

**By** the Committees on Rules; Community Affairs; and Ethics and Elections; and Senator Gaetz

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1                                   A bill to be entitled  
2       An act relating to government accountability; amending  
3       s. 11.40, F.S.; specifying that the Governor, the  
4       Commissioner of Education, or the designee of the  
5       Governor or of the Commissioner of Education may  
6       notify the Legislative Auditing Committee of an  
7       entity's failure to comply with certain auditing and  
8       financial reporting requirements; amending s. 11.45,  
9       F.S.; defining the terms "abuse," "fraud," and  
10      "waste"; revising the definition of the term "local  
11      governmental entity"; excluding water management  
12      districts from certain audit requirements; removing a  
13      cross-reference; authorizing the Auditor General to  
14      conduct audits of tourist development councils and  
15      county tourism promotion agencies; revising reporting  
16      requirements applicable to the Auditor General;  
17      amending s. 28.35, F.S.; revising reporting  
18      requirements applicable to the Florida Clerks of Court  
19      Operations Corporation; amending s. 43.16, F.S.;  
20      revising the responsibilities of the Justice  
21      Administrative Commission, each state attorney, each  
22      public defender, a criminal conflict and civil  
23      regional counsel, a capital collateral regional  
24      counsel, and the Guardian Ad Litem Program, to include  
25      the establishment and maintenance of certain internal  
26      controls; amending s. 112.313, F.S.; specifying that  
27      prohibitions on conflicting employment or contractual  
28      relationships for public officers or employees of an  
29      agency apply to contractual relationships held by

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30 certain business entities; amending s. 112.31455,  
31 F.S.; correcting a cross-reference; revising  
32 provisions governing collection methods for unpaid  
33 automatic fines for failure to timely file disclosure  
34 of financial interests to include school districts;  
35 amending s. 112.3261, F.S.; revising terms to conform  
36 to changes made by the act; expanding the types of  
37 governmental entities that are subject to lobbyist  
38 registration requirements; requiring a governmental  
39 entity to create a lobbyist registration form;  
40 amending ss. 129.03, 129.06, 166.241, and 189.016,  
41 F.S.; requiring counties, municipalities, and special  
42 districts to maintain certain budget documents on the  
43 entities' websites for a specified period; amending s.  
44 215.425, F.S.; defining the term "public funds";  
45 revising nonapplicability to the prohibition on extra  
46 compensation claims; requiring certain contracts to  
47 which a unit of government or state university is a  
48 party during a specified period to contain certain  
49 prohibitions on severance pay; requiring a unit of  
50 government to investigate and take necessary action to  
51 recover prohibited compensation; specifying methods of  
52 recovery and liability for unintentional and willful  
53 violations; providing a penalty; specifying  
54 applicability of procedures regarding suspension and  
55 removal of an officer who commits a willful violation;  
56 establishing eligibility criteria and amounts for  
57 rewards; specifying circumstances under which an  
58 employee has a cause of action under the Whistle-

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59 blower's Act; establishing causes of action if a unit  
60 of government fails to recover prohibited compensation  
61 within a certain timeframe; providing for  
62 applicability; amending s. 215.86, F.S.; revising  
63 management systems and controls to be employed by each  
64 state agency and the judicial branch; amending s.  
65 215.97, F.S.; revising the definition of the term  
66 "audit threshold"; amending s. 215.985, F.S.; revising  
67 the requirements for a monthly financial statement  
68 provided by a water management district; amending s.  
69 218.32, F.S.; revising the requirements of the annual  
70 financial audit report of a local governmental entity;  
71 authorizing the Department of Financial Services to  
72 request additional information from a local  
73 governmental entity; requiring a local governmental  
74 entity to respond to such requests within a specified  
75 timeframe; requiring the department to notify the  
76 Legislative Auditing Committee of noncompliance;  
77 amending s. 218.33, F.S.; requiring local governmental  
78 entities to establish and maintain internal controls;  
79 amending s. 218.39, F.S.; requiring an audited entity  
80 to respond to audit recommendations under specified  
81 circumstances; amending s. 218.391, F.S.; revising the  
82 composition of an audit committee; prohibiting an  
83 audit committee member from being an employee, chief  
84 executive officer, or chief financial officer of the  
85 respective governmental entity; requiring the chair of  
86 an audit committee to sign and execute an affidavit  
87 affirming compliance with auditor selection

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88 procedures; prescribing procedures in the event of  
89 noncompliance with auditor selection procedures;  
90 amending s. 288.92, F.S.; prohibiting specified  
91 officers and board members of Enterprise Florida,  
92 Inc., from representing a person or entity for  
93 compensation before Enterprise Florida, Inc., and  
94 associated entities thereof, for a specified  
95 timeframe; amending s. 288.9604, F.S.; prohibiting a  
96 director of the board of directors of the Florida  
97 Development Finance Corporation from representing a  
98 person or entity for compensation before the  
99 corporation for a specified timeframe; amending s.  
100 373.536, F.S.; deleting obsolete language; requiring  
101 water management districts to maintain certain budget  
102 documents on the districts' websites for a specified  
103 period; amending s. 1002.33, F.S.; revising the  
104 responsibilities of the governing board of a charter  
105 school to include the establishment and maintenance of  
106 internal controls; amending s. 1002.37, F.S.;  
107 requiring completion of an annual financial audit of  
108 the Florida Virtual School; specifying audit  
109 requirements; requiring an audit report to be  
110 submitted to the board of trustees of the Florida  
111 Virtual School and the Auditor General; removing  
112 obsolete provisions; amending s. 1010.01, F.S.;  
113 requiring each school district, Florida College System  
114 institution, and state university to establish and  
115 maintain certain internal controls; amending s.  
116 1010.30, F.S.; requiring a district school board,

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117 Florida College System institution board of trustees,  
118 or university board of trustees to respond to audit  
119 recommendations under certain circumstances; amending  
120 ss. 68.082, 68.083, 218.503, and 1002.455, F.S.;  
121 conforming provisions and cross-references to changes  
122 made by the act; declaring that the act fulfills an  
123 important state interest; providing an effective date.  
124

125 Be It Enacted by the Legislature of the State of Florida:  
126

127 Section 1. Subsection (2) of section 11.40, Florida  
128 Statutes, is amended to read:

129 11.40 Legislative Auditing Committee.—

130 (2) Following notification by the Auditor General, the  
131 Department of Financial Services, ~~or~~ the Division of Bond  
132 Finance of the State Board of Administration, the Governor or  
133 his or her designee, or the Commissioner of Education or his or  
134 her designee of the failure of a local governmental entity,  
135 district school board, charter school, or charter technical  
136 career center to comply with the applicable provisions within s.  
137 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the  
138 Legislative Auditing Committee may schedule a hearing to  
139 determine if the entity should be subject to further state  
140 action. If the committee determines that the entity should be  
141 subject to further state action, the committee shall:

142 (a) In the case of a local governmental entity or district  
143 school board, direct the Department of Revenue and the  
144 Department of Financial Services to withhold any funds not  
145 pledged for bond debt service satisfaction which are payable to

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146 such entity until the entity complies with the law. The  
147 committee shall specify the date such action shall begin, and  
148 the directive must be received by the Department of Revenue and  
149 the Department of Financial Services 30 days before the date of  
150 the distribution mandated by law. The Department of Revenue and  
151 the Department of Financial Services may implement the  
152 provisions of this paragraph.

153 (b) In the case of a special district created by:

154 1. A special act, notify the President of the Senate, the  
155 Speaker of the House of Representatives, the standing committees  
156 of the Senate and the House of Representatives charged with  
157 special district oversight as determined by the presiding  
158 officers of each respective chamber, the legislators who  
159 represent a portion of the geographical jurisdiction of the  
160 special district pursuant to s. 189.034(2), and the Department  
161 of Economic Opportunity that the special district has failed to  
162 comply with the law. Upon receipt of notification, the  
163 Department of Economic Opportunity shall proceed pursuant to s.  
164 189.062 or s. 189.067. If the special district remains in  
165 noncompliance after the process set forth in s. 189.034(3), or  
166 if a public hearing is not held, the Legislative Auditing  
167 Committee may request the department to proceed pursuant to s.  
168 189.067(3).

