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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/11/2010	.	
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	.	
	.	

The Committee on Finance and Tax (Storms) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (5) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

(5) Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the



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13 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
14 s. 218.38, the Legislative Auditing Committee may schedule a
15 hearing. If a hearing is scheduled, the committee shall
16 determine if the entity should be subject to further state
17 action. If the committee determines that the entity should be
18 subject to further state action, the committee shall:

19 (b) In the case of a special district, notify the
20 Department of Community Affairs that the special district has
21 failed to comply with the law. Upon receipt of notification, the
22 Department of Community Affairs shall proceed pursuant to s.
23 189.4044 ~~or the provisions specified in s. 189.421.~~

24 Section 2. Subsections (1) through (4) of section 30.49,
25 Florida Statutes, are amended to read:

26 30.49 Budgets.—

27 (1) Pursuant to s. 129.03(2), each sheriff shall annually
28 prepare and submit ~~certify~~ to the board of county commissioners
29 a proposed budget ~~of expenditures~~ for ~~the~~ carrying out ~~of~~ the
30 powers, duties, and operations of the office for the next
31 ~~ensuing~~ fiscal year ~~of the county~~. The fiscal year of the
32 sheriff shall ~~henceforth~~ commence on October 1 and end on
33 September 30 of each year.

34 (2) (a) ~~The sheriff shall submit with the proposed budget~~
35 ~~his or her sworn certificate, stating that the proposed~~
36 ~~expenditures are reasonable and necessary for the proper and~~
37 ~~efficient operation of the office for the ensuing year.~~ The
38 proposed budget must ~~shall~~ show the estimated amounts of all
39 proposed expenditures for operating and equipping the sheriff's
40 office and jail, excluding the cost of construction, repair, or
41 capital improvement of county buildings during the ~~such~~ fiscal



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42 year. The expenditures must ~~shall~~ be categorized at the
43 appropriate fund level in accordance with the following
44 functional categories:

- 45 1. General law enforcement.
- 46 2. Corrections and detention alternative facilities.
- 47 3. Court services, excluding service of process.

48 (b) The sheriff shall submit with the proposed budget a
49 sworn certificate stating that the proposed expenditures are
50 reasonable and necessary for the proper and efficient operation
51 of the office for the next fiscal year.

52 (c) Within the appropriate fund and functional category,
53 expenditures shall be itemized in accordance with the uniform
54 chart of accounts prescribed by the Department of Financial
55 Services, as follows:

- 56 1. Personnel ~~Personal~~ services.
- 57 2. Operating expenses.
- 58 3. Capital outlay.
- 59 4. Debt service.
- 60 5. Grants and aids ~~Nonoperating disbursements and~~
61 ~~contingency reserves.~~

62 6. Other uses.

63 (d) ~~(e)~~ The sheriff shall submit to the board of county
64 commissioners for consideration and inclusion in the county
65 budget, as deemed appropriate by the county, requests for
66 construction, repair, or capital improvement of county buildings
67 operated or occupied by the sheriff.

68 (3) The sheriff shall furnish to the board of county
69 commissioners or the budget commission, if there is a budget
70 commission in the county, all relevant and pertinent information



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71 concerning expenditures made in previous fiscal years and ~~to the~~
72 proposed expenditures which the ~~such~~ board or commission deems
73 necessary, including expenditures at the subobject code level in
74 accordance with the uniform chart of accounts prescribed by the
75 Department of Financial Services. The board or commission may
76 not amend, modify, increase, or reduce any expenditure at the
77 subobject code level. The ~~except that the~~ board or commission
78 may not require confidential information concerning details of
79 investigations. Confidential information concerning details of
80 investigations is exempt from ~~the provisions of~~ s. 119.07(1).

