

Amendment No. 1

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WITHDRAWN	_____	(Y/N)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 Accountability
 2 Committee

3 Representative Metz offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 620-649 and insert:

7 Section 15. Subsection (2) of section 218.391, Florida
 8 Statutes, is amended, and subsections (9), (10), (11), and (12)
 9 are added to that section, to read:

10 218.391 Auditor selection procedures.—

11 (2) The governing body of a ~~charter~~ county, municipality,
 12 special district, district school board, charter school, or
 13 charter technical career center shall establish an audit
 14 committee. Each noncharter county shall establish an audit
 15 committee that, at a minimum, shall consist of each of the
 16 county officers elected pursuant to s. 1(d), Art. VIII of the

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17 State Constitution, or a designee, and one member of the board
18 of county commissioners or its designee.

19 (a) The audit committee for a county ~~Each noncharter~~
20 ~~county shall establish an audit committee that,~~ at a minimum,
21 shall consist of each of the county officers elected pursuant to
22 the county charter or s. 1(d), Art. VIII of the State
23 Constitution, or their respective designees a designee, and one
24 member of the board of county commissioners or its designee.

25 (b) The audit committee for a municipality, special
26 district, district school board, charter school, or charter
27 technical career center shall consist of at least three members.
28 One member of the audit committee must be a member of the
29 governing body of an entity specified in this paragraph, who
30 shall also serve as the chair of the committee.

31 (c) An employee, chief executive officer, or chief
32 financial officer of the county, municipality, special district,
33 district school board, charter school, or charter technical
34 career center may not serve as a member of an audit committee
35 established under this subsection.

36 (d) The primary purpose of the audit committee is to
37 assist the governing body in selecting an auditor to conduct the
38 annual financial audit required in s. 218.39; however, the audit
39 committee may serve other audit oversight purposes as determined
40 by the entity's governing body. The public shall not be excluded
41 from the proceedings under this section.

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42 (9) For each audit required by s. 218.39, the auditor
43 shall include in the management letter prepared pursuant to s.
44 218.39(4) the following information:

45 (a) The date the entity's governing body approved the
46 selection of the auditor and the date the entity and the auditor
47 executed the most recent contract pursuant to subsection (7);

48 (b) The first fiscal year for which the auditor conducted
49 the audit under the most recently executed contract pursuant to
50 subsection (7); and

51 (c) The contract period, including renewals, and
52 conditions under which the contract may be terminated or
53 renewed.

54 (10) On each occasion that an entity contracts with an
55 auditor to conduct an audit pursuant to s. 218.39, an affidavit
56 shall be executed by the chair of the entity's governing body in
57 a format prescribed in accordance with rules adopted by the
58 Auditor General, affirming that the auditor was selected in
59 compliance with the requirements of subsections (3) through (6).
60 The affidavit must accompany the entity's first audit report
61 prepared by the auditor under the most recently executed
62 contract pursuant to subsection (7). The affidavit shall include
63 the following information:

64 (a) The date the entity's governing body approved the
65 selection of the auditor;

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66 (b) The first fiscal year for which the auditor conducted
67 the audit; and

68 (c) The contract period, including renewals, and
69 conditions under which the contract may be terminated or
70 renewed.

71 (11) If the entity fails to select the auditor in
72 accordance with the requirements of subsections (3) through (6),
73 the entity shall re-perform the auditor selection process in
74 accordance with this section to select an auditor to conduct
75 audits for subsequent fiscal years if the original audit was
76 performed under a multiyear contract.

77 (a) If re-performing the auditor selection process in
78 accordance with this section would preclude the entity from
79 timely completing the annual financial audit required by s.
80 218.39, the entity shall re-perform the auditor selection
81 process in accordance with this section for the subsequent
82 annual financial audit. A multiyear contract entered into
83 between an entity and an auditor after the effective date of
84 this act may not prohibit or restrict an entity from complying
85 with the section.

86 (b) If the entity fails to re-perform the auditor
87 selection process pursuant to this subsection, the Legislative
88 Auditing Committee shall determine whether the entity should be
89 subject to state action pursuant to s. 11.40(2).

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90 (12) If the entity fails to provide the Auditor General
91 with the affidavit required by subsection (10), the Auditor
92 General shall request that the entity provide the affidavit.
93 The affidavit must be provided within 45 days after the date of
94 the request. If the entity does not comply with the Auditor
95 General's request, the Legislative Auditing Committee shall
96 determine whether the entity should be subject to state action
97 pursuant to s. 11.40(2).
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100 **T I T L E A M E N D M E N T**

101 Remove line 65 and insert:

102 governmental entity; requiring an auditor to include
103 certain information in a management letter; requiring the
104 chair of a governmental entity's governing body to submit
105 an affidavit containing certain information when the entity
106 contracts with an auditor to conduct an audit; providing
107 requirements and procedures for selecting an auditor;
108 requiring the Legislative Auditing Committee to determine
109 whether a governmental entity should be subject to state
110 action under certain circumstances; amending s. 286.0114,
111 F.S.;