



240196

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2015	.	
	.	
	.	
	.	

---

The Committee on Community Affairs (Abruzzo) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 186 - 939

and insert:

Section 2. Subsection (1), paragraph (j) of subsection (2), paragraph (v) of subsection (3), and paragraph (i) of subsection (7) of section 11.45, Florida Statutes, are amended, and paragraph (y) is added to subsection (3) of that section, to read:

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



240196

11 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:  
12 (a) “Abuse” means behavior that is deficient or improper  
13 when compared with behavior that a prudent person would consider  
14 reasonable and necessary operational practice given the facts  
15 and circumstances. The term includes the misuse of authority or  
16 position for personal gain.  
17 (b) ~~(a)~~ “Audit” means a financial audit, operational audit,  
18 or performance audit.  
19 (c) ~~(b)~~ “County agency” means a board of county  
20 commissioners or other legislative and governing body of a  
21 county, however styled, including that of a consolidated or  
22 metropolitan government, a clerk of the circuit court, a  
23 separate or ex officio clerk of the county court, a sheriff, a  
24 property appraiser, a tax collector, a supervisor of elections,  
25 or any other officer in whom any portion of the fiscal duties of  
26 the above are under law separately placed.  
27 (d) ~~(c)~~ “Financial audit” means an examination of financial  
28 statements in order to express an opinion on the fairness with  
29 which they are presented in conformity with generally accepted  
30 accounting principles and an examination to determine whether  
31 operations are properly conducted in accordance with legal and  
32 regulatory requirements. Financial audits must be conducted in  
33 accordance with auditing standards generally accepted in the  
34 United States and government auditing standards as adopted by  
35 the Board of Accountancy. When applicable, the scope of  
36 financial audits shall encompass the additional activities  
37 necessary to establish compliance with the Single Audit Act  
38 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other  
39 applicable federal law.



240196

40           (e) "Fraud" means obtaining something of value through  
41 willful misrepresentation, including, but not limited to, the  
42 intentional misstatements or omissions of amounts or disclosures  
43 in financial statements to deceive users of financial  
44 statements, theft of an entity's assets, bribery, or the use of  
45 one's position for personal enrichment through the deliberate  
46 misuse or misapplication of an organization's resources.

47           (f)~~(d)~~ "Governmental entity" means a state agency, a county  
48 agency, or any other entity, however styled, that independently  
49 exercises any type of state or local governmental function.

50           (g)~~(e)~~ "Local governmental entity" means a county agency,  
51 municipality, tourist development council, county tourism  
52 promotion agency, or special district as defined in s. 189.012.  
53 The term, ~~but~~ does not include any housing authority established  
54 under chapter 421.

55           (h)~~(f)~~ "Management letter" means a statement of the  
56 auditor's comments and recommendations.

57           (i)~~(g)~~ "Operational audit" means an audit whose purpose is  
58 to evaluate management's performance in establishing and  
59 maintaining internal controls, including controls designed to  
60 prevent and detect fraud, waste, and abuse, and in administering  
61 assigned responsibilities in accordance with applicable laws,  
62 administrative rules, contracts, grant agreements, and other  
63 guidelines. Operational audits must be conducted in accordance  
64 with government auditing standards. Such audits examine internal  
65 controls that are designed and placed in operation to promote  
66 and encourage the achievement of management's control objectives  
67 in the categories of compliance, economic and efficient  
68 operations, reliability of financial records and reports, and



240196

69 safeguarding of assets, and identify weaknesses in those  
70 internal controls.

71 (j)~~(h)~~ "Performance audit" means an examination of a  
72 program, activity, or function of a governmental entity,  
73 conducted in accordance with applicable government auditing  
74 standards or auditing and evaluation standards of other  
75 appropriate authoritative bodies. The term includes an  
76 examination of issues related to:

77 1. Economy, efficiency, or effectiveness of the program.

78 2. Structure or design of the program to accomplish its  
79 goals and objectives.

80 3. Adequacy of the program to meet the needs identified by  
81 the Legislature or governing body.

82 4. Alternative methods of providing program services or  
83 products.

84 5. Goals, objectives, and performance measures used by the  
85 agency to monitor and report program accomplishments.

86 6. The accuracy or adequacy of public documents, reports,  
87 or requests prepared under the program by state agencies.

88 7. Compliance of the program with appropriate policies,  
89 rules, or laws.

90 8. Any other issues related to governmental entities as  
91 directed by the Legislative Auditing Committee.

92 (k)~~(i)~~ "Political subdivision" means a separate agency or  
93 unit of local government created or established by law and  
94 includes, but is not limited to, the following and the officers  
95 thereof: authority, board, branch, bureau, city, commission,  
96 consolidated government, county, department, district,  
97 institution, metropolitan government, municipality, office,



240196

98 officer, public corporation, town, or village.