81 (4) The board of county commissioners or the budget
82 commission, as appropriate ~~the case may be~~, may require the
83 sheriff to correct mathematical, mechanical, factual, and
84 clerical errors and errors as to form in the proposed budget. At
85 the hearings held pursuant to s. 200.065, the board or
86 commission, ~~as the case may be~~, may amend, modify, increase, or
87 reduce any or all items of expenditure in the proposed budget,
88 as certified by the sheriff pursuant to paragraphs (2)(a)-(c),
89 and shall approve such budget, as amended, modified, increased,
90 or reduced. The board or commission ~~It~~ must give written notice
91 of its action to the sheriff and specify in such notice the
92 specific items amended, modified, increased, or reduced. The
93 budget must ~~shall~~ include the salaries and expenses of the
94 sheriff's office, cost of operation of the county jail,
95 purchase, maintenance and operation of equipment, including
96 patrol cars, radio systems, transporting prisoners, court
97 duties, and all other salaries, expenses, equipment, and
98 investigation expenditures of the entire sheriff's office for
99 the previous year.



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100 (a) The sheriff, within 30 days after receiving written
101 notice of such action by the board or commission, ~~either~~ in
102 person or in his or her office, may file an appeal by petition
103 to the Administration Commission. ~~Such appeal shall be by~~
104 ~~petition to the Administration commission.~~ The petition must
105 ~~shall~~ set forth the budget proposed by the sheriff, in the form
106 and manner prescribed by the Executive Office of the Governor
107 and approved by the Administration Commission, and the budget as
108 approved by the board of county commissioners or the budget
109 commission, ~~as the case may be,~~ and shall contain the reasons or
110 grounds for the appeal. Such petition shall be filed with the
111 Executive Office of the Governor, and a copy of the petition
112 shall be served upon the board or commission from the decision
113 of which appeal is taken by delivering the same to the chair or
114 president thereof or to the clerk of the circuit court.

115 (b) The board ~~of county commissioners~~ or the budget
116 commission, ~~as the case may be,~~ shall have 5 days from delivery
117 of a copy of ~~any~~ such petition to file a reply with the
118 Executive Office of the Governor ~~a reply thereto,~~ and ~~it~~ shall
119 deliver a copy of such reply to the sheriff.

120 Section 3. Subsection (4) of section 112.63, Florida
121 Statutes, is amended to read:

122 112.63 Actuarial reports and statements of actuarial
123 impact; review.—

124 (4) Upon receipt, pursuant to subsection (2), of an
125 actuarial report, or ~~upon receipt,~~ pursuant to subsection (3),
126 of a statement of actuarial impact, the Department of Management
127 Services shall acknowledge such receipt, but shall only review
128 and comment on each retirement system's or plan's actuarial



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129 valuations at least on a triennial basis.

130 (a) If the department finds that the actuarial valuation is
131 not complete, accurate, or based on reasonable assumptions or
132 otherwise materially fails to satisfy the requirements of this
133 part; ~~if the department~~ requires additional material
134 information necessary to complete its review of the actuarial
135 valuation of a system or plan or material information necessary
136 to satisfy the duties of the department pursuant to s.
137 112.665(1); ~~or if the department~~ does not receive the actuarial
138 report or statement of actuarial impact, the department shall
139 notify the administrator of the affected retirement system or
140 plan and the affected governmental entity and request
141 appropriate adjustment, the additional material information, or
142 the required report or statement. The notification must inform
143 the administrator ~~of the affected retirement system or plan~~ and
144 the affected governmental entity of the consequences for failing
145 ~~failure~~ to comply with the requirements of this subsection.

146 (b) If, after a reasonable period of time, a satisfactory
147 adjustment is not made or the report, statement, or additional
148 material information is not provided, the department may notify
149 the Department of Revenue and the Department of Financial
150 Services of the such noncompliance, and ~~in which case~~ the
151 Department of Revenue and the Department of Financial Services
152 shall withhold any funds not pledged for satisfaction of bond
153 debt service which are payable to the affected governmental
154 entity until the adjustment is made or the report, statement, or
155 additional material information is provided to the department.
156 The Department of Management Services shall specify the date
157 such action is to begin and notify, ~~and notification by the~~



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158 ~~department must be received by~~ the Department of Revenue, the
159 Department of Financial Services, and the affected governmental
160 entity 30 days before the specified ~~date the action begins~~.

