



243190

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: WD | . | |
| 02/01/2016 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (5) through (9) of section 11.045, Florida Statutes, are renumbered as subsections (6) through (10), respectively, a new subsection (5) is added to that section, and present subsection (8) of that section is amended, to read:

11.045 Lobbying before the Legislature; registration and



243190

11 reporting; exemptions; penalties.-

12 (5) (a) For purposes of this subsection, the term:

13 1. "Lobbying activities" means any action designed to
14 support, oppose, or influence proposed legislation or proposed
15 legislative action. The term includes, but is not limited to,
16 any verbal, written, or electronic communication with any
17 legislator or legislative employee undertaken for the purpose of
18 directly or indirectly supporting, opposing, or influencing
19 legislation or requesting proposed legislation to be filed.

20 2. "Proposed legislation" includes, but is not limited to,
21 policies, ideas, issues, concepts, or statutory language that is
22 presently, or may at some future point be, reflected in or
23 impacted by a bill, a memorial, a resolution, a compact, or an
24 appropriation.

25 3. "Proposed legislative action" means any action by a
26 constituent entity of the Legislature, including, but not
27 limited to, the houses of the Legislature, a joint office, and a
28 joint committee.

29 (b) Each house of the Legislature shall provide reporting
30 requirements by rule requiring each lobbying firm to file a
31 monthly report with the office. The report must include:

32 1. The full name, business address, and telephone number of
33 the lobbying firm.

34 2. The name of each of the lobbying firm's lobbyists.

35 3. A list detailing the lobbying firm's lobbying activities
36 during the reporting period. The list must itemize:

37 a. The proposed legislation or proposed legislative action
38 that the lobbying firm has attempted to support, oppose, or
39 influence;



243190

40 b. The entity lobbied;
41 c. Each principal on behalf of whom the lobbying firm has
42 acted; and
43 d. If the proposed legislation included an appropriation or
44 was an appropriation, the intended recipient of the
45 appropriation.
46 (c) For purposes of the reporting requirement provided in
47 this subsection, the reports must identify proposed legislation
48 by referencing any legislatively assigned identifying numbers,
49 including, but not limited to, bill numbers, amendment barcode
50 numbers, or specific appropriation numbers. If the proposed
51 legislation does not have an identifying number assigned, the
52 report must include a description of the subject matter of the
53 proposed legislation, whether the lobbying firm is supporting or
54 opposing the proposed legislation and, if seeking to modify the
55 proposed legislation, how the lobbying firm's modification would
56 alter the proposal.
57 (d) The reports shall be filed even if the reporting
58 lobbying firm did not engage in any lobbying activities
59 requiring disclosure, in which the report shall be marked "not
60 applicable."
61 (e) The reports shall be filed with the office by
62 electronic means no later than 7 business days after the end of
63 the preceding month. The reports shall be rendered in the
64 identical form provided by the respective houses and shall be
65 open to public inspection.
66 (f) Each house of the Legislature shall provide by rule, or
67 both houses may provide by joint rule, a procedure by which a
68 lobbying firm that fails to timely file a report is notified and



243190

69 assessed fines. The rule must provide the following:

70 1. Upon determining that the report is late, the person
71 designated to review the timeliness of reports shall immediately
72 notify the lobbying firm as to the failure to timely file the
73 report and that a fine is being assessed for each late day. The
74 fine shall be \$50 per day per report for each late day, not to
75 exceed \$5,000 per report.

76 2. Upon receipt of the report, the person designated to
77 review the timeliness of reports shall determine the amount of
78 the fine due based upon when a report is actually received by
79 the office.

80 3. Such fine must be paid within 30 days after the notice
81 of payment due is transmitted by the office, unless appeal is
82 made to the office. The moneys shall be deposited into the
83 Legislative Lobbyist Registration Trust Fund.

84 4. A fine may not be assessed against a lobbying firm the
85 first time any reports for which the lobbying firm is
86 responsible are not timely filed. However, to receive the one-
87 time fine waiver, all reports for which the lobbying firm is
88 responsible must be filed within 30 days after notice that any
89 reports have not been timely filed is transmitted by the
90 Lobbyist Registration Office. A fine shall be assessed for any
91 subsequent late-filed reports.

92 5. Any lobbying firm may appeal or dispute a fine, based
93 upon unusual circumstances surrounding the failure to file on
94 the designated due date, and may request and is entitled to a
95 hearing before the General Counsel of the Office of Legislative
96 Services, who shall recommend to the President of the Senate and
97 the Speaker of the House of Representatives, or their respective



243190

98 designees, that the fine be waived in whole or in part for good
99 cause shown. The President of the Senate and the Speaker of the
100 House of Representatives, or their respective designees, may
101 concur in the recommendation and waive the fine in whole or in
102 part. Any such request must be made within 30 days after the
103 notice of payment due is transmitted by the office. In such
104 case, the lobbying firm shall, within the 30-day period, notify
105 the person designated to review the timeliness of reports in
106 writing of his or her intention to request a hearing.

107 6. A lobbying firm may request that the filing of a report
108 be waived upon good cause shown, based on unusual circumstances.
109 The request must be filed with the General Counsel of the Office
110 of Legislative Services, who shall make a recommendation
111 concerning the waiver request to the President of the Senate and
112 the Speaker of the House of Representatives. The President of
113 the Senate and the Speaker of the House of Representatives may
114 grant or deny the request.

115 7. All lobbyist registrations for lobbyists who are
116 partners, owners, officers, or employees of a lobbying firm that
117 fails to timely pay a fine are automatically suspended until the
118 fine is paid or waived, and the office shall promptly notify all
119 affected principals of any suspension or reinstatement.

120 8. The person designated to review the timeliness of
121 reports shall notify the coordinator of the office of the
122 failure of a lobbying firm to file a report after notice or of
123 the failure of a lobbying firm to pay the fine imposed.

124 (9) ~~(8)~~ Any person required to be registered or to provide
125 information pursuant to this section or pursuant to rules
126 established in conformity with this section who knowingly fails



243190

127 to disclose any material fact required by this section or by
128 rules established in conformity with this section, or who
129 knowingly provides false information on any report required by
130 this section or by rules established in conformity with this
131 section, commits a noncriminal infraction, punishable by a fine
132 not to exceed \$5,000. Such penalty shall be in addition to any
133 other penalty assessed by a house of the Legislature pursuant to
134 subsection (8) ~~(7)~~.

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

137 11.40 Legislative Auditing Committee.-

138 (2) Following notification by the Auditor General, the
139 Department of Financial Services, ~~or~~ the Division of Bond
140 Finance of the State Board of Administration, the Governor or
141 his or her designee, or the Commissioner of Education or his or
142 her designee of the failure of a local governmental entity,
143 district school board, charter school, or charter technical
144 career center to comply with the applicable provisions within s.
145 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
146 Legislative Auditing Committee may schedule a hearing to
147 determine if the entity should be subject to further state
148 action. If the committee determines that the entity should be
149 subject to further state action, the committee shall:

150 (a) In the case of a local governmental entity or district
151 school board, direct the Department of Revenue and the
152 Department of Financial Services to withhold any funds not
153 pledged for bond debt service satisfaction which are payable to
154 such entity until the entity complies with the law. The
155 committee shall specify the date that such action must ~~shall~~



243190

156 begin, and the directive must be received by the Department of
157 Revenue and the Department of Financial Services 30 days before
158 the date of the distribution mandated by law. The Department of
159 Revenue and the Department of Financial Services may implement
160 ~~the provisions of~~ this paragraph.

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

162 1. A special act, notify the President of the Senate, the
163 Speaker of the House of Representatives, the standing committees
164 of the Senate and the House of Representatives charged with
165 special district oversight as determined by the presiding
166 officers of each respective chamber, the legislators who
167 represent a portion of the geographical jurisdiction of the
168 special district pursuant to s. 189.034(2), and the Department
169 of Economic Opportunity that the special district has failed to
170 comply with the law. Upon receipt of notification, the
171 Department of Economic Opportunity shall proceed pursuant to s.
172 189.062 or s. 189.067. If the special district remains in
173 noncompliance after the process set forth in s. 189.034(3), or
174 if a public hearing is not held, the Legislative Auditing
175 Committee may request the department to proceed pursuant to s.
176 189.067(3).

177 2. A local ordinance, notify the chair or equivalent of the
178 local general-purpose government pursuant to s. 189.035(2) and
179 the Department of Economic Opportunity that the special district
180 has failed to comply with the law. Upon receipt of notification,
181 the department shall proceed pursuant to s. 189.062 or s.
182 189.067. If the special district remains in noncompliance after
183 the process set forth in s. 189.034(3), or if a public hearing
184 is not held, the Legislative Auditing Committee may request the



243190

185 department to proceed pursuant to s. 189.067(3).

186 3. Any manner other than a special act or local ordinance,
187 notify the Department of Economic Opportunity that the special
188 district has failed to comply with the law. Upon receipt of
189 notification, the department shall proceed pursuant to s.
190 189.062 or s. 189.067(3).

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

194 Section 3. Subsection (1), paragraph (j) of subsection (2),
195 paragraph (u) of subsection (3), and paragraph (i) of subsection
196 (7) of section 11.45, Florida Statutes, are amended, and
197 paragraph (x) is added to subsection (3) of that section, to
198 read:

199 11.45 Definitions; duties; authorities; reports; rules.—

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

201 (a) "Abuse" means behavior that is deficient or improper
202 when compared with behavior that a prudent person would consider
203 a reasonable and necessary operational practice given the facts
204 and circumstances. The term includes the misuse of authority or
205 position for personal gain.

206 (b) ~~(a)~~ "Audit" means a financial audit, operational audit,
207 or performance audit.

208 (c) ~~(b)~~ "County agency" means a board of county
209 commissioners or other legislative and governing body of a
210 county, however styled, including that of a consolidated or
211 metropolitan government, a clerk of the circuit court, a
212 separate or ex officio clerk of the county court, a sheriff, a
213 property appraiser, a tax collector, a supervisor of elections,



243190

214 or any other officer in whom any portion of the fiscal duties of
215 a body or officer expressly stated in this paragraph are the
216 above are under law separately placed by law.

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

230 (e) "Fraud" means obtaining something of value through
231 willful misrepresentation, including, but not limited to, the
232 intentional misstatements or omissions of amounts or disclosures
233 in financial statements to deceive users of financial
234 statements, theft of an entity's assets, bribery, or the use of
235 one's position for personal enrichment through the deliberate
236 misuse or misapplication of an organization's resources.

237 (f)(d) "Governmental entity" means a state agency, a county
238 agency, or any other entity, however styled, that independently
239 exercises any type of state or local governmental function.

240 (g)(e) "Local governmental entity" means a county agency,
241 municipality, tourist development council, county tourism
242 promotion agency, or special district as defined in s. 189.012.



243190

243 The term, ~~but~~ does not include any housing authority established
244 under chapter 421.

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

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

261 (j) ~~(h)~~ "Performance audit" means an examination of a
262 program, activity, or function of a governmental entity,
263 conducted in accordance with applicable government auditing
264 standards or auditing and evaluation standards of other
265 appropriate authoritative bodies. The term includes an
266 examination of issues related to:

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

268 2. Structure or design of the program to accomplish its
269 goals and objectives.

270 3. Adequacy of the program to meet the needs identified by
271 the Legislature or governing body.



243190

272 4. Alternative methods of providing program services or
273 products.

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

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

278 7. Compliance of the program with appropriate policies,
279 rules, or laws.

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

282 (k)~~(i)~~ "Political subdivision" means a separate agency or
283 unit of local government created or established by law and
284 includes, but is not limited to, the following and the officers
285 thereof: authority, board, branch, bureau, city, commission,
286 consolidated government, county, department, district,
287 institution, metropolitan government, municipality, office,
288 officer, public corporation, town, or village.

289 (l)~~(j)~~ "State agency" means a separate agency or unit of
290 state government created or established by law and includes, but
291 is not limited to, the following and the officers thereof:
292 authority, board, branch, bureau, commission, department,
293 division, institution, office, officer, or public corporation,
294 as the case may be, except any such agency or unit within the
295 legislative branch of state government other than the Florida
296 Public Service Commission.

297 (m) "Waste" means the act of using or expending resources
298 unreasonably, carelessly, extravagantly, or for no useful
299 purpose.

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



243190

301 (j) Conduct audits of local governmental entities when
302 determined to be necessary by the Auditor General, when directed
303 by the Legislative Auditing Committee, or when otherwise
304 required by law. No later than 18 months after the release of
305 the audit report, the Auditor General shall perform such
306 appropriate followup procedures as he or she deems necessary to
307 determine the audited entity's progress in addressing the
308 findings and recommendations contained within the Auditor
309 General's previous report. The Auditor General shall notify each
310 member of the audited entity's governing body and the
311 Legislative Auditing Committee of the results of his or her
312 determination. For purposes of this paragraph, local
313 governmental entities do not include water management districts.

314
315 The Auditor General shall perform his or her duties
316 independently but under the general policies established by the
317 Legislative Auditing Committee. This subsection does not limit
318 the Auditor General's discretionary authority to conduct other
319 audits or engagements of governmental entities as authorized in
320 subsection (3).

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

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

327 (x) Tourist development councils and county tourism
328 promotion agencies.

329 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—



243190

330 (i) The Auditor General shall annually transmit by July 15,
331 to the President of the Senate, the Speaker of the House of
332 Representatives, and the Department of Financial Services, a
333 list of all school districts, charter schools, charter technical
334 career centers, Florida College System institutions, state
335 universities, and local governmental entities ~~water management~~
336 ~~districts~~ that have failed to comply with the transparency
337 requirements as identified in the audit reports reviewed
338 pursuant to paragraph (b) and those conducted pursuant to
339 subsection (2).

