ~~misstatements discovered and noted in an audit report shall be~~
64 ~~clearly identified in the audit report and be determined under~~
65 ~~the rules of either house of the Legislature or under the joint~~
66 ~~rules, as applicable.~~

67 ~~(f) If any lobbying firm fails to give full, frank, and~~
68 ~~prompt cooperation and access to books, records, and associated~~
69 ~~backup documents as requested in writing by the auditor, that~~
70 ~~failure shall be clearly noted by the independent contract~~
71 ~~auditor in the report of audit.~~

72 ~~(g) The committee shall establish procedures for the~~
73 ~~selection of independent contract auditors desiring to enter~~
74 ~~into audit contracts pursuant to this subsection. Such~~
75 ~~procedures shall include, but not be limited to, a rating system~~
76 ~~that takes into account pertinent information, including the~~
77 ~~independent contract auditor's fee proposals for participating~~
78 ~~in the process. All contracts under this subsection between an~~
79 ~~independent contract auditor and the Speaker of the House of~~
80 ~~Representatives and the President of the Senate shall be~~
81 ~~terminable by either party at any time upon written notice to~~
82 ~~the other, and such contracts may contain such other terms and~~
83 ~~conditions as the Speaker of the House of Representatives and~~
84 ~~the President of the Senate deem appropriate under the~~
85 ~~circumstances.~~

86 ~~(h) The committee shall adopt guidelines that govern random~~
87 ~~audits and field investigations conducted pursuant to this~~
88 ~~subsection. The guidelines shall ensure that similarly situated~~
89 ~~compensation reports are audited in a uniform manner. The~~
90 ~~guidelines shall also be formulated to encourage compliance and~~

24-01614-16

20161636__

91 ~~detect violations of the legislative and executive lobbying~~
92 ~~compensation reporting requirements in ss. 11.045 and 112.3215~~
93 ~~and to ensure that each audit is conducted with maximum~~
94 ~~efficiency in a cost-effective manner. In adopting the~~
95 ~~guidelines, the committee shall consider relevant guidelines and~~
96 ~~standards of the American Institute of Certified Public~~
97 ~~Accountants to the extent that such guidelines and standards are~~
98 ~~applicable and consistent with the purposes set forth in this~~
99 ~~subsection.~~

100 ~~(i) All audit reports of legislative lobbying firms shall,~~
101 ~~upon completion by an independent contract auditor, be delivered~~
102 ~~to the President of the Senate and the Speaker of the House of~~
103 ~~Representatives for their respective review and handling. All~~
104 ~~audit reports of executive branch lobbyists, upon completion by~~
105 ~~an independent contract auditor, shall be delivered by the~~
106 ~~auditor to the Commission on Ethics.~~

107 Section 2. Paragraph (j) of subsection (2) of section
108 11.45, Florida Statutes, is amended, and present paragraph (k)
109 of that subsection is redesignated as paragraph (j), to read:

110 11.45 Definitions; duties; authorities; reports; rules.—

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

112 ~~(j) Conduct audits of local governmental entities when~~
113 ~~determined to be necessary by the Auditor General, when directed~~
114 ~~by the Legislative Auditing Committee, or when otherwise~~
115 ~~required by law. No later than 18 months after the release of~~
116 ~~the audit report, the Auditor General shall perform such~~
117 ~~appropriate followup procedures as he or she deems necessary to~~
118 ~~determine the audited entity's progress in addressing the~~
119 ~~findings and recommendations contained within the Auditor~~

24-01614-16

20161636__

120 ~~General's previous report. The Auditor General shall notify each~~
121 ~~member of the audited entity's governing body and the~~
122 ~~Legislative Auditing Committee of the results of his or her~~
123 ~~determination.~~

124

125 The Auditor General shall perform his or her duties
126 independently but under the general policies established by the
127 Legislative Auditing Committee. This subsection does not limit
128 the Auditor General's discretionary authority to conduct other
129 audits or engagements of governmental entities as authorized in
130 subsection (3).

131 Section 3. Subsection (2) and present subsections (7), (8),
132 (9), and (13) of section 215.985, Florida Statutes, are amended,
133 and present subsections (10), (11), (12), and (14) of that
134 section are renumbered as subsections (7) through (10),
135 respectively, to read:

136 215.985 Transparency in government spending.—

137 (2) As used in this section, the term:

138 ~~(a) "Committee" means the Legislative Auditing Committee~~
139 ~~created in s. 11.40.~~

140 (a) ~~(b)~~ "Contract" means a written agreement or purchase
141 order issued for the purchase of goods or services or a written
142 agreement for the receipt of state or federal financial
143 assistance.