161 (c) ~~(a)~~ Within 21 days after receipt of the notice, the
162 affected governmental entity may petition the Department of
163 Management Services for a hearing under ss. 120.569 and 120.57
164 ~~with the Department of Management Services~~. The Department of
165 Revenue and the Department of Financial Services may not be
166 parties to the ~~any such~~ hearing, but may request to intervene if
167 requested by the Department of Management Services or if the
168 Department of Revenue or the Department of Financial Services
169 determines its interests may be adversely affected by the
170 hearing.

171 1. If the administrative law judge recommends in favor of
172 the department, the department shall perform an actuarial
173 review, prepare the statement of actuarial impact, or collect
174 the requested material information. The cost to the department
175 of performing the ~~such~~ actuarial review, preparing the
176 statement, or collecting the requested material information
177 shall be charged to the affected governmental entity whose ~~of~~
178 ~~which the~~ employees are covered by the retirement system or
179 plan. If payment ~~of such costs~~ is not received by the department
180 within 60 days after ~~receipt by~~ the affected governmental entity
181 receives ~~of~~ the request for payment, the department shall
182 certify to the Department of Revenue and the Department of
183 Financial Services the amount due, and the Department of Revenue
184 and the Department of Financial Services shall pay such amount
185 to the Department of Management Services from ~~any~~ funds not
186 pledged for satisfaction of bond debt service which are payable



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187 to the affected governmental entity ~~of which the employees are~~
188 ~~covered by the retirement system or plan.~~

189 2. If the administrative law judge recommends in favor of
190 the affected governmental entity and the department performs an
191 actuarial review, prepares the statement of actuarial impact, or
192 collects the requested material information, the cost to the
193 department ~~of performing the actuarial review, preparing the~~
194 ~~statement, or collecting the requested material information~~
195 shall be paid by the Department of Management Services.

196 (d) ~~(b)~~ In the case of an affected special district, the
197 Department of Management Services shall also notify the
198 Department of Community Affairs. Upon receipt of notification,
199 the Department of Community Affairs shall proceed pursuant to
200 ~~the provisions of s. 189.421 with regard to the special~~
201 ~~district.~~

202 1. Failure of a special district to provide a required
203 report or statement, to make appropriate adjustments, or to
204 provide additional material information after the procedures
205 specified in s. 189.421(1) are exhausted shall be deemed final
206 action by the special district.

207 2. The Department of Management Services may notify the
208 Department of Community Affairs of those special districts that
209 failed to come into compliance. Upon receipt of notification,
210 the Department of Community Affairs shall proceed pursuant to s.
211 189.421(4).

212 Section 4. Section 129.01, Florida Statutes, is amended to
213 read:

214 129.01 Budget system established. ~~There is hereby~~
215 ~~established~~ A budget system for the control of the finances of



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216 the boards of county commissioners of the several counties of
217 the state is established, as follows:

218 (1) A budget ~~There~~ shall be prepared, approved, adopted,
219 and executed, as prescribed in this chapter, ~~for the fiscal year~~
220 ~~ending September 30, 1952, and for each fiscal year.~~ At a
221 minimum, the budget must show for each fund, as thereafter, an
222 annual budget for such funds as may be required by law and or by
223 sound financial practices, budgeted revenues and expenditures by
224 organizational unit at a level of detail that is at least
225 similar to the level of detail in the annual financial report
226 required under s. 218.32(1) and generally accepted accounting
227 principles. ~~The budget shall control the levy of taxes and the~~
228 ~~expenditure of money for all county purposes during the ensuing~~
229 ~~fiscal year.~~

230 (2) The ~~Each~~ budget must ~~shall~~ conform to the following
231 general directions and requirements:

232 (a) The budget must ~~shall~~ be prepared, summarized, and
233 approved by the board of county commissioners of each county.