340 Section 4. Section 20.602, Florida Statutes, is created to
341 read:

342 20.602 Standards of conduct; officers and board members of
343 Department of Economic Opportunity corporate entities.-

344 (1) The following officers and board members are subject to
345 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
346 112.3143(2):

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

348 1. Any corporation created under chapter 288;

349 2. Space Florida;

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

352 4. The Florida Housing Finance Corporation; or

353 5. Any other corporation created by the Department of
354 Economic Opportunity in accordance with its powers and duties
355 under s. 20.60.

356 (b) Officers and members of the board of directors of a
357 corporate parent or subsidiary corporation of a corporation
358 described in paragraph (a).



243190

359 (c) Officers and members of the board of directors of a
360 corporation created to carry out the missions of a corporation
361 described in paragraph (a).

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

365 (2) For purposes of applying ss. 112.313(1)-(8), (10),
366 (12), and (15); 112.3135; and 112.3143(2) to activities of the
367 officers and members of the board of directors specified in
368 subsection (1), those persons shall be considered public
369 officers or employees and the corporation shall be considered
370 their agency.

371 (3) For a period of 2 years after retirement from or
372 termination of service, or for a period of 10 years if removed
373 or terminated for cause or for misconduct, as defined in s.
374 443.036(29), an officer or a member of the board of directors
375 specified in subsection (1) may not represent another person or
376 entity for compensation before:

377 (a) His or her corporation;

378 (b) A division, a subsidiary, or the board of directors of
379 a corporation created to carry out the mission of his or her
380 corporation; or

381 (c) A corporation with which the corporation is required by
382 law to contract to carry out its missions.

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

387 Section 5. Paragraph (d) of subsection (2) of section



243190

388 28.35, Florida Statutes, is amended to read:

389 28.35 Florida Clerks of Court Operations Corporation.—

390 (2) The duties of the corporation shall include the
391 following:

392 (d) Developing and certifying a uniform system of workload
393 measures and applicable workload standards for court-related
394 functions as developed by the corporation and clerk workload
395 performance in meeting the workload performance standards. These
396 workload measures and workload performance standards shall be
397 designed to facilitate an objective determination of the
398 performance of each clerk in accordance with minimum standards
399 for fiscal management, operational efficiency, and effective
400 collection of fines, fees, service charges, and court costs. The
401 corporation shall develop the workload measures and workload
402 performance standards in consultation with the Legislature. When
403 the corporation finds a clerk has not met the workload
404 performance standards, the corporation shall identify the nature
405 of each deficiency and any corrective action recommended and
406 taken by the affected clerk of the court. For quarterly periods
407 ending on the last day of March, June, September, and December
408 of each year, the corporation shall notify the Legislature of
409 any clerk not meeting workload performance standards and provide
410 a copy of any corrective action plans. Such notifications shall
411 be submitted no later than 45 days after the end of the
412 preceding quarterly period. As used in this subsection, the
413 term:

414 1. "Workload measures" means the measurement of the
415 activities and frequency of the work required for the clerk to
416 adequately perform the court-related duties of the office as



243190

417 defined by the membership of the Florida Clerks of Court
418 Operations Corporation.

419 2. "Workload performance standards" means the standards
420 developed to measure the timeliness and effectiveness of the
421 activities that are accomplished by the clerk in the performance
422 of the court-related duties of the office as defined by the
423 membership of the Florida Clerks of Court Operations
424 Corporation.

425 Section 6. Present subsections (6) and (7) of section
426 43.16, Florida Statutes, are redesignated as subsections (7) and
427 (8), respectively, and a new subsection (6) is added to that
428 section, to read:

429 43.16 Justice Administrative Commission; membership, powers
430 and duties.—

431 (6) The commission, each state attorney, each public
432 defender, the criminal conflict and civil regional counsel, the
433 capital collateral regional counsel, and the Guardian Ad Litem
434 Program shall establish and maintain internal controls designed
435 to:

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

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

439 (c) Support economical and efficient operations.

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

441 (e) Safeguard assets.

442 Section 7. Section 112.3126, Florida Statutes, is created
443 to read:

444 112.3126 Employment restrictions; legislators.—

445 (1) As used in this section, the term "private entity"



243190

446 means any nongovernmental entity, such as a corporation,
447 partnership, company or nonprofit organization, any other legal
448 entity, or any natural person.

449 (2) (a) A member of, or candidate for, the Legislature may
450 not accept employment with a private entity that directly
451 receives funding through state revenues appropriated by the
452 General Appropriations Act if he or she knows, or with the
453 exercise of reasonable care should know, that the position is
454 being offered by the employer for the purpose of gaining
455 influence or other advantage based on the legislator's office or
456 candidacy. Any employment with a private entity that directly
457 receives funding through state revenues appropriated by the
458 General Appropriations Act accepted by a member or candidate
459 must meet all of the following conditions:

460 1. The position was already in existence or was created by
461 the employer without the knowledge or anticipation of the
462 legislator's interest in such position;

463 2. The position was open to other applicants;

464 3. The legislator was subject to the same application and
465 hiring process as other candidates for the position; and

466 4. The legislator meets or exceeds the required
467 qualifications for the position.

468 (b) A member of the Legislature who is employed by such
469 private entity before his or her legislative service begins may
470 continue his or her employment. However, he or she may not
471 accept promotion, advancement, additional compensation, or
472 anything of value that he or she knows, or with the exercise of
473 reasonable care should know, is provided or given to influence
474 or attempt to influence his or her legislative office, or that



243190

475 is otherwise inconsistent with the promotion, advancement,
476 additional compensation, or anything of value provided or given
477 an employee who is similarly situated.

478 Section 8. Subsection (7) of section 112.313, Florida
479 Statutes, is amended to read:

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

482 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

483 (a) A ~~No~~ public officer or employee of an agency may not
484 ~~shall~~ have or hold any employment or contractual relationship
485 with any business entity or any agency that ~~which~~ is subject to
486 the regulation of, or is doing business with, an agency of which
487 he or she is an officer or employee, excluding those
488 organizations and their officers who, when acting in their
489 official capacity, enter into or negotiate a collective
490 bargaining contract with the state or any municipality, county,
491 or other political subdivision of the state; and ~~nor shall~~ an
492 officer or employee of an agency may not have or hold any
493 employment or contractual relationship that will create a
494 continuing or frequently recurring conflict between his or her
495 private interests and the performance of his or her public
496 duties or that would impede the full and faithful discharge of
497 his or her public duties. For purposes of this subsection, if a
498 public officer or employee of an agency holds a controlling
499 interest in a business entity or is an officer, a director, or a
500 member who manages such an entity, contractual relationships
501 held by the business entity are deemed to be held by the public
502 officer or employee.

503 1. When the agency referred to is a ~~that certain kind of~~



243190

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

516 2. When the agency referred to is a legislative body and
517 the regulatory power over the business entity resides in another
518 agency, or when the regulatory power that ~~which~~ the legislative
519 body exercises over the business entity or agency is strictly
520 through the enactment of laws or ordinances, ~~then~~ employment or
521 a contractual relationship with such a business entity by a
522 public officer or employee of a legislative body is ~~shall~~ not ~~be~~
523 prohibited by this subsection or ~~be~~ deemed a conflict.

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

529 Section 9. Subsections (1) and (2) of section 112.3144,
530 Florida Statutes, are amended to read:

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



243190

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

545 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
546 ~~the State Constitution,~~ to file a full and public disclosure of
547 financial interests and who has filed a full and public
548 disclosure of financial interests for any calendar or fiscal
549 year is shall not ~~be~~ required to file a statement of financial
550 interests pursuant to s. 112.3145(2) and (3) for the same year
551 or for any part thereof notwithstanding any requirement of this
552 part. If an incumbent in an elective office has filed the full
553 and public disclosure of financial interests to qualify for
554 election to the same office or if a candidate for office holds
555 another office subject to the annual filing requirement, the
556 qualifying officer shall forward an electronic copy of the full
557 and public disclosure of financial interests to the commission
558 no later than July 1. The electronic copy of the full and public
559 disclosure of financial interests satisfies the annual
560 disclosure requirement of this section. A candidate who does not
561 qualify until after the annual full and public disclosure of



243190

562 financial interests has been filed pursuant to this section
563 shall file a copy of his or her disclosure with the officer
564 before whom he or she qualifies.

565 Section 10. The amendment made to s. 112.3144, Florida
566 Statutes, by this act applies to disclosures filed for the 2016
567 calendar year and all subsequent calendar years.

568 Section 11. Subsection (1) of section 112.31455, Florida
569 Statutes, is amended to read:

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

572 (1) Before referring any unpaid fine accrued pursuant to s.
573 112.3144(5) or s. 112.3145(7) to the Department of Financial
574 Services, the commission shall attempt to determine whether the
575 individual owing such a fine is a current public officer or
576 current public employee. If so, the commission may notify the
577 Chief Financial Officer or the governing body of the appropriate
578 county, municipality, school district, or special district of
579 the total amount of any fine owed to the commission by such
580 individual.

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

588 (b) The Chief Financial Officer or the governing body of
589 the county, municipality, school district, or special district
590 may retain an amount of each withheld payment, as provided in s.



243190

591 77.0305, to cover the administrative costs incurred under this
592 section.

593 Section 12. Present subsections (7) through (15) of section
594 112.3215, Florida Statutes, are renumbered as subsections (8)
595 through (16), respectively, a new subsection (7) is added to
596 that section, and paragraph (a) of present subsection (8) and
597 present subsection (11) of that section are amended, to read:

598 112.3215 Lobbying before the executive branch or the
599 Constitution Revision Commission; registration and reporting;
600 investigation by commission.—

601 (7) If a lobbying firm lobbies the Governor to approve or
602 veto any bill passed by the Legislature or a specific
603 appropriation in the General Appropriations Act, the lobbying
604 firm must file a monthly report disclosing such activity with
605 the commission.

606 (a) The monthly report must contain the same information
607 required under s. 11.045(5). The reports must be filed with the
608 commission no later than 7 business days after the end of the
609 preceding month. A lobbying firm may satisfy the filing
610 requirements of this subsection by using the form used under s.
611 11.045(5).

612 (b) The reports shall be filed even if the reporting
613 lobbying firm did not engage in any lobbying activities
614 requiring disclosure, in which the report shall be marked "not
615 applicable."

616 (c) The commission shall provide by rule the grounds for
617 waiving a fine, the procedures by which a lobbying firm that
618 fails to timely file a report shall be notified and assessed
619 finances, and the procedure for appealing the fines. The rule shall



243190

620 provide for the following:

621 1. Upon determining that the report is late, the person
622 designated to review the timeliness of reports shall immediately
623 notify the lobbying firm as to the failure to timely file the
624 report and that a fine is being assessed for each late day. The
625 fine shall be \$50 per day per report for each late day up to a
626 maximum of \$5,000 per late report.

627 2. Upon receipt of the report, the person designated to
628 review the timeliness of reports shall determine the amount of
629 the fine due based upon when a report is actually received by
630 the commission.

631 3. Such fine shall be paid within 30 days after the notice
632 of payment due is transmitted by the commission, unless appeal
633 is made to the commission. The moneys shall be deposited into
634 the Executive Branch Lobby Registration Trust Fund.

635 4. A fine may not be assessed against a lobbying firm the
636 first time any reports for which the lobbying firm is
637 responsible are not timely filed. However, to receive the one-
638 time fine waiver, all reports for which the lobbying firm is
639 responsible must be filed within 30 days after the notice that
640 any reports have not been timely filed is transmitted by the
641 commission. A fine shall be assessed for any subsequent late-
642 filed reports.

643 5. Any lobbying firm may appeal or dispute a fine, based
644 upon unusual circumstances surrounding the failure to file on
645 the designated due date, and may request and shall be entitled
646 to a hearing before the commission, which shall have the
647 authority to waive the fine in whole or in part for good cause
648 shown. Any such request shall be made within 30 days after the



243190

649 notice of payment due is transmitted by the commission. In such
650 case, the lobbying firm shall, within the 30-day period, notify
651 the person designated to review the timeliness of reports in
652 writing of his or her intention to bring the matter before the
653 commission.

654 6. The person designated to review the timeliness of
655 reports shall notify the commission of the failure of a lobbying
656 firm to file a report after notice or of the failure of a
657 lobbying firm to pay the fine imposed. All lobbyist
658 registrations for lobbyists who are partners, owners, officers,
659 or employees of a lobbying firm that fails to timely pay a fine
660 are automatically suspended until the fine is paid or waived,
661 and the commission shall promptly notify all affected principals
662 of each suspension and each reinstatement.

663 7. Notwithstanding any provision of chapter 120, any fine
664 imposed under this subsection that is not waived by final order
665 of the commission and that remains unpaid more than 60 days
666 after the notice of payment due or more than 60 days after the
667 commission renders a final order on the lobbying firm's appeal
668 shall be collected by the Department of Financial Services as a
669 claim, debt, or other obligation owed to the state, and the
670 department may assign the collection of such fine to a
671 collection agent as provided in s. 17.20.

672 (9) (a) ~~(8) (a)~~ The commission shall investigate every sworn
673 complaint that is filed with it alleging that a person covered
674 by this section has failed to register, has failed to submit a
675 compensation report, has made a prohibited expenditure, has
676 failed to file a report required by subsection (7), or has
677 knowingly submitted false information in any report or



243190

678 registration required in this section.

