



214662

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
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The Committee on Governmental Oversight and Accountability
(Latvala) recommended the following:

1 **Senate Amendment to Substitute Amendment (637650) (with**
2 **title amendment)**

3
4 Delete lines 664 - 1444
5 and insert:

6 Section 16. Section 215.425, Florida Statutes, is amended
7 to read:

8 215.425 Extra compensation claims prohibited; bonuses;
9 severance pay.—

10 (1) As used in this section, the term "public funds" means



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11 any taxes, tuition, state grants, fines, fees, or other charges
12 or any other type of revenue collected by the state or any
13 county, municipality, special district, school district, Florida
14 College System institution, state university, or other separate
15 unit of government created pursuant to law, including any
16 office, department, agency, division, subdivision, political
17 subdivision, board, bureau, or commission of such entities.
18 However, if the payment and receipt does not otherwise violate
19 part III of chapter 112, the following are not considered public
20 funds:

21 (a) Revenues received by the Board of Governors or state
22 universities through or from faculty practice plans; health
23 services support organizations; hospitals with which state
24 universities are affiliated; direct-support organizations; or
25 federal, auxiliary, or private sources, except for tuition.

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

30 (c) Revenues that are received by a hospital licensed under
31 chapter 395 which has entered into a Medicaid provider contract
32 and that:

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

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

36 3. Are derived from patient services pursuant to contracts
37 with private insurers or private managed care entities, or paid
38 by the patient or private entities; or

39 4. Are not appropriated by the Legislature or by any



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40 county, municipality, special district, school district, Florida
41 College System institution, state university, or other separate
42 unit of government created pursuant to law, including any
43 office, department, agency, division, subdivision, political
44 subdivision, board, bureau, commission, authority, or
45 institution of such entities, except for revenues otherwise
46 authorized to be used pursuant to subparagraphs 2. and 3.

47 (d) A clothing and maintenance allowance given to
48 plainclothes deputies pursuant to s. 30.49.

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

52 (2)-(1) Except as provided in subsections (3) and (4), no
53 extra compensation shall be made from public funds to any
54 officer, agent, employee, or contractor after the service has
55 been rendered or the contract made; nor shall any public funds
56 money be appropriated or paid on any claim the subject matter of
57 which has not been provided for by preexisting laws, unless such
58 compensation or claim is allowed by a law enacted by two-thirds
59 of the members elected to each house of the Legislature.

60 However, when adopting salary schedules for a fiscal year, a
61 district school board or community college district board of
62 trustees may apply the schedule for payment of all services
63 rendered subsequent to July 1 of that fiscal year.

64 ~~(2) This section does not apply to:~~

65 ~~(a) a bonus or severance pay that is paid wholly from~~
66 ~~nontax revenues and nonstate-appropriated funds, the payment and~~
67 ~~receipt of which does not otherwise violate part III of chapter~~
68 ~~112, and which is paid to an officer, agent, employee, or~~



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69 ~~contractor of a public hospital that is operated by a county or~~
70 ~~a special district; or~~

71 ~~(b) A clothing and maintenance allowance given to~~
72 ~~plainclothes deputies pursuant to s. 30.49.~~

73 (3) Any policy, ordinance, rule, or resolution designed to
74 implement a bonus scheme must:

75 (a) Base the award of a bonus on work performance;

76 (b) Describe the performance standards and evaluation
77 process by which a bonus will be awarded;

78 (c) Notify all employees who meet the prescribed criteria
79 for a particular bonus scheme of the policy, ordinance, rule, or
80 resolution before the beginning of the evaluation period on
81 which a bonus will be based; and

82 (d) Consider all employees who meet the prescribed criteria
83 for a particular bonus scheme for the bonus.

84 (4) (a) ~~On or after July 1, 2011,~~ A unit of government, on
85 or after July 1, 2011, or a state university, on or after July
86 1, 2012, which ~~that~~ enters into a contract or employment
87 agreement, or a renewal or renegotiation of an existing contract
88 or employment agreement, which ~~that~~ contains a provision for
89 severance pay with an officer, agent, employee, or contractor
90 must include the following provisions in the contract:

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

94 2. A prohibition of provision of severance pay paid from
95 public funds when the officer, agent, employee, or contractor
96 has been fired for misconduct, as defined in s. 443.036(29), by
97 the unit of government. However, the existence of a contract



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98 that includes a provision providing for severance pay does not
99 limit the application of paragraph (b) to the settlement of a
100 dispute.

