

1                   A bill to be entitled  
2           An act relating to government accountability;  
3           providing a short title; amending s. 11.40, F.S.;  
4           specifying that the Governor, the Commissioner of  
5           Education, or the designee of the Governor or of the  
6           Commissioner of Education may notify the Legislative  
7           Auditing Committee of an entity's failure to comply  
8           with certain auditing and financial reporting  
9           requirements; amending s. 11.45, F.S.; defining the  
10          terms "abuse," "fraud," and "waste"; revising the  
11          definition of the term "local governmental entity";  
12          excluding water management districts from certain  
13          audit requirements; removing a cross-reference;  
14          authorizing the Auditor General to conduct audits of  
15          tourist development councils and county tourism  
16          promotion agencies; revising reporting requirements  
17          applicable to the Auditor General; creating s. 20.602,  
18          F.S.; specifying the applicability of certain  
19          provisions of the Code of Ethics for Public Officers  
20          and Employees to officers and board members of  
21          corporate entities associated with the Department of  
22          Economic Opportunity; prohibiting such officers and  
23          board members from representing a person or an entity  
24          for compensation before certain bodies for a specified  
25          timeframe; providing for construction; amending s.  
26          28.35, F.S.; revising reporting requirements

27 applicable to the Florida Clerks of Court Operations  
28 Corporation; amending s. 43.16, F.S.; revising the  
29 responsibilities of the Justice Administrative  
30 Commission, each state attorney, each public defender,  
31 a criminal conflict and civil regional counsel, a  
32 capital collateral regional counsel, and the Guardian  
33 Ad Litem Program, to include the establishment and  
34 maintenance of certain internal controls; amending s.  
35 112.313, F.S.; specifying that prohibitions on  
36 conflicting employment or contractual relationships  
37 for public officers or employees of an agency apply to  
38 contractual relationships held by certain business  
39 entities; making technical changes; amending s.  
40 112.3144, F.S.; requiring elected municipal officers  
41 to file a full and public disclosure of financial  
42 interests, rather than a statement of financial  
43 interests; providing for applicability; amending s.  
44 112.31455, F.S.; revising provisions governing  
45 collection methods for unpaid automatic fines for  
46 failure to timely file disclosure of financial  
47 interests to include school districts; amending s.  
48 112.3261, F.S.; revising terms to conform to changes  
49 made by the act; expanding the types of governmental  
50 entities that are subject to lobbyist registration  
51 requirements; requiring a governmental entity to  
52 create a lobbyist registration form; amending ss.

53 129.03, 129.06, 166.241, and 189.016, F.S.; requiring  
54 counties, municipalities, and special districts to  
55 maintain certain budget documents on the entities'  
56 websites for a specified period; amending s. 215.425,  
57 F.S.; defining the term "public funds"; revising  
58 exceptions to the prohibition on extra compensation  
59 claims; requiring certain contracts to which a unit of  
60 government or state university is a party during a  
61 specified period to contain certain prohibitions on  
62 severance pay; requiring a unit of government to  
63 investigate and take necessary action to recover  
64 prohibited compensation; specifying methods of  
65 recovery for unintentional and willful violations;  
66 providing a penalty; specifying applicability of  
67 procedures regarding suspension and removal of an  
68 officer who commits a willful violation; establishing  
69 eligibility criteria and amounts for rewards;  
70 specifying circumstances under which an employee has a  
71 cause of action under the Whistle-blower's Act;  
72 establishing causes of action if a unit of government  
73 fails to recover prohibited compensation within a  
74 certain timeframe; providing for applicability;  
75 amending s. 215.86, F.S.; revising the purposes for  
76 which management systems and internal controls must be  
77 established and maintained by each state agency and  
78 the judicial branch; amending s. 215.97, F.S.;

79 | revising the definition of the term "audit threshold";  
80 | amending s. 215.985, F.S.; revising the requirements  
81 | for a monthly financial statement provided by a water  
82 | management district; amending s. 218.32, F.S.;  
83 | revising the requirements of the annual financial  
84 | audit report of a local governmental entity;  
85 | authorizing the Department of Financial Services to  
86 | request additional information from a local  
87 | governmental entity; requiring a local governmental  
88 | entity to respond to such requests within a specified  
89 | timeframe; requiring the department to notify the  
90 | Legislative Auditing Committee of noncompliance;  
91 | amending s. 218.33, F.S.; requiring local governmental  
92 | entities to establish and maintain internal controls  
93 | to achieve specified purposes; amending s. 218.39,  
94 | F.S.; requiring an audited entity to respond to audit  
95 | recommendations under specified circumstances;  
96 | amending s. 218.391, F.S.; revising the composition of  
97 | an audit committee; prohibiting an audit committee  
98 | member from being an employee, chief executive  
99 | officer, or chief financial officer of the respective  
100 | governmental entity; requiring the chair of an audit  
101 | committee to sign and execute an affidavit affirming  
102 | compliance with auditor selection procedures;  
103 | prescribing procedures in the event of noncompliance  
104 | with auditor selection procedures; amending s.

105 286.0114, F.S.; prohibiting a board or commission from  
106 requiring an advance copy of testimony or comments  
107 from a member of the public as a precondition to be  
108 given the opportunity to be heard at a public meeting;  
109 amending s. 288.92, F.S.; prohibiting specified  
110 officers and board members of Enterprise Florida,  
111 Inc., from representing a person or entity for  
112 compensation before Enterprise Florida, Inc., and  
113 associated entities thereof, for a specified  
114 timeframe; amending s. 288.9604, F.S.; prohibiting a  
115 director of the Florida Development Finance  
116 Corporation from representing a person or entity for  
117 compensation before the corporation for a specified  
118 timeframe; amending s. 373.536, F.S.; deleting  
119 obsolete language; requiring water management  
120 districts to maintain certain budget documents on the  
121 districts' websites for a specified period; amending  
122 s. 838.014, F.S.; deleting the definition of the term  
123 "corruptly" or "with corrupt intent"; defining the  
124 term "governmental entity"; expanding the definition  
125 of the term "public servant" to include certain  
126 persons who are acting on behalf of a governmental  
127 entity; amending s. 838.015, F.S.; redefining the term  
128 "bribery" to include knowing and intentional, rather  
129 than corrupt, acts; amending s. 838.016, F.S.;

130 revising the prohibition against unlawful compensation

131 or reward for official behavior to conform to changes  
132 made by the act; amending s. 838.022, F.S.; revising  
133 the prohibition against official misconduct to conform  
134 to changes made by the act; amending s. 838.22, F.S.;  
135 revising the prohibition against bid tampering to  
136 conform to changes made by the act; amending s.  
137 1001.42, F.S.; authorizing additional internal audits  
138 as directed by the district school board; amending s.  
139 1002.33, F.S.; revising the responsibilities of the  
140 governing board of a charter school to include the  
141 establishment and maintenance of internal controls;  
142 amending s. 1002.37, F.S.; requiring completion of an  
143 annual financial audit of the Florida Virtual School;  
144 specifying audit requirements; requiring an audit  
145 report to be submitted to the board of trustees of the  
146 Florida Virtual School and the Auditor General;  
147 removing obsolete provisions; amending s. 1010.01,  
148 F.S.; requiring each school district, Florida College  
149 System institution, and state university to establish  
150 and maintain certain internal controls; amending s.  
151 1010.30, F.S.; requiring a district school board,  
152 Florida College System institution board of trustees,  
153 or university board of trustees to respond to audit  
154 recommendations under certain circumstances; amending  
155 ss. 68.082, 68.083, 99.061, 218.503, and 1002.455,  
156 F.S.; conforming provisions and cross-references to

157 changes made by the act; reenacting s. 817.568(11),  
 158 F.S., relating to criminal use of personal  
 159 identification information, to incorporate the  
 160 amendment made to s. 838.014, F.S., in a reference  
 161 thereto; declaring that the act fulfills an important  
 162 state interest; providing an effective date.

163

164 Be It Enacted by the Legislature of the State of Florida:

165

166 Section 1. This act may be cited as the "Florida Anti-  
 167 Corruption Act of 2016."

168 Section 2. Subsection (2) of section 11.40, Florida  
 169 Statutes, is amended to read:

170 11.40 Legislative Auditing Committee.—

171 (2) Following notification by the Auditor General, the  
 172 Department of Financial Services, ~~or~~ the Division of Bond  
 173 Finance of the State Board of Administration, the Governor or  
 174 his or her designee, or the Commissioner of Education or his or  
 175 her designee of the failure of a local governmental entity,  
 176 district school board, charter school, or charter technical  
 177 career center to comply with the applicable provisions within s.  
 178 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the  
 179 Legislative Auditing Committee may schedule a hearing to  
 180 determine if the entity should be subject to further state  
 181 action. If the committee determines that the entity should be  
 182 subject to further state action, the committee shall:

183 (a) In the case of a local governmental entity or district  
184 school board, direct the Department of Revenue and the  
185 Department of Financial Services to withhold any funds not  
186 pledged for bond debt service satisfaction which are payable to  
187 such entity until the entity complies with the law. The  
188 committee shall specify the date that such action must ~~shall~~  
189 begin, and the directive must be received by the Department of  
190 Revenue and the Department of Financial Services 30 days before  
191 the date of the distribution mandated by law. The Department of  
192 Revenue and the Department of Financial Services may implement  
193 ~~the provisions of~~ this paragraph.

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

195 1. A special act, notify the President of the Senate, the  
196 Speaker of the House of Representatives, the standing committees  
197 of the Senate and the House of Representatives charged with  
198 special district oversight as determined by the presiding  
199 officers of each respective chamber, the legislators who  
200 represent a portion of the geographical jurisdiction of the  
201 special district pursuant to s. 189.034(2), and the Department  
202 of Economic Opportunity that the special district has failed to  
203 comply with the law. Upon receipt of notification, the  
204 Department of Economic Opportunity shall proceed pursuant to s.  
205 189.062 or s. 189.067. If the special district remains in  
206 noncompliance after the process set forth in s. 189.034(3), or  
207 if a public hearing is not held, the Legislative Auditing  
208 Committee may request the department to proceed pursuant to s.



209 189.067(3).

210 2. A local ordinance, notify the chair or equivalent of  
 211 the local general-purpose government pursuant to s. 189.035(2)  
 212 and the Department of Economic Opportunity that the special  
 213 district has failed to comply with the law. Upon receipt of  
 214 notification, the department shall proceed pursuant to s.  
 215 189.062 or s. 189.067. If the special district remains in  
 216 noncompliance after the process set forth in s. 189.034(3), or  
 217 if a public hearing is not held, the Legislative Auditing  
 218 Committee may request the department to proceed pursuant to s.  
 219 189.067(3).

220 3. Any manner other than a special act or local ordinance,  
 221 notify the Department of Economic Opportunity that the special  
 222 district has failed to comply with the law. Upon receipt of  
 223 notification, the department shall proceed pursuant to s.  
 224 189.062 or s. 189.067(3).