679 (12)~~(11)~~ Any person who is required to be registered or to
680 provide information under this section or under rules adopted
681 pursuant to this section and who knowingly fails to disclose any
682 material fact that is required by this section or by rules
683 adopted pursuant to this section, or who knowingly provides
684 false information on any report required by this section or by
685 rules adopted pursuant to this section, commits a noncriminal
686 infraction, punishable by a fine not to exceed \$5,000. Such
687 penalty is in addition to any other penalty assessed by the
688 Governor and Cabinet pursuant to subsection (11) ~~(10)~~.

689 Section 13. Section 112.3261, Florida Statutes, is amended
690 to read:

691 112.3261 Lobbying before governmental entities ~~water~~
692 ~~management districts~~; registration and reporting.—

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

694 (a) "Governmental entity" or "entity" ~~"District"~~ means a
695 water management district created in s. 373.069 and operating
696 under the authority of chapter 373, a hospital district, a
697 children's services district, an expressway authority as the
698 term "authority" is defined in s. 348.0002, the term "port
699 authority" as defined in s. 315.02, a county or municipality
700 that has not adopted lobbyist registration and reporting
701 requirements, or an independent special district with annual
702 revenues of more than \$5 million which exercises ad valorem
703 taxing authority.

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



243190

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

711 (c) "Lobbyist" has the same meaning as provided in s.
712 112.3215.

713 (d) "Principal" has the same meaning as provided in s.
714 112.3215.

715 (2) A person may not lobby a governmental entity ~~district~~
716 until such person has registered as a lobbyist with that entity
717 ~~district~~. Such registration shall be due upon initially being
718 retained to lobby and is renewable on a calendar-year basis
719 thereafter. Upon registration, the person shall provide a
720 statement signed by the principal or principal's representative
721 stating that the registrant is authorized to represent the
722 principal. The principal shall also identify and designate its
723 main business on the statement authorizing that lobbyist
724 pursuant to a classification system approved by the governmental
725 entity ~~district~~. Any changes to the information required by this
726 section must be disclosed within 15 days by filing a new
727 registration form. The registration form must ~~shall~~ require each
728 lobbyist to disclose, under oath, the following:

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

730 (b) The name and business address of each principal
731 represented.

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



243190

736 (d) A governmental entity shall create a lobbyist
737 registration form modeled after the ~~In lieu of creating its own~~
738 ~~lobbyist registration forms, a district may accept a completed~~
739 legislative branch or executive branch lobbyist registration
740 form, which must be returned to the governmental entity.

741 (3) A governmental entity ~~district~~ shall make lobbyist
742 registrations available to the public. If a governmental entity
743 ~~district~~ maintains a website, a database of currently registered
744 lobbyists and principals must be available on the entity's
745 ~~district's~~ website.

746 (4) A lobbyist shall promptly send a written statement to
747 the governmental entity ~~district~~ canceling the registration for
748 a principal upon termination of the lobbyist's representation of
749 that principal. A governmental entity ~~district~~ may remove the
750 name of a lobbyist from the list of registered lobbyists if the
751 principal notifies the entity ~~district~~ that a person is no
752 longer authorized to represent that principal.

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

757 (6) A governmental entity ~~district~~ shall be diligent to
758 ascertain whether persons required to register pursuant to this
759 section have complied. A governmental entity ~~district~~ may not
760 knowingly authorize a person who is not registered pursuant to
761 this section to lobby the entity ~~district~~.

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



243190

765 a report or registration required under this section, the
766 commission shall investigate a lobbyist or principal pursuant to
767 the procedures established under s. 112.324. The commission
768 shall provide the Governor with a report of its findings and
769 recommendations in any investigation conducted pursuant to this
770 subsection. The Governor is authorized to enforce the
771 commission's findings and recommendations.

772 (8) A governmental entity ~~Water management districts~~ may
773 adopt rules to establish procedures to govern the registration
774 of lobbyists, including the adoption of forms and the
775 establishment of a lobbyist registration fee.

776 Section 14. Paragraph (c) of subsection (3) of section
777 129.03, Florida Statutes, is amended to read:

778 129.03 Preparation and adoption of budget.—

779 (3) The county budget officer, after tentatively
780 ascertaining the proposed fiscal policies of the board for the
781 next fiscal year, shall prepare and present to the board a
782 tentative budget for the next fiscal year for each of the funds
783 provided in this chapter, including all estimated receipts,
784 taxes to be levied, and balances expected to be brought forward
785 and all estimated expenditures, reserves, and balances to be
786 carried over at the end of the year.

787 (c) The board shall hold public hearings to adopt tentative
788 and final budgets pursuant to s. 200.065. The hearings shall be
789 primarily for the purpose of hearing requests and complaints
790 from the public regarding the budgets and the proposed tax
791 levies and for explaining the budget and any proposed or adopted
792 amendments. The tentative budget must be posted on the county's
793 official website at least 2 days before the public hearing to



243190

794 consider such budget and must remain on the website for at least
795 45 days. The final budget must be posted on the website within
796 30 days after adoption and must remain on the website for at
797 least 2 years. The tentative budgets, adopted tentative budgets,
798 and final budgets shall be filed in the office of the county
799 auditor as a public record. Sufficient reference in words and
800 figures to identify the particular transactions must ~~shall~~ be
801 made in the minutes of the board to record its actions with
802 reference to the budgets.

803 Section 15. Paragraph (f) of subsection (2) of section
804 129.06, Florida Statutes, is amended to read:

805 129.06 Execution and amendment of budget.—

806 (2) The board at any time within a fiscal year may amend a
807 budget for that year, and may within the first 60 days of a
808 fiscal year amend the budget for the prior fiscal year, as
809 follows:

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

815 1. The public hearing must be advertised at least 2 days,
816 but not more than 5 days, before the date of the hearing. The
817 advertisement must appear in a newspaper of paid general
818 circulation and must identify the name of the taxing authority,
819 the date, place, and time of the hearing, and the purpose of the
820 hearing. The advertisement must also identify each budgetary
821 fund to be amended, the source of the funds, the use of the
822 funds, and the total amount of each fund's appropriations.



243190

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

827 Section 16. Subsections (3) and (5) of section 166.241,
828 Florida Statutes, are amended to read:

829 166.241 Fiscal years, budgets, and budget amendments.—

830 (3) The tentative budget must be posted on the
831 municipality's official website at least 2 days before the
832 budget hearing, held pursuant to s. 200.065 or other law, to
833 consider such budget, and must remain on the website for at
834 least 45 days. The final adopted budget must be posted on the
835 municipality's official website within 30 days after adoption
836 and must remain on the website for at least 2 years. If the
837 municipality does not operate an official website, the
838 municipality must, within a reasonable period of time as
839 established by the county or counties in which the municipality
840 is located, transmit the tentative budget and final budget to
841 the manager or administrator of such county or counties who
842 shall post the budgets on the county's website.

843 (5) If the governing body of a municipality amends the
844 budget pursuant to paragraph (4) (c), the adopted amendment must
845 be posted on the official website of the municipality within 5
846 days after adoption and must remain on the website for at least
847 2 years. If the municipality does not operate an official
848 website, the municipality must, within a reasonable period of
849 time as established by the county or counties in which the
850 municipality is located, transmit the adopted amendment to the
851 manager or administrator of such county or counties who shall



243190

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

853 Section 17. Subsections (4) and (7) of section 189.016,
854 Florida Statutes, are amended to read:

855 189.016 Reports; budgets; audits.-

856 (4) The tentative budget must be posted on the special
857 district's official website at least 2 days before the budget
858 hearing, held pursuant to s. 200.065 or other law, to consider
859 such budget, and must remain on the website for at least 45
860 days. The final adopted budget must be posted on the special
861 district's official website within 30 days after adoption and
862 must remain on the website for at least 2 years. If the special
863 district does not operate an official website, the special
864 district must, within a reasonable period of time as established
865 by the local general-purpose government or governments in which
866 the special district is located or the local governing authority
867 to which the district is dependent, transmit the tentative
868 budget or final budget to the manager or administrator of the
869 local general-purpose government or the local governing
870 authority. The manager or administrator shall post the tentative
871 budget or final budget on the website of the local general-
872 purpose government or governing authority. This subsection and
873 subsection (3) do not apply to water management districts as
874 defined in s. 373.019.

875 (7) If the governing body of a special district amends the
876 budget pursuant to paragraph (6)(c), the adopted amendment must
877 be posted on the official website of the special district within
878 5 days after adoption and must remain on the website for at
879 least 2 years. If the special district does not operate an
880 official website, the special district must, within a reasonable



243190

881 period of time as established by the local general-purpose
882 government or governments in which the special district is
883 located or the local governing authority to which the district
884 is dependent, transmit the adopted amendment to the manager or
885 administrator of the local general-purpose government or
886 governing authority. The manager or administrator shall post the
887 adopted amendment on the website of the local general-purpose
888 government or governing authority.

889 Section 18. Present subsections (1) through (5) of section
890 215.425, Florida Statutes, are renumbered as subsections (2)
891 through (6), respectively, present subsection (2) and paragraph
892 (a) of present subsection (4) of that section are amended, and a
893 new subsection (1) and subsections (7) through (13) are added to
894 that section, to read:

895 215.425 Extra compensation claims prohibited; bonuses;
896 severance pay.—

897 (1) As used in this section, the term "public funds" means
898 any taxes, tuition, grants, fines, fees, or other charges or any
899 other type of revenue collected by the state or any county,
900 municipality, special district, school district, Florida College
901 System institution, state university, or other separate unit of
902 government created pursuant to law, including any office,
903 department, agency, division, subdivision, political
904 subdivision, board, bureau, or commission of such entities.

905 (3)~~(2)~~ Notwithstanding subsection (2), if the payment and
906 receipt does not otherwise violate part III of chapter 112, the
907 following funds may be used to provide extra compensation or
908 severance pay in excess of the amount specified in subparagraph
909 (5) (a) 1.:



910 (a) Revenues received by state universities through or from
911 faculty practice plans; health services support organizations;
912 hospitals with which state universities are affiliated; direct-
913 support organizations; or federal, auxiliary, or private
914 sources, except for tuition.

915 (b) Revenues received by Florida College System
916 institutions through or from faculty practice plans; health
917 services support organizations; direct-support organizations; or
918 federal, auxiliary, or private sources, except for tuition.

919 (c) Revenues that are received by a hospital licensed under
920 chapter 395 which has entered into a Medicaid provider contract
921 and that:

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

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

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

927 4. Are not appropriated by the Legislature or by any
928 county, municipality, special district, school district, Florida
929 College System institution, state university, or other separate
930 unit of government created pursuant to law, including any
931 office, department, agency, division, subdivision, political
932 subdivision, board, bureau, commission, authority, or
933 institution of such entities, except for revenues otherwise
934 authorized to be used pursuant to subparagraphs 2. and 3. ~~This~~
935 section does not apply to:

936 ~~(a) a bonus or severance pay that is paid wholly from~~
937 ~~nontax revenues and nonstate-appropriated funds, the payment and~~
938 ~~receipt of which does not otherwise violate part III of chapter~~



243190

939 ~~112, and which is paid to an officer, agent, employee, or~~
940 ~~contractor of a public hospital that is operated by a county or~~
941 ~~a special district; or~~

942 (d)(b) A clothing and maintenance allowance given to
943 plainclothes deputies pursuant to s. 30.49.

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

947 (5)(a)(4)(a) ~~On or after July 1, 2011,~~ A unit of
948 government, on or after July 1, 2011, or a state university, on
949 or after July 1, 2012, that is a party to ~~enters into~~ a contract
950 or employment agreement, or renewal or renegotiation of an
951 existing contract or employment agreement, that contains a
952 provision for severance pay with an officer, agent, employee, or
953 contractor must include the following provisions in the
954 contract:

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

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

962 (7) Upon discovery or notification that a unit of
963 government has provided prohibited compensation to any officer,
964 agent, employee, or contractor in violation of this section,
965 such unit of government shall investigate and take all necessary
966 action to recover the prohibited compensation.

967 (a) If the violation was unintentional, the unit of



243190

968 government shall recover the prohibited compensation from the
969 individual receiving the prohibited compensation through normal
970 recovery methods for overpayments.

971 (b) If the violation was willful, the unit of government
972 shall recover the prohibited compensation from either the
973 individual receiving the prohibited compensation or the
974 individual or individuals responsible for approving the
975 prohibited compensation. Each individual determined to have
976 willfully violated this section is jointly and severally liable
977 for repayment of the prohibited compensation.

978 (8) A person who willfully violates this section commits a
979 misdemeanor of the first degree, punishable as provided in s.
980 775.082 or s. 775.083.

981 (9) An officer who exercises the powers and duties of a
982 state or county officer and willfully violates this section is
983 subject to the Governor's power under s. 7(a), Art. IV of the
984 State Constitution. An officer who exercises powers and duties
985 other than those of a state or county officer and willfully
986 violates this section is subject to the suspension and removal
987 procedures under s. 112.51.

988 (10) (a) A person who reports a violation of this section is
989 eligible for a reward of at least \$500, or the lesser of 10
990 percent of the funds recovered or \$10,000 per incident of a
991 prohibited compensation payment recovered by the unit of
992 government, depending upon the extent to which the person
993 substantially contributed to the discovery, notification, and
994 recovery of such prohibited payment.

995 (b) In the event that the recovery of the prohibited
996 compensation is based primarily on disclosures of specific



243190

997 information, other than information provided by such person,
998 relating to allegations or transactions in a criminal, civil, or
999 administrative hearing; in a legislative, administrative,
1000 inspector general, or other government report; in an auditor
1001 general report, hearing, audit, or investigation; or from the
1002 news media, such person is not eligible for a reward, or for an
1003 award of a portion of the proceeds or payment of attorney fees
1004 and costs pursuant to s. 68.085.

