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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2010	.	
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The Committee on Finance and Tax (Bennett) recommended the following:

Senate Amendment (with title amendment)

Between lines 368 and 369
insert:

Section 6. Section 420.506, Florida Statutes, is reenacted and amended to read:

420.506 Executive director; agents and employees; inspector general.—

(1) The appointment and removal of an executive director shall be by the Secretary of Community Affairs, with the advice and consent of the corporation's board of directors. The executive director shall employ legal and technical experts and



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13 such other agents and employees, permanent and temporary, as the
14 corporation may require, and shall communicate with and provide
15 information to the Legislature with respect to the corporation's
16 activities. The board is authorized, notwithstanding the
17 provisions of s. 216.262, to develop and implement rules
18 regarding the employment of employees of the corporation and
19 service providers, including legal counsel. The board of
20 directors of the corporation is entitled to establish travel
21 procedures and guidelines for employees of the corporation. The
22 executive director's office and the corporation's files and
23 records must be located in Leon County.

24 (2) The appointment and removal of an inspector general
25 shall be by the executive director, with the advice and consent
26 of the corporation's board of directors. The corporation's
27 inspector general shall perform for the corporation the
28 functions set forth in s. 20.055. The inspector general shall
29 administratively report to the executive director. The inspector
30 general shall meet the minimum qualifications as set forth s.
31 20.055(4). The corporation may establish additional
32 qualifications deemed necessary by the board of directors to
33 meet the unique needs of the corporation. The inspector general
34 shall be responsible for coordinating the responsibilities set
35 forth in s. 420.0006.

36 Section 7. Section 420.0006, Florida Statutes, is reenacted
37 and amended to read:

38 420.0006 Authority to contract with corporation; contract
39 requirements; nonperformance.—The secretary of the department
40 shall contract, notwithstanding the provisions of part I of
41 chapter 287, with the Florida Housing Finance Corporation on a



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42 multiyear basis to stimulate, provide, and foster affordable
43 housing in the state. The contract must incorporate the
44 performance measures required by s. 420.511 and must be
45 consistent with the provisions of the corporation's strategic
46 plan prepared in accordance with s. 420.511 ~~and compatible with~~
47 ~~s. 216.0166~~. The contract must provide that, in the event the
48 corporation fails to comply with any of the performance measures
49 required by s. 420.511, the secretary shall notify the Governor
50 and shall refer the nonperformance to the department's inspector
51 general for review and determination as to whether such failure
52 is due to forces beyond the corporation's control or whether
53 such failure is due to inadequate management of the
54 corporation's resources. Advances shall continue to be made
55 pursuant to s. 420.0005 during the pendency of the review by the
56 department's inspector general. If such failure is due to
57 outside forces, it shall not be deemed a violation of the
58 contract. If such failure is due to inadequate management, the
59 department's inspector general shall provide recommendations
60 regarding solutions. The Governor is authorized to resolve any
61 differences of opinion with respect to performance under the
62 contract and may request that advances continue in the event of
63 a failure under the contract due to inadequate management. The
64 Chief Financial Officer shall approve the request absent a
65 finding by the Chief Financial Officer that continuing such
66 advances would adversely impact the state; however, in any event
67 the Chief Financial Officer shall provide advances sufficient to
68 meet the debt service requirements of the corporation and
69 sufficient to fund contracts committing funds from the State
70 Housing Trust Fund so long as such contracts are in accordance



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71 with the laws of this state. ~~The department inspector general~~
72 ~~shall perform for the corporation the functions set forth in s.~~
73 ~~20.055 and report to the secretary of the department. The~~
74 ~~corporation shall be deemed an agency for the purposes of s.~~
75 ~~20.055.~~

76 Section 8. Paragraphs (a) and (b) of subsection (1) and
77 subsection (7) of section 20.055, Florida Statutes, are amended
78 to read:

79 20.055 Agency inspectors general.—

80 (1) For the purposes of this section:

81 (a) "State agency" means each department created pursuant
82 to this chapter, and also includes the Executive Office of the
83 Governor, the Department of Military Affairs, the Fish and
84 Wildlife Conservation Commission, the Office of Insurance
85 Regulation of the Financial Services Commission, the Office of
86 Financial Regulation of the Financial Services Commission, the
87 Public Service Commission, the Board of Governors of the State
88 University System, the Florida Housing Finance Corporation, and
89 the state courts system.

90 (b) "Agency head" means the Governor, a Cabinet officer, a
91 secretary as defined in s. 20.03(5), or an executive director as
92 defined in s. 20.03(6). It also includes the chair of the Public
93 Service Commission, the Director of the Office of Insurance
94 Regulation of the Financial Services Commission, the Director of
95 the Office of Financial Regulation of the Financial Services
96 Commission, the board of directors of the Florida Housing
97 Finance Corporation, and the Chief Justice of the State Supreme
98 Court.

99 (7) Each inspector general shall, not later than September



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100 30 of each year, prepare an annual report summarizing the
101 activities of the office during the immediately preceding agency
102 ~~state~~ fiscal year. The final report shall be furnished to the
103 agency head. Such report shall include, but need not be limited
104 to:

105 (a) A description of activities relating to the
106 development, assessment, and validation of performance measures.

107 (b) A description of significant abuses and deficiencies
108 relating to the administration of programs and operations of the
109 agency disclosed by investigations, audits, reviews, or other
110 activities during the reporting period.

111 (c) A description of the recommendations for corrective
112 action made by the inspector general during the reporting period
113 with respect to significant problems, abuses, or deficiencies
114 identified.

115 (d) The identification of each significant recommendation
116 described in previous annual reports on which corrective action
117 has not been completed.

118 (e) A summary of each audit and investigation completed
119 during the reporting period.

120

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

122 And the title is amended as follows:

123 Delete line 22

124 and insert:

125 cross-references; reenacting and amending s. 420.506,
126 F.S.; providing for the appointment and removal of an
127 inspector general for the Florida Housing Finance
128 Corporation; reenacting and amending s. 420.0006,



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129 F.S.; deleting provisions that require the inspector
130 general of the Department of Community Affairs to
131 perform functions for the corporation to conform to
132 changes made by the act; amending s. 20.055, F.S.;
133 revising definitions relating to agency inspectors
134 general to include the Florida Housing Finance
135 Corporation; amending s. 420.507, F.S.; requiring