169 2. A local ordinance, notify the chair or equivalent of the  
170 local general-purpose government pursuant to s. 189.035(2) and  
171 the Department of Economic Opportunity that the special district  
172 has failed to comply with the law. Upon receipt of notification,  
173 the department shall proceed pursuant to s. 189.062 or s.  
174 189.067. If the special district remains in noncompliance after

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175 the process set forth in s. 189.034(3), or if a public hearing  
176 is not held, the Legislative Auditing Committee may request the  
177 department to proceed pursuant to s. 189.067(3).

178 3. Any manner other than a special act or local ordinance,  
179 notify the Department of Economic Opportunity that the special  
180 district has failed to comply with the law. Upon receipt of  
181 notification, the department shall proceed pursuant to s.  
182 189.062 or s. 189.067(3).

183 (c) In the case of a charter school or charter technical  
184 career center, notify the appropriate sponsoring entity, which  
185 may terminate the charter pursuant to ss. 1002.33 and 1002.34.

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

191 11.45 Definitions; duties; authorities; reports; rules.—

192 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

193 (a) "Abuse" means behavior that is deficient or improper  
194 when compared with behavior that a prudent person would consider  
195 reasonable and necessary operational practice given the facts  
196 and circumstances. The term includes the misuse of authority or  
197 position for personal gain.

198 (b)~~(a)~~ "Audit" means a financial audit, operational audit,  
199 or performance audit.

200 (c)~~(b)~~ "County agency" means a board of county  
201 commissioners or other legislative and governing body of a  
202 county, however styled, including that of a consolidated or  
203 metropolitan government, a clerk of the circuit court, a

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204 separate or ex officio clerk of the county court, a sheriff, a  
205 property appraiser, a tax collector, a supervisor of elections,  
206 or any other officer in whom any portion of the fiscal duties of  
207 the above are under law separately placed.

208 (d)~~(e)~~ "Financial audit" means an examination of financial  
209 statements in order to express an opinion on the fairness with  
210 which they are presented in conformity with generally accepted  
211 accounting principles and an examination to determine whether  
212 operations are properly conducted in accordance with legal and  
213 regulatory requirements. Financial audits must be conducted in  
214 accordance with auditing standards generally accepted in the  
215 United States and government auditing standards as adopted by  
216 the Board of Accountancy. When applicable, the scope of  
217 financial audits shall encompass the additional activities  
218 necessary to establish compliance with the Single Audit Act  
219 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other  
220 applicable federal law.

221 (e) "Fraud" means obtaining something of value through  
222 willful misrepresentation, including, but not limited to, the  
223 intentional misstatements or omissions of amounts or disclosures  
224 in financial statements to deceive users of financial  
225 statements, theft of an entity's assets, bribery, or the use of  
226 one's position for personal enrichment through the deliberate  
227 misuse or misapplication of an organization's resources.

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

231 (g)~~(e)~~ "Local governmental entity" means a county agency,  
232 municipality, tourist development council, county tourism



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233 promotion agency, or special district as defined in s. 189.012.  
234 The term, ~~but~~ does not include any housing authority established  
235 under chapter 421.

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

238 (i)~~(g)~~ "Operational audit" means an audit whose purpose is  
239 to evaluate management's performance in establishing and  
240 maintaining internal controls, including controls designed to  
241 prevent and detect fraud, waste, and abuse, and in administering  
242 assigned responsibilities in accordance with applicable laws,  
243 administrative rules, contracts, grant agreements, and other  
244 guidelines. Operational audits must be conducted in accordance  
245 with government auditing standards. Such audits examine internal  
246 controls that are designed and placed in operation to promote  
247 and encourage the achievement of management's control objectives  
248 in the categories of compliance, economic and efficient  
249 operations, reliability of financial records and reports, and  
250 safeguarding of assets, and identify weaknesses in those  
251 internal controls.

252 (j)~~(h)~~ "Performance audit" means an examination of a  
253 program, activity, or function of a governmental entity,  
254 conducted in accordance with applicable government auditing  
255 standards or auditing and evaluation standards of other  
256 appropriate authoritative bodies. The term includes an  
257 examination of issues related to:

- 258 1. Economy, efficiency, or effectiveness of the program.
- 259 2. Structure or design of the program to accomplish its  
260 goals and objectives.
- 261 3. Adequacy of the program to meet the needs identified by

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262 the Legislature or governing body.

263 4. Alternative methods of providing program services or  
264 products.

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

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

269 7. Compliance of the program with appropriate policies,  
270 rules, or laws.

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

273 (k)~~(i)~~ "Political subdivision" means a separate agency or  
274 unit of local government created or established by law and  
275 includes, but is not limited to, the following and the officers  
276 thereof: authority, board, branch, bureau, city, commission,  
277 consolidated government, county, department, district,  
278 institution, metropolitan government, municipality, office,  
279 officer, public corporation, town, or village.

280 (l)~~(j)~~ "State agency" means a separate agency or unit of  
281 state government created or established by law and includes, but  
282 is not limited to, the following and the officers thereof:  
283 authority, board, branch, bureau, commission, department,  
284 division, institution, office, officer, or public corporation,  
285 as the case may be, except any such agency or unit within the  
286 legislative branch of state government other than the Florida  
287 Public Service Commission.

288 (m) "Waste" means the act of using or expending resources  
289 unreasonably, carelessly, extravagantly, or for no useful  
290 purpose.

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291 (2) DUTIES.—The Auditor General shall:  
292 (j) Conduct audits of local governmental entities when  
293 determined to be necessary by the Auditor General, when directed  
294 by the Legislative Auditing Committee, or when otherwise  
295 required by law. No later than 18 months after the release of  
296 the audit report, the Auditor General shall perform such  
297 appropriate followup procedures as he or she deems necessary to  
298 determine the audited entity's progress in addressing the  
299 findings and recommendations contained within the Auditor  
300 General's previous report. The Auditor General shall notify each  
301 member of the audited entity's governing body and the  
302 Legislative Auditing Committee of the results of his or her  
303 determination. For purposes of this paragraph, local  
304 governmental entities do not include water management districts.  
305

306 The Auditor General shall perform his or her duties  
307 independently but under the general policies established by the  
308 Legislative Auditing Committee. This subsection does not limit  
309 the Auditor General's discretionary authority to conduct other  
310 audits or engagements of governmental entities as authorized in  
311 subsection (3).

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

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

318 (y) Tourist development councils and county tourism  
319 promotion agencies.

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320 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

321 (i) The Auditor General shall annually transmit by July 15,  
322 to the President of the Senate, the Speaker of the House of  
323 Representatives, and the Department of Financial Services, a  
324 list of all school districts, charter schools, charter technical  
325 career centers, Florida College System institutions, state  
326 universities, and local governmental entities ~~water management~~  
327 ~~districts~~ that have failed to comply with the transparency  
328 requirements as identified in the audit reports reviewed  
329 pursuant to paragraph (b) and those conducted pursuant to  
330 subsection (2).

331 Section 3. Paragraph (d) of subsection (2) of section  
332 28.35, Florida Statutes, is amended to read:

333 28.35 Florida Clerks of Court Operations Corporation.—

334 (2) The duties of the corporation shall include the  
335 following:

336 (d) Developing and certifying a uniform system of workload  
337 measures and applicable workload standards for court-related  
338 functions as developed by the corporation and clerk workload  
339 performance in meeting the workload performance standards. These  
340 workload measures and workload performance standards shall be  
341 designed to facilitate an objective determination of the  
342 performance of each clerk in accordance with minimum standards  
343 for fiscal management, operational efficiency, and effective  
344 collection of fines, fees, service charges, and court costs. The  
345 corporation shall develop the workload measures and workload  
346 performance standards in consultation with the Legislature. When  
347 the corporation finds a clerk has not met the workload  
348 performance standards, the corporation shall identify the nature

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349 of each deficiency and any corrective action recommended and  
350 taken by the affected clerk of the court. For quarterly periods  
351 ending on the last day of March, June, September, and December  
352 of each year, the corporation shall notify the Legislature of  
353 any clerk not meeting workload performance standards and provide  
354 a copy of any corrective action plans. Such notifications shall  
355 be submitted no later than 45 days after the end of the  
356 preceding quarterly period. As used in this subsection, the  
357 term:

358 1. "Workload measures" means the measurement of the  
359 activities and frequency of the work required for the clerk to  
360 adequately perform the court-related duties of the office as  
361 defined by the membership of the Florida Clerks of Court  
362 Operations Corporation.