234 (b) The budget must ~~shall~~ be balanced, so that; ~~that is,~~
235 the total of the estimated receipts available from taxation and
236 other sources, including balances brought forward from prior
237 fiscal years, equals ~~shall equal~~ the total of ~~the~~ appropriations
238 for expenditures and reserves. ~~It shall conform to the uniform~~
239 ~~classification of accounts prescribed by the appropriate state~~
240 ~~agency.~~ The budgeted receipts must ~~division of the budget shall~~
241 include 95 percent of all receipts reasonably ~~to be~~ anticipated
242 from all sources, including taxes to be levied, provided the
243 percent anticipated from ad valorem levies is ~~shall be~~ as
244 specified in s. 200.065(2)(a), and is 100 percent of the amount



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245 of the balances ~~of both cash and liquid securities~~ estimated to
246 be brought forward at the beginning of the fiscal year. The
247 appropriations must ~~appropriation division of the budget shall~~
248 include itemized appropriations for all expenditures authorized
249 by law, contemplated to be made, or incurred for the benefit of
250 the county during the ~~said~~ year and the provision for ~~the~~
251 reserves authorized by this chapter. Both the receipts and
252 appropriations must ~~appropriation divisions shall~~ reflect the
253 approximate division of expenditures between countywide
254 expenditures and noncountywide expenditures and the division of
255 county revenues derived from or on behalf of the county as a
256 whole and county revenues derived from or on behalf of a
257 municipal service taxing unit, special district included within
258 the county budget, unincorporated area, service area, or program
259 area, or otherwise not received for or on behalf of the county
260 as a whole.

261 (c) Provision may be made for the following reserves:

262 1. A reserve for contingencies may be provided which does
263 ~~in a sum~~ not ~~to~~ exceed 10 percent of the total appropriations ~~of~~
264 ~~the budget~~.

265 2. A reserve for cash balance to be carried over may be
266 provided for the purpose of paying expenses from October 1 of
267 the next ensuing fiscal year until ~~the time when~~ the revenues
268 for that year are expected to be available. This reserve may ~~be~~
269 not be more than 20 percent of the total appropriations.

270 ~~However, receipts and balances of the budget; provided that~~ for
271 the bond interest and sinking fund budget, this reserve may not
272 exceed ~~be not more than~~ the total maturities of debt, ~~(both~~
273 principal and interest), which ~~that~~ will occur during the next



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274 ~~ensuing~~ fiscal year, plus the sinking fund requirements,
275 computed on a straight-line basis, for any outstanding
276 obligations to be paid from the fund.

277 (d) An appropriation for "outstanding indebtedness" shall
278 be made to provide for the payment of vouchers that ~~which~~ have
279 been incurred in and charged against the budget for the current
280 year or a prior year, but that ~~which~~ are expected to be unpaid
281 at the beginning of the next fiscal ~~ensuing~~ year ~~for which the~~
282 ~~budget is being prepared~~. The appropriation for the payment of
283 such vouchers shall be to ~~made in~~ the same fund in which ~~for~~
284 ~~which~~ the expenses were originally incurred.

285 (e) Any surplus arising from an excess of the estimated
286 cash balance over the estimated amount of unpaid obligations to
287 be carried over in a fund at the end of the current fiscal year
288 may be transferred to any of the other funds of the county, and
289 the amount so transferred shall be budgeted as a receipt to such
290 other funds. However, a; ~~provided, that no such~~ surplus:

291 1. In a fund raised for debt service may not ~~shall~~ be
292 transferred to another fund until, ~~except to a fund raised for~~
293 ~~the same purposes in the same territory, unless the debt for~~
294 which the fund was established ~~of such territory~~ has been
295 extinguished, ~~in which case it may be transferred to any other~~
296 ~~fund raised for that territory; provided, further, that no such~~
297 surplus

298 2. In a capital outlay reserve fund may not be transferred
299 to another fund until ~~such time as~~ the projects for which the
300 ~~such~~ capital outlay reserve fund was raised have been completed
301 and all obligations paid.

302 Section 5. Subsection (6) of section 129.02, Florida



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303 Statutes, is amended to read:

304 129.02 Requisites of budgets.—Each budget shall conform to
305 the following specific directions and requirements:

306 (6) For each special district included within the county
307 budget, the ~~operating fund~~ budget must show budgeted revenues
308 and expenditures by organizational unit at a level of detail
309 that is at least similar to the level of detail in the annual
310 financial report required under s. 218.32(1). The amount
311 available from taxation and other sources, including balances
312 brought forward from prior fiscal years, must equal the total
313 appropriations for expenditures and reserves. The budget must
314 include ~~shall contain an estimate of receipts by source and~~
315 ~~balances as provided herein, and an itemized estimate of~~
316 expenditures necessary that will need to be incurred to carry on
317 all functions and activities of the special district as ~~now or~~
318 hereafter provided by law, including and of the indebtedness of
319 the special district and the provision for required reserves;
320 ~~also of the reserves for contingencies and the balances, as~~
321 ~~hereinbefore provided, which should be carried forward at the~~
322 ~~end of the year.~~