99 (1)~~(j)~~ "State agency" means a separate agency or unit of  
100 state government created or established by law and includes, but  
101 is not limited to, the following and the officers thereof:  
102 authority, board, branch, bureau, commission, department,  
103 division, institution, office, officer, or public corporation,  
104 as the case may be, except any such agency or unit within the  
105 legislative branch of state government other than the Florida  
106 Public Service Commission.

107 (m) "Waste" means the act of using or expending resources  
108 unreasonably, carelessly, extravagantly, or for no useful  
109 purpose.

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

111 (j) Conduct audits of local governmental entities when  
112 determined to be necessary by the Auditor General, when directed  
113 by the Legislative Auditing Committee, or when otherwise  
114 required by law. No later than 18 months after the release of  
115 the audit report, the Auditor General shall perform such  
116 appropriate followup procedures as he or she deems necessary to  
117 determine the audited entity's progress in addressing the  
118 findings and recommendations contained within the Auditor  
119 General's previous report. The Auditor General shall notify each  
120 member of the audited entity's governing body and the  
121 Legislative Auditing Committee of the results of his or her  
122 determination. For purposes of this paragraph, local  
123 governmental entities do not include water management districts.

124

125 The Auditor General shall perform his or her duties  
126 independently but under the general policies established by the



240196

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 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor  
132 General may, pursuant to his or her own authority, or at the  
133 direction of the Legislative Auditing Committee, conduct audits  
134 or other engagements as determined appropriate by the Auditor  
135 General of:

136 (v) The Florida Virtual School ~~pursuant to s. 1002.37.~~

137 (y) Tourist development councils and county tourism  
138 promotion agencies.

139 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

140 (i) The Auditor General shall annually transmit by July 15,  
141 to the President of the Senate, the Speaker of the House of  
142 Representatives, and the Department of Financial Services, a  
143 list of all school districts, charter schools, charter technical  
144 career centers, Florida College System institutions, state  
145 universities, and local governmental entities ~~water management~~  
146 ~~districts~~ that have failed to comply with the transparency  
147 requirements as identified in the audit reports reviewed  
148 pursuant to paragraph (b) and those conducted pursuant to  
149 subsection (2).

150 Section 3. Paragraph (d) of subsection (2) of section  
151 28.35, Florida Statutes, is amended to read:

152 28.35 Florida Clerks of Court Operations Corporation.—

153 (2) The duties of the corporation shall include the  
154 following:

155 (d) Developing and certifying a uniform system of workload



240196

156 measures and applicable workload standards for court-related  
157 functions as developed by the corporation and clerk workload  
158 performance in meeting the workload performance standards. These  
159 workload measures and workload performance standards shall be  
160 designed to facilitate an objective determination of the  
161 performance of each clerk in accordance with minimum standards  
162 for fiscal management, operational efficiency, and effective  
163 collection of fines, fees, service charges, and court costs. The  
164 corporation shall develop the workload measures and workload  
165 performance standards in consultation with the Legislature. When  
166 the corporation finds a clerk has not met the workload  
167 performance standards, the corporation shall identify the nature  
168 of each deficiency and any corrective action recommended and  
169 taken by the affected clerk of the court. For quarterly periods  
170 ending on the last day of March, June, September, and December  
171 of each year, the corporation shall notify the Legislature of  
172 any clerk not meeting workload performance standards and provide  
173 a copy of any corrective action plans. Such notifications shall  
174 be submitted no later than 45 days after the end of the  
175 preceding quarterly period. As used in this subsection, the  
176 term:

177 1. "Workload measures" means the measurement of the  
178 activities and frequency of the work required for the clerk to  
179 adequately perform the court-related duties of the office as  
180 defined by the membership of the Florida Clerks of Court  
181 Operations Corporation.

182 2. "Workload performance standards" means the standards  
183 developed to measure the timeliness and effectiveness of the  
184 activities that are accomplished by the clerk in the performance



240196

185 of the court-related duties of the office as defined by the  
186 membership of the Florida Clerks of Court Operations  
187 Corporation.

188 Section 4. Present subsections (6) and (7) of section  
189 43.16, Florida Statutes, are redesignated as subsections (7) and  
190 (8), respectively, and a new subsection (6) is added to that  
191 section, to read:

192 43.16 Justice Administrative Commission; membership, powers  
193 and duties.—

194 (6) The commission, each state attorney, each public  
195 defender, the criminal conflict and civil regional counsel, the  
196 capital collateral regional counsel, and the Guardian Ad Litem  
197 Program shall establish and maintain internal controls designed  
198 to:

199 (a) Prevent and detect fraud, waste, and abuse.

200 (b) Promote and encourage compliance with applicable laws,  
201 rules, contracts, grant agreements, and best practices.

202 (c) Support economical and efficient operations.

203 (d) Ensure reliability of financial records and reports.

204 (e) Safeguard assets.