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

228 Section 3. Subsection (1), paragraph (j) of subsection  
 229 (2), paragraph (u) of subsection (3), and paragraph (i) of  
 230 subsection (7) of section 11.45, Florida Statutes, are amended,  
 231 and paragraph (x) is added to subsection (3) of that section, to  
 232 read:

233 11.45 Definitions; duties; authorities; reports; rules.—

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

235        (a) "Abuse" means behavior that is deficient or improper  
 236 when compared with behavior that a prudent person would consider  
 237 a reasonable and necessary operational practice given the facts  
 238 and circumstances. The term includes the misuse of authority or  
 239 position for personal gain.

240        (b)~~(a)~~ "Audit" means a financial audit, operational audit,  
 241 or performance audit.

242        (c)~~(b)~~ "County agency" means a board of county  
 243 commissioners or other legislative and governing body of a  
 244 county, however styled, including that of a consolidated or  
 245 metropolitan government, a clerk of the circuit court, a  
 246 separate or ex officio clerk of the county court, a sheriff, a  
 247 property appraiser, a tax collector, a supervisor of elections,  
 248 or any other officer in whom any portion of the fiscal duties of  
 249 a body or officer expressly stated in this paragraph are the  
 250 above are under law separately placed by law.

251        (d)~~(c)~~ "Financial audit" means an examination of financial  
 252 statements in order to express an opinion on the fairness with  
 253 which they are presented in conformity with generally accepted  
 254 accounting principles and an examination to determine whether  
 255 operations are properly conducted in accordance with legal and  
 256 regulatory requirements. Financial audits must be conducted in  
 257 accordance with auditing standards generally accepted in the  
 258 United States and government auditing standards as adopted by  
 259 the Board of Accountancy. When applicable, the scope of  
 260 financial audits must ~~shall~~ encompass the additional activities

261 necessary to establish compliance with the Single Audit Act  
 262 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other  
 263 applicable federal law.

264 (e) "Fraud" means obtaining something of value through  
 265 willful misrepresentation, including, but not limited to, the  
 266 intentional misstatements or omissions of amounts or disclosures  
 267 in financial statements to deceive users of financial  
 268 statements, theft of an entity's assets, bribery, or the use of  
 269 one's position for personal enrichment through the deliberate  
 270 misuse or misapplication of an organization's resources.

271 (f)-(d) "Governmental entity" means a state agency, a  
 272 county agency, or any other entity, however styled, that  
 273 independently exercises any type of state or local governmental  
 274 function.

275 (g)-(e) "Local governmental entity" means a county agency,  
 276 municipality, tourist development council, county tourism  
 277 promotion agency, or special district as defined in s. 189.012.  
 278 The term, ~~but~~ does not include any housing authority established  
 279 under chapter 421.

280 (h)-(f) "Management letter" means a statement of the  
 281 auditor's comments and recommendations.

282 (i)-(g) "Operational audit" means an audit whose purpose is  
 283 to evaluate management's performance in establishing and  
 284 maintaining internal controls, including controls designed to  
 285 prevent and detect fraud, waste, and abuse, and in administering  
 286 assigned responsibilities in accordance with applicable laws,

287 administrative rules, contracts, grant agreements, and other  
288 guidelines. Operational audits must be conducted in accordance  
289 with government auditing standards. Such audits examine internal  
290 controls that are designed and placed in operation to promote  
291 and encourage the achievement of management's control objectives  
292 in the categories of compliance, economic and efficient  
293 operations, reliability of financial records and reports, and  
294 safeguarding of assets, and identify weaknesses in those  
295 internal controls.

296 (j)~~(h)~~ "Performance audit" means an examination of a  
297 program, activity, or function of a governmental entity,  
298 conducted in accordance with applicable government auditing  
299 standards or auditing and evaluation standards of other  
300 appropriate authoritative bodies. The term includes an  
301 examination of issues related to:

- 302 1. Economy, efficiency, or effectiveness of the program.
- 303 2. Structure or design of the program to accomplish its  
304 goals and objectives.
- 305 3. Adequacy of the program to meet the needs identified by  
306 the Legislature or governing body.
- 307 4. Alternative methods of providing program services or  
308 products.
- 309 5. Goals, objectives, and performance measures used by the  
310 agency to monitor and report program accomplishments.
- 311 6. The accuracy or adequacy of public documents, reports,  
312 or requests prepared under the program by state agencies.

313 7. Compliance of the program with appropriate policies,  
 314 rules, or laws.

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

317 (k)~~(i)~~ "Political subdivision" means a separate agency or  
 318 unit of local government created or established by law and  
 319 includes, but is not limited to, the following and the officers  
 320 thereof: authority, board, branch, bureau, city, commission,  
 321 consolidated government, county, department, district,  
 322 institution, metropolitan government, municipality, office,  
 323 officer, public corporation, town, or village.

324 (l)~~(j)~~ "State agency" means a separate agency or unit of  
 325 state government created or established by law and includes, but  
 326 is not limited to, the following and the officers thereof:  
 327 authority, board, branch, bureau, commission, department,  
 328 division, institution, office, officer, or public corporation,  
 329 as the case may be, except any such agency or unit within the  
 330 legislative branch of state government other than the Florida  
 331 Public Service Commission.

332 (m) "Waste" means the act of using or expending resources  
 333 unreasonably, carelessly, extravagantly, or for no useful  
 334 purpose.

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

336 (j) Conduct audits of local governmental entities when  
 337 determined to be necessary by the Auditor General, when directed  
 338 by the Legislative Auditing Committee, or when otherwise

339 required by law. No later than 18 months after the release of  
 340 the audit report, the Auditor General shall perform such  
 341 appropriate followup procedures as he or she deems necessary to  
 342 determine the audited entity's progress in addressing the  
 343 findings and recommendations contained within the Auditor  
 344 General's previous report. The Auditor General shall notify each  
 345 member of the audited entity's governing body and the  
 346 Legislative Auditing Committee of the results of his or her  
 347 determination. For purposes of this paragraph, local  
 348 governmental entities do not include water management districts.

349  
 350 The Auditor General shall perform his or her duties  
 351 independently but under the general policies established by the  
 352 Legislative Auditing Committee. This subsection does not limit  
 353 the Auditor General's discretionary authority to conduct other  
 354 audits or engagements of governmental entities as authorized in  
 355 subsection (3).

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

361 (u) The Florida Virtual School ~~pursuant to s. 1002.37.~~

362 (x) Tourist development councils and county tourism  
 363 promotion agencies.

364 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

365 (i) The Auditor General shall annually transmit by July  
366 15, to the President of the Senate, the Speaker of the House of  
367 Representatives, and the Department of Financial Services, a  
368 list of all school districts, charter schools, charter technical  
369 career centers, Florida College System institutions, state  
370 universities, and local governmental entities ~~water management~~  
371 ~~districts~~ that have failed to comply with the transparency  
372 requirements as identified in the audit reports reviewed  
373 pursuant to paragraph (b) and those conducted pursuant to  
374 subsection (2).

375 Section 4. Section 20.602, Florida Statutes, is created to  
376 read:

377 20.602 Standards of conduct; officers and board members of  
378 Department of Economic Opportunity corporate entities.-

379 (1) The following officers and board members are subject  
380 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
381 112.3143(2):

382 (a) Officers and members of the board of directors of:

383 1. Any corporation created under chapter 288;

384 2. Space Florida;

385 3. CareerSource Florida, Inc., or the programs or entities  
386 created by CareerSource Florida, Inc., pursuant to s. 445.004;

387 4. The Florida Housing Finance Corporation; or

388 5. Any other corporation created by the Department of  
389 Economic Opportunity in accordance with its powers and duties  
390 under s. 20.60.

391 (b) Officers and members of the board of directors of a  
392 corporate parent or subsidiary corporation of a corporation  
393 described in paragraph (a).

394 (c) Officers and members of the board of directors of a  
395 corporation created to carry out the missions of a corporation  
396 described in paragraph (a).

397 (d) Officers and members of the board of directors of a  
398 corporation with which a corporation described in paragraph (a)  
399 is required by law to contract with to carry out its missions.

400 (2) For purposes of applying ss. 112.313(1)-(8), (10),  
401 (12), and (15); 112.3135; and 112.3143(2) to activities of the  
402 officers and members of the board of directors specified in  
403 subsection (1), those persons shall be considered public  
404 officers or employees and the corporation shall be considered  
405 their agency.

406 (3) For a period of 6 years after retirement from or  
407 termination of service, or for a period of 10 years if removed  
408 or terminated for cause or for misconduct, as defined in s.  
409 443.036(29), an officer or a member of the board of directors  
410 specified in subsection (1) may not represent another person or  
411 entity for compensation before:

412 (a) His or her corporation;

413 (b) A division, a subsidiary, or the board of directors of  
414 a corporation created to carry out the mission of his or her  
415 corporation; or

416 (c) A corporation with which the corporation is required



417 by law to contract to carry out its missions.

418 (4) This section does not supersede any additional or more  
419 stringent standards of conduct applicable to an officer or a  
420 member of the board of directors of an entity specified in  
421 subsection (1) prescribed by any other provision of law.

422 Section 5. Paragraph (d) of subsection (2) of section  
423 28.35, Florida Statutes, is amended to read:

424 28.35 Florida Clerks of Court Operations Corporation.—

425 (2) The duties of the corporation shall include the  
426 following:

427 (d) Developing and certifying a uniform system of workload  
428 measures and applicable workload standards for court-related  
429 functions as developed by the corporation and clerk workload  
430 performance in meeting the workload performance standards. These  
431 workload measures and workload performance standards shall be  
432 designed to facilitate an objective determination of the  
433 performance of each clerk in accordance with minimum standards  
434 for fiscal management, operational efficiency, and effective  
435 collection of fines, fees, service charges, and court costs. The  
436 corporation shall develop the workload measures and workload  
437 performance standards in consultation with the Legislature. When  
438 the corporation finds a clerk has not met the workload  
439 performance standards, the corporation shall identify the nature  
440 of each deficiency and any corrective action recommended and  
441 taken by the affected clerk of the court. For quarterly periods  
442 ending on the last day of March, June, September, and December

443 of each year, the corporation shall notify the Legislature of  
 444 any clerk not meeting workload performance standards and provide  
 445 a copy of any corrective action plans. Such notifications shall  
 446 be submitted no later than 45 days after the end of the  
 447 preceding quarterly period. As used in this subsection, the  
 448 term:

449 1. "Workload measures" means the measurement of the  
 450 activities and frequency of the work required for the clerk to  
 451 adequately perform the court-related duties of the office as  
 452 defined by the membership of the Florida Clerks of Court  
 453 Operations Corporation.