1005 (c) If it is determined that the person who reported a
1006 violation of this section was involved in the authorization,
1007 approval, or receipt of the prohibited compensation or is
1008 convicted of criminal conduct arising from his or her role in
1009 the authorization, approval, or receipt of the prohibited
1010 compensation, such person is not eligible for a reward, or for
1011 an award of a portion of the proceeds or payment of attorney
1012 fees and costs pursuant to s. 68.085.

1013 (11) An employee who is discharged, demoted, suspended,
1014 threatened, harassed, or in any manner discriminated against in
1015 the terms and conditions of employment by his or her employer
1016 because of lawful acts done by the employee on behalf of the
1017 employee or others in furtherance of an action under this
1018 section, including investigation for initiation of, testimony
1019 for, or assistance in an action filed or to be filed under this
1020 section, has a cause of action under s. 112.3187.

1021 (12) If the unit of government fails to recover prohibited
1022 compensation for a willful violation of this section upon
1023 discovery and notification of such prohibited payment within 90
1024 days, a cause of action may be brought to:

1025 (a) Recover state funds in accordance with ss. 68.082 and



243190

1026 68.083.

1027 (b) Recover other funds by the Department of Legal Affairs
1028 using the procedures set forth in ss. 68.082 and 68.083, except
1029 that venue shall lie in the circuit court of the county in which
1030 the unit of government is located.

1031 (c) Recover other funds by a person using the procedures
1032 set forth in ss. 68.082 and 68.083, except that venue shall lie
1033 in the circuit court of the county in which the unit of
1034 government is located.

1035 (13) Subsections (7)-(12) apply prospectively to contracts
1036 or employment agreements, or the renewal or renegotiation of an
1037 existing contract or employment agreement, effective on or after
1038 October 1, 2016.

1039 Section 19. Section 215.86, Florida Statutes, is amended to
1040 read:

1041 215.86 Management systems and controls.—Each state agency
1042 and the judicial branch as defined in s. 216.011 shall establish
1043 and maintain management systems and internal controls designed
1044 to:

1045 (1) Prevent and detect fraud, waste, and abuse. ~~that~~

1046 (2) Promote and encourage compliance with applicable laws,
1047 rules, contracts, grant agreements, and best practices.†

1048 (3) Support economical and ~~economic,~~ efficient, ~~and~~
1049 effective operations.†

1050 (4) Ensure reliability of financial records and reports.†

1051 (5) Safeguard ~~and safeguarding of~~ assets. Accounting
1052 systems and procedures shall be designed to fulfill the
1053 requirements of generally accepted accounting principles.

1054 Section 20. Paragraph (a) of subsection (2) of section



243190

1055 215.97, Florida Statutes, is amended to read:
1056 215.97 Florida Single Audit Act.—
1057 (2) Definitions; as used in this section, the term:
1058 (a) "Audit threshold" means the threshold amount used to
1059 determine when a state single audit or project-specific audit of
1060 a nonstate entity shall be conducted in accordance with this
1061 section. Each nonstate entity that expends a total amount of
1062 state financial assistance equal to or in excess of \$750,000
1063 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
1064 required to have a state single audit~~,~~ or a project-specific
1065 audit~~,~~ for such fiscal year in accordance with the requirements
1066 of this section. ~~Every 2 years the Auditor General,~~ After
1067 consulting with the Executive Office of the Governor, the
1068 Department of Financial Services, and all state awarding
1069 agencies, the Auditor General shall periodically review the
1070 threshold amount for requiring audits under this section and may
1071 recommend any appropriate statutory change to revise the
1072 threshold amount in the annual report submitted pursuant to s.
1073 11.45(7)(h) to the Legislature ~~may adjust such threshold amount~~
1074 ~~consistent with the purposes of this section.~~
1075 Section 21. Subsection (11) of section 215.985, Florida
1076 Statutes, is amended to read:
1077 215.985 Transparency in government spending.—
1078 (11) Each water management district shall provide a monthly
1079 financial statement in the form and manner prescribed by the
1080 Department of Financial Services to the district's ~~its~~ governing
1081 board and make such monthly financial statement available for
1082 public access on its website.
1083 Section 22. Paragraph (d) of subsection (1) and subsection



243190

1084 (2) of section 218.32, Florida Statutes, are amended to read:
1085 218.32 Annual financial reports; local governmental
1086 entities.—

1087 (1)

1088 (d) Each local governmental entity that is required to
1089 provide for an audit under s. 218.39(1) must submit a copy of
1090 the audit report and annual financial report to the department
1091 within 45 days after the completion of the audit report but no
1092 later than 9 months after the end of the fiscal year. In
1093 conducting an audit of a local governmental entity pursuant to
1094 s. 218.39, an independent certified public accountant shall
1095 determine whether the entity's annual financial report is in
1096 agreement with the audited financial statements. The
1097 accountant's audit report must be supported by the same level of
1098 detail as required for the annual financial report. If the
1099 accountant's audit report is not in agreement with the annual
1100 financial report, the accountant shall specify and explain the
1101 significant differences that exist between the annual financial
1102 report and the audit report.

1103 (2) The department shall annually by December 1 file a
1104 verified report with the Governor, the Legislature, the Auditor
1105 General, and the Special District Accountability Program of the
1106 Department of Economic Opportunity showing the revenues, both
1107 locally derived and derived from intergovernmental transfers,
1108 and the expenditures of each local governmental entity, regional
1109 planning council, local government finance commission, and
1110 municipal power corporation that is required to submit an annual
1111 financial report. In preparing the verified report, the
1112 department may request additional information from the local



243190

1113 governmental entity. The information requested must be provided
1114 to the department within 45 days after the request. If the local
1115 governmental entity does not comply with the request, the
1116 department shall notify the Legislative Auditing Committee,
1117 which may take action pursuant to s. 11.40(2). The report must
1118 include, but is not limited to:

1119 (a) The total revenues and expenditures of each local
1120 governmental entity that is a component unit included in the
1121 annual financial report of the reporting entity.

1122 (b) The amount of outstanding long-term debt by each local
1123 governmental entity. For purposes of this paragraph, the term
1124 "long-term debt" means any agreement or series of agreements to
1125 pay money, which, at inception, contemplate terms of payment
1126 exceeding 1 year in duration.

1127 Section 23. Present subsection (3) of section 218.33,
1128 Florida Statutes, is redesignated as subsection (4), and a new
1129 subsection (3) is added to that section, to read:

1130 218.33 Local governmental entities; establishment of
1131 uniform fiscal years and accounting practices and procedures.—

1132 (3) Each local governmental entity shall establish and
1133 maintain internal controls designed to:

1134 (a) Prevent and detect fraud, waste, and abuse.

1135 (b) Promote and encourage compliance with applicable laws,
1136 rules, contracts, grant agreements, and best practices.

1137 (c) Support economical and efficient operations.

1138 (d) Ensure reliability of financial records and reports.

1139 (e) Safeguard assets.

1140 Section 24. Present subsections (8) through (12) of section
1141 218.39, Florida Statutes, are redesignated as subsections (9)



243190

1142 through (13), respectively, and a new subsection (8) is added to
1143 that section, to read:

1144 218.39 Annual financial audit reports.—

1145 (8) If the audit report includes a recommendation that was
1146 included in the preceding financial audit report but remains
1147 unaddressed, the governing body of the audited entity, within 60
1148 days after the delivery of the audit report to the governing
1149 body, shall indicate during a regularly scheduled public meeting
1150 whether it intends to take corrective action, the intended
1151 corrective action, and the timeframe for the corrective action.
1152 If the governing body indicates that it does not intend to take
1153 corrective action, it shall explain its decision at the public
1154 meeting.

1155 Section 25. Subsection (2) of section 218.391, Florida
1156 Statutes, is amended, and subsection (9) is added to that
1157 section, to read:

1158 218.391 Auditor selection procedures.—

1159 (2) The governing body of a ~~charter~~ county, municipality,
1160 special district, district school board, charter school, or
1161 charter technical career center shall establish an audit
1162 committee.

1163 (a) The audit committee for a county ~~Each noncharter county~~
1164 ~~shall establish an audit committee that,~~ at a minimum, shall
1165 consist of each of the county officers elected pursuant to the
1166 county charter or s. 1(d), Art. VIII of the State Constitution,
1167 or their respective designees ~~a designee,~~ and one member of the
1168 board of county commissioners or its designee.

1169 (b) The audit committee for a municipality, special
1170 district, district school board, charter school, or charter



1171 technical career center shall consist of at least three members.
1172 One member of the audit committee must be a member of the
1173 governing body of an entity specified in this paragraph, who
1174 shall also serve as the chair of the committee.

1175 (c) An employee, chief executive officer, or chief
1176 financial officer of the county, municipality, special district,
1177 district school board, charter school, or charter technical
1178 career center may not serve as a member of an audit committee
1179 established under this subsection.

1180 (d) The primary purpose of the audit committee is to assist
1181 the governing body in selecting an auditor to conduct the annual
1182 financial audit required in s. 218.39; however, the audit
1183 committee may serve other audit oversight purposes as determined
1184 by the entity's governing body. The public ~~may~~ shall not be
1185 excluded from the proceedings under this section.

1186 (9) An audit report submitted pursuant to s. 218.39 must
1187 include an affidavit executed by the chair of the audit
1188 committee affirming that the committee complied with the
1189 requirements of subsections (3)-(6) in selecting an auditor. If
1190 the Auditor General determines that an entity failed to comply
1191 with the requirements of subsections (3)-(6) in selecting an
1192 auditor, the entity shall select a replacement auditor in
1193 accordance with this section to conduct audits for subsequent
1194 fiscal years if the original audit was performed under a
1195 multiyear contract. If the replacement of an auditor would
1196 preclude the entity from timely completing the annual financial
1197 audit required by s. 218.39, the entity shall replace an auditor
1198 in accordance with this section for the subsequent annual
1199 financial audit. A multiyear contract between an entity or an



243190

1200 auditor may not prohibit or restrict an entity from complying
1201 with this subsection.

1202 Section 26. Subsection (2) of section 286.0114, Florida
1203 Statutes, is amended to read:

1204 286.0114 Public meetings; reasonable opportunity to be
1205 heard; attorney fees.—

1206 (2) Members of the public shall be given a reasonable
1207 opportunity to be heard on a proposition before a board or
1208 commission. The opportunity to be heard need not occur at the
1209 same meeting at which the board or commission takes official
1210 action on the proposition if the opportunity occurs at a meeting
1211 that is during the decisionmaking process and is within
1212 reasonable proximity in time before the meeting at which the
1213 board or commission takes the official action. A board or
1214 commission may not require a member of the public to provide an
1215 advance written copy of his or her testimony or comments as a
1216 precondition of being given the opportunity to be heard at a
1217 meeting. This section does not prohibit a board or commission
1218 from maintaining orderly conduct or proper decorum in a public
1219 meeting. The opportunity to be heard is subject to rules or
1220 policies adopted by the board or commission, as provided in
1221 subsection (4).

1222 Section 27. Paragraph (b) of subsection (2) of section
1223 288.92, Florida Statutes, is amended to read:

1224 288.92 Divisions of Enterprise Florida, Inc.—

1225 (2)

1226 (b)1. The following officers and board members are subject
1227 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1228 112.3143(2):



243190

1229 a. Officers and members of the board of directors of the
1230 divisions of Enterprise Florida, Inc.

1231 b. Officers and members of the board of directors of
1232 subsidiaries of Enterprise Florida, Inc.

1233 c. Officers and members of the board of directors of
1234 corporations created to carry out the missions of Enterprise
1235 Florida, Inc.

1236 d. Officers and members of the board of directors of
1237 corporations with which a division is required by law to
1238 contract to carry out its missions.

1239 2. For a period of 2 years after retirement from or
1240 termination of service to a division, or for a period of 10
1241 years if removed or terminated for cause or for misconduct, as
1242 defined in s. 443.036(29), the officers and board members
1243 specified in subparagraph 1. may not represent another person or
1244 entity for compensation before:

1245 a. Enterprise Florida, Inc.;

1246 b. A division, a subsidiary, or the board of directors of
1247 corporations created to carry out the missions of Enterprise
1248 Florida, Inc.; or

1249 c. A division with which Enterprise Florida, Inc., is
1250 required by law to contract to carry out its missions.

1251 ~~3.2~~ For purposes of applying ss. 112.313(1)-(8), (10),
1252 (12), and (15); 112.3135; and 112.3143(2) to activities of the
1253 officers and members of the board of directors specified in
1254 subparagraph 1., those persons shall be considered public
1255 officers or employees and the corporation shall be considered
1256 their agency.

1257 ~~4.3~~ It is not a violation of s. 112.3143(2) or (4) for the



243190

1258 officers or members of the board of directors of the Florida
1259 Tourism Industry Marketing Corporation to:

1260 a. Vote on the 4-year marketing plan required under s.
1261 288.923 or vote on any individual component of or amendment to
1262 the plan.

1263 b. Participate in the establishment or calculation of
1264 payments related to the private match requirements of s.
1265 288.904(3). The officer or member must file an annual disclosure
1266 describing the nature of his or her interests or the interests
1267 of his or her principals, including corporate parents and
1268 subsidiaries of his or her principal, in the private match
1269 requirements. This annual disclosure requirement satisfies the
1270 disclosure requirement of s. 112.3143(4). This disclosure must
1271 be placed ~~either~~ on the Florida Tourism Industry Marketing
1272 Corporation's website or included in the minutes of each meeting
1273 of the Florida Tourism Industry Marketing Corporation's board of
1274 directors at which the private match requirements are discussed
1275 or voted upon.