363 2. "Workload performance standards" means the standards  
364 developed to measure the timeliness and effectiveness of the  
365 activities that are accomplished by the clerk in the performance  
366 of the court-related duties of the office as defined by the  
367 membership of the Florida Clerks of Court Operations  
368 Corporation.

369 Section 4. Present subsections (6) and (7) of section  
370 43.16, Florida Statutes, are redesignated as subsections (7) and  
371 (8), respectively, and a new subsection (6) is added to that  
372 section, to read:

373 43.16 Justice Administrative Commission; membership, powers  
374 and duties.—

375 (6) The commission, each state attorney, each public  
376 defender, the criminal conflict and civil regional counsel, the  
377 capital collateral regional counsel, and the Guardian Ad Litem

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378 Program shall establish and maintain internal controls designed  
379 to:

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

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

383 (c) Support economical and efficient operations.

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

385 (e) Safeguard assets.

386 Section 5. Subsection (7) of section 112.313, Florida  
387 Statutes, is amended to read:

388 112.313 Standards of conduct for public officers, employees  
389 of agencies, and local government attorneys.—

390 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

391 (a) No public officer or employee of an agency shall have  
392 or hold any employment or contractual relationship with any  
393 business entity or any agency which is subject to the regulation  
394 of, or is doing business with, an agency of which he or she is  
395 an officer or employee, excluding those organizations and their  
396 officers who, when acting in their official capacity, enter into  
397 or negotiate a collective bargaining contract with the state or  
398 any municipality, county, or other political subdivision of the  
399 state; nor shall an officer or employee of an agency have or  
400 hold any employment or contractual relationship that will create  
401 a continuing or frequently recurring conflict between his or her  
402 private interests and the performance of his or her public  
403 duties or that would impede the full and faithful discharge of  
404 his or her public duties. For purposes of this subsection, if a  
405 public officer or employee of an agency holds a controlling  
406 interest in a business entity or is an officer, director, or a

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407 member who manages such an entity, contractual relationships  
408 held by the business entity are deemed to be held by the public  
409 officer or employee.

410 1. When the agency referred to is that certain kind of  
411 special tax district created by general or special law and is  
412 limited specifically to constructing, maintaining, managing, and  
413 financing improvements in the land area over which the agency  
414 has jurisdiction, or when the agency has been organized pursuant  
415 to chapter 298, then employment with, or entering into a  
416 contractual relationship with, such business entity by a public  
417 officer or employee of such agency shall not be prohibited by  
418 this subsection or be deemed a conflict per se. However, conduct  
419 by such officer or employee that is prohibited by, or otherwise  
420 frustrates the intent of, this section shall be deemed a  
421 conflict of interest in violation of the standards of conduct  
422 set forth by this section.

423 2. When the agency referred to is a legislative body and  
424 the regulatory power over the business entity resides in another  
425 agency, or when the regulatory power which the legislative body  
426 exercises over the business entity or agency is strictly through  
427 the enactment of laws or ordinances, then employment or a  
428 contractual relationship with such business entity by a public  
429 officer or employee of a legislative body shall not be  
430 prohibited by this subsection or be deemed a conflict.

431 (b) This subsection shall not prohibit a public officer or  
432 employee from practicing in a particular profession or  
433 occupation when such practice by persons holding such public  
434 office or employment is required or permitted by law or  
435 ordinance.

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436 Section 6. Subsection (1) of section 112.31455, Florida  
437 Statutes, is amended to read:

438 112.31455 Collection methods for unpaid automatic fines for  
439 failure to timely file disclosure of financial interests.—

440 (1) Before referring any unpaid fine accrued pursuant to s.  
441 112.3144(5) or s. 112.3145(7) ~~s. 112.3145(6)~~ to the Department  
442 of Financial Services, the commission shall attempt to determine  
443 whether the individual owing such a fine is a current public  
444 officer or current public employee. If so, the commission may  
445 notify the Chief Financial Officer or the governing body of the  
446 appropriate county, municipality, school district, or special  
447 district of the total amount of any fine owed to the commission  
448 by such individual.

449 (a) After receipt and verification of the notice from the  
450 commission, the Chief Financial Officer or the governing body of  
451 the county, municipality, school district, or special district  
452 shall begin withholding the lesser of 10 percent or the maximum  
453 amount allowed under federal law from any salary-related  
454 payment. The withheld payments shall be remitted to the  
455 commission until the fine is satisfied.

456 (b) The Chief Financial Officer or the governing body of  
457 the county, municipality, school district, or special district  
458 may retain an amount of each withheld payment, as provided in s.  
459 77.0305, to cover the administrative costs incurred under this  
460 section.

461 Section 7. Section 112.3261, Florida Statutes, is amended  
462 to read:

463 112.3261 Lobbying before governmental entities ~~water~~  
464 ~~management districts~~; registration and reporting.—



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

466 (a) "Governmental entity" or "entity" ~~"District"~~ means a  
467 water management district created in s. 373.069 and operating  
468 under the authority of chapter 373, a hospital district, a  
469 children's services district, an expressway authority as the  
470 term "authority" is defined in s. 348.0002, the term "port  
471 authority" as defined in s. 315.02, a county or municipality  
472 that has not adopted lobbyist registration and reporting  
473 requirements, or an independent special district with annual  
474 revenues of more than \$5 million which exercises ad valorem  
475 taxing authority.

476 (b) "Lobbies" means seeking, on behalf of another person,  
477 to influence a governmental entity ~~district~~ with respect to a  
478 decision of the entity ~~district~~ in an area of policy or  
479 procurement or an attempt to obtain the goodwill of an a  
480 ~~district~~ official or employee of a governmental entity. The term  
481 ~~"lobbies"~~ shall be interpreted and applied consistently with the  
482 rules of the commission implementing s. 112.3215.

483 (c) "Lobbyist" has the same meaning as provided in s.  
484 112.3215.

485 (d) "Principal" has the same meaning as provided in s.  
486 112.3215.

487 (2) A person may not lobby a governmental entity ~~district~~  
488 until such person has registered as a lobbyist with that entity  
489 ~~district~~. Such registration shall be due upon initially being  
490 retained to lobby and is renewable on a calendar-year basis  
491 thereafter. Upon registration, the person shall provide a  
492 statement signed by the principal or principal's representative  
493 stating that the registrant is authorized to represent the

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494 principal. The principal shall also identify and designate its  
495 main business on the statement authorizing that lobbyist  
496 pursuant to a classification system approved by the governmental  
497 entity ~~district~~. Any changes to the information required by this  
498 section must be disclosed within 15 days by filing a new  
499 registration form. The registration form shall require each  
500 lobbyist to disclose, under oath, the following:

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

502 (b) The name and business address of each principal  
503 represented.

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

508 (d) A governmental entity shall create a lobbyist  
509 registration form modeled after the ~~In lieu of creating its own~~  
510 ~~lobbyist registration forms, a district may accept a completed~~  
511 legislative branch or executive branch lobbyist registration  
512 form, which must be returned to the governmental entity.

513 (3) A governmental entity ~~district~~ shall make lobbyist  
514 registrations available to the public. If a governmental entity  
515 ~~district~~ maintains a website, a database of currently registered  
516 lobbyists and principals must be available on the entity's  
517 ~~district's~~ website.