454 2. "Workload performance standards" means the standards  
 455 developed to measure the timeliness and effectiveness of the  
 456 activities that are accomplished by the clerk in the performance  
 457 of the court-related duties of the office as defined by the  
 458 membership of the Florida Clerks of Court Operations  
 459 Corporation.

460 Section 6. Present subsections (6) and (7) of section  
 461 43.16, Florida Statutes, are redesignated as subsections (7) and  
 462 (8), respectively, and a new subsection (6) is added to that  
 463 section, to read:

464 43.16 Justice Administrative Commission; membership,  
 465 powers and duties.—

466 (6) The commission, each state attorney, each public  
 467 defender, the criminal conflict and civil regional counsel, the  
 468 capital collateral regional counsel, and the Guardian Ad Litem

469 Program shall establish and maintain internal controls designed  
 470 to:

- 471 (a) Prevent and detect fraud, waste, and abuse.
- 472 (b) Promote and encourage compliance with applicable laws,  
 473 rules, contracts, grant agreements, and best practices.
- 474 (c) Support economical and efficient operations.
- 475 (d) Ensure reliability of financial records and reports.
- 476 (e) Safeguard assets.

477 Section 7. Subsection (7) of section 112.313, Florida  
 478 Statutes, is amended to read:

479 112.313 Standards of conduct for public officers,  
 480 employees of agencies, and local government attorneys.—

481 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

482 (a) A ~~Ne~~ public officer or employee of an agency may not  
 483 ~~shall~~ have or hold any employment or contractual relationship  
 484 with any business entity or any agency that ~~which~~ is subject to  
 485 the regulation of, or is doing business with, an agency of which  
 486 he or she is an officer or employee, excluding those  
 487 organizations and their officers who, when acting in their  
 488 official capacity, enter into or negotiate a collective  
 489 bargaining contract with the state or any municipality, county,  
 490 or other political subdivision of the state; and ~~nor shall~~ an  
 491 officer or employee of an agency may not have or hold any  
 492 employment or contractual relationship that will create a  
 493 continuing or frequently recurring conflict between his or her  
 494 private interests and the performance of his or her public

495 duties or that would impede the full and faithful discharge of  
 496 his or her public duties. For purposes of this subsection, if a  
 497 public officer or employee of an agency holds a controlling  
 498 interest in a business entity or is an officer, a director, or a  
 499 member who manages such an entity, contractual relationships  
 500 held by the business entity are deemed to be held by the public  
 501 officer or employee.

502 1. When the agency referred to is a ~~that certain kind of~~  
 503 special tax district created by general or special law and is  
 504 limited specifically to constructing, maintaining, managing, and  
 505 financing improvements in the land area over which the agency  
 506 has jurisdiction, or when the agency has been organized pursuant  
 507 to chapter 298, ~~then~~ employment with, or entering into a  
 508 contractual relationship with, such a business entity by a  
 509 public officer or employee of such an agency is ~~shall~~ not ~~be~~  
 510 prohibited by this subsection or ~~be~~ deemed a conflict per se.  
 511 However, conduct by such officer or employee that is prohibited  
 512 by, or otherwise frustrates the intent of, this section must  
 513 ~~shall~~ be deemed a conflict of interest in violation of the  
 514 standards of conduct set forth by this section.

515 2. When the agency referred to is a legislative body and  
 516 the regulatory power over the business entity resides in another  
 517 agency, or when the regulatory power that ~~which~~ the legislative  
 518 body exercises over the business entity or agency is strictly  
 519 through the enactment of laws or ordinances, ~~then~~ employment or  
 520 a contractual relationship with such a business entity by a

521 public officer or employee of a legislative body is ~~shall~~ not ~~be~~  
522 prohibited by this subsection or ~~be~~ deemed a conflict.

523 (b) This subsection does ~~shall~~ not prohibit a public  
524 officer or employee from practicing in a particular profession  
525 or occupation when such practice by persons holding such public  
526 office or employment is required or permitted by law or  
527 ordinance.

528 Section 8. Subsections (1) and (2) of section 112.3144,  
529 Florida Statutes, are amended to read:

530 112.3144 Full and public disclosure of financial  
531 interests.—

532 (1) In addition to officers specified in s. 8, Art. II of  
533 the State Constitution or other state law, all elected municipal  
534 officers are required to file a full and public disclosure of  
535 their financial interests. An officer who is required ~~by s. 8,~~  
536 ~~Art. II of the State Constitution~~ to file a full and public  
537 disclosure of ~~his or her~~ financial interests for any calendar or  
538 fiscal year shall file that disclosure with the ~~Florida~~  
539 Commission on Ethics. ~~Additionally, beginning January 1, 2015,~~  
540 An officer who is required to complete annual ethics training  
541 pursuant to s. 112.3142 must certify on his or her full and  
542 public disclosure of financial interests that he or she has  
543 completed the required training.

544 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~  
545 ~~the State Constitution,~~ to file a full and public disclosure of  
546 financial interests and who has filed a full and public

547 disclosure of financial interests for any calendar or fiscal  
548 year ~~is shall~~ not ~~be~~ required to file a statement of financial  
549 interests pursuant to s. 112.3145(2) and (3) for the same year  
550 or for any part thereof notwithstanding any requirement of this  
551 part. If an incumbent in an elective office has filed the full  
552 and public disclosure of financial interests to qualify for  
553 election to the same office or if a candidate for office holds  
554 another office subject to the annual filing requirement, the  
555 qualifying officer shall forward an electronic copy of the full  
556 and public disclosure of financial interests to the commission  
557 no later than July 1. The electronic copy of the full and public  
558 disclosure of financial interests satisfies the annual  
559 disclosure requirement of this section. A candidate who does not  
560 qualify until after the annual full and public disclosure of  
561 financial interests has been filed pursuant to this section  
562 shall file a copy of his or her disclosure with the officer  
563 before whom he or she qualifies.

564 Section 9. The amendment made to s. 112.3144, Florida  
565 Statutes, by this act applies to disclosures filed for the 2016  
566 calendar year and all subsequent calendar years.

567 Section 10. Subsection (1) of section 112.31455, Florida  
568 Statutes, is amended to read:

569 112.31455 Collection methods for unpaid automatic fines  
570 for failure to timely file disclosure of financial interests.—

571 (1) Before referring any unpaid fine accrued pursuant to  
572 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial

573 Services, the commission shall attempt to determine whether the  
 574 individual owing such a fine is a current public officer or  
 575 current public employee. If so, the commission may notify the  
 576 Chief Financial Officer or the governing body of the appropriate  
 577 county, municipality, school district, or special district of  
 578 the total amount of any fine owed to the commission by such  
 579 individual.

580 (a) After receipt and verification of the notice from the  
 581 commission, the Chief Financial Officer or the governing body of  
 582 the county, municipality, school district, or special district  
 583 shall begin withholding the lesser of 10 percent or the maximum  
 584 amount allowed under federal law from any salary-related  
 585 payment. The withheld payments shall be remitted to the  
 586 commission until the fine is satisfied.

587 (b) The Chief Financial Officer or the governing body of  
 588 the county, municipality, school district, or special district  
 589 may retain an amount of each withheld payment, as provided in s.  
 590 77.0305, to cover the administrative costs incurred under this  
 591 section.

592 Section 11. Section 112.3261, Florida Statutes, is amended  
 593 to read:

594 112.3261 Lobbying before governmental entities ~~water~~  
 595 ~~management districts~~; registration and reporting.—

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

597 (a) "Governmental entity" or "entity" ~~"District"~~ means a  
 598 water management district created in s. 373.069 and operating

599 | under the authority of chapter 373, a hospital district, a  
600 | children's services district, an expressway authority as the  
601 | term "authority" is defined in s. 348.0002, the term "port  
602 | authority" as defined in s. 315.02, a county or municipality  
603 | that has not adopted lobbyist registration and reporting  
604 | requirements, or an independent special district with annual  
605 | revenues of more than \$5 million which exercises ad valorem  
606 | taxing authority.

607 | (b) "Lobbies" means seeking, on behalf of another person,  
608 | to influence a governmental entity ~~district~~ with respect to a  
609 | decision of the entity ~~district~~ in an area of policy or  
610 | procurement or an attempt to obtain the goodwill of an a  
611 | ~~district~~ official or employee of a governmental entity. The term  
612 | "~~lobbies~~" shall be interpreted and applied consistently with the  
613 | rules of the commission implementing s. 112.3215.

614 | (c) "Lobbyist" has the same meaning as provided in s.  
615 | 112.3215.

616 | (d) "Principal" has the same meaning as provided in s.  
617 | 112.3215.

618 | (2) A person may not lobby a governmental entity ~~district~~  
619 | until such person has registered as a lobbyist with that entity  
620 | ~~district~~. Such registration shall be due upon initially being  
621 | retained to lobby and is renewable on a calendar-year basis  
622 | thereafter. Upon registration, the person shall provide a  
623 | statement signed by the principal or principal's representative  
624 | stating that the registrant is authorized to represent the



625 principal. The principal shall also identify and designate its  
626 main business on the statement authorizing that lobbyist  
627 pursuant to a classification system approved by the governmental  
628 entity ~~district~~. Any changes to the information required by this  
629 section must be disclosed within 15 days by filing a new  
630 registration form. The registration form must ~~shall~~ require each  
631 lobbyist to disclose, under oath, the following:

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

633 (b) The name and business address of each principal  
634 represented.

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

639 (d) A governmental entity shall create a lobbyist  
640 registration form modeled after the ~~In lieu of creating its own~~  
641 ~~lobbyist registration forms, a district may accept a completed~~  
642 legislative branch or executive branch lobbyist registration  
643 form, which must be returned to the governmental entity.

644 (3) A governmental entity ~~district~~ shall make lobbyist  
645 registrations available to the public. If a governmental entity  
646 ~~district~~ maintains a website, a database of currently registered  
647 lobbyists and principals must be available on the entity's  
648 ~~district's~~ website.

649 (4) A lobbyist shall promptly send a written statement to  
650 the governmental entity ~~district~~ canceling the registration for

651 a principal upon termination of the lobbyist's representation of  
652 that principal. A governmental entity ~~district~~ may remove the  
653 name of a lobbyist from the list of registered lobbyists if the  
654 principal notifies the entity ~~district~~ that a person is no  
655 longer authorized to represent that principal.

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

660 (6) A governmental entity ~~district~~ shall be diligent to  
661 ascertain whether persons required to register pursuant to this  
662 section have complied. A governmental entity ~~district~~ may not  
663 knowingly authorize a person who is not registered pursuant to  
664 this section to lobby the entity ~~district~~.