205 Section 5. Subsection (1) of section 112.31455, Florida  
206 Statutes, is amended to read:

207 112.31455 Collection methods for unpaid automatic fines for  
208 failure to timely file disclosure of financial interests.—

209 (1) Before referring any unpaid fine accrued pursuant to s.  
210 112.3144(5) or s. 112.3145(7) ~~s. 112.3145(6)~~ to the Department  
211 of Financial Services, the commission shall attempt to determine  
212 whether the individual owing such a fine is a current public  
213 officer or current public employee. If so, the commission may





240196

214 notify the Chief Financial Officer or the governing body of the  
215 appropriate county, municipality, school district, or special  
216 district of the total amount of any fine owed to the commission  
217 by such individual.

218 (a) After receipt and verification of the notice from the  
219 commission, the Chief Financial Officer or the governing body of  
220 the county, municipality, school district, or special district  
221 shall begin withholding the lesser of 10 percent or the maximum  
222 amount allowed under federal law from any salary-related  
223 payment. The withheld payments shall be remitted to the  
224 commission until the fine is satisfied.

225 (b) The Chief Financial Officer or the governing body of  
226 the county, municipality, or special district may retain an  
227 amount of each withheld payment, as provided in s. 77.0305, to  
228 cover the administrative costs incurred under this section.

229 Section 6. Section 112.31456, Florida Statutes, is created  
230 to read:

231 112.31456 Garnishment of wages for unpaid automatic fines  
232 for failure to timely file disclosure of financial interests.-

233 (1) Before referring any unpaid fine accrued pursuant to s.  
234 112.3144(5) or s. 112.3145(7) to the Department of Financial  
235 Services, the commission shall attempt to determine whether the  
236 individual owing such a fine is a current public officer or  
237 current public employee. If the commission determines that an  
238 individual who is the subject of an unpaid fine accrued pursuant  
239 to s. 112.3144(5) or s. 112.3145(7) is no longer a public  
240 officer or public employee or if the commission cannot determine  
241 whether the individual is a current public officer or current  
242 public employee, the commission may, 6 months after the order



240196

243 becomes final, seek garnishment of any wages to satisfy the  
244 amount of the fine, or any unpaid portion thereof, pursuant to  
245 chapter 77. Upon recording the order imposing the fine with the  
246 clerk of the circuit court, the order shall be deemed a judgment  
247 for purposes of garnishment pursuant to chapter 77.

248 (2) The commission may refer unpaid fines to the  
249 appropriate collection agency, as directed by the Chief  
250 Financial Officer, to use any collection methods provided by  
251 law. Except as expressly limited by this section, any other  
252 collection method authorized by law is allowed.

253 (3) Action may be taken to collect any unpaid fine imposed  
254 by ss. 112.3144 and 112.3145 within 20 years after the date the  
255 final order is rendered.

256 Section 7. Section 112.3261, Florida Statutes, is amended  
257 to read:

258 112.3261 Lobbying before governmental entities ~~water~~  
259 ~~management districts~~; registration and reporting.-

260 (1) As used in this section, the term:

261 (a) "Governmental entity" or "entity" "District" means a  
262 water management district created in s. 373.069 and operating  
263 under the authority of chapter 373, a hospital district, a  
264 children's services district, an expressway authority as the  
265 term "authority" as defined in s. 348.0002, the term "port  
266 authority" as defined in s. 315.02, or an independent special  
267 district with annual revenues of more than \$5 million which  
268 exercises ad valorem taxing authority.

269 (b) "Lobbies" means seeking, on behalf of another person,  
270 to influence a governmental entity ~~district~~ with respect to a  
271 decision of the entity ~~district~~ in an area of policy or



240196

272 procurement or an attempt to obtain the goodwill of an a  
273 ~~district~~ official or employee of a governmental entity. The term  
274 "~~lobbies~~" shall be interpreted and applied consistently with the  
275 rules of the commission implementing s. 112.3215.

276 (c) "Lobbyist" has the same meaning as provided in s.  
277 112.3215.

278 (d) "Principal" has the same meaning as provided in s.  
279 112.3215.

280 (2) A person may not lobby a governmental entity ~~district~~  
281 until such person has registered as a lobbyist with that entity  
282 ~~district~~. Such registration shall be due upon initially being  
283 retained to lobby and is renewable on a calendar-year basis  
284 thereafter. Upon registration, the person shall provide a  
285 statement signed by the principal or principal's representative  
286 stating that the registrant is authorized to represent the  
287 principal. The principal shall also identify and designate its  
288 main business on the statement authorizing that lobbyist  
289 pursuant to a classification system approved by the governmental  
290 entity ~~district~~. Any changes to the information required by this  
291 section must be disclosed within 15 days by filing a new  
292 registration form. The registration form shall require each  
293 lobbyist to disclose, under oath, the following:

294 (a) The lobbyist's name and business address.

295 (b) The name and business address of each principal  
296 represented.

297 (c) The existence of any direct or indirect business  
298 association, partnership, or financial relationship with an  
299 official ~~any officer~~ or employee of a governmental entity  
300 ~~district~~ with which he or she lobbies or intends to lobby.