518 (4) A lobbyist shall promptly send a written statement to  
519 the governmental entity ~~district~~ canceling the registration for  
520 a principal upon termination of the lobbyist's representation of  
521 that principal. A governmental entity ~~district~~ may remove the  
522 name of a lobbyist from the list of registered lobbyists if the

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523 principal notifies the entity ~~district~~ that a person is no  
524 longer authorized to represent that principal.

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

529 (6) A governmental entity ~~district~~ shall be diligent to  
530 ascertain whether persons required to register pursuant to this  
531 section have complied. A governmental entity ~~district~~ may not  
532 knowingly authorize a person who is not registered pursuant to  
533 this section to lobby the entity ~~district~~.

534 (7) Upon receipt of a sworn complaint alleging that a  
535 lobbyist or principal has failed to register with a governmental  
536 entity ~~district~~ or has knowingly submitted false information in  
537 a report or registration required under this section, the  
538 commission shall investigate a lobbyist or principal pursuant to  
539 the procedures established under s. 112.324. The commission  
540 shall provide the Governor with a report of its findings and  
541 recommendations in any investigation conducted pursuant to this  
542 subsection. The Governor is authorized to enforce the  
543 commission's findings and recommendations.

544 (8) A governmental entity ~~Water management districts~~ may  
545 adopt rules to establish procedures to govern the registration  
546 of lobbyists, including the adoption of forms and the  
547 establishment of a lobbyist registration fee.

548 Section 8. Paragraph (c) of subsection (3) of section  
549 129.03, Florida Statutes, is amended to read:

550 129.03 Preparation and adoption of budget.—

551 (3) The county budget officer, after tentatively

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552 ascertaining the proposed fiscal policies of the board for the  
553 next fiscal year, shall prepare and present to the board a  
554 tentative budget for the next fiscal year for each of the funds  
555 provided in this chapter, including all estimated receipts,  
556 taxes to be levied, and balances expected to be brought forward  
557 and all estimated expenditures, reserves, and balances to be  
558 carried over at the end of the year.

559 (c) The board shall hold public hearings to adopt tentative  
560 and final budgets pursuant to s. 200.065. The hearings shall be  
561 primarily for the purpose of hearing requests and complaints  
562 from the public regarding the budgets and the proposed tax  
563 levies and for explaining the budget and any proposed or adopted  
564 amendments. The tentative budget must be posted on the county's  
565 official website at least 2 days before the public hearing to  
566 consider such budget and must remain on the website for at least  
567 45 days. The final budget must be posted on the website within  
568 30 days after adoption and must remain on the website for at  
569 least 2 years. The tentative budgets, adopted tentative budgets,  
570 and final budgets shall be filed in the office of the county  
571 auditor as a public record. Sufficient reference in words and  
572 figures to identify the particular transactions shall be made in  
573 the minutes of the board to record its actions with reference to  
574 the budgets.

575 Section 9. Paragraph (f) of subsection (2) of section  
576 129.06, Florida Statutes, is amended to read:

577 129.06 Execution and amendment of budget.—

578 (2) The board at any time within a fiscal year may amend a  
579 budget for that year, and may within the first 60 days of a  
580 fiscal year amend the budget for the prior fiscal year, as

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581 follows:

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

587 1. The public hearing must be advertised at least 2 days,  
588 but not more than 5 days, before the date of the hearing. The  
589 advertisement must appear in a newspaper of paid general  
590 circulation and must identify the name of the taxing authority,  
591 the date, place, and time of the hearing, and the purpose of the  
592 hearing. The advertisement must also identify each budgetary  
593 fund to be amended, the source of the funds, the use of the  
594 funds, and the total amount of each fund's appropriations.

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

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

601 166.241 Fiscal years, budgets, and budget amendments.-

602 (3) The tentative budget must be posted on the  
603 municipality's official website at least 2 days before the  
604 budget hearing, held pursuant to s. 200.065 or other law, to  
605 consider such budget, and must remain on the website for at  
606 least 45 days. The final adopted budget must be posted on the  
607 municipality's official website within 30 days after adoption  
608 and must remain on the website for at least 2 years. If the  
609 municipality does not operate an official website, the

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610 municipality must, within a reasonable period of time as  
611 established by the county or counties in which the municipality  
612 is located, transmit the tentative budget and final budget to  
613 the manager or administrator of such county or counties who  
614 shall post the budgets on the county's website.

615 (5) If the governing body of a municipality amends the  
616 budget pursuant to paragraph (4) (c), the adopted amendment must  
617 be posted on the official website of the municipality within 5  
618 days after adoption and must remain on the website for at least  
619 2 years. If the municipality does not operate an official  
620 website, the municipality must, within a reasonable period of  
621 time as established by the county or counties in which the  
622 municipality is located, transmit the adopted amendment to the  
623 manager or administrator of such county or counties who shall  
624 post the adopted amendment on the county's website.

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

627 189.016 Reports; budgets; audits.—

628 (4) The tentative budget must be posted on the special  
629 district's official website at least 2 days before the budget  
630 hearing, held pursuant to s. 200.065 or other law, to consider  
631 such budget, and must remain on the website for at least 45  
632 days. The final adopted budget must be posted on the special  
633 district's official website within 30 days after adoption and  
634 must remain on the website for at least 2 years. If the special  
635 district does not operate an official website, the special  
636 district must, within a reasonable period of time as established  
637 by the local general-purpose government or governments in which  
638 the special district is located or the local governing authority

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639 to which the district is dependent, transmit the tentative  
640 budget or final budget to the manager or administrator of the  
641 local general-purpose government or the local governing  
642 authority. The manager or administrator shall post the tentative  
643 budget or final budget on the website of the local general-  
644 purpose government or governing authority. This subsection and  
645 subsection (3) do not apply to water management districts as  
646 defined in s. 373.019.

647 (7) If the governing body of a special district amends the  
648 budget pursuant to paragraph (6) (c), the adopted amendment must  
649 be posted on the official website of the special district within  
650 5 days after adoption and must remain on the website for at  
651 least 2 years. If the special district does not operate an  
652 official website, the special district must, within a reasonable  
653 period of time as established by the local general-purpose  
654 government or governments in which the special district is  
655 located or the local governing authority to which the district  
656 is dependent, transmit the adopted amendment to the manager or  
657 administrator of the local general-purpose government or  
658 governing authority. The manager or administrator shall post the  
659 adopted amendment on the website of the local general-purpose  
660 government or governing authority.

661 Section 12. Present subsections (1) through (5) of section  
662 215.425, Florida Statutes, are redesignated as subsections (2)  
663 through (6), respectively, present subsection (2) and paragraph  
664 (a) of present subsection (4) of that section are amended, and a  
665 new subsection (1) and subsections (7) through (13) are added to  
666 that section, to read:

667 215.425 Extra compensation claims prohibited; bonuses;

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668 severance pay.—

669 (1) As used in this section, the term "public funds" means  
670 any taxes, tuition, grants, fines, fees, or other charges or any  
671 other type of revenue collected by the state or any county,  
672 municipality, special district, school district, Florida College  
673 System institution, state university, or other separate unit of  
674 government created pursuant to law, including any office,  
675 department, agency, division, subdivision, political  
676 subdivision, board, bureau, or commission of such entities.

677 (3)~~(2)~~ Notwithstanding subsection (2), if the payment and  
678 receipt does not otherwise violate part III of chapter 112, the  
679 following funds may be used to provide extra compensation:

680 (a) Revenues received by state universities through or from  
681 faculty practice plans; health services support organizations;  
682 hospitals with which state universities are affiliated; direct-  
683 support organizations; or federal, auxiliary, or private  
684 sources, except for tuition;

685 (b) Revenues received by Florida College System  
686 institutions through or from faculty practice plans; health  
687 services support organizations; direct-support organizations; or  
688 federal, auxiliary, or private sources, except for tuition;

689 (c) Revenues that are received by a hospital licensed under  
690 chapter 395 which has entered into a Medicaid Provider Contract  
691 and that:

692 1. Are not derived from the levy of an ad valorem tax;

693 2. Are not derived from patient services paid through the  
694 Medicaid or Medicare program;

695 3. Are derived from patient services pursuant to contracts  
696 with private insurers or private managed care entities; or



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697 4. Are not appropriated by the Legislature or by any  
698 county, municipality, special district, school district, Florida  
699 College System institution, state university, or other separate  
700 unit of government created pursuant to law, including any  
701 office, department, agency, division, subdivision, political  
702 subdivision, board, bureau, commission, authority, or  
703 institution of such entities, except for revenues otherwise  
704 authorized to be used pursuant to subparagraphs 2. and 3.