665 (7) Upon receipt of a sworn complaint alleging that a  
666 lobbyist or principal has failed to register with a governmental  
667 entity ~~district~~ or has knowingly submitted false information in  
668 a report or registration required under this section, the  
669 commission shall investigate a lobbyist or principal pursuant to  
670 the procedures established under s. 112.324. The commission  
671 shall provide the Governor with a report of its findings and  
672 recommendations in any investigation conducted pursuant to this  
673 subsection. The Governor is authorized to enforce the  
674 commission's findings and recommendations.

675 (8) A governmental entity ~~Water management districts~~ may  
676 adopt rules to establish procedures to govern the registration

677 of lobbyists, including the adoption of forms and the  
678 establishment of a lobbyist registration fee.

679 Section 12. Paragraph (c) of subsection (3) of section  
680 129.03, Florida Statutes, is amended to read:

681 129.03 Preparation and adoption of budget.—

682 (3) The county budget officer, after tentatively  
683 ascertaining the proposed fiscal policies of the board for the  
684 next fiscal year, shall prepare and present to the board a  
685 tentative budget for the next fiscal year for each of the funds  
686 provided in this chapter, including all estimated receipts,  
687 taxes to be levied, and balances expected to be brought forward  
688 and all estimated expenditures, reserves, and balances to be  
689 carried over at the end of the year.

690 (c) The board shall hold public hearings to adopt  
691 tentative and final budgets pursuant to s. 200.065. The hearings  
692 shall be primarily for the purpose of hearing requests and  
693 complaints from the public regarding the budgets and the  
694 proposed tax levies and for explaining the budget and any  
695 proposed or adopted amendments. The tentative budget must be  
696 posted on the county's official website at least 2 days before  
697 the public hearing to consider such budget and must remain on  
698 the website for at least 45 days. The final budget must be  
699 posted on the website within 30 days after adoption and must  
700 remain on the website for at least 2 years. The tentative  
701 budgets, adopted tentative budgets, and final budgets shall be  
702 filed in the office of the county auditor as a public record.

703 Sufficient reference in words and figures to identify the  
704 particular transactions must ~~shall~~ be made in the minutes of the  
705 board to record its actions with reference to the budgets.

706 Section 13. Paragraph (f) of subsection (2) of section  
707 129.06, Florida Statutes, is amended to read:

708 129.06 Execution and amendment of budget.—

709 (2) The board at any time within a fiscal year may amend a  
710 budget for that year, and may within the first 60 days of a  
711 fiscal year amend the budget for the prior fiscal year, as  
712 follows:

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

718 1. The public hearing must be advertised at least 2 days,  
719 but not more than 5 days, before the date of the hearing. The  
720 advertisement must appear in a newspaper of paid general  
721 circulation and must identify the name of the taxing authority,  
722 the date, place, and time of the hearing, and the purpose of the  
723 hearing. The advertisement must also identify each budgetary  
724 fund to be amended, the source of the funds, the use of the  
725 funds, and the total amount of each fund's appropriations.

726 2. If the board amends the budget pursuant to this  
727 paragraph, the adopted amendment must be posted on the county's  
728 official website within 5 days after adoption and must remain on

729 the website for at least 2 years.

730 Section 14. Subsections (3) and (5) of section 166.241,  
731 Florida Statutes, are amended to read:

732 166.241 Fiscal years, budgets, and budget amendments.—

733 (3) The tentative budget must be posted on the  
734 municipality's official website at least 2 days before the  
735 budget hearing, held pursuant to s. 200.065 or other law, to  
736 consider such budget, and must remain on the website for at  
737 least 45 days. The final adopted budget must be posted on the  
738 municipality's official website within 30 days after adoption  
739 and must remain on the website for at least 2 years. If the  
740 municipality does not operate an official website, the  
741 municipality must, within a reasonable period of time as  
742 established by the county or counties in which the municipality  
743 is located, transmit the tentative budget and final budget to  
744 the manager or administrator of such county or counties who  
745 shall post the budgets on the county's website.

746 (5) If the governing body of a municipality amends the  
747 budget pursuant to paragraph (4)(c), the adopted amendment must  
748 be posted on the official website of the municipality within 5  
749 days after adoption and must remain on the website for at least  
750 2 years. If the municipality does not operate an official  
751 website, the municipality must, within a reasonable period of  
752 time as established by the county or counties in which the  
753 municipality is located, transmit the adopted amendment to the  
754 manager or administrator of such county or counties who shall

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

756 Section 15. Subsections (4) and (7) of section 189.016,  
757 Florida Statutes, are amended to read:

758 189.016 Reports; budgets; audits.—

759 (4) The tentative budget must be posted on the special  
760 district's official website at least 2 days before the budget  
761 hearing, held pursuant to s. 200.065 or other law, to consider  
762 such budget, and must remain on the website for at least 45  
763 days. The final adopted budget must be posted on the special  
764 district's official website within 30 days after adoption and  
765 must remain on the website for at least 2 years. If the special  
766 district does not operate an official website, the special  
767 district must, within a reasonable period of time as established  
768 by the local general-purpose government or governments in which  
769 the special district is located or the local governing authority  
770 to which the district is dependent, transmit the tentative  
771 budget or final budget to the manager or administrator of the  
772 local general-purpose government or the local governing  
773 authority. The manager or administrator shall post the tentative  
774 budget or final budget on the website of the local general-  
775 purpose government or governing authority. This subsection and  
776 subsection (3) do not apply to water management districts as  
777 defined in s. 373.019.

778 (7) If the governing body of a special district amends the  
779 budget pursuant to paragraph (6) (c), the adopted amendment must  
780 be posted on the official website of the special district within

781 5 days after adoption and must remain on the website for at  
782 least 2 years. If the special district does not operate an  
783 official website, the special district must, within a reasonable  
784 period of time as established by the local general-purpose  
785 government or governments in which the special district is  
786 located or the local governing authority to which the district  
787 is dependent, transmit the adopted amendment to the manager or  
788 administrator of the local general-purpose government or  
789 governing authority. The manager or administrator shall post the  
790 adopted amendment on the website of the local general-purpose  
791 government or governing authority.

792 Section 16. Present subsections (1) through (5) of section  
793 215.425, Florida Statutes, are redesignated as subsections (2)  
794 through (6), respectively, present subsection (2) and paragraph  
795 (a) of present subsection (4) of that section are amended, and a  
796 new subsection (1) and subsections (7) through (13) are added to  
797 that section, to read:

798 215.425 Extra compensation claims prohibited; bonuses;  
799 severance pay.—

800 (1) As used in this section, the term "public funds" means  
801 any taxes, tuition, grants, fines, fees, or other charges or any  
802 other type of revenue collected by the state or any county,  
803 municipality, special district, school district, Florida College  
804 System institution, state university, or other separate unit of  
805 government created pursuant to law, including any office,  
806 department, agency, division, subdivision, political

807 subdivision, board, bureau, or commission of such entities.

808 (3)~~(2)~~ Notwithstanding subsection (2), if the payment and  
 809 receipt does not otherwise violate part III of chapter 112, the  
 810 following funds may be used to provide extra compensation:

811 (a) Revenues received by state universities through or  
 812 from faculty practice plans, health services support  
 813 organizations, hospitals with which state universities are  
 814 affiliated, direct-support organizations, or private donations,  
 815 so long as such extra compensation is paid to individuals who  
 816 are primarily clinical practitioners;

817 (b) Revenues received by Florida College System  
 818 institutions through or from faculty practice plans, health  
 819 services support organizations, direct-support organizations, or  
 820 private donations, so long as such extra compensation is paid to  
 821 individuals who are primarily clinical practitioners;

822 (c) Revenues that are received by a hospital licensed  
 823 under chapter 395 which has entered into a Medicaid Provider  
 824 Contract, so long as such extra compensation is paid to  
 825 individuals who are primarily clinical practitioners, and such  
 826 revenues that:

- 827 1. Are not derived from the levy of an ad valorem tax;
- 828 2. Are not derived from patient services paid through the  
 829 Medicaid or Medicare program;
- 830 3. Are derived from patient services pursuant to contracts  
 831 with private insurers or private managed care entities; or
- 832 4. Are not appropriated by the Legislature or by any



833 county, municipality, special district, school district, Florida  
834 College System institution, state university, or other separate  
835 unit of government created pursuant to law, including any  
836 office, department, agency, division, subdivision, political  
837 subdivision, board, bureau, commission, authority, or  
838 institution of such entities, except for revenues otherwise  
839 authorized to be used pursuant to subparagraphs 2. and 3.

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

841 ~~(a) a bonus or severance pay that is paid wholly from~~  
842 ~~non-tax revenues and nonstate appropriated funds, the payment and~~  
843 ~~receipt of which does not otherwise violate part III of chapter~~  
844 ~~112, and which is paid to an officer, agent, employee, or~~  
845 ~~contractor of a public hospital that is operated by a county or~~  
846 ~~a special district; or~~

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

849 (e) Revenues or fees received by a seaport or airport from  
850 sources other than through the levy of a tax or funds  
851 appropriated by any county or municipality or the Legislature.

852 ~~(5) (4) (a)~~ (5) (a) ~~On or after July 1, 2011,~~ A unit of government,  
853 on or after July 1, 2011, or a state university, on or after  
854 July 1, 2012, which is a party to that enters into a contract or  
855 employment agreement, or renewal or renegotiation of an existing  
856 contract or employment agreement, that contains a provision for  
857 severance pay with an officer, agent, employee, or contractor  
858 must include the following provisions in the contract:

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

862           2. A prohibition of provision of severance pay paid from  
863 any source of revenue when the officer, agent, employee, or  
864 contractor has been fired by the unit of government for  
865 misconduct, as defined in s. 443.036(29), ~~by the unit of~~  
866 ~~government~~.

867           (7) Upon discovery or notification that a unit of  
868 government has provided prohibited compensation to any officer,  
869 agent, employee, or contractor in violation of this section,  
870 such unit of government shall investigate and take all necessary  
871 action to recover the prohibited compensation.

872           (a) If the violation was unintentional, the unit of  
873 government shall recover the prohibited compensation from the  
874 individual receiving the prohibited compensation through normal  
875 recovery methods for overpayments.

876           (b) If the violation was willful, the unit of government  
877 shall recover the prohibited compensation from either the  
878 individual receiving the prohibited compensation or the  
879 individual or individuals responsible for approving the  
880 prohibited compensation.

881           (8) A person who willfully violates this section commits a  
882 misdemeanor of the first degree, punishable as provided in s.  
883 775.082 or s. 775.083, and is jointly and severally liable for  
884 repayment of the prohibited compensation.

885       (9) An officer who exercises the powers and duties of a  
886 state or county officer and willfully violates this section is  
887 subject to the Governor's power under s. 7(a), Art. IV of the  
888 State Constitution. An officer who exercises powers and duties  
889 other than those of a state or county officer and willfully  
890 violates this section is subject to the suspension and removal  
891 procedures under s. 112.51.