240196

301           (d) A governmental entity shall create a lobbyist  
302 registration form modeled after the ~~In lieu of creating its own~~  
303 ~~lobbyist registration forms, a district may accept a completed~~  
304 legislative branch or executive branch lobbyist registration  
305 form, which must be returned to the governmental entity.

306           (3) A governmental entity ~~district~~ shall make lobbyist  
307 registrations available to the public. If a governmental entity  
308 ~~district~~ maintains a website, a database of currently registered  
309 lobbyists and principals must be available on the entity's  
310 ~~district's~~ website.

311           (4) A lobbyist shall promptly send a written statement to  
312 the governmental entity ~~district~~ canceling the registration for  
313 a principal upon termination of the lobbyist's representation of  
314 that principal. A governmental entity ~~district~~ may remove the  
315 name of a lobbyist from the list of registered lobbyists if the  
316 principal notifies the entity ~~district~~ that a person is no  
317 longer authorized to represent that principal.

318           (5) A governmental entity ~~district~~ may establish an annual  
319 lobbyist registration fee, not to exceed \$40, for each principal  
320 represented. The governmental entity ~~district~~ may use  
321 registration fees only to administer this section.

322           (6) A governmental entity ~~district~~ shall be diligent to  
323 ascertain whether persons required to register pursuant to this  
324 section have complied. A governmental entity ~~district~~ may not  
325 knowingly authorize a person who is not registered pursuant to  
326 this section to lobby the entity ~~district~~.

327           (7) Upon receipt of a sworn complaint alleging that a  
328 lobbyist or principal has failed to register with a governmental  
329 entity ~~district~~ or has knowingly submitted false information in



240196

330 a report or registration required under this section, the  
331 commission shall investigate a lobbyist or principal pursuant to  
332 the procedures established under s. 112.324. The commission  
333 shall provide the Governor with a report of its findings and  
334 recommendations in any investigation conducted pursuant to this  
335 subsection. The Governor is authorized to enforce the  
336 commission's findings and recommendations.

337 (8) A governmental entity ~~Water management districts~~ may  
338 adopt rules to establish procedures to govern the registration  
339 of lobbyists, including the adoption of forms and the  
340 establishment of a lobbyist registration fee.

341 Section 8. Paragraph (c) of subsection (3) of section  
342 129.03, Florida Statutes, is amended to read:

343 129.03 Preparation and adoption of budget.—

344 (3) The county budget officer, after tentatively  
345 ascertaining the proposed fiscal policies of the board for the  
346 next fiscal year, shall prepare and present to the board a  
347 tentative budget for the next fiscal year for each of the funds  
348 provided in this chapter, including all estimated receipts,  
349 taxes to be levied, and balances expected to be brought forward  
350 and all estimated expenditures, reserves, and balances to be  
351 carried over at the end of the year.

352 (c) The board shall hold public hearings to adopt tentative  
353 and final budgets pursuant to s. 200.065. The hearings shall be  
354 primarily for the purpose of hearing requests and complaints  
355 from the public regarding the budgets and the proposed tax  
356 levies and for explaining the budget and any proposed or adopted  
357 amendments. The tentative budget must be posted on the county's  
358 official website at least 2 days before the public hearing to



240196

359 consider such budget and must remain on the website for at least  
360 45 days. The final budget must be posted on the website within  
361 30 days after adoption and must remain on the website for at  
362 least 2 years. The tentative budgets, adopted tentative budgets,  
363 and final budgets shall be filed in the office of the county  
364 auditor as a public record. Sufficient reference in words and  
365 figures to identify the particular transactions shall be made in  
366 the minutes of the board to record its actions with reference to  
367 the budgets.

368 Section 9. Paragraph (f) of subsection (2) of section  
369 129.06, Florida Statutes, is amended to read:

370 129.06 Execution and amendment of budget.—

371 (2) The board at any time within a fiscal year may amend a  
372 budget for that year, and may within the first 60 days of a  
373 fiscal year amend the budget for the prior fiscal year, as  
374 follows:

375 (f) Unless otherwise prohibited by law, if an amendment to  
376 a budget is required for a purpose not specifically authorized  
377 in paragraphs (a)-(e), the amendment may be authorized by  
378 resolution or ordinance of the board of county commissioners  
379 adopted following a public hearing.

380 1. The public hearing must be advertised at least 2 days,  
381 but not more than 5 days, before the date of the hearing. The  
382 advertisement must appear in a newspaper of paid general  
383 circulation and must identify the name of the taxing authority,  
384 the date, place, and time of the hearing, and the purpose of the  
385 hearing. The advertisement must also identify each budgetary  
386 fund to be amended, the source of the funds, the use of the  
387 funds, and the total amount of each fund's appropriations.