101 (b) On or after July 1, 2011, an officer, agent, employee,
102 or contractor may receive severance pay that is not provided for
103 in a contract or employment agreement if the severance pay
104 represents the settlement of an employment dispute. In
105 determining the amount of severance pay that may be paid in
106 accordance with this section, the unit of government or the
107 state university shall consider the nature of the claim, the
108 circumstances giving rise to the dispute, and the potential cost
109 of resolving the dispute ~~Such severance pay may not exceed an~~
110 ~~amount greater than 6 weeks of compensation.~~ The settlement may
111 not include provisions that limit the ability of any party to
112 the settlement to discuss the dispute or settlement.

113 (5) Any agreement or contract, executed on or after July 1,
114 2011, which involves extra compensation between a unit of
115 government and an officer, agent, employee, or contractor may
116 not include provisions that limit the ability of any party to
117 the agreement or contract to discuss the agreement or contract.

118 (6) Upon discovery or notification that a unit of
119 government has provided prohibited compensation to any officer,
120 agent, employee, or contractor in violation of this section,
121 such unit of government shall investigate and take all
122 reasonable action to recover the prohibited compensation.

123 (a) If the violation was unintentional, the unit of
124 government shall take all reasonable action to recover the
125 prohibited compensation from the individual receiving the
126 prohibited compensation through normal recovery methods for



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127 overpayments.

128 (b) If the violation was willful, the unit of government
129 shall take all reasonable action to recover the prohibited
130 compensation from the individual receiving the prohibited
131 compensation or the employee or employees of the unit of
132 government who willfully violated this section. Each individual
133 determined to have willfully violated this section is jointly
134 and severally liable for repayment of the prohibited
135 compensation.

136 (7) An officer who exercises the powers and duties of a
137 state or county officer and willfully violates this section is
138 subject to the Governor's power under s. 7(a), Art. IV of the
139 State Constitution. An officer who exercises powers and duties
140 other than those of a state or county officer and willfully
141 violates this section is subject to the suspension and removal
142 procedures under s. 112.51.

143 (8) An employee who is discharged, demoted, suspended,
144 threatened, harassed, or in any manner discriminated against in
145 the terms and conditions of employment by his or her employer
146 because of lawful acts done by the employee on behalf of the
147 employee or others in furtherance of an action under this
148 section, including investigation for initiation of, testimony
149 for, or assistance in an action filed or to be filed under this
150 section, has a cause of action under s. 112.3187.

151 (9) Subsections (6), (7), and (8) apply prospectively to
152 contracts and employment agreements, and the renewal or
153 renegotiation of an existing contract or employment agreement,
154 effective on or after October 1, 2016.

155 Section 17. Section 215.86, Florida Statutes, is amended to



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156 read:

157 215.86 Management systems and controls.—Each state agency
158 and the judicial branch as defined in s. 216.011 shall establish
159 and maintain management systems and internal controls designed
160 to:

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

162 (2) Promote and encourage compliance with applicable laws,
163 rules, contracts, and grant agreements.†

164 (3) Support economical and ~~economic,~~ efficient, ~~and~~
165 effective operations.†

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

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

170 Section 18. Paragraph (a) of subsection (2) of section
171 215.97, Florida Statutes, is amended to read:

172 215.97 Florida Single Audit Act.—

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

174 (a) "Audit threshold" means the threshold amount used to
175 determine when a state single audit or project-specific audit of
176 a nonstate entity shall be conducted in accordance with this
177 section. Each nonstate entity that expends a total amount of
178 state financial assistance equal to or in excess of \$750,000
179 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
180 required to have a state single audit, or a project-specific
181 audit, for such fiscal year in accordance with the requirements
182 of this section. ~~Every 2 years the Auditor General,~~ After
183 consulting with the Executive Office of the Governor, the
184 Department of Financial Services, and all state awarding



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185 agencies, the Auditor General shall periodically review the
186 threshold amount for requiring audits under this section and may
187 recommend any appropriate statutory change to revise the
188 threshold amount in the annual report submitted pursuant to s.
189 11.45(7)(h) to the Legislature ~~may adjust such threshold amount~~
190 ~~consistent with the purposes of this section.~~

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

193 215.985 Transparency in government spending.—

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

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

201 218.32 Annual financial reports; local governmental
202 entities.—

203 (1)

204 (d) Each local governmental entity that is required to
205 provide for an audit under s. 218.39(1) must submit a copy of
206 the audit report and annual financial report to the department
207 within 45 days after the completion of the audit report but no
208 later than 9 months after the end of the fiscal year. In
209 conducting an audit of a local governmental entity pursuant to
210 s. 218.39, an independent certified public accountant shall
211 determine whether the entity's annual financial report is in
212 agreement with the audited financial statements. The
213 accountant's audit report must be supported by the same level of



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214 detail as required for the annual financial report. If the
215 accountant's audit report is not in agreement with the annual
216 financial report, the accountant shall specify and explain the
217 significant differences that exist between the annual financial
218 report and the audit report.

