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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
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The Committee on Appropriations (Stargel) recommended the following:

1           **Senate Amendment to Amendment (522564) (with title**  
2 **amendment)**

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4           Delete lines 779 - 947  
5 and insert:

6 career center may not serve as a voting member of an audit  
7 committee established under this subsection but may serve in a  
8 nonvoting advisory capacity.

9           (d) At least one member of the audit committee should have  
10 experience in finance, business, or government operations.



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11       (e) The primary purpose of the audit committee is to assist  
12 the governing body in selecting an auditor to conduct the annual  
13 financial audit required in s. 218.39; however, the audit  
14 committee may serve other audit oversight purposes as determined  
15 by the entity's governing body. The public may ~~shall~~ not be  
16 excluded from the proceedings under this section.

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

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

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

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

28       (10) On each occasion that an entity contracts with an  
29 auditor to conduct an audit pursuant to s. 218.39, an affidavit  
30 shall be executed by the chair of the entity's governing body in  
31 a format prescribed in accordance with rules adopted by the  
32 Auditor General, affirming that the auditor was selected in  
33 compliance with the requirements of subsections (3)-(6). The  
34 affidavit must, as a separate document, accompany the entity's  
35 first audit report prepared by the auditor under the most  
36 recently executed contract pursuant to subsection (7). The  
37 affidavit shall include the following information:

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



40 (b) The first fiscal year for which the auditor conducted  
41 the audit; and

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

44 (11) If the entity fails to select the auditor in  
45 accordance with the requirements of subsections (3)-(6), the  
46 entity shall again perform the auditor selection process in  
47 accordance with this section to select an auditor to conduct  
48 audits for subsequent fiscal years if the original audit was  
49 performed under a multiyear contract.

50 (a) If performing the auditor selection process again in  
51 accordance with this section would preclude the entity from  
52 timely completing the annual financial audit required by s.  
53 218.39, the entity shall again perform the auditor selection  
54 process in accordance with this section for the subsequent  
55 annual financial audit. A multiyear contract entered into  
56 between an entity and an auditor after the effective date of  
57 this act may not prohibit or restrict an entity from complying  
58 with the section.

59 (b) If the entity fails to perform the auditor selection  
60 process again, pursuant to this subsection, the Legislative  
61 Auditing Committee shall determine whether the entity should be  
62 subject to state action pursuant to s. 11.40(2).

63 (12) If the entity fails to provide the Auditor General  
64 with the affidavit required by subsection (10), the Auditor  
65 General shall request that the entity provide the affidavit. The  
66 affidavit must be provided within 45 days after the date of the  
67 request. If the entity does not comply with the Auditor  
68 General's request, the Legislative Auditing Committee shall



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69 determine whether the entity should be subject to state action  
70 pursuant to s. 11.40(2).

71 (13) If the entity provides the Auditor General with the  
72 affidavit required in subsection (10) but failed to select the  
73 auditor in accordance with the requirements of subsections (3)-  
74 (6), the Legislative Auditing Committee shall determine whether  
75 the entity should be subject to state action pursuant to s.  
76 11.40(2).

77 Section 17. Subsection (2) of section 286.0114, Florida  
78 Statutes, is amended to read:

79 286.0114 Public meetings; reasonable opportunity to be  
80 heard; attorney fees.-

81 (2) Members of the public shall be given a reasonable  
82 opportunity to be heard on a proposition before a board or  
83 commission. The opportunity to be heard need not occur at the  
84 same meeting at which the board or commission takes official  
85 action on the proposition if the opportunity occurs at a meeting  
86 that is during the decisionmaking process and is within  
87 reasonable proximity in time before the meeting at which the  
88 board or commission takes the official action. A board or  
89 commission may not require a member of the public to provide an  
90 advance written copy of his or her testimony or comments as a  
91 condition of being given the opportunity to be heard at a  
92 meeting. This section does not prohibit a board or commission  
93 from maintaining orderly conduct or proper decorum in a public  
94 meeting. The opportunity to be heard is subject to rules or  
95 policies adopted by the board or commission, as provided in  
96 subsection (4).

97 Section 18. Paragraph (e) of subsection (4), paragraph (d)



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98 of subsection (5), and paragraph (d) of subsection (6) of  
99 section 373.536, Florida Statutes, are amended, and paragraphs  
100 (e) and (f) are added to subsection (6) of that section, to  
101 read:

102 373.536 District budget and hearing thereon.—

103 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

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

109 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
110 APPROVAL.—

111 (d) Each district shall, by August 1 of each year, submit  
112 for review a tentative budget and a description of any  
113 significant changes from the preliminary budget submitted to the  
114 Legislature pursuant to s. 373.535 to the Governor, the  
115 President of the Senate, the Speaker of the House of  
116 Representatives, the chairs of all legislative committees and  
117 subcommittees having substantive or fiscal jurisdiction over  
118 water management districts, as determined by the President of  
119 the Senate or the Speaker of the House of Representatives, as  
120 applicable, the secretary of the department, and the governing  
121 body of each county in which the district has jurisdiction or  
122 derives any funds for the operations of the district. The  
123 tentative budget must be posted on the district's official  
124 website at least 2 days before budget hearings held pursuant to  
125 s. 200.065 or other law and must remain on the website for at  
126 least 45 days.