1276 Section 28. Paragraph (a) of subsection (3) of section
1277 288.9604, Florida Statutes, is amended to read:

1278 288.9604 Creation of the authority.—

1279 (3)(a)1. A director may not receive compensation for his or
1280 her services, but is entitled to necessary expenses, including
1281 travel expenses, incurred in the discharge of his or her duties.
1282 Each director shall hold office until his or her successor has
1283 been appointed.

1284 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
1285 and (15); 112.3135; and 112.3143(2). For purposes of applying
1286 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and



243190

1287 112.3143(2) to activities of directors, directors shall be
1288 considered public officers and the corporation shall be
1289 considered their agency.

1290 3. A director of the corporation may not represent another
1291 person or entity for compensation before the corporation for a
1292 period of 2 years following his or her service on the board of
1293 directors.

1294 Section 29. Paragraph (e) of subsection (4), paragraph (d)
1295 of subsection (5), and paragraph (d) of subsection (6) of
1296 section 373.536, Florida Statutes, are amended to read:

1297 373.536 District budget and hearing thereon.—

1298 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1299 (e) ~~By September 1, 2012,~~ Each district shall provide a
1300 monthly financial statement in the form and manner prescribed by
1301 the Department of Financial Services to the district's governing
1302 board and make such monthly financial statement available for
1303 public access on its website.

1304 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
1305 APPROVAL.—

1306 (d) Each district shall, by August 1 of each year, submit
1307 for review a tentative budget and a description of any
1308 significant changes from the preliminary budget submitted to the
1309 Legislature pursuant to s. 373.535 to the Governor, the
1310 President of the Senate, the Speaker of the House of
1311 Representatives, the chairs of all legislative committees and
1312 subcommittees having substantive or fiscal jurisdiction over
1313 water management districts, as determined by the President of
1314 the Senate or the Speaker of the House of Representatives, as
1315 applicable, the secretary of the department, and the governing



243190

1316 body of each county in which the district has jurisdiction or
1317 derives any funds for the operations of the district. The
1318 tentative budget must be posted on the district's official
1319 website at least 2 days before budget hearings held pursuant to
1320 s. 200.065 or other law and must remain on the website for at
1321 least 45 days.

1322 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1323 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1324 (d) The final adopted budget must be posted on the water
1325 management district's official website within 30 days after
1326 adoption and must remain on the website for at least 2 years.

1327 Section 30. Subsection (7) of section 838.014, Florida
1328 Statutes, is renumbered as subsection (8), present subsections
1329 (4) and (6) are amended, and a new subsection (6) is added to
1330 that section, to read:

1331 838.014 Definitions.—As used in this chapter, the term:

1332 (4) "Governmental entity" means an agency or entity of the
1333 state, a county, municipality, or special district or any other
1334 public entity created or authorized by law ~~"Corruptly" or "with~~
1335 ~~corrupt intent" means acting knowingly and dishonestly for a~~
1336 ~~wrongful purpose.~~

1337 (6) "Public contractor" means, for purposes of ss. 838.022
1338 and 838.22 only:

1339 (a) Any person, as defined in s. 1.01(3), who has entered
1340 into a contract with a governmental entity; or

1341 (b) Any officer or employee of a person, as defined in s.
1342 1.01(3), who has entered into a contract with a governmental
1343 entity.

1344 (7)~~(6)~~ "Public servant" means:



243190

1345 (a) Any officer or employee of a governmental state,
1346 ~~county, municipal, or special district agency or entity,~~
1347 including

1348 ~~(b)~~ any executive, legislative, or judicial branch officer
1349 or employee;

1350 ~~(b)(e)~~ Any person, except a witness, who acts as a general
1351 or special magistrate, receiver, auditor, arbitrator, umpire,
1352 referee, consultant, or hearing officer while performing a
1353 governmental function; or

1354 ~~(c)(d)~~ A candidate for election or appointment to any of
1355 the officer positions listed in this subsection, or an
1356 individual who has been elected to, but has yet to officially
1357 assume the responsibilities of, public office.

1358 Section 31. Subsection (1) of section 838.015, Florida
1359 Statutes, is amended to read:

1360 838.015 Bribery.—

1361 (1) "Bribery" means ~~corruptly~~ to knowingly and
1362 intentionally give, offer, or promise to any public servant, or,
1363 if a public servant, ~~corruptly~~ to knowingly and intentionally
1364 request, solicit, accept, or agree to accept for himself or
1365 herself or another, any pecuniary or other benefit not
1366 authorized by law with an intent or purpose to influence the
1367 performance of any act or omission which the person believes to
1368 be, or the public servant represents as being, within the
1369 official discretion of a public servant, in violation of a
1370 public duty, or in performance of a public duty.

1371 Section 32. Subsections (1) and (2) of section 838.016,
1372 Florida Statutes, are amended to read:

1373 838.016 Unlawful compensation or reward for official



243190

1374 behavior.-

1375 (1) It is unlawful for any person ~~corruptly~~ to knowingly
1376 and intentionally give, offer, or promise to any public servant,
1377 or, if a public servant, ~~corruptly~~ to knowingly and
1378 intentionally request, solicit, accept, or agree to accept, any
1379 pecuniary or other benefit not authorized by law, for the past,
1380 present, or future performance, nonperformance, or violation of
1381 any act or omission which the person believes to have been, or
1382 the public servant represents as having been, either within the
1383 official discretion of the public servant, in violation of a
1384 public duty, or in performance of a public duty. This section
1385 does not ~~Nothing herein shall be construed to~~ preclude a public
1386 servant from accepting rewards for services performed in
1387 apprehending any criminal.

1388 (2) It is unlawful for any person ~~corruptly~~ to knowingly
1389 and intentionally give, offer, or promise to any public servant,
1390 or, if a public servant, ~~corruptly~~ to knowingly and
1391 intentionally request, solicit, accept, or agree to accept, any
1392 pecuniary or other benefit not authorized by law for the past,
1393 present, or future exertion of any influence upon or with any
1394 other public servant regarding any act or omission which the
1395 person believes to have been, or which is represented to him or
1396 her as having been, either within the official discretion of the
1397 other public servant, in violation of a public duty, or in
1398 performance of a public duty.

1399 Section 33. Subsection (1) of section 838.022, Florida
1400 Statutes, is amended, and subsection (2) of that section is
1401 republished, to read:

1402 838.022 Official misconduct.-



243190

1403 (1) It is unlawful for a public servant or public
1404 contractor, ~~with corrupt intent~~ to knowingly and intentionally
1405 obtain a benefit for any person or to cause unlawful harm to
1406 another, by ~~to~~:

1407 (a) Falsifying ~~Falsify~~, or causing ~~cause~~ another person to
1408 falsify, any official record or official document;

1409 (b) Concealing, covering up, destroying, mutilating, or
1410 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
1411 official record or official document, except as authorized by
1412 law or contract, or causing ~~cause~~ another person to perform such
1413 an act; or

1414 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~
1415 ~~or prevent~~ the communication of information relating to the
1416 commission of a felony that directly involves or affects the
1417 government ~~public agency or public~~ entity served by the public
1418 servant or public contractor.

1419 (2) For the purposes of this section:

1420 (a) The term "public servant" does not include a candidate
1421 who does not otherwise qualify as a public servant.

1422 (b) An official record or official document includes only
1423 public records.

1424 Section 34. Section 838.22, Florida Statutes, is amended to
1425 read:

1426 838.22 Bid tampering.—

1427 (1) It is unlawful for a public servant or a public
1428 contractor who has contracted with a governmental entity to
1429 assist in a competitive procurement, ~~with corrupt intent~~ to
1430 knowingly and intentionally influence or attempt to influence
1431 the competitive solicitation ~~bidding process~~ undertaken by any



243190

1432 ~~governmental state, county, municipal, or special district~~
1433 ~~agency, or any other public entity,~~ for the procurement of
1434 commodities or services, by ~~to~~:

1435 (a) Disclosing, except as authorized by law, ~~Disclose~~
1436 material information concerning a vendor's response, any
1437 evaluation results, ~~bid~~ or other aspects of the competitive
1438 solicitation bidding process when such information is not
1439 publicly disclosed.

1440 (b) Altering or amending ~~Alter or amend~~ a submitted
1441 response bid, documents or other materials supporting a
1442 submitted response bid, or any evaluation bid results relating
1443 to the competitive solicitation for the purpose of intentionally
1444 providing a competitive advantage to any person who submits a
1445 response bid.

1446 (2) It is unlawful for a public servant or a public
1447 contractor who has contracted with a governmental entity to
1448 assist in a competitive procurement, ~~with corrupt intent~~ to
1449 knowingly and intentionally obtain a benefit for any person or
1450 to cause unlawful harm to another by circumventing, ~~to~~
1451 ~~circumvent~~ a competitive solicitation bidding process required
1452 by law or rule through the use of ~~by using~~ a sole-source
1453 contract for commodities or services.

1454 (3) It is unlawful for any person to knowingly agree,
1455 conspire, combine, or confederate, directly or indirectly, with
1456 a public servant or a public contractor who has contracted with
1457 a governmental entity to assist in a competitive procurement to
1458 violate subsection (1) or subsection (2).

1459 (4) It is unlawful for any person to knowingly enter into a
1460 contract for commodities or services which was secured by a



243190

1461 public servant or a public contractor who has contracted with a
1462 governmental entity to assist in a competitive procurement
1463 acting in violation of subsection (1) or subsection (2).

1464 (5) Any person who violates this section commits a felony
1465 of the second degree, punishable as provided in s. 775.082, s.
1466 775.083, or s. 775.084.

1467 Section 35. Present subsections (6) through (10) of section
1468 1002.37, Florida Statutes, are redesignated as subsections (7)
1469 through (11), respectively, a new subsection (6) is added to
1470 that section, and present subsections (6) and (11) of that
1471 section are amended, to read:

1472 1002.37 The Florida Virtual School.—

1473 (6) The Florida Virtual School shall have an annual
1474 financial audit of its accounts and records conducted by an
1475 independent auditor who is a certified public accountant
1476 licensed under chapter 473. The independent auditor shall
1477 conduct the audit in accordance with rules adopted by the
1478 Auditor General pursuant to s. 11.45 and, upon completion of the
1479 audit, shall prepare an audit report in accordance with such
1480 rules. The audit report must include a written statement of the
1481 board of trustees describing corrective action to be taken in
1482 response to each of the recommendations of the independent
1483 auditor included in the audit report. The independent auditor
1484 shall submit the audit report to the board of trustees and the
1485 Auditor General no later than 9 months after the end of the
1486 preceding fiscal year.

1487 (7) ~~(6)~~ The board of trustees shall annually submit to the
1488 Governor, the Legislature, the Commissioner of Education, and
1489 the State Board of Education the audit report prepared pursuant



243190

1490 to subsection (6) and a complete and detailed report setting
1491 forth:

1492 (a) The operations and accomplishments of the Florida
1493 Virtual School within the state and those occurring outside the
1494 state as Florida Virtual School Global.

1495 (b) The marketing and operational plan for the Florida
1496 Virtual School and Florida Virtual School Global, including
1497 recommendations regarding methods for improving the delivery of
1498 education through the Internet and other distance learning
1499 technology.

1500 (c) The assets and liabilities of the Florida Virtual
1501 School and Florida Virtual School Global at the end of the
1502 fiscal year.

1503 ~~(d) A copy of an annual financial audit of the accounts and~~
1504 ~~records of the Florida Virtual School and Florida Virtual School~~
1505 ~~Global, conducted by an independent certified public accountant~~
1506 ~~and performed in accordance with rules adopted by the Auditor~~
1507 ~~General.~~

1508 ~~(e)~~ Recommendations regarding the unit cost of providing
1509 services to students through the Florida Virtual School and
1510 Florida Virtual School Global. In order to most effectively
1511 develop public policy regarding any future funding of the
1512 Florida Virtual School, it is imperative that the cost of the
1513 program is accurately identified. The identified cost of the
1514 program must be based on reliable data.

1515 (e) ~~(f)~~ Recommendations regarding an accountability
1516 mechanism to assess the effectiveness of the services provided
1517 by the Florida Virtual School and Florida Virtual School Global.

1518 ~~(11) The Auditor General shall conduct an operational audit~~



243190

1519 ~~of the Florida Virtual School, including Florida Virtual School~~
1520 ~~Global. The scope of the audit shall include, but not be limited~~
1521 ~~to, the administration of responsibilities relating to~~
1522 ~~personnel; procurement and contracting; revenue production;~~
1523 ~~school funds, including internal funds; student enrollment~~
1524 ~~records; franchise agreements; information technology~~
1525 ~~utilization, assets, and security; performance measures and~~
1526 ~~standards; and accountability. The final report on the audit~~
1527 ~~shall be submitted to the President of the Senate and the~~
1528 ~~Speaker of the House of Representatives no later than January~~
1529 ~~31, 2014.~~

1530 Section 36. Subsection (5) is added to section 1010.01,
1531 Florida Statutes, to read:

1532 1010.01 Uniform records and accounts.—

1533 (5) Each school district, Florida College System
1534 institution, and state university shall establish and maintain
1535 internal controls designed to:

1536 (a) Prevent and detect fraud, waste, and abuse.

1537 (b) Promote and encourage compliance with applicable laws,
1538 rules, contracts, grant agreements, and best practices.

1539 (c) Support economical and efficient operations.

1540 (d) Ensure reliability of financial records and reports.

1541 (e) Safeguard assets.