219 (2) The department shall annually by December 1 file a
220 verified report with the Governor, the Legislature, the Auditor
221 General, and the Special District Accountability Program of the
222 Department of Economic Opportunity showing the revenues, both
223 locally derived and derived from intergovernmental transfers,
224 and the expenditures of each local governmental entity, regional
225 planning council, local government finance commission, and
226 municipal power corporation that is required to submit an annual
227 financial report. In preparing the verified report, the
228 department may request additional information from the local
229 governmental entity. The information requested must be provided
230 to the department within 45 days after the request. If the local
231 governmental entity does not comply with the request, the
232 department shall notify the Legislative Auditing Committee,
233 which may take action pursuant to s. 11.40(2). The report must
234 include, but is not limited to:

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

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



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

246 218.33 Local governmental entities; establishment of
247 uniform fiscal years and accounting practices and procedures.—

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

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

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

253 (c) Support economical and efficient operations.

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

255 (e) Safeguard assets.

256 Section 22. Present subsections (8) through (12) of section
257 218.39, Florida Statutes, are redesignated as subsections (9)
258 through (13), respectively, and a new subsection (8) is added to
259 that section, to read:

260 218.39 Annual financial audit reports.—

261 (8) If the audit report includes a recommendation that was
262 included in the preceding financial audit report but remains
263 unaddressed, the governing body of the audited entity, within 60
264 days after the delivery of the audit report to the governing
265 body, shall indicate during a regularly scheduled public meeting
266 whether it intends to take corrective action, the intended
267 corrective action, and the timeframe for the corrective action.
268 If the governing body indicates that it does not intend to take
269 corrective action, it shall explain its decision at the public
270 meeting.

271 Section 23. Subsection (2) of section 218.391, Florida



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272 Statutes, is amended, and subsection (9) is added to that
273 section, to read:

274 218.391 Auditor selection procedures.—

275 (2) The governing body of a ~~charter~~ county, municipality,
276 special district, district school board, charter school, or
277 charter technical career center shall establish an audit
278 committee.

279 (a) The audit committee for a county ~~Each noncharter county~~
280 ~~shall establish an audit committee that~~, at a minimum, shall
281 consist of each of the county officers elected pursuant to the
282 county charter or s. 1(d), Art. VIII of the State Constitution,
283 or their respective designees ~~a designee~~, and one member of the
284 board of county commissioners or its designee.

285 (b) The audit committee for a municipality, special
286 district, district school board, charter school, or charter
287 technical career center shall consist of at least three members.
288 One member of the audit committee must be a member of the
289 governing body of an entity specified in this paragraph, who
290 shall also serve as the chair of the committee.

291 (c) An employee, chief executive officer, or chief
292 financial officer of the county, municipality, special district,
293 district school board, charter school, or charter technical
294 career center may not serve as a member of an audit committee
295 established under this subsection.

296 (d) The primary purpose of the audit committee is to assist
297 the governing body in selecting an auditor to conduct the annual
298 financial audit required in s. 218.39; however, the audit
299 committee may serve other audit oversight purposes as determined
300 by the entity's governing body. The public may ~~shall~~ not be



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301 excluded from the proceedings under this section.

302 (9) An audit report submitted pursuant to s. 218.39 must
303 include an affidavit executed by the chair of the audit
304 committee affirming that the committee complied with the
305 requirements of subsections (3)-(6) in selecting an auditor. If
306 the Auditor General determines that an entity failed to comply
307 with the requirements of subsections (3)-(6) in selecting an
308 auditor, the entity shall select a replacement auditor in
309 accordance with this section to conduct audits for subsequent
310 fiscal years if the original audit was performed under a
311 multiyear contract. If the replacement of an auditor would
312 preclude the entity from timely completing the annual financial
313 audit required by s. 218.39, the entity shall replace an auditor
314 in accordance with this section for the subsequent annual
315 financial audit. A multiyear contract between an entity or an
316 auditor may not prohibit or restrict an entity from complying
317 with this subsection.