323 Section 6. Section 129.021, Florida Statutes, is amended to
324 read:

325 129.021 County officer budget information.—Notwithstanding
326 other provisions of law, the budgets of all county officers, as
327 submitted to the board of county commissioners, must shall be in
328 sufficient detail and contain such information as the board of
329 county commissioners may require in furtherance of their powers
330 and responsibilities provided in ss. 125.01(1)(q), and (r), and
331 (v), 125.01(6), and (6) and 129.01(2)(b).



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332 Section 7. Subsection (3) of section 129.03, Florida
333 Statutes, is amended to read:

334 129.03 Preparation and adoption of budget.—

335 (3) Within ~~No later than~~ 15 days after certification of
336 value by the property appraiser pursuant to s. 200.065(1), the
337 county budget officer, after tentatively ascertaining the
338 proposed fiscal policies of the board for the next ensuing
339 fiscal year, shall prepare and present to the board a tentative
340 budget for the next ensuing fiscal year for each of the funds
341 provided in this chapter, including all estimated receipts,
342 taxes to be levied, and balances expected to be brought forward
343 and all estimated expenditures, reserves, and balances to be
344 carried over at the end of the year.

345 (a) The board of county commissioners shall receive and
346 examine the tentative budget for each fund and, subject to the
347 notice and hearing requirements of s. 200.065, shall require
348 such changes to be made as it deems ~~shall deem~~ necessary, +
349 provided the budget remains ~~shall remain~~ in balance. The county
350 budget officer's estimates of receipts other than taxes, and of
351 balances to be brought forward, may ~~shall~~ not be revised except
352 by a resolution of the board, duly passed and spread on the
353 minutes of the board. However, the board may allocate to any of
354 the funds of the county any anticipated receipts, other than
355 taxes levied for a particular fund, except receipts designated
356 or received to be expended for a particular purpose.

357 (b) Upon receipt of the tentative budgets and completion of
358 any revisions ~~made by the board~~, the board shall prepare a
359 statement summarizing all of the adopted tentative budgets. The
360 ~~This~~ summary statement must ~~shall~~ show, for each budget and the



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361 total of all budgets, the proposed tax millages, ~~the~~ balances,
362 ~~the~~ reserves, and the total of each major classification of
363 receipts and expenditures, classified according to the uniform
364 classification of accounts adopted ~~prescribed~~ by the appropriate
365 state agency. The board shall cause this summary statement to be
366 advertised one time in a newspaper of general circulation
367 published in the county, or by posting at the courthouse door if
368 there is no such newspaper, and the advertisement must ~~shall~~
369 appear adjacent to the advertisement required pursuant to s.
370 200.065.

371 (c) The board shall hold public hearings to adopt tentative
372 and final budgets pursuant to s. 200.065. The hearings shall be
373 primarily for the purpose of hearing requests and complaints
374 from the public regarding the budgets and the proposed tax
375 levies and for explaining the budget and any proposed or adopted
376 amendments ~~thereto, if any.~~ The tentative budget must be posted
377 on the county's official website at least 2 days before the
378 public hearing to consider such budget. The final budget must be
379 posted on the website within 30 days after adoption. The
380 tentative budgets, adopted tentative budgets, and final budgets
381 shall be filed in the office of the county auditor as a public
382 record. Sufficient reference in words and figures to identify
383 the particular transactions shall be made in the minutes of the
384 board to record its actions with reference to the budgets.

385 Section 8. Subsection (1) and paragraphs (a) and (f) of
386 subsection (2) of section 129.06, Florida Statutes, are amended
387 to read:

388 129.06 Execution and amendment of budget.—

389 (1) Upon the final adoption of the budgets as provided in



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390 this chapter, the budgets so adopted must ~~shall~~ regulate the
391 expenditures of the county and each special district included
392 within the county budget, and the itemized estimates of
393 expenditures must ~~shall~~ have the effect of fixed appropriations
394 and may ~~shall~~ not be amended, altered, or exceeded except as
395 provided in this chapter.