1542 Section 37. Subsection (2) of section 1010.30, Florida
1543 Statutes, is amended to read:

1544 1010.30 Audits required.—

1545 (2) If a school district, Florida College System
1546 institution, or university audit report includes a
1547 recommendation that was included in the preceding financial



243190

1548 audit report but remains unaddressed, an audit contains a
1549 significant finding, the district school board, the Florida
1550 College System institution board of trustees, or the university
1551 board of trustees, within 60 days after the delivery of the
1552 audit report to the school district, Florida College System
1553 institution, or university, shall indicate ~~conduct an audit~~
1554 ~~overview~~ during a regularly scheduled public meeting whether it
1555 intends to take corrective action, the intended corrective
1556 action, and the timeframe for the corrective action. If the
1557 district school board, Florida College System institution board
1558 of trustees, or university board of trustees indicates that it
1559 does not intend to take corrective action, it shall explain its
1560 decision at the public meeting.

1561 Section 38. Subsection (4) of section 11.0455, Florida
1562 Statutes, is amended to read:

1563 11.0455 Electronic filing of compensation reports and other
1564 information.—

1565 (4) Each report filed pursuant to this section is deemed to
1566 meet the certification requirements of s. 11.045(3)(a)4., and as
1567 such subjects the person responsible for filing and the lobbying
1568 firm to the provisions of s. 11.045(8) and (9) ~~s. 11.045(7) and~~
1569 ~~(8)~~. Persons given a secure sign-on to the electronic filing
1570 system are responsible for protecting it from disclosure and are
1571 responsible for all filings using such credentials, unless they
1572 have notified the office that their credentials have been
1573 compromised.

1574 Section 39. Subsection (2) of section 68.082, Florida
1575 Statutes, is amended to read:

1576 68.082 False claims against the state; definitions;



243190

1577 liability.-
1578 (2) Any person who:
1579 (a) Knowingly presents or causes to be presented a false or
1580 fraudulent claim for payment or approval;
1581 (b) Knowingly authorizes, approves, or receives payment of
1582 prohibited compensation in violation of s. 215.425;
1583 (c)~~(b)~~ Knowingly makes, uses, or causes to be made or used
1584 a false record or statement material to a false or fraudulent
1585 claim;
1586 (d)~~(e)~~ Conspires to commit a violation of this subsection;
1587 (e)~~(d)~~ Has possession, custody, or control of property or
1588 money used or to be used by the state and knowingly delivers or
1589 causes to be delivered less than all of that money or property;
1590 (f)~~(e)~~ Is authorized to make or deliver a document
1591 certifying receipt of property used or to be used by the state
1592 and, intending to defraud the state, makes or delivers the
1593 receipt without knowing that the information on the receipt is
1594 true;
1595 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an
1596 obligation or a debt, public property from an officer or
1597 employee of the state who may not sell or pledge the property;
1598 or
1599 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used
1600 a false record or statement material to an obligation to pay or
1601 transmit money or property to the state, or knowingly conceals
1602 or knowingly and improperly avoids or decreases an obligation to
1603 pay or transmit money or property to the state
1604
1605 is liable to the state for a civil penalty of not less than



243190

1606 \$5,500 and not more than \$11,000 and for treble the amount of
1607 damages the state sustains because of the act of that person.

1608 Section 40. Subsection (1) of section 68.083, Florida
1609 Statutes, is amended to read:

1610 68.083 Civil actions for false claims.-

1611 (1) The department may diligently investigate a violation
1612 under s. 68.082. If the department finds that a person has
1613 violated or is violating s. 68.082, the department may bring a
1614 civil action under the Florida False Claims Act against the
1615 person. The Department of Financial Services may bring a civil
1616 action under this section if the action arises from an
1617 investigation by that department and the Department of Legal
1618 Affairs has not filed an action under this act. For a violation
1619 of s. 68.082 regarding prohibited compensation paid from state
1620 funds, the Department of Financial Services may bring a civil
1621 action under this section if the action arises from an
1622 investigation by that department concerning a violation of s.
1623 215.425 by the state and the Department of Legal Affairs has not
1624 filed an action under this act.

1625 Section 41. Subsection (5) of section 99.061, Florida
1626 Statutes, is amended to read:

1627 99.061 Method of qualifying for nomination or election to
1628 federal, state, county, or district office.-

1629 (5) At the time of qualifying for office, each candidate
1630 for a constitutional office or an elected municipal office shall
1631 file a full and public disclosure of financial interests
1632 pursuant to s. 8, Art. II of the State Constitution, which must
1633 be verified under oath or affirmation pursuant to s.
1634 92.525(1) (a), and a candidate for any other office, ~~including~~



243190

1635 ~~local elective office,~~ shall file a statement of financial
1636 interests pursuant to s. 112.3145.

1637 Section 42. Subsection (3) of section 218.503, Florida
1638 Statutes, is amended to read:

1639 218.503 Determination of financial emergency.—

1640 (3) Upon notification that one or more of the conditions in
1641 subsection (1) have occurred or will occur if action is not
1642 taken to assist the local governmental entity or district school
1643 board, the Governor or his or her designee shall contact the
1644 local governmental entity or the Commissioner of Education or
1645 his or her designee shall contact the district school board, as
1646 appropriate, to determine what actions have been taken by the
1647 local governmental entity or the district school board to
1648 resolve or prevent the condition. The information requested must
1649 be provided within 45 days after the date of the request. If the
1650 local governmental entity or the district school board does not
1651 comply with the request, the Governor or his or her designee or
1652 the Commissioner of Education or his or her designee shall
1653 notify ~~the members of~~ the Legislative Auditing Committee, which
1654 ~~who~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The
1655 Governor or the Commissioner of Education, as appropriate, shall
1656 determine whether the local governmental entity or the district
1657 school board needs state assistance to resolve or prevent the
1658 condition. If state assistance is needed, the local governmental
1659 entity or district school board is considered to be in a state
1660 of financial emergency. The Governor or the Commissioner of
1661 Education, as appropriate, has the authority to implement
1662 measures as set forth in ss. 218.50-218.504 to assist the local
1663 governmental entity or district school board in resolving the



243190

1664 financial emergency. Such measures may include, but are not
1665 limited to:

1666 (a) Requiring approval of the local governmental entity's
1667 budget by the Governor or approval of the district school
1668 board's budget by the Commissioner of Education.

1669 (b) Authorizing a state loan to a local governmental entity
1670 and providing for repayment of same.

1671 (c) Prohibiting a local governmental entity or district
1672 school board from issuing bonds, notes, certificates of
1673 indebtedness, or any other form of debt until such time as it is
1674 no longer subject to this section.

1675 (d) Making such inspections and reviews of records,
1676 information, reports, and assets of the local governmental
1677 entity or district school board as are needed. The appropriate
1678 local officials shall cooperate in such inspections and reviews.

1679 (e) Consulting with officials and auditors of the local
1680 governmental entity or the district school board and the
1681 appropriate state officials regarding any steps necessary to
1682 bring the books of account, accounting systems, financial
1683 procedures, and reports into compliance with state requirements.

1684 (f) Providing technical assistance to the local
1685 governmental entity or the district school board.

1686 (g)1. Establishing a financial emergency board to oversee
1687 the activities of the local governmental entity or the district
1688 school board. If a financial emergency board is established for
1689 a local governmental entity, the Governor shall appoint board
1690 members and select a chair. If a financial emergency board is
1691 established for a district school board, the State Board of
1692 Education shall appoint board members and select a chair. The



243190

1693 financial emergency board shall adopt such rules as are
1694 necessary for conducting board business. The board may:
1695 a. Make such reviews of records, reports, and assets of the
1696 local governmental entity or the district school board as are
1697 needed.
1698 b. Consult with officials and auditors of the local
1699 governmental entity or the district school board and the
1700 appropriate state officials regarding any steps necessary to
1701 bring the books of account, accounting systems, financial
1702 procedures, and reports of the local governmental entity or the
1703 district school board into compliance with state requirements.
1704 c. Review the operations, management, efficiency,
1705 productivity, and financing of functions and operations of the
1706 local governmental entity or the district school board.
1707 d. Consult with other governmental entities for the
1708 consolidation of all administrative direction and support
1709 services, including, but not limited to, services for asset
1710 sales, economic and community development, building inspections,
1711 parks and recreation, facilities management, engineering and
1712 construction, insurance coverage, risk management, planning and
1713 zoning, information systems, fleet management, and purchasing.
1714 2. The recommendations and reports made by the financial
1715 emergency board must be submitted to the Governor for local
1716 governmental entities or to the Commissioner of Education and
1717 the State Board of Education for district school boards for
1718 appropriate action.
1719 (h) Requiring and approving a plan, to be prepared by
1720 officials of the local governmental entity or the district
1721 school board in consultation with the appropriate state



243190

1722 officials, prescribing actions that will cause the local
1723 governmental entity or district school board to no longer be
1724 subject to this section. The plan must include, but need not be
1725 limited to:

1726 1. Provision for payment in full of obligations outlined in
1727 subsection (1), designated as priority items, which are
1728 currently due or will come due.

1729 2. Establishment of priority budgeting or zero-based
1730 budgeting in order to eliminate items that are not affordable.

1731 3. The prohibition of a level of operations which can be
1732 sustained only with nonrecurring revenues.

1733 4. Provisions implementing the consolidation, sourcing, or
1734 discontinuance of all administrative direction and support
1735 services, including, but not limited to, services for asset
1736 sales, economic and community development, building inspections,
1737 parks and recreation, facilities management, engineering and
1738 construction, insurance coverage, risk management, planning and
1739 zoning, information systems, fleet management, and purchasing.

1740 Section 43. Subsection (2) of section 1002.455, Florida
1741 Statutes, is amended to read:

1742 1002.455 Student eligibility for K-12 virtual instruction.—

1743 (2) A student is eligible to participate in virtual
1744 instruction if:

1745 (a) The student spent the prior school year in attendance
1746 at a public school in the state and was enrolled and reported by
1747 the school district for funding during October and February for
1748 purposes of the Florida Education Finance Program surveys;

1749 (b) The student is a dependent child of a member of the
1750 United States Armed Forces who was transferred within the last



243190

1751 12 months to this state from another state or from a foreign
1752 country pursuant to a permanent change of station order;

1753 (c) The student was enrolled during the prior school year
1754 in a virtual instruction program under s. 1002.45 or a full-time
1755 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~
1756 ~~1002.37(8)(a)~~;

1757 (d) The student has a sibling who is currently enrolled in
1758 a virtual instruction program and the sibling was enrolled in
1759 that program at the end of the prior school year;

1760 (e) The student is eligible to enter kindergarten or first
1761 grade; or

1762 (f) The student is eligible to enter grades 2 through 5 and
1763 is enrolled full-time in a school district virtual instruction
1764 program, virtual charter school, or the Florida Virtual School.

1765 Section 44. For the purpose of incorporating the amendment
1766 made by this act to section 838.022, Florida Statutes, in a
1767 reference thereto, paragraph (a) of subsection (2) of section
1768 112.534, Florida Statutes, is reenacted to read:

1769 112.534 Failure to comply; official misconduct.—

1770 (2)(a) All the provisions of s. 838.022 shall apply to this
1771 part.

1772 Section 45. For the purpose of incorporating the amendment
1773 made by this act to section 838.022, Florida Statutes, in a
1774 reference thereto, paragraph (d) of subsection (4) of section
1775 117.01, Florida Statutes, is reenacted to read:

1776 117.01 Appointment, application, suspension, revocation,
1777 application fee, bond, and oath.—

1778 (4) The Governor may suspend a notary public for any of the
1779 grounds provided in s. 7, Art. IV of the State Constitution.



243190

1780 Grounds constituting malfeasance, misfeasance, or neglect of
1781 duty include, but are not limited to, the following:

1782 (d) Official misconduct as defined in s. 838.022.

1783 Section 46. For the purpose of incorporating the amendment
1784 made by this act to section 838.014, Florida Statutes, in a
1785 reference thereto, subsection (11) of section 817.568, Florida
1786 Statutes, is reenacted to read:

1787 817.568 Criminal use of personal identification
1788 information.—

1789 (11) A person who willfully and without authorization
1790 fraudulently uses personal identification information concerning
1791 an individual who is 60 years of age or older; a disabled adult
1792 as defined in s. 825.101; a public servant as defined in s.
1793 838.014; a veteran as defined in s. 1.01; a first responder as
1794 defined in s. 125.01045; an individual who is employed by the
1795 State of Florida; or an individual who is employed by the
1796 Federal Government without first obtaining the consent of that
1797 individual commits a felony of the second degree, punishable as
1798 provided in s. 775.082, s. 775.083, or s. 775.084.