240196

388           2. If the board amends the budget pursuant to this  
389 paragraph, the adopted amendment must be posted on the county's  
390 official website within 5 days after adoption and must remain on  
391 the website for at least 2 years.

392           Section 10. Subsections (3) and (5) of section 166.241,  
393 Florida Statutes, are amended to read:

394           166.241 Fiscal years, budgets, and budget amendments.—

395           (3) The tentative budget must be posted on the  
396 municipality's official website at least 2 days before the  
397 budget hearing, held pursuant to s. 200.065 or other law, to  
398 consider such budget, and must remain on the website for at  
399 least 45 days. The final adopted budget must be posted on the  
400 municipality's official website within 30 days after adoption  
401 and must remain on the website for at least 2 years. If the  
402 municipality does not operate an official website, the  
403 municipality must, within a reasonable period of time as  
404 established by the county or counties in which the municipality  
405 is located, transmit the tentative budget and final budget to  
406 the manager or administrator of such county or counties who  
407 shall post the budgets on the county's website.

408           (5) If the governing body of a municipality amends the  
409 budget pursuant to paragraph (4) (c), the adopted amendment must  
410 be posted on the official website of the municipality within 5  
411 days after adoption and must remain on the website for at least  
412 2 years. If the municipality does not operate an official  
413 website, the municipality must, within a reasonable period of  
414 time as established by the county or counties in which the  
415 municipality is located, transmit the adopted amendment to the  
416 manager or administrator of such county or counties who shall



240196

417 post the adopted amendment on the county's website.

418 Section 11. Subsections (4) and (7) of section 189.016,  
419 Florida Statutes, are amended to read:

420 189.016 Reports; budgets; audits.-

421 (4) The tentative budget must be posted on the special  
422 district's official website at least 2 days before the budget  
423 hearing, held pursuant to s. 200.065 or other law, to consider  
424 such budget, and must remain on the website for at least 45  
425 days. The final adopted budget must be posted on the special  
426 district's official website within 30 days after adoption and  
427 must remain on the website for at least 2 years. If the special  
428 district does not operate an official website, the special  
429 district must, within a reasonable period of time as established  
430 by the local general-purpose government or governments in which  
431 the special district is located or the local governing authority  
432 to which the district is dependent, transmit the tentative  
433 budget or final budget to the manager or administrator of the  
434 local general-purpose government or the local governing  
435 authority. The manager or administrator shall post the tentative  
436 budget or final budget on the website of the local general-  
437 purpose government or governing authority. This subsection and  
438 subsection (3) do not apply to water management districts as  
439 defined in s. 373.019.

440 (7) If the governing body of a special district amends the  
441 budget pursuant to paragraph (6) (c), the adopted amendment must  
442 be posted on the official website of the special district within  
443 5 days after adoption and must remain on the website for at  
444 least 2 years. If the special district does not operate an  
445 official website, the special district must, within a reasonable





240196

446 period of time as established by the local general-purpose  
447 government or governments in which the special district is  
448 located or the local governing authority to which the district  
449 is dependent, transmit the adopted amendment to the manager or  
450 administrator of the local general-purpose government or  
451 governing authority. The manager or administrator shall post the  
452 adopted amendment on the website of the local general-purpose  
453 government or governing authority.

454 Section 12. Present subsections (1) through (5) of section  
455 215.425, Florida Statutes, are redesignated as subsections (2)  
456 through (6), respectively, present subsection (2) and paragraph  
457 (a) of subsection (4) of that section are amended, and a new  
458 subsection (1) and subsections (7) through (12) are added to  
459 that section, to read:

460 215.425 Extra compensation claims prohibited; bonuses;  
461 severance pay.—

462 (1) As used in this section, the term "public funds" means  
463 any taxes, tuition, grants, fines, fees, or other charges or any  
464 other type of revenue collected by the state or any county,  
465 municipality, special district, school district, Florida College  
466 System institution, state university, or other separate unit of  
467 government created pursuant to law, including any office,  
468 department, agency, division, subdivision, political  
469 subdivision, board, bureau, commission, authority, or  
470 institution of such entities.

471 (3) ~~(2)~~ This section does not apply to:

472 ~~(a) a bonus or severance pay that is paid from sources~~  
473 ~~other than public funds wholly from nontax revenues and~~  
474 ~~nonstate-appropriated funds, the payment and receipt of which~~



240196

475 ~~does not otherwise violate part III of chapter 112, and which is~~  
476 ~~paid to an officer, agent, employee, or contractor of a public~~  
477 ~~hospital that is operated by a county or a special district; or~~  
478 ~~(b) a clothing and maintenance allowance given to~~  
479 plainclothes deputies pursuant to s. 30.49.

480 ~~(5) (a) (4) (a) On or after July 1, 2011,~~ A unit of government  
481 that enters into a contract or employment agreement, or renewal  
482 or renegotiation of an existing contract or employment  
483 agreement, that contains a provision for severance pay with an  
484 officer, agent, employee, or contractor must include the  
485 following provisions in the contract:

486 1. A requirement that severance pay paid from public funds  
487 ~~provided~~ may not exceed an amount greater than 20 weeks of  
488 compensation.