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

320 286.0114 Public meetings; reasonable opportunity to be
321 heard; attorney fees.-

322 (2) Members of the public shall be given a reasonable
323 opportunity to be heard on a proposition before a board or
324 commission. The opportunity to be heard need not occur at the
325 same meeting at which the board or commission takes official
326 action on the proposition if the opportunity occurs at a meeting
327 that is during the decisionmaking process and is within
328 reasonable proximity in time before the meeting at which the
329 board or commission takes the official action. A board or



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330 commission may not require a member of the public to provide an
331 advance written copy of his or her testimony or comments as a
332 precondition of being given the opportunity to be heard at a
333 meeting. This section does not prohibit a board or commission
334 from maintaining orderly conduct or proper decorum in a public
335 meeting. The opportunity to be heard is subject to rules or
336 policies adopted by the board or commission, as provided in
337 subsection (4).

338 Section 25. Paragraph (b) of subsection (2) of section
339 288.92, Florida Statutes, is amended to read:

340 288.92 Divisions of Enterprise Florida, Inc.—

341 (2)

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

345 a. Officers and members of the board of directors of the
346 divisions of Enterprise Florida, Inc.

347 b. Officers and members of the board of directors of
348 subsidiaries of Enterprise Florida, Inc.

349 c. Officers and members of the board of directors of
350 corporations created to carry out the missions of Enterprise
351 Florida, Inc.

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

355 2. For a period of 2 years after retirement from or
356 termination of service to a division, or for a period of 10
357 years if removed or terminated for cause or for misconduct, as
358 defined in s. 443.036(29), the officers and board members



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359 specified in subparagraph 1. may not represent another person or
360 entity for compensation before:

361 a. Enterprise Florida, Inc.;

362 b. A division, a subsidiary, or the board of directors of
363 corporations created to carry out the missions of Enterprise
364 Florida, Inc.; or

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

367 3.2- For purposes of applying ss. 112.313(1)-(8), (10),
368 (12), and (15); 112.3135; and 112.3143(2) to activities of the
369 officers and members of the board of directors specified in
370 subparagraph 1., those persons shall be considered public
371 officers or employees and the corporation shall be considered
372 their agency.

373 4.3- It is not a violation of s. 112.3143(2) or (4) for the
374 officers or members of the board of directors of the Florida
375 Tourism Industry Marketing Corporation to:

376 a. Vote on the 4-year marketing plan required under s.
377 288.923 or vote on any individual component of or amendment to
378 the plan.

379 b. Participate in the establishment or calculation of
380 payments related to the private match requirements of s.
381 288.904(3). The officer or member must file an annual disclosure
382 describing the nature of his or her interests or the interests
383 of his or her principals, including corporate parents and
384 subsidiaries of his or her principal, in the private match
385 requirements. This annual disclosure requirement satisfies the
386 disclosure requirement of s. 112.3143(4). This disclosure must
387 be placed ~~either~~ on the Florida Tourism Industry Marketing



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388 Corporation's website or included in the minutes of each meeting
389 of the Florida Tourism Industry Marketing Corporation's board of
390 directors at which the private match requirements are discussed
391 or voted upon.

392 Section 26. Paragraph (a) of subsection (3) of section
393 288.9604, Florida Statutes, is amended to read:

394 288.9604 Creation of the authority.—

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

400 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
401 and (15); 112.3135; and 112.3143(2). For purposes of applying
402 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
403 112.3143(2) to activities of directors, directors shall be
404 considered public officers and the corporation shall be
405 considered their agency.

406 3. A director of the corporation may not represent another
407 person or entity for compensation before the corporation for a
408 period of 2 years following his or her service on the board of
409 directors.

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

413 373.536 District budget and hearing thereon.—

414 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

415 (e) ~~By September 1, 2012,~~ Each district shall provide a
416 monthly financial statement in the form and manner prescribed by



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417 the Department of Financial Services to the district's governing
418 board and make such monthly financial statement available for
419 public access on its website.

420 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
421 APPROVAL.—

422 (d) Each district shall, by August 1 of each year, submit
423 for review a tentative budget and a description of any
424 significant changes from the preliminary budget submitted to the
425 Legislature pursuant to s. 373.535 to the Governor, the
426 President of the Senate, the Speaker of the House of
427 Representatives, the chairs of all legislative committees and
428 subcommittees having substantive or fiscal jurisdiction over
429 water management districts, as determined by the President of
430 the Senate or the Speaker of the House of Representatives, as
431 applicable, the secretary of the department, and the governing
432 body of each county in which the district has jurisdiction or
433 derives any funds for the operations of the district. The
434 tentative budget must be posted on the district's official
435 website at least 2 days before budget hearings held pursuant to
436 s. 200.065 or other law and must remain on the website for at
437 least 45 days.