892       (10) (a) A person who reports a violation of this section  
893 is eligible for a reward of at least \$500, or the lesser of 10  
894 percent of the funds recovered or \$10,000 per incident of a  
895 prohibited compensation payment recovered by the unit of  
896 government, depending upon the extent to which the person  
897 substantially contributed to the discovery, notification, and  
898 recovery of such prohibited payment.

899       (b) In the event that the recovery of the prohibited  
900 compensation is based primarily on disclosures of specific  
901 information, other than information provided by such person,  
902 relating to allegations or transactions in a criminal, civil, or  
903 administrative hearing; in a legislative, administrative,  
904 inspector general's, or other governmental report; in an Auditor  
905 General's report, hearing, audit, or investigation; or reported  
906 in the news media, such person is not eligible for a reward or  
907 for an award of a portion of the proceeds or the payment of  
908 attorney fees and costs pursuant to s. 68.085.

909       (c) If it is determined that the person who reported a  
910 violation of this section was involved in the authorization,

911 approval, or receipt of the prohibited compensation, or if that  
912 person is convicted of criminal conduct arising from his or her  
913 role in the authorization, approval, or receipt of the  
914 prohibited compensation, he or she is not eligible for a reward  
915 or for an award of a portion of the proceeds or payment of  
916 attorney fees and costs pursuant to s. 68.085.

917 (11) A cause of action under s. 112.3187 exists for an  
918 employee who is discharged, demoted, suspended, threatened,  
919 harassed, or in any manner discriminated against by his or her  
920 employer in the terms and conditions of employment for lawful  
921 acts performed on his or her behalf or on behalf of others in  
922 furtherance of bringing an action under this section, including  
923 investigation for initiation of, testimony for, or assistance in  
924 an action filed or to be filed under this section.

925 (12) In the case of a willful violation of this section,  
926 if the unit of government fails to recover prohibited  
927 compensation within 90 days after discovering or being notified  
928 that such compensation occurred, a cause of action may be  
929 brought to recover state funds in accordance with ss. 68.082 and  
930 68.083. Other funds may be recovered by:

931 (a) The Department of Legal Affairs using the procedures  
932 set forth in ss. 68.082 and 68.083, except that venue shall lie  
933 in the circuit court of the county in which the unit of  
934 government is located.

935 (b) A person using the procedures set forth in ss. 68.082  
936 and 68.083, except that venue shall lie in the circuit court of

937 the county in which the unit of government is located.

938 (13) Subsections (7)-(12) apply prospectively to contracts  
 939 or employment agreements, or the renewal or renegotiation of an  
 940 existing contract or employment agreement, effective on or after  
 941 October 1, 2016.

942 Section 17. Section 215.86, Florida Statutes, is amended  
 943 to read:

944 215.86 Management systems and controls.—Each state agency  
 945 and the judicial branch as defined in s. 216.011 shall establish  
 946 and maintain management systems and internal controls designed  
 947 to:

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

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

951 (3) Support economical and ~~economic,~~ efficient, ~~and~~  
 952 effective operations.†

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

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

957 Section 18. Paragraph (a) of subsection (2) of section  
 958 215.97, Florida Statutes, is amended to read:

959 215.97 Florida Single Audit Act.—

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

961 (a) "Audit threshold" means the threshold amount used to  
 962 determine when a state single audit or project-specific audit of

963 a nonstate entity shall be conducted in accordance with this  
 964 section. Each nonstate entity that expends a total amount of  
 965 state financial assistance equal to or in excess of \$750,000  
 966 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be  
 967 required to have a state single audit~~,~~ or a project-specific  
 968 audit~~,~~ for such fiscal year in accordance with the requirements  
 969 of this section. ~~Every 2 years the Auditor General,~~ After  
 970 consulting with the Executive Office of the Governor, the  
 971 Department of Financial Services, and all state awarding  
 972 agencies, the Auditor General shall periodically review the  
 973 threshold amount for requiring audits under this section and may  
 974 recommend any appropriate statutory change to revise the  
 975 threshold amount in the annual report submitted pursuant to s.  
 976 11.45(7)(h) to the Legislature ~~may adjust such threshold amount~~  
 977 ~~consistent with the purposes of this section.~~

978 Section 19. Subsection (11) of section 215.985, Florida  
 979 Statutes, is amended to read:

980 215.985 Transparency in government spending.—

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

986 Section 20. Paragraph (d) of subsection (1) and subsection  
 987 (2) of section 218.32, Florida Statutes, are amended to read:

988 218.32 Annual financial reports; local governmental

989 entities.—

990 (1)

991 (d) Each local governmental entity that is required to  
992 provide for an audit under s. 218.39(1) must submit a copy of  
993 the audit report and annual financial report to the department  
994 within 45 days after the completion of the audit report but no  
995 later than 9 months after the end of the fiscal year. In  
996 conducting an audit of a local governmental entity pursuant to  
997 s. 218.39, an independent certified public accountant shall  
998 determine whether the entity's annual financial report is in  
999 agreement with the audited financial statements. The  
1000 accountant's audit report must be supported by the same level of  
1001 detail as required for the annual financial report. If the  
1002 accountant's audit report is not in agreement with the annual  
1003 financial report, the accountant shall specify and explain the  
1004 significant differences that exist between the annual financial  
1005 report and the audit report.

1006 (2) The department shall annually by December 1 file a  
1007 verified report with the Governor, the Legislature, the Auditor  
1008 General, and the Special District Accountability Program of the  
1009 Department of Economic Opportunity showing the revenues, both  
1010 locally derived and derived from intergovernmental transfers,  
1011 and the expenditures of each local governmental entity, regional  
1012 planning council, local government finance commission, and  
1013 municipal power corporation that is required to submit an annual  
1014 financial report. In preparing the verified report, the

1015 department may request additional information from the local  
 1016 governmental entity. The information requested must be provided  
 1017 to the department within 45 days after the request. If the local  
 1018 governmental entity does not comply with the request, the  
 1019 department shall notify the Legislative Auditing Committee,  
 1020 which may take action pursuant to s. 11.40(2). The report must  
 1021 include, but is not limited to:

1022 (a) The total revenues and expenditures of each local  
 1023 governmental entity that is a component unit included in the  
 1024 annual financial report of the reporting entity.

1025 (b) The amount of outstanding long-term debt by each local  
 1026 governmental entity. For purposes of this paragraph, the term  
 1027 "long-term debt" means any agreement or series of agreements to  
 1028 pay money, which, at inception, contemplate terms of payment  
 1029 exceeding 1 year in duration.

1030 Section 21. Present subsection (3) of section 218.33,  
 1031 Florida Statutes, is redesignated as subsection (4), and a new  
 1032 subsection (3) is added to that section, to read:

1033 218.33 Local governmental entities; establishment of  
 1034 uniform fiscal years and accounting practices and procedures.—

1035 (3) Each local governmental entity shall establish and  
 1036 maintain internal controls designed to:

1037 (a) Prevent and detect fraud, waste, and abuse.

1038 (b) Promote and encourage compliance with applicable laws,  
 1039 rules, contracts, grant agreements, and best practices.

1040 (c) Support economical and efficient operations.



1041 (d) Ensure reliability of financial records and reports.

1042 (e) Safeguard assets.

1043 Section 22. Present subsections (8) through (12) of  
 1044 section 218.39, Florida Statutes, are redesignated as  
 1045 subsections (9) through (13), respectively, and a new subsection  
 1046 (8) is added to that section, to read:

1047 218.39 Annual financial audit reports.—

1048 (8) If the audit report includes a recommendation that was  
 1049 included in the preceding financial audit report but remains  
 1050 unaddressed, the governing body of the audited entity, within 60  
 1051 days after the delivery of the audit report to the governing  
 1052 body, shall indicate during a regularly scheduled public meeting  
 1053 whether it intends to take corrective action, the intended  
 1054 corrective action, and the timeframe for the corrective action.  
 1055 If the governing body indicates that it does not intend to take  
 1056 corrective action, it shall explain its decision at the public  
 1057 meeting.

1058 Section 23. Subsection (2) of section 218.391, Florida  
 1059 Statutes, is amended, and subsection (9) is added to that  
 1060 section, to read:

1061 218.391 Auditor selection procedures.—

1062 (2) The governing body of a ~~charter~~ county, municipality,  
 1063 special district, district school board, charter school, or  
 1064 charter technical career center shall establish an audit  
 1065 committee.

1066 (a) The audit committee for a county ~~Each noncharter~~

1067 ~~county shall establish an audit committee that, at a minimum,~~  
 1068 ~~shall consist of each of the county officers elected pursuant to~~  
 1069 ~~the county charter or s. 1(d), Art. VIII of the State~~  
 1070 ~~Constitution,~~ or their respective designees ~~a designee,~~ and one  
 1071 member of the board of county commissioners or its designee.

1072 (b) The audit committee for a municipality, special  
 1073 district, district school board, charter school, or charter  
 1074 technical career center shall consist of at least three members.  
 1075 One member of the audit committee must be a member of the  
 1076 governing body of an entity specified in this paragraph, who  
 1077 shall also serve as the chair of the committee.

1078 (c) An employee, chief executive officer, or chief  
 1079 financial officer of the county, municipality, special district,  
 1080 district school board, charter school, or charter technical  
 1081 career center may not serve as a member of an audit committee  
 1082 established under this subsection.

1083 (d) The primary purpose of the audit committee is to  
 1084 assist the governing body in selecting an auditor to conduct the  
 1085 annual financial audit required in s. 218.39; however, the audit  
 1086 committee may serve other audit oversight purposes as determined  
 1087 by the entity's governing body. The public may ~~shall~~ not be  
 1088 excluded from the proceedings under this section.

1089 (9) An audit report submitted pursuant to s. 218.39 must  
 1090 include an affidavit executed by the chair of the audit  
 1091 committee affirming that the committee complied with the  
 1092 requirements of subsections (3)-(6) in selecting an auditor. If

1093 the Auditor General determines that an entity failed to comply  
1094 with the requirements of subsections (3)-(6) in selecting an  
1095 auditor, the entity shall select a replacement auditor in  
1096 accordance with this section to conduct audits for subsequent  
1097 fiscal years if the original audit was performed under a  
1098 multiyear contract. If the replacement of an auditor would  
1099 preclude the entity from timely completing the annual financial  
1100 audit required by s. 218.39, the entity shall replace an auditor  
1101 in accordance with this section for the subsequent annual  
1102 financial audit. A multiyear contract between an entity or an  
1103 auditor may not prohibit or restrict an entity from complying  
1104 with this subsection.