396 (a) The modified-accrual basis or accrual basis of
397 accounting must be followed for all funds in accordance with
398 generally accepted accounting principles.

399 (b) The cost of the investments provided in this chapter,
400 or the receipts from their sale or redemption, may ~~must~~ not be
401 treated as expense or income, and ~~but~~ the investments on hand at
402 the beginning or end of each fiscal year must be carried as
403 separate items at cost in the fund balances; however, the
404 amounts of profit or loss received on their sale must be treated
405 as income or expense, as applicable ~~the case may be~~.

406 (2) The board at any time within a fiscal year may amend a
407 budget for that year, and may within the first 60 days of a
408 fiscal year amend the budget for the prior fiscal year, as
409 follows:

410 (a) Appropriations for expenditures within ~~in~~ any fund may
411 be decreased or ~~and other appropriations in the same fund~~
412 ~~correspondingly~~ increased by motion recorded in the minutes,
413 provided that the total ~~of the~~ appropriations of the fund does
414 not change ~~may not be changed~~. The board of county
415 commissioners, ~~however,~~ may establish procedures by which the
416 designated budget officer may authorize ~~certain~~
417 ~~intradepartmental~~ budget amendments, provided that the total
418 appropriations ~~appropriation~~ of the fund does not change



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419 ~~department may not be changed.~~

420 (f) Unless otherwise prohibited by law, if an amendment to
421 a budget is required for a purpose not specifically authorized
422 in paragraphs (a)-(e), ~~unless otherwise prohibited by law,~~ the
423 amendment may be authorized by resolution or ordinance of the
424 board of county commissioners adopted following a public
425 hearing.

426 1. The public hearing must be advertised at least 2 days,
427 but not more than 5 days, before the date of the hearing. The
428 advertisement must appear in a newspaper of paid general
429 circulation and must identify the name of the taxing authority,
430 the date, place, and time of the hearing, and the purpose of the
431 hearing. The advertisement must also identify each budgetary
432 fund to be amended, the source of the funds, the use of the
433 funds, and the total amount of each fund's appropriations
434 ~~budget.~~

435 2. If the board amends the budget pursuant to this
436 paragraph, the adopted amendment must be posted on the county's
437 official website within 5 days after adoption.

438 Section 9. Section 129.07, Florida Statutes, is amended to
439 read:

440 129.07 Unlawful to exceed the budget; ~~certain contracts~~
441 ~~void; commissioners contracting excess indebtedness personally~~
442 ~~liable. It is unlawful for~~ The board of county commissioners may
443 not to expend or enter into a contract requiring expenditures
444 ~~for the expenditure~~ in any fiscal year for more than the amount
445 of appropriations budgeted in each fund's budget, except as
446 provided herein, and ~~in no case shall~~ the total appropriations
447 of any budget may not be exceeded, except as provided in s.



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448 129.06.~~7~~ and Any indebtedness contracted for any purpose against
449 either of the funds enumerated in this chapter or for any
450 purpose, ~~the expenditure for~~ which is chargeable to either of
451 the said funds, is shall be null and void, and no suit may or
452 ~~suits shall~~ be prosecuted in any court in this state for the
453 collection of such indebtedness. same, and The members of the
454 board of county commissioners voting ~~for~~ and contracting for
455 such indebtedness amounts and the bonds of such members of said
456 ~~boards also~~ shall be liable for any the excess indebtedness ~~so~~
457 contracted for.

458 Section 10. Section 129.201, Florida Statutes, is amended
459 to read:

460 129.201 Budget of supervisor of elections; manner and time
461 of preparation and presentation.-

462 (1) Pursuant to ss. 129.01 and ~~s.~~ 129.03(2), each
463 supervisor of elections shall annually prepare and submit
464 ~~certify~~ to the board of county commissioners, or county budget
465 commission if there is one in the county, a proposed budget for
466 carrying out the powers, duties, and operations of income and
467 ~~expenditures to fulfill the duties, responsibilities, and~~
468 ~~operation~~ of the office of the supervisor of elections for the
469 next ensuing fiscal year ~~of the county~~. The fiscal year of the
470 supervisor of elections commences shall commence on October 1 of
471 each year and ends shall end on September 30 of the following
472 year.