489 2. A prohibition of provision of severance pay paid from  
490 public funds when the officer, agent, employee, or contractor  
491 has been fired for misconduct, as defined in s. 443.036(29), by  
492 the unit of government.

493 (7) Upon discovery or notification that a unit of  
494 government has provided prohibited compensation to any officer,  
495 agent, employee, or contractor in violation of this section,  
496 such unit of government shall investigate and take all necessary  
497 action to recover the prohibited compensation.

498 (a) If the violation was unintentional, the unit of  
499 government shall recover the prohibited compensation from the  
500 individual receiving the prohibited compensation through normal  
501 recovery methods for overpayments.

502 (b) If the violation was willful, the unit of government  
503 shall recover the prohibited compensation from either the



240196

504 individual receiving the prohibited compensation or the  
505 individual or individuals responsible for approving the  
506 prohibited compensation. Each individual determined to have  
507 willfully violated this section is jointly and severally liable  
508 for repayment of the prohibited compensation.

509 (8) A person who willfully violates this section commits a  
510 misdemeanor of the first degree, punishable as provided in s.  
511 775.082 or s. 775.083.

512 (9) An officer who exercises the powers and duties of a  
513 state or county officer and willfully violates this section is  
514 subject to the Governor's power under s. 7(a), Art. IV of the  
515 State Constitution. An officer who exercises powers and duties  
516 other than that of a state or county officer and willfully  
517 violates this section is subject to the suspension and removal  
518 procedures under s. 112.51.

519 (10) (a) A person who reports a violation of this section is  
520 eligible for a reward of at least \$500, or the lesser of 10  
521 percent of the funds recovered or \$10,000 per incident of a  
522 prohibited compensation payment recovered by the unit of  
523 government, depending upon the extent to which the person  
524 substantially contributed to the discovery, notification, and  
525 recovery of such prohibited payment.

526 (b) In the event that the recovery of the prohibited  
527 compensation is based primarily on disclosures of specific  
528 information, other than information provided by such person,  
529 relating to allegations or transactions in a criminal, civil, or  
530 administrative hearing; a legislative, administrative, inspector  
531 general, or other government report; auditor general report,  
532 hearing, audit, or investigation; or from the news media, such



240196

533 person is not eligible for a reward, or for an award of a  
534 portion of the proceeds or payment of attorney fees and costs  
535 pursuant to s. 68.085.

536 (c) If it is determined that the person who reported a  
537 violation of this section was involved in the authorization,  
538 approval, or receipt of the prohibited compensation or is  
539 convicted of criminal conduct arising from his or her role in  
540 the authorization, approval, or receipt of the prohibited  
541 compensation, such person is not eligible for a reward, or for  
542 an award of a portion of the proceeds or payment of attorney  
543 fees and costs pursuant to s. 68.085.

544 (11) An employee who is discharged, demoted, suspended,  
545 threatened, harassed, or in any manner discriminated against in  
546 the terms and conditions of employment by his or her employer  
547 because of lawful acts done by the employee on behalf of the  
548 employee or others in furtherance of an action under this  
549 section, including investigation for initiation of, testimony  
550 for, or assistance in an action filed or to be filed under this  
551 section, has a cause of action under s. 112.3187.

552 (12) If the unit of government fails to recover prohibited  
553 compensation for a willful violation of this section upon  
554 discovery and notification of such prohibited payment within 90  
555 days, a cause of action may be brought to:

556 (a) Recover state funds in accordance with ss. 68.082 and  
557 68.083.

558 (b) Recover other funds by the Department of Legal Affairs  
559 using the procedures set forth in ss. 68.082 and 68.083, except  
560 that venue shall lie in the circuit court of the county in which  
561 the unit of government is located.



240196

562           (c) Recover other funds by a person using the procedures  
563 set forth in ss. 68.082 and 68.083, except that venue shall lie  
564 in the circuit court of the county in which the unit of  
565 government is located.

566           Section 13. Section 215.86, Florida Statutes, is amended to  
567 read:

568           215.86 Management systems and controls.—Each state agency  
569 and the judicial branch as defined in s. 216.011 shall establish  
570 and maintain management systems and internal controls designed  
571 to:

572           (1) Prevent and detect fraud, waste, and abuse. ~~that~~

573           (2) Promote and encourage compliance with applicable laws,  
574 rules, contracts, grant agreements, and best practices.†

575           (3) Support economical and ~~economic,~~ efficient, ~~and~~  
576 effective operations.†

577           (4) Ensure reliability of financial records and reports.†

578           (5) Safeguard ~~and safeguarding of~~ assets. Accounting  
579 systems and procedures shall be designed to fulfill the  
580 requirements of generally accepted accounting principles.