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

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

443 Section 28. Subsection (7) of section 838.014, Florida
444 Statutes, is renumbered as subsection (8), present subsections
445 (4) and (6) are amended, and a new subsection (6) is added to



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446 that section, to read:

447 838.014 Definitions.—As used in this chapter, the term:

448 (4) “Governmental entity” means an agency or entity of the
449 state, a county, municipality, or special district or any other
450 public entity created or authorized by law ~~“Corruptly” or “with~~
451 ~~corrupt intent” means acting knowingly and dishonestly for a~~
452 ~~wrongful purpose.~~

453 (6) “Public contractor” means, for purposes of ss. 838.022
454 and 838.22 only:

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

457 (b) Any officer or employee of a person, as defined in s.
458 1.01(3), who has entered into a contract with a governmental
459 entity.

460 ~~(7)~~ ~~(6)~~ “Public servant” means:

461 (a) Any officer or employee of a governmental state,
462 ~~county, municipal, or special district agency or entity,~~
463 including

464 ~~(b)~~ any executive, legislative, or judicial branch officer
465 or employee;

466 ~~(b)~~ ~~(c)~~ Any person, except a witness, who acts as a general
467 or special magistrate, receiver, auditor, arbitrator, umpire,
468 referee, consultant, or hearing officer while performing a
469 governmental function; or

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

474 Section 29. Subsection (1) of section 838.015, Florida



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475 Statutes, is amended to read:

476 838.015 Bribery.—

477 (1) "Bribery" means ~~corruptly~~ to knowingly and
478 intentionally give, offer, or promise to any public servant, or,
479 if a public servant, ~~corruptly~~ to knowingly and intentionally
480 request, solicit, accept, or agree to accept for himself or
481 herself or another, any pecuniary or other benefit not
482 authorized by law with an intent or purpose to influence the
483 performance of any act or omission which the person believes to
484 be, or the public servant represents as being, within the
485 official discretion of a public servant, in violation of a
486 public duty, or in performance of a public duty.

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

489 838.016 Unlawful compensation or reward for official
490 behavior.—

491 (1) It is unlawful for any person ~~corruptly~~ to knowingly
492 and intentionally give, offer, or promise to any public servant,
493 or, if a public servant, ~~corruptly~~ to knowingly and
494 intentionally request, solicit, accept, or agree to accept, any
495 pecuniary or other benefit not authorized by law, for the past,
496 present, or future performance, nonperformance, or violation of
497 any act or omission which the person believes to have been, or
498 the public servant represents as having been, either within the
499 official discretion of the public servant, in violation of a
500 public duty, or in performance of a public duty. This section
501 does not ~~Nothing herein shall be construed to~~ preclude a public
502 servant from accepting rewards for services performed in
503 apprehending any criminal.



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504 (2) It is unlawful for any person ~~corruptly~~ to knowingly
505 and intentionally give, offer, or promise to any public servant,
506 or, if a public servant, ~~corruptly~~ to knowingly and
507 intentionally request, solicit, accept, or agree to accept, any
508 pecuniary or other benefit not authorized by law for the past,
509 present, or future exertion of any influence upon or with any
510 other public servant regarding any act or omission which the
511 person believes to have been, or which is represented to him or
512 her as having been, either within the official discretion of the
513 other public servant, in violation of a public duty, or in
514 performance of a public duty.

515 Section 31. Subsection (1) of section 838.022, Florida
516 Statutes, is amended, and subsection (2) of that section is
517 republished, to read:

518 838.022 Official misconduct.—

519 (1) It is unlawful for a public servant or public
520 contractor, ~~with corrupt intent~~ to knowingly and intentionally
521 obtain a benefit for any person or to cause unlawful harm to
522 another, by ~~to~~:

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

525 (b) Concealing, covering up, destroying, mutilating, or
526 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
527 official record or official document, except as authorized by
528 law or contract, or causing ~~cause~~ another person to perform such
529 an act; or

530 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~
531 ~~or prevent~~ the communication of information relating to the
532 commission of a felony that directly involves or affects the



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533 ~~government public agency or public~~ entity served by the public
534 ~~servant or public contractor.~~

535 (2) For the purposes of this section:

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

538 (b) An official record or official document includes only
539 public records.