1799 Section 47. For the purpose of incorporating the amendments
1800 made by this act to sections 838.015, 838.016, and 838.22,
1801 Florida Statutes, in references thereto, paragraph (g) of
1802 subsection (3) of section 921.0022, Florida Statutes, is
1803 reenacted to read:

1804 921.0022 Criminal Punishment Code; offense severity ranking
1805 chart.—

1806 (3) OFFENSE SEVERITY RANKING CHART

1807 (g) LEVEL 7

1808



243190

| 1809 | Florida Statute | Felony Degree | Description |
|------|--------------------|------------------|---|
| 1810 | 316.027(2)(c) | 1st | Accident involving death, failure to stop; leaving scene. |
| 1811 | 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily injury. |
| 1812 | 316.1935(3)(b) | 1st | Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 1813 | 327.35(3)(c)2. | 3rd | Vessel BUI resulting in serious bodily injury. |
| 1814 | 402.319(2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death. |
| 1815 | 409.920 | 3rd | Medicaid provider fraud; |



| | | | |
|------|--------------|-----|---------------------------------|
| 1816 | (2) (b) 1.a. | | \$10,000 or less. |
| | 409.920 | 2nd | Medicaid provider fraud; more |
| | (2) (b) 1.b. | | than \$10,000, but less than |
| 1817 | | | \$50,000. |
| | 456.065 (2) | 3rd | Practicing a health care |
| 1818 | | | profession without a license. |
| | 456.065 (2) | 2nd | Practicing a health care |
| 1819 | | | profession without a license |
| | | | which results in serious bodily |
| | | | injury. |
| | 458.327 (1) | 3rd | Practicing medicine without a |
| 1820 | | | license. |
| | 459.013 (1) | 3rd | Practicing osteopathic medicine |
| 1821 | | | without a license. |
| | 460.411 (1) | 3rd | Practicing chiropractic |
| 1822 | | | medicine without a license. |
| | 461.012 (1) | 3rd | Practicing podiatric medicine |
| 1823 | | | without a license. |
| | 462.17 | 3rd | Practicing naturopathy without |
| 1824 | | | a license. |



| | | | |
|------|-----------------|-----|---|
| 1825 | 463.015 (1) | 3rd | Practicing optometry without a license. |
| 1826 | 464.016 (1) | 3rd | Practicing nursing without a license. |
| 1827 | 465.015 (2) | 3rd | Practicing pharmacy without a license. |
| 1828 | 466.026 (1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| 1829 | 467.201 | 3rd | Practicing midwifery without a license. |
| 1830 | 468.366 | 3rd | Delivering respiratory care services without a license. |
| 1831 | 483.828 (1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 1832 | 483.901 (9) | 3rd | Practicing medical physics without a license. |
| 1833 | 484.013 (1) (c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| | 484.053 | 3rd | Dispensing hearing aids without |



243190

| | | | |
|------|-----------------|-----|---|
| 1834 | | | a license. |
| 1835 | 494.0018(2) | 1st | Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims. |
| 1836 | 560.123(8)(b)1. | 3rd | Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business. |
| 1837 | 560.125(5)(a) | 3rd | Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000. |
| 1838 | 655.50(10)(b)1. | 3rd | Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution. |
| | 775.21(10)(a) | 3rd | Sexual predator; failure to register; failure to renew driver license or identification card; other |



243190

| | | | |
|------|---------------|-----|---|
| 1839 | | | registration violations. |
| | 775.21(10)(b) | 3rd | Sexual predator working where children regularly congregate. |
| 1840 | | | |
| | 775.21(10)(g) | 3rd | Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator. |
| 1841 | | | |
| | 782.051(3) | 2nd | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. |
| 1842 | | | |
| | 782.07(1) | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |
| 1843 | | | |
| | 782.071 | 2nd | Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 1844 | | | |
| | 782.072 | 2nd | Killing of a human being by the operation of a vessel in a |



243190

| | | | |
|------|--------------------|-----|---|
| 1845 | | | reckless manner (vessel homicide). |
| | 784.045 (1) (a) 1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 1846 | | | |
| | 784.045 (1) (a) 2. | 2nd | Aggravated battery; using deadly weapon. |
| 1847 | | | |
| | 784.045 (1) (b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| 1848 | | | |
| | 784.048 (4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 1849 | | | |
| | 784.048 (7) | 3rd | Aggravated stalking; violation of court order. |
| 1850 | | | |
| | 784.07 (2) (d) | 1st | Aggravated battery on law enforcement officer. |
| 1851 | | | |
| | 784.074 (1) (a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 1852 | | | |
| | 784.08 (2) (a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 1853 | | | |



| | | | |
|------|----------------|-----|--|
| 1854 | 784.081(1) | 1st | Aggravated battery on specified official or employee. |
| 1855 | 784.082(1) | 1st | Aggravated battery by detained person on visitor or other detainee. |
| 1856 | 784.083(1) | 1st | Aggravated battery on code inspector. |
| 1857 | 787.06(3)(a)2. | 1st | Human trafficking using coercion for labor and services of an adult. |
| 1858 | 787.06(3)(e)2. | 1st | Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state. |
| 1859 | 790.07(4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 1860 | 790.16(1) | 1st | Discharge of a machine gun under specified circumstances. |
| | 790.165(2) | 2nd | Manufacture, sell, possess, or |



243190

| | | | |
|------|------------|---------|--|
| 1861 | | | deliver hoax bomb. |
| | 790.165(3) | 2nd | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony. |
| 1862 | | | |
| | 790.166(3) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |
| 1863 | | | |
| | 790.166(4) | 2nd | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. |
| 1864 | | | |
| | 790.23 | 1st,PBL | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04. |
| 1865 | | | |
| | 794.08(4) | 3rd | Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age. |
| 1866 | | | |
| | 796.05(1) | 1st | Live on earnings of a |



| | | | |
|------|-------------------|-----|--|
| 1867 | | | prostitute; 2nd offense. |
| | 796.05 (1) | 1st | Live on earnings of a prostitute; 3rd and subsequent offense. |
| 1868 | | | |
| | 800.04 (5) (c) 1. | 2nd | Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age. |
| 1869 | | | |
| | 800.04 (5) (c) 2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older. |
| 1870 | | | |
| | 800.04 (5) (e) | 1st | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense. |
| 1871 | | | |
| | 806.01 (2) | 2nd | Maliciously damage structure by fire or explosive. |
| 1872 | | | |
| | 810.02 (3) (a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |



| | | | |
|------|--------------------|-----|---|
| 1873 | 810.02 (3) (b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 1874 | 810.02 (3) (d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 1875 | 810.02 (3) (e) | 2nd | Burglary of authorized emergency vehicle. |
| 1876 | 812.014 (2) (a) 1. | 1st | Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |
| 1877 | 812.014 (2) (b) 2. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree. |
| 1878 | 812.014 (2) (b) 3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 1879 | 812.014 (2) (b) 4. | 2nd | Property stolen, law |



| | | | |
|------|--------------------|-----|--|
| 1880 | | | enforcement equipment from authorized emergency vehicle. |
| 1881 | 812.0145 (2) (a) | 1st | Theft from person 65 years of age or older; \$50,000 or more. |
| 1882 | 812.019 (2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 1883 | 812.131 (2) (a) | 2nd | Robbery by sudden snatching. |
| 1884 | 812.133 (2) (b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 1885 | 817.034 (4) (a) 1. | 1st | Communications fraud, value greater than \$50,000. |
| 1886 | 817.234 (8) (a) | 2nd | Solicitation of motor vehicle accident victims with intent to defraud. |
| 1887 | 817.234 (9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| | 817.234 (11) (c) | 1st | Insurance fraud; property value \$100,000 or more. |



243190

| | | | |
|------|-------------------------------|-----|--|
| 1888 | 817.2341 (2) (b) & (3) (b) | 1st | Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity. |
| 1889 | 817.535 (2) (a) | 3rd | Filing false lien or other unauthorized document. |
| 1890 | 825.102 (3) (b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. |
| 1891 | 825.103 (3) (b) | 2nd | Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000. |
| 1892 | 827.03 (2) (b) | 2nd | Neglect of a child causing great bodily harm, disability, or disfigurement. |
| 1893 | 827.04 (3) | 3rd | Impregnation of a child under 16 years of age by person 21 years of age or older. |



243190

| | | | |
|------|---------------|-----|---|
| 1894 | 837.05(2) | 3rd | Giving false information about alleged capital felony to a law enforcement officer. |
| 1895 | 838.015 | 2nd | Bribery. |
| 1896 | 838.016 | 2nd | Unlawful compensation or reward for official behavior. |
| 1897 | 838.021(3)(a) | 2nd | Unlawful harm to a public servant. |
| 1898 | 838.22 | 2nd | Bid tampering. |
| 1899 | 843.0855(2) | 3rd | Impersonation of a public officer or employee. |
| 1900 | 843.0855(3) | 3rd | Unlawful simulation of legal process. |
| 1901 | 843.0855(4) | 3rd | Intimidation of a public officer or employee. |
| 1902 | 847.0135(3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 1903 | 847.0135(4) | 2nd | Traveling to meet a minor to |



243190

| | | | |
|------|-------------------|----------|--|
| 1904 | | | commit an unlawful sex act. |
| 1905 | 872.06 | 2nd | Abuse of a dead human body. |
| 1906 | 874.05 (2) (b) | 1st | Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense. |
| 1907 | 874.10 | 1st, PBL | Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity. |
| 1908 | 893.13 (1) (c) 1. | 1st | Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. |
| | 893.13 (1) (e) 1. | 1st | Sell, manufacture, or deliver cocaine or other drug prohibited under s. |



243190

| | | | |
|------|-------------------|-----|--|
| | | | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site. |
| 1909 | 893.13(4)(a) | 1st | Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs). |
| 1910 | 893.135(1)(a)1. | 1st | Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs. |
| 1911 | 893.135(1)(b)1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 1912 | 893.135(1)(c)1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 1913 | 893.135(1)(c)2.a. | 1st | Trafficking in hydrocodone, 14 grams or more, less than 28 grams. |
| 1914 | 893.135(1)(c)2.b. | 1st | Trafficking in hydrocodone, 28 grams or more, less than 50 |



243190

| | | | |
|------|-------------------|-----|---|
| 1915 | | | grams. |
| | 893.135(1)(c)3.a. | 1st | Trafficking in oxycodone, 7 grams or more, less than 14 grams. |
| 1916 | | | |
| | 893.135(1)(c)3.b. | 1st | Trafficking in oxycodone, 14 grams or more, less than 25 grams. |
| 1917 | | | |
| | 893.135(1)(d)1. | 1st | Trafficking in phencyclidine, more than 28 grams, less than 200 grams. |
| 1918 | | | |
| | 893.135(1)(e)1. | 1st | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms. |
| 1919 | | | |
| | 893.135(1)(f)1. | 1st | Trafficking in amphetamine, more than 14 grams, less than 28 grams. |
| 1920 | | | |
| | 893.135(1)(g)1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 1921 | | | |
| | 893.135(1)(h)1.a. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 |



243190

| | | | |
|------|-------------------|-----|--|
| 1922 | | | kilograms. |
| | 893.135(1)(j)1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 1923 | | | |
| | 893.135(1)(k)2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 1924 | | | |
| | 893.1351(2) | 2nd | Possession of place for trafficking in or manufacturing of controlled substance. |
| 1925 | | | |
| | 896.101(5)(a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| 1926 | | | |
| | 896.104(4)(a)1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |
| 1927 | | | |
| | 943.0435(4)(c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 1928 | | | |



243190

| | | | |
|------|------------------|-----|--|
| 1929 | 943.0435 (8) | 2nd | Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements. |
| 1930 | 943.0435 (9) (a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 1931 | 943.0435 (13) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 1932 | 943.0435 (14) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |
| 1933 | 944.607 (9) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 1934 | 944.607 (10) (a) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| | 944.607 (12) | 3rd | Failure to report or providing |



243190

1935

944.607(13)

3rd

false information about a sexual offender; harbor or conceal a sexual offender.

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

1936

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

1937

985.4815(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

1938

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

1939

1940

1941

1942

1943

Section 48. For the purpose of incorporating the amendment made by this act to section 838.022, Florida Statutes, in a reference thereto, paragraph (d) of subsection (3) of section



243190

1944 921.0022, Florida Statutes, is reenacted to read:
1945 921.0022 Criminal Punishment Code; offense severity ranking
1946 chart.—

1947 (3) OFFENSE SEVERITY RANKING CHART

1948 (d) LEVEL 4

1949
1950

| Florida Statute | Felony Degree | Description |
|--------------------|------------------|-------------|
|--------------------|------------------|-------------|

1951

| | | |
|------------------|-----|--|
| 316.1935 (3) (a) | 2nd | Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
|------------------|-----|--|

1952

| | | |
|--------------|-----|---|
| 499.0051 (1) | 3rd | Failure to maintain or deliver pedigree papers. |
|--------------|-----|---|

1953

| | | |
|--------------|-----|--|
| 499.0051 (2) | 3rd | Failure to authenticate pedigree papers. |
|--------------|-----|--|

1954

| | | |
|--------------|-----|---|
| 499.0051 (6) | 2nd | Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs. |
|--------------|-----|---|

1955

| | | |
|------------|-----|---------------------------------|
| 517.07 (1) | 3rd | Failure to register securities. |
|------------|-----|---------------------------------|

1956



| | | | |
|------|-----------------|-----|--|
| 1957 | 517.12 (1) | 3rd | Failure of dealer, associated person, or issuer of securities to register. |
| 1958 | 784.07 (2) (b) | 3rd | Battery of law enforcement officer, firefighter, etc. |
| 1959 | 784.074 (1) (c) | 3rd | Battery of sexually violent predators facility staff. |
| 1960 | 784.075 | 3rd | Battery on detention or commitment facility staff. |
| 1961 | 784.078 | 3rd | Battery of facility employee by throwing, tossing, or expelling certain fluids or materials. |
| 1962 | 784.08 (2) (c) | 3rd | Battery on a person 65 years of age or older. |
| 1963 | 784.081 (3) | 3rd | Battery on specified official or employee. |
| 1964 | 784.082 (3) | 3rd | Battery by detained person on visitor or other detainee. |
| 1965 | 784.083 (3) | 3rd | Battery on code inspector. |
| | 784.085 | 3rd | Battery of child by throwing, |



| | | | |
|------|---------------|-----|--|
| 1966 | | | tossing, projecting, or expelling certain fluids or materials. |
| 1966 | 787.03(1) | 3rd | Interference with custody; wrongly takes minor from appointed guardian. |
| 1967 | | | |
| 1967 | 787.04(2) | 3rd | Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings. |
| 1968 | | | |
| 1968 | 787.04(3) | 3rd | Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person. |
| 1969 | | | |
| 1969 | 787.07 | 3rd | Human smuggling. |
| 1970 | | | |
| 1970 | 790.115(1) | 3rd | Exhibiting firearm or weapon within 1,000 feet of a school. |
| 1971 | | | |
| 1971 | 790.115(2)(b) | 3rd | Possessing electric weapon or device, destructive device, or other weapon on school property. |
| 1972 | | | |