144 (b) ~~(c)~~ "Governmental entity" means a state, regional,
145 county, municipal, special district, or other political
146 subdivision whether executive, judicial, or legislative,
147 including, but not limited to, a department, division, bureau,
148 commission, authority, district, or agency thereof, or public

24-01614-16

20161636__

149 school, Florida College System institution, state university, or
150 associated board.

151 (c)~~(d)~~ "Website" means a site on the Internet which is
152 easily accessible to the public at no cost and does not require
153 the user to provide information.

154 ~~(7) By November 1, 2013, and annually thereafter, the~~
155 ~~committee shall recommend to the President of the Senate and the~~
156 ~~Speaker of the House of Representatives:~~

157 ~~(a) Additional information to be added to a website, such~~
158 ~~as whether to expand the scope of the information provided to~~
159 ~~include state universities, Florida College System institutions,~~
160 ~~school districts, charter schools, charter technical career~~
161 ~~centers, local government units, and other governmental~~
162 ~~entities.~~

163 ~~(b) A schedule for adding information to the website by~~
164 ~~type of information and governmental entity, including~~
165 ~~timeframes and development entity.~~

166 ~~(c) A format for collecting and displaying the additional~~
167 ~~information.~~

168 ~~(8) The manager of each website described in subsections~~
169 ~~(4), (5), and (6) shall submit to the committee information~~
170 ~~relating to the cost of creating and maintaining such website,~~
171 ~~and the number of times the website has been accessed.~~

172 ~~(9) The committee shall coordinate with the Financial~~
173 ~~Management Information Board in developing recommendations for~~
174 ~~including information on the website which is necessary to meet~~
175 ~~the requirements of s. 215.91(8).~~

176 ~~(13) The committee shall prepare an annual report detailing~~
177 ~~progress in establishing the single website and providing~~

24-01614-16

20161636__

178 ~~recommendations for enhancement of the content and format of the~~
179 ~~website and related policies and procedures. The report shall be~~
180 ~~submitted to the Governor, the President of the Senate, and the~~
181 ~~Speaker of the House of Representatives by November 1.~~

182 Section 4. Present subsection (8) of section 218.39,
183 Florida Statutes, is amended, and present subsections (9)
184 through (12) of that section are renumbered as subsections (8)
185 through (11), respectively, to read:

186 218.39 Annual financial audit reports.-

187 ~~(8) The Auditor General shall notify the Legislative~~
188 ~~Auditing Committee of any audit report prepared pursuant to this~~
189 ~~section which indicates that an audited entity has failed to~~
190 ~~take full corrective action in response to a recommendation that~~
191 ~~was included in the two preceding financial audit reports.~~

192 ~~(a) The committee may direct the governing body of the~~
193 ~~audited entity to provide a written statement to the committee~~
194 ~~explaining why full corrective action has not been taken or, if~~
195 ~~the governing body intends to take full corrective action,~~
196 ~~describing the corrective action to be taken and when it will~~
197 ~~occur.~~

198 ~~(b) If the committee determines that the written statement~~
199 ~~is not sufficient, it may require the chair of the governing~~
200 ~~body of the local governmental entity or the chair's designee,~~
201 ~~the elected official of each county agency or the elected~~
202 ~~official's designee, the chair of the district school board or~~
203 ~~the chair's designee, the chair of the board of the charter~~
204 ~~school or the chair's designee, or the chair of the board of the~~
205 ~~charter technical career center or the chair's designee, as~~
206 ~~appropriate, to appear before the committee.~~

24-01614-16

20161636__

207 ~~(c) If the committee determines that an audited entity has~~
208 ~~failed to take full corrective action for which there is no~~
209 ~~justifiable reason for not taking such action, or has failed to~~
210 ~~comply with committee requests made pursuant to this section,~~
211 ~~the committee may proceed in accordance with s. 11.40(2).~~

212 Section 5. Paragraph (d) of subsection (9) of section
213 1002.395, Florida Statutes, is amended to read:

214 1002.395 Florida Tax Credit Scholarship Program.—

215 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
216 Education shall:

217 (d) Annually verify the eligibility of expenditures as
218 provided in paragraph (6) (d) using the audit required by
219 paragraph (6) (m) and s. 11.45(2) (j) ~~11.45(2) (k)~~.

220 Section 6. This act shall take effect July 1, 2016.