581           Section 14. Paragraph (a) of subsection (2) of section  
582 215.97, Florida Statutes, is amended to read:

583           215.97 Florida Single Audit Act.—

584           (2) Definitions; as used in this section, the term:

585           (a) "Audit threshold" means the threshold amount used to  
586 determine when a state single audit or project-specific audit of  
587 a nonstate entity shall be conducted in accordance with this  
588 section. Each nonstate entity that expends a total amount of  
589 state financial assistance equal to or in excess of \$750,000  
590 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be



240196

591 required to have a state single audit, or a project-specific  
592 audit, for such fiscal year in accordance with the requirements  
593 of this section. Periodically, Every 2 years the Auditor  
594 General, after consulting with the Executive Office of the  
595 Governor, the Department of Financial Services, and all state  
596 awarding agencies, shall review the threshold amount for  
597 requiring audits under this section and, if appropriate, may  
598 recommend to the Legislature a statutory change to revise the  
599 threshold amount in the annual report submitted pursuant to s.  
600 11.45(7)(h) may adjust such threshold amount consistent with the  
601 purposes of this section.

602 Section 15. Subsection (11) of section 215.985, Florida  
603 Statutes, is amended to read:

604 215.985 Transparency in government spending.—

605 (11) Each water management district shall provide a monthly  
606 financial statement in the form and manner prescribed by the  
607 Department of Financial Services to the district's its governing  
608 board and make such monthly financial statement available for  
609 public access on its website.

610 Section 16. Paragraph (d) of subsection (1) and subsection  
611 (2) of section 218.32, Florida Statutes, are amended to read:

612 218.32 Annual financial reports; local governmental  
613 entities.—

614 (1)

615 (d) Each local governmental entity that is required to  
616 provide for an audit under s. 218.39(1) must submit a copy of  
617 the audit report and annual financial report to the department  
618 within 45 days after the completion of the audit report but no  
619 later than 9 months after the end of the fiscal year. An



240196

620 independent certified public accountant completing an audit of a  
621 local governmental entity pursuant to s. 218.39 shall report, as  
622 part of the audit, as to whether the entity's annual financial  
623 report is in agreement with the audited financial statements.  
624 The accountant's audit report must be supported by the same  
625 level of detail as required for the annual financial report. If  
626 the accountant's audit report is not in agreement with the  
627 annual financial report, the accountant shall specify and  
628 explain the significant differences that exist between the  
629 annual financial report and the audit report.

630 (2) The department shall annually by December 1 file a  
631 verified report with the Governor, the Legislature, the Auditor  
632 General, and the Special District Accountability Program of the  
633 Department of Economic Opportunity showing the revenues, both  
634 locally derived and derived from intergovernmental transfers,  
635 and the expenditures of each local governmental entity, regional  
636 planning council, local government finance commission, and  
637 municipal power corporation that is required to submit an annual  
638 financial report. In preparing the verified report, the  
639 department may request additional information from the local  
640 governmental entity. The information requested must be provided  
641 to the department within 45 days of the request. If the local  
642 governmental entity does not comply with the request, the  
643 department shall notify the Legislative Auditing Committee,  
644 which may take action pursuant to s. 11.40(2). The report must  
645 include, but is not limited to:

646 (a) The total revenues and expenditures of each local  
647 governmental entity that is a component unit included in the  
648 annual financial report of the reporting entity.



240196

649 (b) The amount of outstanding long-term debt by each local  
650 governmental entity. For purposes of this paragraph, the term  
651 "long-term debt" means any agreement or series of agreements to  
652 pay money, which, at inception, contemplate terms of payment  
653 exceeding 1 year in duration.

654 Section 17. Present subsection (3) of section 218.33,  
655 Florida Statutes, is redesignated as subsection (4), and a new  
656 subsection (3) is added to that section, to read:

657 218.33 Local governmental entities; establishment of  
658 uniform fiscal years and accounting practices and procedures.—

659 (3) Each local governmental entity shall establish and  
660 maintain internal controls designed to:

661 (a) Prevent and detect fraud, waste, and abuse.

662 (b) Promote and encourage compliance with applicable laws,  
663 rules, contracts, grant agreements, and best practices.

664 (c) Support economical and efficient operations.

665 (d) Ensure reliability of financial records and reports.

666 (e) Safeguard assets.

667 Section 18. Present subsections (8) through (12) of section  
668 218.39, Florida Statutes, are redesignated as subsections (9)  
669 through (13), respectively, and a new subsection (8) is added to  
670 that section, to read:

671 218.39 Annual financial audit reports.—

672 (8) If the audit report includes a recommendation that was  
673 previously included in the preceding financial audit report, the  
674 governing body of the audited entity, within 60 days after the  
675 delivery of the audit report to the governing body and during a  
676 regularly scheduled public meeting, shall indicate its intent  
677 regarding corrective action, the corrective action to be taken,





240196

678 and when the corrective action will occur. If the governing body  
679 does not intend to take corrective action, it shall explain why  
680 such action will not be taken at the regularly scheduled public  
681 meeting.