243190

| | | | |
|------|----------------------------|-----|---|
| 1973 | 790.115 (2) (c) | 3rd | Possessing firearm on school property. |
| 1974 | 800.04 (7) (c) | 3rd | Lewd or lascivious exhibition; offender less than 18 years. |
| 1975 | 810.02 (4) (a) | 3rd | Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery. |
| 1976 | 810.02 (4) (b) | 3rd | Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery. |
| 1977 | 810.06 | 3rd | Burglary; possession of tools. |
| 1978 | 810.08 (2) (c) | 3rd | Trespass on property, armed with firearm or dangerous weapon. |
| 1979 | 812.014 (2) (c) 3. | 3rd | Grand theft, 3rd degree \$10,000 or more but less than \$20,000. |
| 1980 | 812.014 (2) (c) 4.- 10. | 3rd | Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc. |



| | | | |
|------|-----------------|-----|--|
| 1981 | 812.0195 (2) | 3rd | Dealing in stolen property by use of the Internet; property stolen \$300 or more. |
| 1982 | 817.563 (1) | 3rd | Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs. |
| 1983 | 817.568 (2) (a) | 3rd | Fraudulent use of personal identification information. |
| 1984 | 817.625 (2) (a) | 3rd | Fraudulent use of scanning device or reencoder. |
| 1985 | 828.125 (1) | 2nd | Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle. |
| 1986 | 837.02 (1) | 3rd | Perjury in official proceedings. |
| 1987 | 837.021 (1) | 3rd | Make contradictory statements in official proceedings. |
| 1988 | 838.022 | 3rd | Official misconduct. |
| | 839.13 (2) (a) | 3rd | Falsifying records of an |



243190

| | | | |
|------|----------------|-----|---|
| 1989 | | | individual in the care and custody of a state agency. |
| | 839.13(2)(c) | 3rd | Falsifying records of the Department of Children and Families. |
| 1990 | | | |
| | 843.021 | 3rd | Possession of a concealed handcuff key by a person in custody. |
| 1991 | | | |
| | 843.025 | 3rd | Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication. |
| 1992 | | | |
| | 843.15(1)(a) | 3rd | Failure to appear while on bail for felony (bond estreature or bond jumping). |
| 1993 | | | |
| | 847.0135(5)(c) | 3rd | Lewd or lascivious exhibition using computer; offender less than 18 years. |
| 1994 | | | |
| | 874.05(1)(a) | 3rd | Encouraging or recruiting another to join a criminal gang. |
| 1995 | | | |
| | 893.13(2)(a)1. | 2nd | Purchase of cocaine (or other |



243190

| | | | |
|------|-----------|-----|---|
| | | | s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs). |
| 1996 | 914.14(2) | 3rd | Witnesses accepting bribes. |
| 1997 | 914.22(1) | 3rd | Force, threaten, etc., witness, victim, or informant. |
| 1998 | 914.23(2) | 3rd | Retaliation against a witness, victim, or informant, no bodily injury. |
| 1999 | 918.12 | 3rd | Tampering with jurors. |
| 2000 | 934.215 | 3rd | Use of two-way communications device to facilitate commission of a crime. |
| 2001 | | | |
| 2002 | | | |
| 2003 | | | Section 49. <u>As provided in s. 112.322(3), Florida Statutes,</u> |
| 2004 | | | <u>the Commission on Ethics is authorized to render advisory</u> |
| 2005 | | | <u>opinions to any public officer, candidate for public office, or</u> |
| 2006 | | | <u>public employee regarding the application of part III of chapter</u> |
| 2007 | | | <u>112, Florida Statutes, including the amendments made by this</u> |
| 2008 | | | <u>act.</u> |
| 2009 | | | Section 50. <u>The Legislature finds that a proper and</u> |
| 2010 | | | <u>legitimate state purpose is served when internal controls are</u> |
| 2011 | | | <u>established to prevent and detect fraud, waste, and abuse and to</u> |



2012 safeguard and account for government funds and property.
2013 Therefore, the Legislature determines and declares that this act
2014 fulfills an important state interest.

2015 Section 51. This act shall take effect October 1, 2016.
2016

2017 ===== T I T L E A M E N D M E N T =====

2018 And the title is amended as follows:

2019 Delete everything before the enacting clause
2020 and insert:

2021 A bill to be entitled
2022 An act relating to government accountability; amending
2023 s. 11.045, F.S.; defining terms; requiring each house
2024 of the Legislature to provide by rule reporting
2025 requirements regarding lobbying firm's lobbying
2026 activities; specifying requirements regarding the
2027 content of reports and filing deadlines; requiring
2028 each house of the Legislature to establish procedures
2029 applicable to untimely filing of reports by rule;
2030 providing fines for late filing of reports; amending
2031 s. 11.40, F.S.; specifying that the Governor, the
2032 Commissioner of Education, or the designee of the
2033 Governor or of the Commissioner of Education may
2034 notify the Legislative Auditing Committee of an
2035 entity's failure to comply with certain auditing and
2036 financial reporting requirements; amending s. 11.45,
2037 F.S.; defining the terms "abuse," "fraud," and
2038 "waste"; revising the definition of the term "local
2039 governmental entity"; excluding water management
2040 districts from certain audit requirements; removing a



2041 cross-reference; authorizing the Auditor General to
2042 conduct audits of tourist development councils and
2043 county tourism promotion agencies; revising reporting
2044 requirements applicable to the Auditor General;
2045 creating s. 20.602, F.S.; specifying the applicability
2046 of certain provisions of the Code of Ethics for Public
2047 Officers and Employees to officers and board members
2048 of corporate entities associated with the Department
2049 of Economic Opportunity; prohibiting such officers and
2050 board members from representing a person or an entity
2051 for compensation before certain bodies for a specified
2052 timeframe; providing for construction; amending s.
2053 28.35, F.S.; revising reporting requirements
2054 applicable to the Florida Clerks of Court Operations
2055 Corporation; amending s. 43.16, F.S.; revising the
2056 responsibilities of the Justice Administrative
2057 Commission, each state attorney, each public defender,
2058 a criminal conflict and civil regional counsel, a
2059 capital collateral regional counsel, and the Guardian
2060 Ad Litem Program, to include the establishment and
2061 maintenance of certain internal controls; creating s.
2062 112.3126, F.S.; defining the term "private entity";
2063 prohibiting a member of the Legislature or a candidate
2064 for legislative office from accepting employment with
2065 a private entity that directly receives funding
2066 through state revenues under certain circumstances;
2067 authorizing employment with a private entity if
2068 certain conditions are met; amending s. 112.313, F.S.;
2069 specifying that prohibitions on conflicting employment



2070 or contractual relationships for public officers or
2071 employees of an agency apply to contractual
2072 relationships held by certain business entities;
2073 amending s. 112.3144, F.S.; requiring elected
2074 municipal officers to file a full and public
2075 disclosure of financial interests, rather than a
2076 statement of financial interests; providing for
2077 applicability; amending s. 112.31455, F.S.; revising
2078 provisions governing collection methods for unpaid
2079 automatic fines for failure to timely file disclosure
2080 of financial interests to include school districts;
2081 amending s. 112.3215, F.S.; requiring a lobbying firm
2082 to file a report with the Commission on Ethics
2083 disclosing whether the firm lobbied the Governor to
2084 approve or veto a bill or an appropriation; requiring
2085 the commission to establish procedures applicable to
2086 untimely filing of reports by rule; providing fines
2087 for late filing of reports; conforming provisions to
2088 changes made by the act; amending s. 112.3261, F.S.;
2089 revising terms to conform to changes made by the act;
2090 expanding the types of governmental entities that are
2091 subject to lobbyist registration requirements;
2092 requiring a governmental entity to create a lobbyist
2093 registration form; amending ss. 129.03, 129.06,
2094 166.241, and 189.016, F.S.; requiring counties,
2095 municipalities, and special districts to maintain
2096 certain budget documents on the entities' websites for
2097 a specified period; amending s. 215.425, F.S.;

2098 defining the term "public funds"; revising exceptions



243190

2099 to the prohibition on extra compensation claims;
2100 requiring certain contracts to which a unit of
2101 government or state university is a party during a
2102 specified period to contain certain prohibitions on
2103 severance pay; requiring a unit of government to
2104 investigate and take necessary action to recover
2105 prohibited compensation; specifying methods of
2106 recovery for unintentional and willful violations;
2107 providing a penalty; specifying applicability of
2108 procedures regarding suspension and removal of an
2109 officer who commits a willful violation; establishing
2110 eligibility criteria and amounts for rewards;
2111 specifying circumstances under which an employee has a
2112 cause of action under the Whistle-blower's Act;
2113 establishing causes of action if a unit of government
2114 fails to recover prohibited compensation within a
2115 certain timeframe; providing for applicability;
2116 amending s. 215.86, F.S.; revising the purposes for
2117 which management systems and internal controls must be
2118 established and maintained by each state agency and
2119 the judicial branch; amending s. 215.97, F.S.;
2120 revising the definition of the term "audit threshold";
2121 amending s. 215.985, F.S.; revising the requirements
2122 for a monthly financial statement provided by a water
2123 management district; amending s. 218.32, F.S.;
2124 revising the requirements of the annual financial
2125 audit report of a local governmental entity;
2126 authorizing the Department of Financial Services to
2127 request additional information from a local



243190

2128 governmental entity; requiring a local governmental
2129 entity to respond to such requests within a specified
2130 timeframe; requiring the department to notify the
2131 Legislative Auditing Committee of noncompliance;
2132 amending s. 218.33, F.S.; requiring local governmental
2133 entities to establish and maintain internal controls
2134 to achieve specified purposes; amending s. 218.39,
2135 F.S.; requiring an audited entity to respond to audit
2136 recommendations under specified circumstances;
2137 amending s. 218.391, F.S.; revising the composition of
2138 an audit committee; prohibiting an audit committee
2139 member from being an employee, a chief executive
2140 officer, or a chief financial officer of the
2141 respective governmental entity; requiring the chair of
2142 an audit committee to sign and execute an affidavit
2143 affirming compliance with auditor selection
2144 procedures; prescribing procedures in the event of
2145 noncompliance with auditor selection procedures;
2146 amending s. 286.0114, F.S.; prohibiting a board or
2147 commission from requiring an advance copy of testimony
2148 or comments from a member of the public as a
2149 precondition to be given the opportunity to be heard
2150 at a public meeting; amending s. 288.92, F.S.;
2151 prohibiting specified officers and board members of
2152 Enterprise Florida, Inc., from representing a person
2153 or entity for compensation before Enterprise Florida,
2154 Inc., and associated entities thereof, for a specified
2155 timeframe; amending s. 288.9604, F.S.; prohibiting a
2156 director of the Florida Development Finance



2157 Corporation from representing a person or an entity
2158 for compensation before the corporation for a
2159 specified timeframe; amending s. 373.536, F.S.;
2160 deleting obsolete language; requiring water management
2161 districts to maintain certain budget documents on the
2162 districts' websites for a specified period; amending
2163 s. 838.014, F.S.; revising and providing definitions;
2164 amending s. 838.015, F.S.; revising the definition of
2165 the term "bribery"; revising requirements for
2166 prosecution; amending s. 838.016, F.S.; revising the
2167 prohibition against unlawful compensation or reward
2168 for official behavior to conform to changes made by
2169 the act; amending s. 838.022, F.S.; revising the
2170 prohibition against official misconduct to conform to
2171 changes made by the act; revising applicability of the
2172 offense to include public contractors; amending s.
2173 838.22, F.S.; revising the prohibition against bid
2174 tampering to conform to changes made by the act;
2175 revising applicability of the offense to include
2176 specified public contractors; amending s. 1002.37,
2177 F.S.; requiring completion of an annual financial
2178 audit of the Florida Virtual School; specifying audit
2179 requirements; requiring an audit report to be
2180 submitted to the board of trustees of the Florida
2181 Virtual School and the Auditor General; removing
2182 obsolete provisions; amending s. 1010.01, F.S.;
2183 requiring each school district, Florida College System
2184 institution, and state university to establish and
2185 maintain certain internal controls; amending s.



243190

2186 1010.30, F.S.; requiring a district school board,
2187 Florida College System institution board of trustees,
2188 or university board of trustees to respond to audit
2189 recommendations under certain circumstances; amending
2190 ss. 11.0455, 68.082, 68.083, 99.061, 218.503, and
2191 1002.455, F.S.; conforming provisions and cross-
2192 references to changes made by the act; reenacting s.
2193 112.534(2)(a), F.S., relating to official misconduct,
2194 and s. 117.01(4)(d), F.S., relating to appointment,
2195 application, suspension, revocation, application fee,
2196 bond, and oath of notaries public, to incorporate the
2197 amendment made by the act to s. 838.022, F.S., in
2198 references thereto; reenacting s. 817.568(11), F.S.,
2199 relating to criminal use of personal identification
2200 information, to incorporate the amendment made by the
2201 act to s. 838.014, F.S., in a reference thereto;
2202 reenacting s. 921.0022(3)(d) and (g), F.S., relating
2203 to the Criminal Punishment Code offense severity
2204 ranking chart, to incorporate the amendments made by
2205 the act to ss. 838.015, 838.016, 838.022, and 838.22,
2206 F.S., in references thereto; providing for
2207 applicability; declaring that the act fulfills an
2208 important state interest; providing an effective date.