540 Section 32. Section 838.22, Florida Statutes, is amended to
541 read:

542 838.22 Bid tampering.—

543 (1) It is unlawful for a public servant or a public
544 contractor who has contracted with a governmental entity to
545 assist in a competitive procurement, with corrupt intent to
546 knowingly and intentionally influence or attempt to influence
547 the competitive solicitation bidding process undertaken by any
548 governmental state, county, municipal, or special district
549 agency, or any other public entity, for the procurement of
550 commodities or services, by ~~to~~:

551 (a) Disclosing, except as authorized by law, Disclose
552 material information concerning a vendor's response, any
553 evaluation results, bid or other aspects of the competitive
554 solicitation bidding process when such information is not
555 publicly disclosed.

556 (b) Altering or amending Alter or amend a submitted
557 response bid, documents or other materials supporting a
558 submitted response bid, or any evaluation bid results relating
559 to the competitive solicitation for the purpose of intentionally
560 providing a competitive advantage to any person who submits a
561 response bid.



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562 (2) It is unlawful for a public servant or a public
563 contractor who has contracted with a governmental entity to
564 assist in a competitive procurement, with corrupt intent to
565 knowingly and intentionally obtain a benefit for any person or
566 to cause unlawful harm to another by circumventing, to
567 circumvent a competitive solicitation bidding process required
568 by law or rule through the use of by using a sole-source
569 contract for commodities or services.

570 (3) It is unlawful for any person to knowingly agree,
571 conspire, combine, or confederate, directly or indirectly, with
572 a public servant or a public contractor who has contracted with
573 a governmental entity to assist in a competitive procurement to
574 violate subsection (1) or subsection (2).

575 (4) It is unlawful for any person to knowingly enter into a
576 contract for commodities or services which was secured by a
577 public servant or a public contractor who has contracted with a
578 governmental entity to assist in a competitive procurement
579 acting in violation of subsection (1) or subsection (2).

580 (5) Any person who violates this section commits a felony
581 of the second degree, punishable as provided in s. 775.082, s.
582 775.083, or s. 775.084.

583 Section 33. Paragraph (1) of subsection (12) of section
584 1001.42, Florida Statutes, is amended, a new subsection (27) is
585 added to that section, and present subsection (27) of that
586 section is renumbered as subsection (28), to read:

587 1001.42 Powers and duties of district school board.—The
588 district school board, acting as a board, shall exercise all
589 powers and perform all duties listed below:

590 (12) FINANCE.—Take steps to assure students adequate



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591 educational facilities through the financial procedure
592 authorized in chapters 1010 and 1011 and as prescribed below:

593 (1) Internal auditor.—May employ an internal auditor to
594 perform ongoing financial verification of the financial records
595 of the school district and such other audits and reviews as the
596 district school board directs for the purpose of determining:

597 1. The adequacy of internal controls designed to prevent
598 and detect fraud, waste, and abuse.

599 2. Compliance with applicable laws, rules, contracts, grant
600 agreements, district school board-approved policies, and best
601 practices.

602 3. The efficiency of operations.

603 4. The reliability of financial records and reports.

604 5. The safeguarding of assets.

605

606 The internal auditor shall report directly to the district
607 school board or its designee.

608 (27) VISITATION OF SCHOOLS.—Visit the schools, observe the
609 management and instruction, give suggestions for improvement,
610 and advise citizens with the view of promoting interest in
611 education and improving the school.

612 Section 34. Paragraph (j) of subsection (9) of section
613 1002.33, Florida Statutes, is amended to read:

614 1002.33 Charter schools.—

615 (9) CHARTER SCHOOL REQUIREMENTS.—

616 (j) The governing body of the charter school shall be
617 responsible for:

618 1. Establishing and maintaining internal controls designed
619 to:



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620 a. Prevent and detect fraud, waste, and abuse.
621 b. Promote and encourage compliance with applicable laws,
622 rules, contracts, grant agreements, and best practices.
623 c. Support economical and efficient operations.
624 d. Ensure reliability of financial records and reports.
625 e. Safeguard assets.
626 ~~2.1.~~ Ensuring that the charter school has retained the
627 services of a certified public accountant or auditor for the
628 annual financial audit, pursuant to s. 1002.345(2), who shall
629 submit the report to the governing body.
630 ~~3.2.~~ Reviewing and approving the audit report, including
631 audit findings and recommendations for the financial recovery
632 plan.
633 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including
634 monitoring a corrective action plan.
635 b. Monitoring a financial recovery plan in order to ensure
636 compliance.
637 ~~5.4.~~ Participating in governance training approved by the
638 department which must include government in the sunshine,
639 conflicts of interest, ethics, and financial responsibility.
640 Section 35. Present subsections (6) through (10) of section
641 1002.37, Florida Statutes, are redesignated as subsections (7)
642 through (11), respectively, a new subsection (6) is added to
643 that section, and present subsections (6) and (11) of that
644 section are amended, to read:
645 1002.37 The Florida Virtual School.—
646 (6) The Florida Virtual School shall have an annual
647 financial audit of its accounts and records conducted by an
648 independent auditor who is a certified public accountant