682 Section 19. Subsection (2) and paragraph (c) of subsection  
683 (7) of section 218.391, Florida Statutes, are amended, and a new  
684 subsection (9) is added to that section, to read:

685 218.391 Auditor selection procedures.—

686 (2) The governing body of a ~~charter~~ county, municipality,  
687 special district, district school board, charter school, or  
688 charter technical career center shall establish an audit  
689 committee.

690 (a) For a county, the ~~Each noncharter county shall~~  
691 establish an audit committee that, at a minimum, shall consist  
692 of each of the county officers elected pursuant to the county  
693 charter or s. 1(d), Art. VIII of the State Constitution, or a  
694 designee, and one member of the board of county commissioners or  
695 its designee.

696 (b) For a municipality, special district, district school  
697 board, charter school, or charter technical career center, the  
698 audit committee shall consist of at least three members. One  
699 member of the audit committee must be a member of the governing  
700 body of an entity specified in this paragraph who shall also  
701 serve as the chair of the committee.

702 (c) A member of the audit committee may not be an employee,  
703 chief executive officer, or chief financial officer of the  
704 county, municipality, special district, district school board,  
705 charter school, or charter technical career center.

706 (d) The primary purpose of the audit committee is to assist



240196

707 the governing body in selecting an auditor to conduct the annual  
708 financial audit required in s. 218.39; however, the audit  
709 committee may serve other audit oversight purposes as determined  
710 by the entity's governing body. The public may ~~shall~~ not be  
711 excluded from the proceedings under this section.

712 (7) Every procurement of audit services shall be evidenced  
713 by a written contract embodying all provisions and conditions of  
714 the procurement of such services. For purposes of this section,  
715 an engagement letter signed and executed by both parties shall  
716 constitute a written contract. The written contract shall, at a  
717 minimum, include the following:

718 (c) A provision specifying the contract period, including  
719 renewals, and conditions under which the contract may be  
720 terminated or renewed.

721

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

723 And the title is amended as follows:

724 Delete lines 26 - 85

725 and insert:

726 controls; amending s. 112.31455, F.S.; correcting a  
727 cross-reference; revising provisions governing  
728 collection methods for unpaid automatic fines for  
729 failure to timely file disclosure of financial  
730 interests to include school districts; creating s.  
731 112.31456, F.S.; authorizing the Commission on Ethics  
732 to seek wage garnishment of certain individuals to  
733 satisfy unpaid fines; authorizing the commission to  
734 refer unpaid fines to a collection agency;  
735 establishing a statute of limitations with respect to



240196

736 the collection of an unpaid fine; amending s.  
737 112.3261, F.S.; revising terms to conform to changes  
738 made by the act; expanding the types of governmental  
739 entities that are subject to lobbyist registration  
740 requirements; requiring a governmental entity to  
741 create a lobbyist registration form; amending ss.  
742 129.03, 129.06, 166.241, and 189.016, F.S.; requiring  
743 counties, municipalities, and special districts to  
744 maintain certain budget documents on the entities'  
745 websites for a specified period; amending s. 215.425,  
746 F.S.; defining the term "public funds"; requiring a  
747 unit of government to investigate and take necessary  
748 action to recover prohibited compensation; specifying  
749 methods of recovery and liability for unintentional  
750 and willful violations; providing a penalty;  
751 specifying applicability of procedures regarding  
752 suspension and removal of an officer who commits a  
753 willful violation; establishing eligibility criteria  
754 and amounts for rewards; specifying circumstances  
755 under which an employee has a cause of action under  
756 the Whistle-blower's Act; establishing causes of  
757 action if a unit of government fails to recover  
758 prohibited compensation within a certain timeframe;  
759 amending s. 215.86, F.S.; revising management systems  
760 and controls to be employed by each state agency and  
761 the judicial branch; amending s. 215.97, F.S.;

762 revising the definition of the term "audit threshold";  
763 amending s. 215.985, F.S.; revising the requirements  
764 for a monthly financial statement provided by a water



240196

765 management district; amending s. 218.32, F.S.;

766 revising the requirements of the annual financial

767 audit report of a local governmental entity;

768 authorizing the Department of Financial Services to

769 request additional information from a local

770 governmental entity; requiring a local governmental

771 entity to respond to such requests within a specified

772 timeframe; requiring the department to notify the

773 Legislative Auditing Committee of noncompliance;

774 amending s. 218.33, F.S.; requiring local governmental

775 entities to establish and maintain internal controls;

776 amending s. 218.39, F.S.; requiring an audited entity

777 to respond to audit recommendations under specified

778 circumstances; amending s. 218.391, F.S.; revising the

779 composition of an audit committee; prohibiting an

780 audit committee member from being an employee, chief

781 executive officer, or chief financial officer of the

782 respective governmental entity;