1105 Section 24. Subsection (2) of section 286.0114, Florida  
1106 Statutes, is amended to read:

1107 286.0114 Public meetings; reasonable opportunity to be  
1108 heard; attorney fees.—

1109 (2) Members of the public shall be given a reasonable  
1110 opportunity to be heard on a proposition before a board or  
1111 commission. The opportunity to be heard need not occur at the  
1112 same meeting at which the board or commission takes official  
1113 action on the proposition if the opportunity occurs at a meeting  
1114 that is during the decisionmaking process and is within  
1115 reasonable proximity in time before the meeting at which the  
1116 board or commission takes the official action. A board or  
1117 commission may not require a member of the public to provide an  
1118 advance written copy of his or her testimony or comments as a

1119 precondition of being given the opportunity to be heard at a  
 1120 meeting. This section does not prohibit a board or commission  
 1121 from maintaining orderly conduct or proper decorum in a public  
 1122 meeting. The opportunity to be heard is subject to rules or  
 1123 policies adopted by the board or commission, as provided in  
 1124 subsection (4).

1125 Section 25. Paragraph (b) of subsection (2) of section  
 1126 288.92, Florida Statutes, is amended to read:

1127 288.92 Divisions of Enterprise Florida, Inc.—

1128 (2)

1129 (b)1. The following officers and board members are subject  
 1130 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
 1131 112.3143(2):

1132 a. Officers and members of the board of directors of the  
 1133 divisions of Enterprise Florida, Inc.

1134 b. Officers and members of the board of directors of  
 1135 subsidiaries of Enterprise Florida, Inc.

1136 c. Officers and members of the board of directors of  
 1137 corporations created to carry out the missions of Enterprise  
 1138 Florida, Inc.

1139 d. Officers and members of the board of directors of  
 1140 corporations with which a division is required by law to  
 1141 contract to carry out its missions.

1142 2. For a period of 6 years after retirement from or  
 1143 termination of service to a division, or for a period of 10  
 1144 years if removed or terminated for cause or for misconduct, as

1145 defined in s. 443.036(29), the officers and board members  
 1146 specified in subparagraph 1. may not represent another person or  
 1147 entity for compensation before:

1148 a. Enterprise Florida, Inc.;

1149 b. A division, a subsidiary, or the board of directors of  
 1150 corporations created to carry out the missions of Enterprise  
 1151 Florida, Inc.; or

1152 c. A division with which Enterprise Florida, Inc., is  
 1153 required by law to contract to carry out its missions.

1154 ~~3.2-~~ For purposes of applying ss. 112.313(1)-(8), (10),  
 1155 (12), and (15); 112.3135; and 112.3143(2) to activities of the  
 1156 officers and members of the board of directors specified in  
 1157 subparagraph 1., those persons shall be considered public  
 1158 officers or employees and the corporation shall be considered  
 1159 their agency.

1160 ~~4.3-~~ It is not a violation of s. 112.3143(2) or (4) for  
 1161 the officers or members of the board of directors of the Florida  
 1162 Tourism Industry Marketing Corporation to:

1163 a. Vote on the 4-year marketing plan required under s.  
 1164 288.923 or vote on any individual component of or amendment to  
 1165 the plan.

1166 b. Participate in the establishment or calculation of  
 1167 payments related to the private match requirements of s.  
 1168 288.904(3). The officer or member must file an annual disclosure  
 1169 describing the nature of his or her interests or the interests  
 1170 of his or her principals, including corporate parents and

1171 subsidiaries of his or her principal, in the private match  
 1172 requirements. This annual disclosure requirement satisfies the  
 1173 disclosure requirement of s. 112.3143(4). This disclosure must  
 1174 be placed ~~either~~ on the Florida Tourism Industry Marketing  
 1175 Corporation's website or included in the minutes of each meeting  
 1176 of the Florida Tourism Industry Marketing Corporation's board of  
 1177 directors at which the private match requirements are discussed  
 1178 or voted upon.

1179 Section 26. Paragraph (a) of subsection (3) of section  
 1180 288.9604, Florida Statutes, is amended to read:

1181 288.9604 Creation of the authority.—

1182 (3)(a)1. A director may not receive compensation for his  
 1183 or her services, but is entitled to necessary expenses,  
 1184 including travel expenses, incurred in the discharge of his or  
 1185 her duties. Each director shall hold office until his or her  
 1186 successor has been appointed.

1187 2. Directors are subject to ss. 112.313(1)-(8), (10),  
 1188 (12), and (15); 112.3135; and 112.3143(2). For purposes of  
 1189 applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
 1190 112.3143(2) to activities of directors, directors shall be  
 1191 considered public officers and the corporation shall be  
 1192 considered their agency.

1193 3. A director of the corporation may not represent another  
 1194 person or entity for compensation before the corporation for a  
 1195 period of 6 years following his or her service on the board of  
 1196 directors.

1197 Section 27. Paragraph (e) of subsection (4), paragraph (d)  
 1198 of subsection (5), and paragraph (d) of subsection (6) of  
 1199 section 373.536, Florida Statutes, are amended to read:

1200 373.536 District budget and hearing thereon.—

1201 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1202 (e) ~~By September 1, 2012,~~ Each district shall provide a  
 1203 monthly financial statement in the form and manner prescribed by  
 1204 the Department of Financial Services to the district's governing  
 1205 board and make such monthly financial statement available for  
 1206 public access on its website.

1207 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
 1208 APPROVAL.—

1209 (d) Each district shall, by August 1 of each year, submit  
 1210 for review a tentative budget and a description of any  
 1211 significant changes from the preliminary budget submitted to the  
 1212 Legislature pursuant to s. 373.535 to the Governor, the  
 1213 President of the Senate, the Speaker of the House of  
 1214 Representatives, the chairs of all legislative committees and  
 1215 subcommittees having substantive or fiscal jurisdiction over  
 1216 water management districts, as determined by the President of  
 1217 the Senate or the Speaker of the House of Representatives, as  
 1218 applicable, the secretary of the department, and the governing  
 1219 body of each county in which the district has jurisdiction or  
 1220 derives any funds for the operations of the district. The  
 1221 tentative budget must be posted on the district's official  
 1222 website at least 2 days before budget hearings held pursuant to

1223 s. 200.065 or other law and must remain on the website for at  
 1224 least 45 days.

1225 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
 1226 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1227 (d) The final adopted budget must be posted on the water  
 1228 management district's official website within 30 days after  
 1229 adoption and must remain on the website for at least 2 years.

1230 Section 28. Section 838.014, Florida Statutes, is amended  
 1231 to read:

1232 838.014 Definitions.—As used in this chapter, the term:

1233 (1) "Benefit" means gain or advantage, or anything  
 1234 regarded by the person to be benefited as a gain or advantage,  
 1235 including the doing of an act beneficial to any person in whose  
 1236 welfare he or she is interested, including any commission, gift,  
 1237 gratuity, property, commercial interest, or any other thing of  
 1238 economic value not authorized by law.

1239 (2) "Bid" includes a response to an "invitation to bid,"  
 1240 "invitation to negotiate," "request for a quote," or "request  
 1241 for proposals" as those terms are defined in s. 287.012.

1242 (3) "Commodity" means any goods, merchandise, wares,  
 1243 produce, chose in action, land, article of commerce, or other  
 1244 tangible or intangible property, real, personal, or mixed, for  
 1245 use, consumption, production, enjoyment, or resale.

1246 (4) "Governmental entity" means the state, including any  
 1247 unit of the executive, legislative, and judicial branches of  
 1248 government, political subdivisions and any agency or office



1249 thereof, or any other public entity that independently exercises  
 1250 any type of governmental function ~~"Corruptly" or "with corrupt~~  
 1251 ~~intent"~~ means acting knowingly and dishonestly for a wrongful  
 1252 purpose.

1253 (5) "Harm" means pecuniary or other loss, disadvantage, or  
 1254 injury to the person affected.

1255 (6) "Public servant" means:

1256 (a) Any officer or employee of a governmental state,  
 1257 ~~county, municipal, or special district agency or~~ entity;

1258 (b) Any legislative or judicial officer or employee;

1259 (c) Any person, except a witness, who acts as a general or  
 1260 special magistrate, receiver, auditor, arbitrator, umpire,  
 1261 referee, consultant, or hearing officer while performing a  
 1262 governmental function; ~~or~~

1263 (d) A candidate for election or appointment to any of the  
 1264 positions listed in this subsection, or an individual who has  
 1265 been elected to, but has yet to officially assume the  
 1266 responsibilities of, public office; or

1267 (e) To the extent that the individual's conduct relates to  
 1268 the performance of a public duty of a governmental entity, any  
 1269 officer, director, partner, manager, representative, or employee  
 1270 of a nongovernmental entity, private corporation, quasi-public  
 1271 corporation, or quasi-public entity, or any person subject to  
 1272 chapter 119 who is acting on behalf of a governmental entity.

1273 For purposes of this paragraph, "nongovernmental entity" means a  
 1274 person, an association, a cooperative, a corporation, a

1275 partnership, an organization, or any other entity, whether  
 1276 operating for profit or not for profit, which is not a  
 1277 governmental entity.

1278 (7) "Service" means any kind of activity performed in  
 1279 whole or in part for economic benefit.

1280 Section 29. Subsection (1) of section 838.015, Florida  
 1281 Statutes, is amended to read:

1282 838.015 Bribery.—

1283 (1) For purposes of this section, "bribery" means  
 1284 ~~corruptly~~ to knowingly and intentionally give, offer, or promise  
 1285 to any public servant, or, if a public servant, ~~corruptly~~ to  
 1286 knowingly and intentionally request, solicit, accept, or agree  
 1287 to accept for himself or herself or another, any pecuniary or  
 1288 other benefit not authorized by law with an intent or purpose to  
 1289 influence the performance of any act or omission which the  
 1290 person believes to be, or the public servant represents as  
 1291 being, within the official discretion of a public servant, in  
 1292 violation of a public duty, or in performance of a public duty.

1293 Section 30. Subsections (1) and (2) of section 838.016,  
 1294 Florida Statutes, are amended to read:

1295 838.016 Unlawful compensation or reward for official  
 1296 behavior.—

1297 (1) It is unlawful for any person ~~corruptly~~ to knowingly  
 1298 and intentionally give, offer, or promise to any public servant,  
 1299 or, if a public servant, ~~corruptly~~ to knowingly and  
 1300 intentionally request, solicit, accept, or agree to accept, any

1301 pecuniary or other benefit not authorized by law, for the past,  
 1302 present, or future performance, nonperformance, or violation of  
 1303 any act or omission which the person believes to have been, or  
 1304 the public servant represents as having been, either within the  
 1305 official discretion of the public servant, in violation of a  
 1306 public duty, or in performance of a public duty. This section  
 1307 may not ~~Nothing herein shall~~ be construed to preclude a public  
 1308 servant from accepting rewards for services performed in  
 1309 apprehending any criminal.