705 ~~This section does not apply to:~~

706 ~~(a) a bonus or severance pay that is paid wholly from~~  
707 ~~nontax revenues and nonstate appropriated funds, the payment and~~  
708 ~~receipt of which does not otherwise violate part III of chapter~~  
709 ~~112, and which is paid to an officer, agent, employee, or~~  
710 ~~contractor of a public hospital that is operated by a county or~~  
711 ~~a special district; or~~

712 ~~(d)(b)~~ A clothing and maintenance allowance given to  
713 plainclothes deputies pursuant to s. 30.49.

714 (e) Revenues or fees received by a seaport or airport from  
715 sources other than through the levy of a tax, or funds  
716 appropriated by any county or municipality or the Legislature.

717 ~~(5) (a)-(4) (a)~~ On or after July 1, 2011, A unit of  
718 government, on or after July 1, 2011, or a state university, on  
719 or after July 1, 2012, that is a party to enters into a contract  
720 or employment agreement, or renewal or renegotiation of an  
721 existing contract or employment agreement, that contains a  
722 provision for severance pay with an officer, agent, employee, or  
723 contractor must include the following provisions in the  
724 contract:

725 1. A requirement that severance pay paid from public funds

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726 ~~provided~~ may not exceed an amount greater than 20 weeks of  
727 compensation.

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

732 (7) Upon discovery or notification that a unit of  
733 government has provided prohibited compensation to any officer,  
734 agent, employee, or contractor in violation of this section,  
735 such unit of government shall investigate and take all necessary  
736 action to recover the prohibited compensation.

737 (a) If the violation was unintentional, the unit of  
738 government shall recover the prohibited compensation from the  
739 individual receiving the prohibited compensation through normal  
740 recovery methods for overpayments.

741 (b) If the violation was willful, the unit of government  
742 shall recover the prohibited compensation from either the  
743 individual receiving the prohibited compensation or the  
744 individual or individuals responsible for approving the  
745 prohibited compensation. Each individual determined to have  
746 willfully violated this section is jointly and severally liable  
747 for repayment of the prohibited compensation.

748 (8) A person who willfully violates this section commits a  
749 misdemeanor of the first degree, punishable as provided in s.  
750 775.082 or s. 775.083.

751 (9) An officer who exercises the powers and duties of a  
752 state or county officer and willfully violates this section is  
753 subject to the Governor's power under s. 7(a), Art. IV of the  
754 State Constitution. An officer who exercises powers and duties

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755 other than those of a state or county officer and willfully  
756 violates this section is subject to the suspension and removal  
757 procedures under s. 112.51.

758 (10) (a) A person who reports a violation of this section is  
759 eligible for a reward of at least \$500, or the lesser of 10  
760 percent of the funds recovered or \$10,000 per incident of a  
761 prohibited compensation payment recovered by the unit of  
762 government, depending upon the extent to which the person  
763 substantially contributed to the discovery, notification, and  
764 recovery of such prohibited payment.

765 (b) In the event that the recovery of the prohibited  
766 compensation is based primarily on disclosures of specific  
767 information, other than information provided by such person,  
768 relating to allegations or transactions in a criminal, civil, or  
769 administrative hearing; in a legislative, administrative,  
770 inspector general, or other government report; in an auditor  
771 general report, hearing, audit, or investigation; or from the  
772 news media, such person is not eligible for a reward, or for an  
773 award of a portion of the proceeds or payment of attorney fees  
774 and costs pursuant to s. 68.085.

775 (c) If it is determined that the person who reported a  
776 violation of this section was involved in the authorization,  
777 approval, or receipt of the prohibited compensation or is  
778 convicted of criminal conduct arising from his or her role in  
779 the authorization, approval, or receipt of the prohibited  
780 compensation, such person is not eligible for a reward, or for  
781 an award of a portion of the proceeds or payment of attorney  
782 fees and costs pursuant to s. 68.085.

783 (11) An employee who is discharged, demoted, suspended,

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784 threatened, harassed, or in any manner discriminated against in  
785 the terms and conditions of employment by his or her employer  
786 because of lawful acts done by the employee on behalf of the  
787 employee or others in furtherance of an action under this  
788 section, including investigation for initiation of, testimony  
789 for, or assistance in an action filed or to be filed under this  
790 section, has a cause of action under s. 112.3187.

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

795 (a) Recover state funds in accordance with ss. 68.082 and  
796 68.083.

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

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

805 (13) Subsections (7)-(12) apply prospectively to contracts  
806 or employment agreements, or the renewal or renegotiation of an  
807 existing contract or employment agreement, effective on or after  
808 July 1, 2015.

809 Section 13. Section 215.86, Florida Statutes, is amended to  
810 read:

811 215.86 Management systems and controls.—Each state agency  
812 and the judicial branch as defined in s. 216.011 shall establish

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813 and maintain management systems and internal controls designed  
814 to:

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

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

818 (3) Support economical and ~~economic,~~ efficient, and  
819 effective operations.†

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

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

824 Section 14. Paragraph (a) of subsection (2) of section  
825 215.97, Florida Statutes, is amended to read:

826 215.97 Florida Single Audit Act.—

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

828 (a) "Audit threshold" means the threshold amount used to  
829 determine when a state single audit or project-specific audit of  
830 a nonstate entity shall be conducted in accordance with this  
831 section. Each nonstate entity that expends a total amount of  
832 state financial assistance equal to or in excess of \$750,000  
833 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be  
834 required to have a state single audit, or a project-specific  
835 audit, for such fiscal year in accordance with the requirements  
836 of this section. Periodically, ~~Every 2 years~~ the Auditor  
837 General, after consulting with the Executive Office of the  
838 Governor, the Department of Financial Services, and all state  
839 awarding agencies, shall review the threshold amount for  
840 requiring audits under this section and, if appropriate, may  
841 recommend to the Legislature a statutory change to revise the

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842 threshold amount in the annual report submitted pursuant to s.  
843 11.45(7)(h) may adjust such threshold amount consistent with the  
844 purposes of this section.

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

847 215.985 Transparency in government spending.—

848 (11) Each water management district shall provide a monthly  
849 financial statement in the form and manner prescribed by the  
850 Department of Financial Services to the district's ~~its~~ governing  
851 board and make such monthly financial statement available for  
852 public access on its website.

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

855 218.32 Annual financial reports; local governmental  
856 entities.—

857 (1)

858 (d) Each local governmental entity that is required to  
859 provide for an audit under s. 218.39(1) must submit a copy of  
860 the audit report and annual financial report to the department  
861 within 45 days after the completion of the audit report but no  
862 later than 9 months after the end of the fiscal year. An  
863 independent certified public accountant completing an audit of a  
864 local governmental entity pursuant to s. 218.39 shall report, as  
865 part of the audit, as to whether the entity's annual financial  
866 report is in agreement with the audited financial statements.  
867 The accountant's audit report must be supported by the same  
868 level of detail as required for the annual financial report. If  
869 the accountant's audit report is not in agreement with the  
870 annual financial report, the accountant shall specify and

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871 explain the significant differences that exist between the  
872 annual financial report and the audit report.

873 (2) The department shall annually by December 1 file a  
874 verified report with the Governor, the Legislature, the Auditor  
875 General, and the Special District Accountability Program of the  
876 Department of Economic Opportunity showing the revenues, both  
877 locally derived and derived from intergovernmental transfers,  
878 and the expenditures of each local governmental entity, regional  
879 planning council, local government finance commission, and  
880 municipal power corporation that is required to submit an annual  
881 financial report. In preparing the verified report, the  
882 department may request additional information from the local  
883 governmental entity. The information requested must be provided  
884 to the department within 45 days of the request. If the local  
885 governmental entity does not comply with the request, the  
886 department shall notify the Legislative Auditing Committee,  
887 which may take action pursuant to s. 11.40(2). The report must  
888 include, but is not limited to:

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

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

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

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900 218.33 Local governmental entities; establishment of  
901 uniform fiscal years and accounting practices and procedures.-

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

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

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

907 (c) Support economical and efficient operations.