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649 licensed under chapter 473. The independent auditor shall
650 conduct the audit in accordance with rules adopted by the
651 Auditor General pursuant to s. 11.45 and, upon completion of the
652 audit, shall prepare an audit report in accordance with such
653 rules. The audit report must include a written statement of the
654 board of trustees describing corrective action to be taken in
655 response to each of the recommendations of the independent
656 auditor included in the audit report. The independent auditor
657 shall submit the audit report to the board of trustees and the
658 Auditor General no later than 9 months after the end of the
659 preceding fiscal year.

660 (7) ~~(6)~~ The board of trustees shall annually submit to the
661 Governor, the Legislature, the Commissioner of Education, and
662 the State Board of Education the audit report prepared pursuant
663 to subsection (6) and a complete and detailed report setting
664 forth:

665 (a) The operations and accomplishments of the Florida
666 Virtual School within the state and those occurring outside the
667 state as Florida Virtual School Global.

668 (b) The marketing and operational plan for the Florida
669 Virtual School and Florida Virtual School Global, including
670 recommendations regarding methods for improving the delivery of
671 education through the Internet and other distance learning
672 technology.

673 (c) The assets and liabilities of the Florida Virtual
674 School and Florida Virtual School Global at the end of the
675 fiscal year.

676 ~~(d) A copy of an annual financial audit of the accounts and~~
677 ~~records of the Florida Virtual School and Florida Virtual School~~



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678 ~~Global, conducted by an independent certified public accountant~~
679 ~~and performed in accordance with rules adopted by the Auditor~~
680 ~~General.~~

681 ~~(e)~~ Recommendations regarding the unit cost of providing
682 services to students through the Florida Virtual School and
683 Florida Virtual School Global. In order to most effectively
684 develop public policy regarding any future funding of the
685 Florida Virtual School, it is imperative that the cost of the
686 program is accurately identified. The identified cost of the
687 program must be based on reliable data.

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

691 ~~(11)~~ ~~The Auditor General shall conduct an operational audit~~
692 ~~of the Florida Virtual School, including Florida Virtual School~~
693 ~~Global. The scope of the audit shall include, but not be limited~~
694 ~~to, the administration of responsibilities relating to~~
695 ~~personnel; procurement and contracting; revenue production;~~
696 ~~school funds, including internal funds; student enrollment~~
697 ~~records; franchise agreements; information technology~~
698 ~~utilization, assets, and security; performance measures and~~
699 ~~standards; and accountability. The final report on the audit~~
700 ~~shall be submitted to the President of the Senate and the~~
701 ~~Speaker of the House of Representatives no later than January~~
702 ~~31, 2014.~~

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

705 1010.01 Uniform records and accounts.-

706 (5) Each school district, Florida College System



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707 institution, and state university shall establish and maintain
708 internal controls designed to:

- 709 (a) Prevent and detect fraud, waste, and abuse.
- 710 (b) Promote and encourage compliance with applicable laws,
711 rules, contracts, grant agreements, and best practices.
- 712 (c) Support economical and efficient operations.
- 713 (d) Ensure reliability of financial records and reports.
- 714 (e) Safeguard assets.

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

717 1010.30 Audits required.—

718 (2) If a school district, Florida College System
719 institution, or university audit report includes a
720 recommendation that was included in the preceding financial
721 audit report but remains unaddressed, ~~an audit contains a~~
722 ~~significant finding,~~ the district school board, the Florida
723 College System institution board of trustees, or the university
724 board of trustees, within 60 days after the delivery of the
725 audit report to the school district, Florida College System
726 institution, or university, shall indicate ~~conduct an audit~~
727 ~~overview~~ during a regularly scheduled public meeting ~~whether it~~
728 intends to take corrective action, the intended corrective
729 action, and the timeframe for the corrective action. If the
730 district school board, Florida College System institution board
731 of trustees, or university board of trustees indicates that it
732 does not intend to take corrective action, it shall explain its
733 decision at the public meeting.