1310 (2) It is unlawful for any person ~~corruptly~~ to knowingly  
 1311 and intentionally give, offer, or promise to any public servant,  
 1312 or, if a public servant, ~~corruptly~~ to knowingly and  
 1313 intentionally request, solicit, accept, or agree to accept, any  
 1314 pecuniary or other benefit not authorized by law for the past,  
 1315 present, or future exertion of any influence upon or with any  
 1316 other public servant regarding any act or omission which the  
 1317 person believes to have been, or which is represented to him or  
 1318 her as having been, either within the official discretion of the  
 1319 other public servant, in violation of a public duty, or in  
 1320 performance of a public duty.

1321 Section 31. Subsection (1) of section 838.022, Florida  
 1322 Statutes, is amended, and subsection (2) of that section is  
 1323 republished, to read:

1324 838.022 Official misconduct.—

1325 (1) It is unlawful for a public servant, ~~with corrupt~~  
 1326 ~~intent~~ to knowingly and intentionally obtain an improper a

1327 benefit for any person or to cause unlawful harm to another, by  
 1328 ~~to~~:

1329 (a) Falsifying ~~Falsify~~, or causing ~~cause~~ another person to  
 1330 falsify, any official record or official document;

1331 (b) Concealing, covering up, destroying, mutilating, or  
 1332 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any  
 1333 official record or official document or causing ~~cause~~ another  
 1334 person to perform such an act; or

1335 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~  
 1336 ~~or prevent~~ the communication of information relating to the  
 1337 commission of a felony that directly involves or affects the  
 1338 governmental ~~public agency or public~~ entity served by the public  
 1339 servant.

1340 (2) For the purposes of this section:

1341 (a) The term "public servant" does not include a candidate  
 1342 who does not otherwise qualify as a public servant.

1343 (b) An official record or official document includes only  
 1344 public records.

1345 Section 32. Subsections (1) and (2) of section 838.22,  
 1346 Florida Statutes, are amended to read:

1347 838.22 Bid tampering.—

1348 (1) It is unlawful for a public servant, ~~with corrupt~~  
 1349 ~~intent~~ to knowingly and intentionally influence or attempt to  
 1350 influence, in an improper manner, the competitive bidding  
 1351 process undertaken by any governmental ~~state, county, municipal,~~  
 1352 ~~or special district agency, or any other public entity,~~ for the

1353 procurement of commodities or services, by ~~to~~:

1354 (a) Disclosing ~~Disclose~~ material information concerning a  
 1355 bid or other aspects of the competitive bidding process when  
 1356 such information is not publicly disclosed.

1357 (b) Altering or amending ~~Alter or amend~~ a submitted bid,  
 1358 documents or other materials supporting a submitted bid, or bid  
 1359 results for the purpose of intentionally providing a competitive  
 1360 advantage to any person who submits a bid.

1361 (2) It is unlawful for a public servant, ~~with corrupt~~  
 1362 ~~intent~~ to knowingly and intentionally obtain an improper a  
 1363 benefit for any person or to cause unlawful harm to another, to  
 1364 circumvent a competitive bidding process required by law or rule  
 1365 by using a sole-source contract for commodities or services.

1366 Section 33. Paragraph (1) of subsection (12) of section  
 1367 1001.42, Florida Statutes, is amended to read:

1368 1001.42 Powers and duties of district school board.—The  
 1369 district school board, acting as a board, shall exercise all  
 1370 powers and perform all duties listed below:

1371 (12) FINANCE.—Take steps to assure students adequate  
 1372 educational facilities through the financial procedure  
 1373 authorized in chapters 1010 and 1011 and as prescribed below:

1374 (1) *Internal auditor.*—May employ an internal auditor to  
 1375 perform ongoing financial verification of the financial records  
 1376 of the school district and such other audits and reviews as the  
 1377 district school board directs for the purpose of determining:

1378 1. The adequacy of internal controls designed to prevent

1379 and detect fraud, waste, and abuse.

1380 2. Compliance with applicable laws, rules, contracts,  
 1381 grant agreements, district school board-approved policies, and  
 1382 best practices.

1383 3. The efficiency of operations.

1384 4. The reliability of financial records and reports.

1385 5. The safeguarding of assets.

1386

1387 The internal auditor shall report directly to the district  
 1388 school board or its designee.

1389 Section 34. Paragraph (j) of subsection (9) of section  
 1390 1002.33, Florida Statutes, is amended to read:

1391 1002.33 Charter schools.—

1392 (9) CHARTER SCHOOL REQUIREMENTS.—

1393 (j) The governing body of the charter school shall be  
 1394 responsible for:

1395 1. Establishing and maintaining internal controls designed  
 1396 to:

1397 a. Prevent and detect fraud, waste, and abuse.

1398 b. Promote and encourage compliance with applicable laws,  
 1399 rules, contracts, grant agreements, and best practices.

1400 c. Support economical and efficient operations.

1401 d. Ensure reliability of financial records and reports.

1402 e. Safeguard assets.

1403 ~~2.1.~~ Ensuring that the charter school has retained the  
 1404 services of a certified public accountant or auditor for the

1405 annual financial audit, pursuant to s. 1002.345(2), who shall  
 1406 submit the report to the governing body.

1407 ~~3.2.~~ Reviewing and approving the audit report, including  
 1408 audit findings and recommendations for the financial recovery  
 1409 plan.

1410 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including  
 1411 monitoring a corrective action plan.

1412 b. Monitoring a financial recovery plan in order to ensure  
 1413 compliance.

1414 ~~5.4.~~ Participating in governance training approved by the  
 1415 department which must include government in the sunshine,  
 1416 conflicts of interest, ethics, and financial responsibility.

1417 Section 35. Present subsections (6) through (10) of  
 1418 section 1002.37, Florida Statutes, are redesignated as  
 1419 subsections (7) through (11), respectively, a new subsection (6)  
 1420 is added to that section, and present subsections (6) and (11)  
 1421 of that section are amended, to read:

1422 1002.37 The Florida Virtual School.—

1423 (6) The Florida Virtual School shall have an annual  
 1424 financial audit of its accounts and records conducted by an  
 1425 independent auditor who is a certified public accountant  
 1426 licensed under chapter 473. The independent auditor shall  
 1427 conduct the audit in accordance with rules adopted by the  
 1428 Auditor General pursuant to s. 11.45 and, upon completion of the  
 1429 audit, shall prepare an audit report in accordance with such  
 1430 rules. The audit report must include a written statement of the

1431 board of trustees describing corrective action to be taken in  
1432 response to each of the recommendations of the independent  
1433 auditor included in the audit report. The independent auditor  
1434 shall submit the audit report to the board of trustees and the  
1435 Auditor General no later than 9 months after the end of the  
1436 preceding fiscal year.

1437 (7)-(6) The board of trustees shall annually submit to the  
1438 Governor, the Legislature, the Commissioner of Education, and  
1439 the State Board of Education the audit report prepared pursuant  
1440 to subsection (6) and a complete and detailed report setting  
1441 forth:

1442 (a) The operations and accomplishments of the Florida  
1443 Virtual School within the state and those occurring outside the  
1444 state as Florida Virtual School Global.

1445 (b) The marketing and operational plan for the Florida  
1446 Virtual School and Florida Virtual School Global, including  
1447 recommendations regarding methods for improving the delivery of  
1448 education through the Internet and other distance learning  
1449 technology.

1450 (c) The assets and liabilities of the Florida Virtual  
1451 School and Florida Virtual School Global at the end of the  
1452 fiscal year.

1453 (d) ~~A copy of an annual financial audit of the accounts~~  
1454 ~~and records of the Florida Virtual School and Florida Virtual~~  
1455 ~~School Global, conducted by an independent certified public~~  
1456 ~~accountant and performed in accordance with rules adopted by the~~



1457 ~~Auditor General.~~

1458 ~~(e)~~ Recommendations regarding the unit cost of providing  
 1459 services to students through the Florida Virtual School and  
 1460 Florida Virtual School Global. In order to most effectively  
 1461 develop public policy regarding any future funding of the  
 1462 Florida Virtual School, it is imperative that the cost of the  
 1463 program is accurately identified. The identified cost of the  
 1464 program must be based on reliable data.

1465 (e)~~(f)~~ Recommendations regarding an accountability  
 1466 mechanism to assess the effectiveness of the services provided  
 1467 by the Florida Virtual School and Florida Virtual School Global.

1468 ~~(11) The Auditor General shall conduct an operational~~  
 1469 ~~audit of the Florida Virtual School, including Florida Virtual~~  
 1470 ~~School Global. The scope of the audit shall include, but not be~~  
 1471 ~~limited to, the administration of responsibilities relating to~~  
 1472 ~~personnel; procurement and contracting; revenue production;~~  
 1473 ~~school funds, including internal funds; student enrollment~~  
 1474 ~~records; franchise agreements; information technology~~  
 1475 ~~utilization, assets, and security; performance measures and~~  
 1476 ~~standards; and accountability. The final report on the audit~~  
 1477 ~~shall be submitted to the President of the Senate and the~~  
 1478 ~~Speaker of the House of Representatives no later than January~~  
 1479 ~~31, 2014.~~

1480 Section 36. Subsection (5) is added to section 1010.01,  
 1481 Florida Statutes, to read:

1482 1010.01 Uniform records and accounts.—

1483        (5) Each school district, Florida College System  
 1484 institution, and state university shall establish and maintain  
 1485 internal controls designed to:

- 1486        (a) Prevent and detect fraud, waste, and abuse.
- 1487        (b) Promote and encourage compliance with applicable laws,  
 1488 rules, contracts, grant agreements, and best practices.
- 1489        (c) Support economical and efficient operations.
- 1490        (d) Ensure reliability of financial records and reports.
- 1491        (e) Safeguard assets.

1492        Section 37. Subsection (2) of section 1010.30, Florida  
 1493 Statutes, is amended to read:

1494        1010.30 Audits required.—

1495        (2) If a school district, Florida College System  
 1496 institution, or university audit report includes a  
 1497 recommendation that was included in the preceding financial  
 1498 audit report but remains unaddressed, ~~an audit contains a~~  
 1499 ~~significant finding,~~ the district school board, the Florida  
 1500 College System institution board of trustees, or the university  
 1501 board of trustees, within 60 days after the delivery of the  
 1502 audit report to the school district, Florida College System  
 1503 institution, or university, shall indicate ~~conduct an audit~~  
 1504 ~~overview~~ during a regularly scheduled public meeting whether it  
 1505 intends to take corrective action, the intended corrective  
 1506 action, and the timeframe for the corrective action. If the  
 1507 district school board, Florida College System institution board  
 1508 of trustees, or university board of trustees indicates that it

1509 does not intend to take corrective action, it shall explain its  
 1510 decision at the public meeting.