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

909 (e) Safeguard assets.

910 Section 18. Present subsections (8) through (12) of section  
911 218.39, Florida Statutes, are redesignated as subsections (9)  
912 through (13), respectively, and a new subsection (8) is added to  
913 that section, to read:

914 218.39 Annual financial audit reports.-

915 (8) If the audit report includes a recommendation that was  
916 previously included in the preceding financial audit report, the  
917 governing body of the audited entity, within 60 days after the  
918 delivery of the audit report to the governing body and during a  
919 regularly scheduled public meeting, shall indicate its intent  
920 regarding corrective action, the corrective action to be taken,  
921 and when the corrective action will occur. If the governing body  
922 does not intend to take corrective action, it shall explain why  
923 such action will not be taken at the regularly scheduled public  
924 meeting.

925 Section 19. Subsection (2) of section 218.391, Florida  
926 Statutes, is amended, and subsection (9) is added to that  
927 section, to read:

928 218.391 Auditor selection procedures.-



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929 (2) The governing body of a ~~charter~~ county, municipality,  
930 special district, district school board, charter school, or  
931 charter technical career center shall establish an audit  
932 committee.

933 (a) For a county, the ~~Each noncharter county shall~~  
934 ~~establish an~~ audit committee ~~that~~, at a minimum, shall consist  
935 of each of the county officers elected pursuant to the county  
936 charter or s. 1(d), Art. VIII of the State Constitution, or a  
937 designee, and one member of the board of county commissioners or  
938 its designee.

939 (b) For a municipality, special district, district school  
940 board, charter school, or charter technical career center, the  
941 audit committee shall consist of at least three members. One  
942 member of the audit committee must be a member of the governing  
943 body of an entity specified in this paragraph who shall also  
944 serve as the chair of the committee.

945 (c) A member of the audit committee may not be an employee,  
946 chief executive officer, or chief financial officer of the  
947 county, municipality, special district, district school board,  
948 charter school, or charter technical career center.

949 (d) The primary purpose of the audit committee is to assist  
950 the governing body in selecting an auditor to conduct the annual  
951 financial audit required in s. 218.39; however, the audit  
952 committee may serve other audit oversight purposes as determined  
953 by the entity's governing body. The public may ~~shall~~ not be  
954 excluded from the proceedings under this section.

955 (9) An audit report submitted pursuant to s. 218.39 must  
956 include an affidavit executed by the chair of the audit  
957 committee affirming that the committee complied with the

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958 requirements of subsections (3)-(6) in selecting an auditor. If  
959 the Auditor General determines that an entity failed to comply  
960 with the requirements of subsections (3)-(6) in selecting an  
961 auditor, the entity shall select a replacement auditor in  
962 accordance with this section to conduct audits for subsequent  
963 fiscal years if the original audit was performed under a  
964 multiyear contract. If the replacement of an auditor would  
965 preclude the entity from timely completing the annual financial  
966 audit required by s. 218.39, the entity shall replace an auditor  
967 in accordance with this section for the subsequent annual  
968 financial audit. A multiyear contract between an entity or an  
969 auditor may not prohibit or restrict an entity from complying  
970 with this subsection.

971 Section 20. Paragraph (b) of subsection (2) of section  
972 288.92, Florida Statutes, is amended to read:

973 288.92 Divisions of Enterprise Florida, Inc.—

974 (2)

975 (b)1. The following officers and board members are subject  
976 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
977 112.3143(2):

978 a. Officers and members of the board of directors of the  
979 divisions of Enterprise Florida, Inc.

980 b. Officers and members of the board of directors of  
981 subsidiaries of Enterprise Florida, Inc.

982 c. Officers and members of the board of directors of  
983 corporations created to carry out the missions of Enterprise  
984 Florida, Inc.

985 d. Officers and members of the board of directors of  
986 corporations with which a division is required by law to

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987 contract to carry out its missions.

988 2. The officers and board members specified in subparagraph  
989 1. may not represent another person or entity for compensation  
990 before Enterprise Florida, Inc., or a division, subsidiary, or  
991 the board of directors of corporations created to carry out the  
992 missions of Enterprise Florida, Inc., or with which a division  
993 is required by law to contract to carry out its missions, for a  
994 period of 2 years after retirement from or termination of  
995 service to a division.

996 ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),  
997 (12), and (15); 112.3135; and 112.3143(2) to activities of the  
998 officers and members of the board of directors specified in  
999 subparagraph 1., those persons shall be considered public  
1000 officers or employees and the corporation shall be considered  
1001 their agency.

1002 ~~4.3.~~ It is not a violation of s. 112.3143(2) or (4) for the  
1003 officers or members of the board of directors of the Florida  
1004 Tourism Industry Marketing Corporation to:

1005 a. Vote on the 4-year marketing plan required under s.  
1006 288.923 or vote on any individual component of or amendment to  
1007 the plan.

1008 b. Participate in the establishment or calculation of  
1009 payments related to the private match requirements of s.  
1010 288.904(3). The officer or member must file an annual disclosure  
1011 describing the nature of his or her interests or the interests  
1012 of his or her principals, including corporate parents and  
1013 subsidiaries of his or her principal, in the private match  
1014 requirements. This annual disclosure requirement satisfies the  
1015 disclosure requirement of s. 112.3143(4). This disclosure must

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1016 be placed either on the Florida Tourism Industry Marketing  
1017 Corporation's website or included in the minutes of each meeting  
1018 of the Florida Tourism Industry Marketing Corporation's board of  
1019 directors at which the private match requirements are discussed  
1020 or voted upon.

1021 Section 21. Paragraph (a) of subsection (3) of section  
1022 288.9604, Florida Statutes, is amended to read:

1023 288.9604 Creation of the authority.—

1024 (3) (a) 1. A director may not receive compensation for his or  
1025 her services, but is entitled to necessary expenses, including  
1026 travel expenses, incurred in the discharge of his or her duties.  
1027 Each director shall hold office until his or her successor has  
1028 been appointed.

1029 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),  
1030 and (15); 112.3135; and 112.3143(2). For purposes of applying  
1031 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
1032 112.3143(2) to activities of directors, directors shall be  
1033 considered public officers and the corporation shall be  
1034 considered their agency.

1035 3. A director of the board of directors of the corporation  
1036 may not represent another person or entity for compensation  
1037 before the corporation for a period of 2 years following his or  
1038 her service on the board of directors.

1039 Section 22. Paragraph (e) of subsection (4), paragraph (d)  
1040 of subsection (5), and paragraph (d) of subsection (6) of  
1041 section 373.536, Florida Statutes, are amended to read:

1042 373.536 District budget and hearing thereon.—

1043 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1044 (e) ~~By September 1, 2012,~~ Each district shall provide a

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1045 monthly financial statement in the form and manner prescribed by  
1046 the Department of Financial Services to the district's governing  
1047 board and make such monthly financial statement available for  
1048 public access on its website.

1049 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
1050 APPROVAL.—

1051 (d) Each district shall, by August 1 of each year, submit  
1052 for review a tentative budget and a description of any  
1053 significant changes from the preliminary budget submitted to the  
1054 Legislature pursuant to s. 373.535 to the Governor, the  
1055 President of the Senate, the Speaker of the House of  
1056 Representatives, the chairs of all legislative committees and  
1057 subcommittees having substantive or fiscal jurisdiction over  
1058 water management districts, as determined by the President of  
1059 the Senate or the Speaker of the House of Representatives, as  
1060 applicable, the secretary of the department, and the governing  
1061 body of each county in which the district has jurisdiction or  
1062 derives any funds for the operations of the district. The  
1063 tentative budget must be posted on the district's official  
1064 website at least 2 days before budget hearings held pursuant to  
1065 s. 200.065 or other law and must remain on the website for at  
1066 least 45 days.