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127 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
128 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

129 (d) The final adopted budget must be posted on the water  
130 management district's official website within 30 days after  
131 adoption and must remain on the website for at least 2 years.

132 (e) Beginning in the 2018-2019 fiscal year, the water  
133 management district budget officer shall electronically submit  
134 information regarding the final budget to the Office of Economic  
135 and Demographic Research in the format specified by the office  
136 within 30 days after adoption of the final budget. If the  
137 Governor declares a state of emergency under s. 252.36(2) within  
138 30 days after the submission deadline, the office may extend the  
139 deadline up to an additional 90 days. The water management  
140 district budget officer shall also electronically submit to the  
141 clerk of the court in each county in which the district  
142 operates:

143 1. A copy of the information that was submitted to the  
144 office.

145 2. A copy of the final budget that was posted on the water  
146 management district's website.

147 3. A statement certifying that the items in subparagraphs  
148 1. and 2. were timely submitted and posted.

149 (f) Beginning in the 2018-2019 fiscal year and  
150 notwithstanding any other penalty or remedy that may be  
151 authorized by law, if a water management district budget officer  
152 fails to submit information to the clerk of the court as  
153 required in paragraph (e), the clerk of the court shall notify  
154 the appropriate fiscal officer to suspend future salary payments  
155 for the executive director of that district. The clerk shall



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156 notify the fiscal officer to resume payments when the clerk  
157 receives the information.

158 Section 19. Paragraphs (b) and (l) of subsection (12) of  
159 section 1001.42, Florida Statutes, are amended to read:

160 1001.42 Powers and duties of district school board.—The  
161 district school board, acting as a board, shall exercise all  
162 powers and perform all duties listed below:

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

166 (b) *Annual budget.*—

167 1. Cause to be prepared, adopt, and have submitted to the  
168 Department of Education as required by law and rules of the  
169 State Board of Education, the annual school budget, such budget  
170 to be so prepared and executed as to promote the improvement of  
171 the district school system.

172 2. An individual school board member may request and shall  
173 receive any proposed, tentative, and official budget documents,  
174 including all supporting and background information.

175 (1) *Internal auditor.*—May or, in the case of a school  
176 district receiving annual federal, state, and local funds in  
177 excess of \$500 million, shall employ an internal auditor. The  
178 scope of the internal auditor may not be restricted and must  
179 include every functional and program area of the school system.

180 1. The internal auditor shall ~~to~~ perform ongoing financial  
181 verification of the financial records of the school district, a  
182 comprehensive risk assessment of all areas of the school system  
183 every 5 years, and other audits and reviews as the district  
184 school board directs for determining:



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- 185       a. The adequacy of internal controls designed to prevent  
186 and detect fraud, waste, and abuse.
- 187       b. Compliance with applicable laws, rules, contracts, grant  
188 agreements, district school board-approved policies, and best  
189 practices.
- 190       c. The efficiency of operations.
- 191       d. The reliability of financial records and reports.
- 192       e. The safeguarding of assets.
- 193       f. Financial solvency.
- 194       g. Projected revenues and expenditures.
- 195       h. The rate of change in the general fund balance.
- 196       2. The internal auditor shall prepare audit reports of his  
197 or her findings and report directly to the district school board  
198 or its designee.
- 199       3. Any person responsible for furnishing or producing any  
200 book, record, paper, document, data, or sufficient information  
201 necessary to conduct a proper audit or examination which the  
202 internal auditor is by law authorized to perform is subject to  
203 the provisions of s. 11.47(3) and (4).

204  
205 ===== T I T L E   A M E N D M E N T =====

206 And the title is amended as follows:

207       Delete lines 1596 - 1623

208 and insert:

209       audit committees; prohibiting an employee, a chief  
210       executive officer, or a chief financial officer of the  
211       respective governmental entity from serving as a  
212       voting member of an audit committee; requiring an  
213       auditor to include certain information in a management





214 letter; requiring the chair of a governmental entity's  
215 governing body to submit an affidavit containing  
216 certain information when the entity contracts with an  
217 auditor to conduct an audit; providing requirements  
218 and procedures for selecting an auditor; requiring the  
219 Legislative Auditing Committee to determine whether a  
220 governmental entity should be subject to state action  
221 under certain circumstances; amending s. 286.0114,  
222 F.S.; prohibiting a board or commission from requiring  
223 an advance copy of testimony or comments from a member  
224 of the public as a precondition to being given the  
225 opportunity to be heard at a public meeting; amending  
226 s. 373.536, F.S.; deleting obsolete language;  
227 requiring water management districts to maintain  
228 certain budget documents on the districts' websites  
229 for a specified period; requiring district budget  
230 officers to submit certain budget information to  
231 specified entities within a certain timeframe;  
232 providing for the suspension of salary payments of a  
233 district executive director if the district does not  
234 submit such information; amending s. 1001.42, F.S.;  
235 authorizing district school board members to request  
236 and receive specified budget information; requiring  
237 employment of internal auditors in certain school  
238 districts; revising provisions relating to the scope  
239 of such internal auditors; amending s. 1002.33, F.S.;