1511 Section 38. Subsection (2) of section 68.082, Florida  
 1512 Statutes, is amended to read:

1513 68.082 False claims against the state; definitions;  
 1514 liability.—

1515 (2) Any person who:

1516 (a) Knowingly presents or causes to be presented a false  
 1517 or fraudulent claim for payment or approval;

1518 (b) Knowingly authorizes, approves, or receives payment of  
 1519 prohibited compensation in violation of s. 215.425;

1520 (c)~~(b)~~ Knowingly makes, uses, or causes to be made or used  
 1521 a false record or statement material to a false or fraudulent  
 1522 claim;

1523 (d)~~(e)~~ Conspires to commit a violation of this subsection;

1524 (e)~~(d)~~ Has possession, custody, or control of property or  
 1525 money used or to be used by the state and knowingly delivers or  
 1526 causes to be delivered less than all of that money or property;

1527 (f)~~(e)~~ Is authorized to make or deliver a document  
 1528 certifying receipt of property used or to be used by the state  
 1529 and, intending to defraud the state, makes or delivers the  
 1530 receipt without knowing that the information on the receipt is  
 1531 true;

1532 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an  
 1533 obligation or a debt, public property from an officer or  
 1534 employee of the state who may not sell or pledge the property;

1535 or  
 1536 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used  
 1537 a false record or statement material to an obligation to pay or  
 1538 transmit money or property to the state, or knowingly conceals  
 1539 or knowingly and improperly avoids or decreases an obligation to  
 1540 pay or transmit money or property to the state

1541  
 1542 is liable to the state for a civil penalty of not less than  
 1543 \$5,500 and not more than \$11,000 and for treble the amount of  
 1544 damages the state sustains because of the act of that person.

1545 Section 39. Subsection (1) of section 68.083, Florida  
 1546 Statutes, is amended to read:

1547 68.083 Civil actions for false claims.—

1548 (1) The department may diligently investigate a violation  
 1549 under s. 68.082. If the department finds that a person has  
 1550 violated or is violating s. 68.082, the department may bring a  
 1551 civil action under the Florida False Claims Act against the  
 1552 person. The Department of Financial Services may bring a civil  
 1553 action under this section if the action arises from an  
 1554 investigation by that department and the Department of Legal  
 1555 Affairs has not filed an action under this act. For a violation  
 1556 of s. 68.082 regarding prohibited compensation paid from state  
 1557 funds, the Department of Financial Services may bring a civil  
 1558 action under this section if the action arises from an  
 1559 investigation by that department concerning a violation of s.  
 1560 215.425 by the state and the Department of Legal Affairs has not

1561 | filed an action under this act.

1562 |       Section 40. Subsection (5) of section 99.061, Florida  
1563 | Statutes, is amended to read:

1564 |       99.061 Method of qualifying for nomination or election to  
1565 | federal, state, county, or district office.—

1566 |       (5) At the time of qualifying for office, each candidate  
1567 | for a constitutional office or an elected municipal office shall  
1568 | file a full and public disclosure of financial interests  
1569 | pursuant to s. 8, Art. II of the State Constitution, which must  
1570 | be verified under oath or affirmation pursuant to s.  
1571 | 92.525(1) (a), and a candidate for any other office, ~~including~~  
1572 | ~~local elective office,~~ shall file a statement of financial  
1573 | interests pursuant to s. 112.3145.

1574 |       Section 41. Subsection (3) of section 218.503, Florida  
1575 | Statutes, is amended to read:

1576 |       218.503 Determination of financial emergency.—

1577 |       (3) Upon notification that one or more of the conditions  
1578 | in subsection (1) have occurred or will occur if action is not  
1579 | taken to assist the local governmental entity or district school  
1580 | board, the Governor or his or her designee shall contact the  
1581 | local governmental entity or the Commissioner of Education or  
1582 | his or her designee shall contact the district school board, as  
1583 | appropriate, to determine what actions have been taken by the  
1584 | local governmental entity or the district school board to  
1585 | resolve or prevent the condition. The information requested must  
1586 | be provided within 45 days after the date of the request. If the

1587 local governmental entity or the district school board does not  
1588 comply with the request, the Governor or his or her designee or  
1589 the Commissioner of Education or his or her designee shall  
1590 notify ~~the members of~~ the Legislative Auditing Committee, which  
1591 ~~who~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The  
1592 Governor or the Commissioner of Education, as appropriate, shall  
1593 determine whether the local governmental entity or the district  
1594 school board needs state assistance to resolve or prevent the  
1595 condition. If state assistance is needed, the local governmental  
1596 entity or district school board is considered to be in a state  
1597 of financial emergency. The Governor or the Commissioner of  
1598 Education, as appropriate, has the authority to implement  
1599 measures as set forth in ss. 218.50-218.504 to assist the local  
1600 governmental entity or district school board in resolving the  
1601 financial emergency. Such measures may include, but are not  
1602 limited to:

1603 (a) Requiring approval of the local governmental entity's  
1604 budget by the Governor or approval of the district school  
1605 board's budget by the Commissioner of Education.

1606 (b) Authorizing a state loan to a local governmental  
1607 entity and providing for repayment of same.

1608 (c) Prohibiting a local governmental entity or district  
1609 school board from issuing bonds, notes, certificates of  
1610 indebtedness, or any other form of debt until such time as it is  
1611 no longer subject to this section.

1612 (d) Making such inspections and reviews of records,

1613 information, reports, and assets of the local governmental  
1614 entity or district school board as are needed. The appropriate  
1615 local officials shall cooperate in such inspections and reviews.

1616 (e) Consulting with officials and auditors of the local  
1617 governmental entity or the district school board and the  
1618 appropriate state officials regarding any steps necessary to  
1619 bring the books of account, accounting systems, financial  
1620 procedures, and reports into compliance with state requirements.

1621 (f) Providing technical assistance to the local  
1622 governmental entity or the district school board.

1623 (g)1. Establishing a financial emergency board to oversee  
1624 the activities of the local governmental entity or the district  
1625 school board. If a financial emergency board is established for  
1626 a local governmental entity, the Governor shall appoint board  
1627 members and select a chair. If a financial emergency board is  
1628 established for a district school board, the State Board of  
1629 Education shall appoint board members and select a chair. The  
1630 financial emergency board shall adopt such rules as are  
1631 necessary for conducting board business. The board may:

1632 a. Make such reviews of records, reports, and assets of  
1633 the local governmental entity or the district school board as  
1634 are needed.

1635 b. Consult with officials and auditors of the local  
1636 governmental entity or the district school board and the  
1637 appropriate state officials regarding any steps necessary to  
1638 bring the books of account, accounting systems, financial

1639 | procedures, and reports of the local governmental entity or the  
 1640 | district school board into compliance with state requirements.

1641 |       c. Review the operations, management, efficiency,  
 1642 | productivity, and financing of functions and operations of the  
 1643 | local governmental entity or the district school board.

1644 |       d. Consult with other governmental entities for the  
 1645 | consolidation of all administrative direction and support  
 1646 | services, including, but not limited to, services for asset  
 1647 | sales, economic and community development, building inspections,  
 1648 | parks and recreation, facilities management, engineering and  
 1649 | construction, insurance coverage, risk management, planning and  
 1650 | zoning, information systems, fleet management, and purchasing.

1651 |       2. The recommendations and reports made by the financial  
 1652 | emergency board must be submitted to the Governor for local  
 1653 | governmental entities or to the Commissioner of Education and  
 1654 | the State Board of Education for district school boards for  
 1655 | appropriate action.

1656 |       (h) Requiring and approving a plan, to be prepared by  
 1657 | officials of the local governmental entity or the district  
 1658 | school board in consultation with the appropriate state  
 1659 | officials, prescribing actions that will cause the local  
 1660 | governmental entity or district school board to no longer be  
 1661 | subject to this section. The plan must include, but need not be  
 1662 | limited to:

1663 |       1. Provision for payment in full of obligations outlined  
 1664 | in subsection (1), designated as priority items, which are



1665 currently due or will come due.

1666 2. Establishment of priority budgeting or zero-based  
1667 budgeting in order to eliminate items that are not affordable.

1668 3. The prohibition of a level of operations which can be  
1669 sustained only with nonrecurring revenues.

1670 4. Provisions implementing the consolidation, sourcing, or  
1671 discontinuance of all administrative direction and support  
1672 services, including, but not limited to, services for asset  
1673 sales, economic and community development, building inspections,  
1674 parks and recreation, facilities management, engineering and  
1675 construction, insurance coverage, risk management, planning and  
1676 zoning, information systems, fleet management, and purchasing.

1677 Section 42. Subsection (2) of section 1002.455, Florida  
1678 Statutes, is amended to read:

1679 1002.455 Student eligibility for K-12 virtual  
1680 instruction.—

1681 (2) A student is eligible to participate in virtual  
1682 instruction if:

1683 (a) The student spent the prior school year in attendance  
1684 at a public school in the state and was enrolled and reported by  
1685 the school district for funding during October and February for  
1686 purposes of the Florida Education Finance Program surveys;

1687 (b) The student is a dependent child of a member of the  
1688 United States Armed Forces who was transferred within the last  
1689 12 months to this state from another state or from a foreign  
1690 country pursuant to a permanent change of station order;

1691 (c) The student was enrolled during the prior school year  
 1692 in a virtual instruction program under s. 1002.45 or a full-time  
 1693 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~  
 1694 ~~1002.37(8)(a)~~;

1695 (d) The student has a sibling who is currently enrolled in  
 1696 a virtual instruction program and the sibling was enrolled in  
 1697 that program at the end of the prior school year;

1698 (e) The student is eligible to enter kindergarten or first  
 1699 grade; or

1700 (f) The student is eligible to enter grades 2 through 5  
 1701 and is enrolled full-time in a school district virtual  
 1702 instruction program, virtual charter school, or the Florida  
 1703 Virtual School.

1704 Section 43. For the purpose of incorporating the amendment  
 1705 made by this act to section 838.014, Florida Statutes, in a  
 1706 reference thereto, subsection (11) of section 817.568, Florida  
 1707 Statutes, is reenacted to read:

1708 817.568 Criminal use of personal identification  
 1709 information.—

1710 (11) A person who willfully and without authorization  
 1711 fraudulently uses personal identification information concerning  
 1712 an individual who is 60 years of age or older; a disabled adult  
 1713 as defined in s. 825.101; a public servant as defined in s.  
 1714 838.014; a veteran as defined in s. 1.01; a first responder as  
 1715 defined in s. 125.01045; an individual who is employed by the  
 1716 State of Florida; or an individual who is employed by the

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1717 Federal Government without first obtaining the consent of that  
1718 individual commits a felony of the second degree, punishable as  
1719 provided in s. 775.082, s. 775.083, or s. 775.084.

1720 Section 44. The Legislature finds that a proper and  
1721 legitimate state purpose is served when internal controls are  
1722 established to prevent and detect fraud, waste, and abuse and to  
1723 safeguard and account for government funds and property.  
1724 Therefore, the Legislature determines and declares that this act  
1725 fulfills an important state interest.

1726 Section 45. This act shall take effect October 1, 2016.