1067 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
1068 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1069 (d) The final adopted budget must be posted on the water  
1070 management district's official website within 30 days after  
1071 adoption and must remain on the website for at least 2 years.

1072 Section 23. Paragraph (j) of subsection (9) of section  
1073 1002.33, Florida Statutes, is amended to read:

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1074 1002.33 Charter schools.—

1075 (9) CHARTER SCHOOL REQUIREMENTS.—

1076 (j) The governing body of the charter school shall be

1077 responsible for:

1078 1. Establishing and maintaining internal controls designed

1079 to:

1080 a. Prevent and detect fraud, waste, and abuse.

1081 b. Promote and encourage compliance with applicable laws,

1082 rules, contracts, grant agreements, and best practices.

1083 c. Support economical and efficient operations.

1084 d. Ensure reliability of financial records and reports.

1085 e. Safeguard assets.

1086 ~~2.1.~~ Ensuring that the charter school has retained the

1087 services of a certified public accountant or auditor for the

1088 annual financial audit, pursuant to s. 1002.345(2), who shall

1089 submit the report to the governing body.

1090 ~~3.2.~~ Reviewing and approving the audit report, including

1091 audit findings and recommendations for the financial recovery

1092 plan.

1093 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including

1094 monitoring a corrective action plan.

1095 b. Monitoring a financial recovery plan in order to ensure

1096 compliance.

1097 ~~5.4.~~ Participating in governance training approved by the

1098 department which must include government in the sunshine,

1099 conflicts of interest, ethics, and financial responsibility.

1100 Section 24. Present subsections (6) through (10) of section

1101 1002.37, Florida Statutes, are redesignated as subsections (7)

1102 through (11), respectively, a new subsection (6) is added to

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1103 that section, and present subsections (6) and (11) of that  
1104 section are amended, to read:

1105 1002.37 The Florida Virtual School.—

1106 (6) The Florida Virtual School shall have an annual  
1107 financial audit of its accounts and records completed by an  
1108 independent auditor who is a certified public accountant  
1109 licensed under chapter 473. The independent auditor shall  
1110 conduct the audit in accordance with rules adopted by the  
1111 Auditor General pursuant to s. 11.45 and, upon completion of the  
1112 audit, shall prepare an audit report in accordance with such  
1113 rules. The audit report must include a written statement of the  
1114 board of trustees describing corrective action to be taken in  
1115 response to each of the independent auditor's recommendations  
1116 included in the audit report. The independent auditor shall  
1117 submit the audit report to the board of trustees and the Auditor  
1118 General no later than 9 months after the end of the preceding  
1119 fiscal year.

1120 (7)~~(6)~~ The board of trustees shall annually submit to the  
1121 Governor, the Legislature, the Commissioner of Education, and  
1122 the State Board of Education, the audit report prepared pursuant  
1123 to subsection (6) and a complete and detailed report setting  
1124 forth:

1125 (a) The operations and accomplishments of the Florida  
1126 Virtual School within the state and those occurring outside the  
1127 state as Florida Virtual School Global.

1128 (b) The marketing and operational plan for the Florida  
1129 Virtual School and Florida Virtual School Global, including  
1130 recommendations regarding methods for improving the delivery of  
1131 education through the Internet and other distance learning

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1132 technology.

1133 (c) The assets and liabilities of the Florida Virtual  
1134 School and Florida Virtual School Global at the end of the  
1135 fiscal year.

1136 ~~(d) A copy of an annual financial audit of the accounts and~~  
1137 ~~records of the Florida Virtual School and Florida Virtual School~~  
1138 ~~Global, conducted by an independent certified public accountant~~  
1139 ~~and performed in accordance with rules adopted by the Auditor~~  
1140 ~~General.~~

1141 ~~(e)~~ Recommendations regarding the unit cost of providing  
1142 services to students through the Florida Virtual School and  
1143 Florida Virtual School Global. In order to most effectively  
1144 develop public policy regarding any future funding of the  
1145 Florida Virtual School, it is imperative that the cost of the  
1146 program is accurately identified. The identified cost of the  
1147 program must be based on reliable data.

1148 (e) ~~(f)~~ Recommendations regarding an accountability  
1149 mechanism to assess the effectiveness of the services provided  
1150 by the Florida Virtual School and Florida Virtual School Global.

1151 ~~(11) The Auditor General shall conduct an operational audit~~  
1152 ~~of the Florida Virtual School, including Florida Virtual School~~  
1153 ~~Global. The scope of the audit shall include, but not be limited~~  
1154 ~~to, the administration of responsibilities relating to~~  
1155 ~~personnel; procurement and contracting; revenue production;~~  
1156 ~~school funds, including internal funds; student enrollment~~  
1157 ~~records; franchise agreements; information technology~~  
1158 ~~utilization, assets, and security; performance measures and~~  
1159 ~~standards; and accountability. The final report on the audit~~  
1160 ~~shall be submitted to the President of the Senate and the~~



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1161 ~~Speaker of the House of Representatives no later than January~~  
1162 ~~31, 2014.~~

1163 Section 25. Subsection (5) is added to section 1010.01,  
1164 Florida Statutes, to read:

1165 1010.01 Uniform records and accounts.—

1166 (5) Each school district, Florida College System  
1167 institution, and state university shall establish and maintain  
1168 internal controls designed to:

1169 (a) Prevent and detect fraud, waste, and abuse.

1170 (b) Promote and encourage compliance with applicable laws,  
1171 rules, contracts, grant agreements, and best practices.

1172 (c) Support economical and efficient operations.

1173 (d) Ensure reliability of financial records and reports.

1174 (e) Safeguard assets.

1175 Section 26. Subsection (2) of section 1010.30, Florida  
1176 Statutes, is amended to read:

1177 1010.30 Audits required.—

1178 (2) If a school district, Florida College System  
1179 institution, or university audit report includes a  
1180 recommendation that was previously included in the preceding  
1181 financial audit report, an audit contains a significant finding,  
1182 the district school board, the Florida College System  
1183 institution board of trustees, or the university board of  
1184 trustees, within 60 days after the delivery of the audit report  
1185 to the school district, Florida College System institution, or  
1186 university and shall conduct an audit overview during a  
1187 regularly scheduled public meeting, shall indicate its intent  
1188 regarding corrective action, the corrective action to be taken,  
1189 and when the corrective action will occur. If the district

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1190 school board, Florida College System institution board of  
1191 trustees, or university board of trustees does not intend to  
1192 take corrective action, it shall explain why such action will  
1193 not be taken at the regularly scheduled public meeting.

1194 Section 27. Subsection (2) of section 68.082, Florida  
1195 Statutes, is amended to read:

1196 68.082 False claims against the state; definitions;  
1197 liability.—

1198 (2) Any person who:

1199 (a) Knowingly presents or causes to be presented a false or  
1200 fraudulent claim for payment or approval;

1201 (b) Knowingly authorizes, approves, or receives payment of  
1202 prohibited compensation in violation of s. 215.425;

1203 (c)~~(b)~~ Knowingly makes, uses, or causes to be made or used  
1204 a false record or statement material to a false or fraudulent  
1205 claim;

1206 (d)~~(e)~~ Conspires to commit a violation of this subsection;

1207 (e)~~(d)~~ Has possession, custody, or control of property or  
1208 money used or to be used by the state and knowingly delivers or  
1209 causes to be delivered less than all of that money or property;

1210 (f)~~(e)~~ Is authorized to make or deliver a document  
1211 certifying receipt of property used or to be used by the state  
1212 and, intending to defraud the state, makes or delivers the  
1213 receipt without knowing that the information on the receipt is  
1214 true;

1215 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an  
1216 obligation or a debt, public property from an officer or  
1217 employee of the state who may not sell or pledge the property;  
1218 or

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1219        (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used  
1220 a false record or statement material to an obligation to pay or  
1221 transmit money or property to the state, or knowingly conceals  
1222 or knowingly and improperly avoids or decreases an obligation to  
1223 pay or transmit money or property to the state

1224  
1225 is liable to the state for a civil penalty of not less than  
1226 \$5,500 and not more than \$11,000 and for treble the amount of  
1227 damages the state sustains because of the act of that person.