734
735 ===== T I T L E A M E N D M E N T =====



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736 And the title is amended as follows:
737 Delete lines 1908 - 2005
738 and insert:
739 compensation claims; revising minimum requirements for
740 any policy, ordinance, rule, or resolution designed to
741 implement a bonus scheme; requiring certain contracts
742 into which a unit of government or state university
743 enters to contain certain provisions regarding
744 severance pay; requiring a unit of government to
745 investigate and take necessary action to recover
746 prohibited compensation; specifying methods of
747 recovery for unintentional and willful violations;
748 specifying applicability of procedures regarding
749 suspension and removal of an officer who commits a
750 willful violation; specifying circumstances under
751 which an employee has a cause of action under the
752 Whistle-blower's Act; providing for applicability;
753 amending s. 215.86, F.S.; revising the purposes for
754 which management systems and internal controls must be
755 established and maintained by each state agency and
756 the judicial branch; amending s. 215.97, F.S.;
757 revising the definition of the term "audit threshold";
758 amending s. 215.985, F.S.; revising the requirements
759 for a monthly financial statement provided by a water
760 management district; amending s. 218.32, F.S.;
761 revising the requirements of the annual financial
762 audit report of a local governmental entity;
763 authorizing the Department of Financial Services to
764 request additional information from a local



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765 governmental entity; requiring a local governmental
766 entity to respond to such requests within a specified
767 timeframe; requiring the department to notify the
768 Legislative Auditing Committee of noncompliance;
769 amending s. 218.33, F.S.; requiring local governmental
770 entities to establish and maintain internal controls
771 to achieve specified purposes; amending s. 218.39,
772 F.S.; requiring an audited entity to respond to audit
773 recommendations under specified circumstances;
774 amending s. 218.391, F.S.; revising the composition of
775 an audit committee; prohibiting an audit committee
776 member from being an employee, a chief executive
777 officer, or a chief financial officer of the
778 respective governmental entity; requiring the chair of
779 an audit committee to sign and execute an affidavit
780 affirming compliance with auditor selection
781 procedures; prescribing procedures in the event of
782 noncompliance with auditor selection procedures;
783 amending s. 286.0114, F.S.; prohibiting a board or
784 commission from requiring an advance copy of testimony
785 or comments from a member of the public as a
786 precondition to being given the opportunity to be
787 heard at a public meeting; amending s. 288.92, F.S.;
788 prohibiting specified officers and board members of
789 Enterprise Florida, Inc., from representing a person
790 or entity for compensation before Enterprise Florida,
791 Inc., and associated entities thereof, for a specified
792 timeframe; amending s. 288.9604, F.S.; prohibiting a
793 director of the Florida Development Finance



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794 Corporation from representing a person or an entity
795 for compensation before the corporation for a
796 specified timeframe; amending s. 373.536, F.S.;
797 deleting obsolete language; requiring water management
798 districts to maintain certain budget documents on the
799 districts' websites for a specified period; amending
800 s. 838.014, F.S.; revising and providing definitions;
801 amending s. 838.015, F.S.; revising the definition of
802 the term "bribery"; revising requirements for
803 prosecution; amending s. 838.016, F.S.; revising the
804 prohibition against unlawful compensation or reward
805 for official behavior to conform to changes made by
806 the act; amending s. 838.022, F.S.; revising the
807 prohibition against official misconduct to conform to
808 changes made by the act; revising applicability of the
809 offense to include public contractors; amending s.
810 838.22, F.S.; revising the prohibition against bid
811 tampering to conform to changes made by the act;
812 revising applicability of the offense to include
813 specified public contractors; amending s. 1001.42,
814 F.S.; authorizing additional internal audits as
815 directed by the district school board; specifying
816 duties of the district school board regarding
817 visitation of schools; amending s. 1002.33, F.S.;
818 revising the responsibilities of the governing board
819 of a charter school to include the establishment and
820 maintenance of internal controls; amending s. 1002.37,
821 F.S.; requiring completion of an annual financial
822 audit of the Florida Virtual School; specifying audit



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823 requirements; requiring an audit report to be
824 submitted to the board of trustees of the Florida
825 Virtual School and the Auditor General; removing
826 obsolete provisions; amending s. 1010.01, F.S.;
827 requiring each school district, Florida College System
828 institution, and state university to establish and
829 maintain certain internal controls; amending s.
830 1010.30, F.S.; requiring a district school board,
831 Florida College System institution board of trustees,
832 or university board of trustees to respond to audit
833 recommendations under certain circumstances; amending
834 ss. 99.061, 218.503, and 1002.455,