1228        Section 28. Subsection (1) of section 68.083, Florida  
1229 Statutes, is amended to read:

1230        68.083 Civil actions for false claims.—

1231        (1) The department may diligently investigate a violation  
1232 under s. 68.082. If the department finds that a person has  
1233 violated or is violating s. 68.082, the department may bring a  
1234 civil action under the Florida False Claims Act against the  
1235 person. The Department of Financial Services may bring a civil  
1236 action under this section if the action arises from an  
1237 investigation by that department and the Department of Legal  
1238 Affairs has not filed an action under this act. For a violation  
1239 of s. 68.082 regarding prohibited compensation paid from state  
1240 funds, the Department of Financial Services may bring a civil  
1241 action under this section if the action arises from an  
1242 investigation by that department concerning a violation of s.  
1243 215.425 by the state and the Department of Legal Affairs has not  
1244 filed an action under this act.

1245        Section 29. Subsection (3) of section 218.503, Florida  
1246 Statutes, is amended to read:

1247        218.503 Determination of financial emergency.—

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1248 (3) Upon notification that one or more of the conditions in  
1249 subsection (1) have occurred or will occur if action is not  
1250 taken to assist the local governmental entity or district school  
1251 board, the Governor or his or her designee shall contact the  
1252 local governmental entity or the Commissioner of Education or  
1253 his or her designee shall contact the district school board to  
1254 determine what actions have been taken by the local governmental  
1255 entity or the district school board to resolve or prevent the  
1256 condition. The information requested must be provided within 45  
1257 days after the date of the request. If the local governmental  
1258 entity or the district school board does not comply with the  
1259 request, the Governor or his or her designee or the Commissioner  
1260 of Education or his or her designee shall notify ~~the members of~~  
1261 the Legislative Auditing Committee, which ~~who~~ may take action  
1262 pursuant to s. 11.40(2) ~~s. 11.40~~. The Governor or the  
1263 Commissioner of Education, as appropriate, shall determine  
1264 whether the local governmental entity or the district school  
1265 board needs state assistance to resolve or prevent the  
1266 condition. If state assistance is needed, the local governmental  
1267 entity or district school board is considered to be in a state  
1268 of financial emergency. The Governor or the Commissioner of  
1269 Education, as appropriate, has the authority to implement  
1270 measures as set forth in ss. 218.50-218.504 to assist the local  
1271 governmental entity or district school board in resolving the  
1272 financial emergency. Such measures may include, but are not  
1273 limited to:

1274 (a) Requiring approval of the local governmental entity's  
1275 budget by the Governor or approval of the district school  
1276 board's budget by the Commissioner of Education.

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1277 (b) Authorizing a state loan to a local governmental entity  
1278 and providing for repayment of same.

1279 (c) Prohibiting a local governmental entity or district  
1280 school board from issuing bonds, notes, certificates of  
1281 indebtedness, or any other form of debt until such time as it is  
1282 no longer subject to this section.

1283 (d) Making such inspections and reviews of records,  
1284 information, reports, and assets of the local governmental  
1285 entity or district school board as are needed. The appropriate  
1286 local officials shall cooperate in such inspections and reviews.

1287 (e) Consulting with officials and auditors of the local  
1288 governmental entity or the district school board and the  
1289 appropriate state officials regarding any steps necessary to  
1290 bring the books of account, accounting systems, financial  
1291 procedures, and reports into compliance with state requirements.

1292 (f) Providing technical assistance to the local  
1293 governmental entity or the district school board.

1294 (g)1. Establishing a financial emergency board to oversee  
1295 the activities of the local governmental entity or the district  
1296 school board. If a financial emergency board is established for  
1297 a local governmental entity, the Governor shall appoint board  
1298 members and select a chair. If a financial emergency board is  
1299 established for a district school board, the State Board of  
1300 Education shall appoint board members and select a chair. The  
1301 financial emergency board shall adopt such rules as are  
1302 necessary for conducting board business. The board may:

1303 a. Make such reviews of records, reports, and assets of the  
1304 local governmental entity or the district school board as are  
1305 needed.

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1306           b. Consult with officials and auditors of the local  
1307 governmental entity or the district school board and the  
1308 appropriate state officials regarding any steps necessary to  
1309 bring the books of account, accounting systems, financial  
1310 procedures, and reports of the local governmental entity or the  
1311 district school board into compliance with state requirements.

1312           c. Review the operations, management, efficiency,  
1313 productivity, and financing of functions and operations of the  
1314 local governmental entity or the district school board.

1315           d. Consult with other governmental entities for the  
1316 consolidation of all administrative direction and support  
1317 services, including, but not limited to, services for asset  
1318 sales, economic and community development, building inspections,  
1319 parks and recreation, facilities management, engineering and  
1320 construction, insurance coverage, risk management, planning and  
1321 zoning, information systems, fleet management, and purchasing.

1322           2. The recommendations and reports made by the financial  
1323 emergency board must be submitted to the Governor for local  
1324 governmental entities or to the Commissioner of Education and  
1325 the State Board of Education for district school boards for  
1326 appropriate action.

1327           (h) Requiring and approving a plan, to be prepared by  
1328 officials of the local governmental entity or the district  
1329 school board in consultation with the appropriate state  
1330 officials, prescribing actions that will cause the local  
1331 governmental entity or district school board to no longer be  
1332 subject to this section. The plan must include, but need not be  
1333 limited to:

1334           1. Provision for payment in full of obligations outlined in

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1335 subsection (1), designated as priority items, which are  
1336 currently due or will come due.

1337 2. Establishment of priority budgeting or zero-based  
1338 budgeting in order to eliminate items that are not affordable.

1339 3. The prohibition of a level of operations which can be  
1340 sustained only with nonrecurring revenues.

1341 4. Provisions implementing the consolidation, sourcing, or  
1342 discontinuance of all administrative direction and support  
1343 services, including, but not limited to, services for asset  
1344 sales, economic and community development, building inspections,  
1345 parks and recreation, facilities management, engineering and  
1346 construction, insurance coverage, risk management, planning and  
1347 zoning, information systems, fleet management, and purchasing.

1348 Section 30. Subsection (2) of section 1002.455, Florida  
1349 Statutes, is amended to read:

1350 1002.455 Student eligibility for K-12 virtual instruction.-

1351 (2) A student is eligible to participate in virtual  
1352 instruction if:

1353 (a) The student spent the prior school year in attendance  
1354 at a public school in the state and was enrolled and reported by  
1355 the school district for funding during October and February for  
1356 purposes of the Florida Education Finance Program surveys;

1357 (b) The student is a dependent child of a member of the  
1358 United States Armed Forces who was transferred within the last  
1359 12 months to this state from another state or from a foreign  
1360 country pursuant to a permanent change of station order;

1361 (c) The student was enrolled during the prior school year  
1362 in a virtual instruction program under s. 1002.45 or a full-time  
1363 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~

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1364 ~~1002.37(8)(a);~~

1365 (d) The student has a sibling who is currently enrolled in  
1366 a virtual instruction program and the sibling was enrolled in  
1367 that program at the end of the prior school year;

1368 (e) The student is eligible to enter kindergarten or first  
1369 grade; or

1370 (f) The student is eligible to enter grades 2 through 5 and  
1371 is enrolled full-time in a school district virtual instruction  
1372 program, virtual charter school, or the Florida Virtual School.

1373 Section 31. The Legislature finds that a proper and  
1374 legitimate state purpose is served when internal controls are  
1375 established to prevent and detect fraud, waste, and abuse and to  
1376 safeguard and account for government funds and property.  
1377 Therefore, the Legislature determines and declares that this act  
1378 fulfills an important state interest.

1379 Section 32. This act shall take effect October 1, 2015.