473 (2) ~~(a)~~ Expenditures must be itemized in accordance with the
474 uniform accounting system prescribed by the Department of
475 Financial Services ~~Each expenditure item in the budget for the~~
476 ~~supervisor of elections shall be itemized generally as follows:~~



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477 (a)1. Personnel services. ~~Compensation for the supervisor~~
478 ~~of elections and all other personnel of the office.~~

479 (b)2. Operating expenses.

480 (c)3. Capital outlay.

481 (d) Debt service.

482 (e)4. Grants and aids. ~~Contingencies and transfers.~~

483 (f) Other uses.

484 ~~(b) To the extent appropriate, the budget shall be further~~
485 ~~itemized in conformance with the Uniform Accounting System for~~
486 ~~Local Units of Government in Florida adopted by rule of the~~
487 ~~Chief Financial Officer.~~

488 (3) The supervisor of elections shall furnish to the board
489 of county commissioners or the county budget commission all
490 relevant and pertinent information that the ~~which such~~ board or
491 commission deems shall deem necessary, including expenditures at
492 the subobject code level in accordance with the uniform chart of
493 accounts prescribed by the Department of Financial Services. The
494 board or commission may not amend, modify, increase, or reduce
495 any expenditure at the subobject code level.

496 (4) The board or commission, as appropriate ~~the case may~~
497 ~~be~~, may require the supervisor of elections to correct
498 mathematical, mechanical, factual, and clerical errors and
499 errors of form in the proposed budget. At the hearings held
500 pursuant to s. 200.065, the board or commission may amend,
501 modify, increase, or reduce any or all items of expenditure in
502 the proposed budget as submitted under subsections (1) and (2);
503 and, as amended, modified, increased, or reduced, such budget
504 shall be approved by the board or commission, which must provide
505 ~~giving~~ written notice of its action to specific items amended,



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506 modified, increased, or reduced.

507 (5) The board or commission shall include in the county
508 budget the items of proposed expenditures ~~as~~ set forth in the
509 budget which are required by this section to be submitted, after
510 the budget has been reviewed and approved. The board or
511 commission shall include the supervisor of elections' reserve
512 for contingencies ~~provided herein~~ in the general county budget's
513 reserve for contingencies account ~~in the general county budget.~~

514 (6) The supervisor of elections' reserve for contingencies
515 ~~is in the budget of a supervisor of elections~~ shall be governed
516 by the same provisions governing the amount and use of the
517 reserve for contingencies appropriated in the county budget.

518 (7) The proposed budget shall be submitted to the board of
519 county commissioners or county budget commission pursuant to s.
520 129.03(2), ~~and the budget shall be~~ included by the board or
521 commission in the general county budget.

522 (8) The items placed in the budget of the board are
523 ~~pursuant to this act shall be~~ subject to the same provisions of
524 law as the county annual budget; however, an ~~no~~ amendment ~~may be~~
525 ~~made~~ to the appropriations of the office of the supervisor of
526 elections may not be made without due notice of the change to
527 the supervisor of elections.

528 (9) The budget of the supervisor of elections may be
529 increased by the board of county commissioners to cover such
530 expenses for emergencies and unanticipated expenses as are
531 recommended and justified by the supervisor of elections.

532 Section 11. Section 166.241, Florida Statutes, is amended
533 to read:

534 166.241 Fiscal years, ~~appropriations,~~ budgets, and budget



535 amendments.-

536 (1) Each municipality shall establish ~~make provision for~~
537 ~~establishing~~ a fiscal year beginning October 1 of each year and
538 ending September 30 of the following year.

539 (2) The governing body of each municipality shall adopt a
540 budget each fiscal year. The budget must be adopted by ordinance
541 or resolution unless otherwise specified in the respective
542 municipality's charter. The amount available from taxation and
543 other sources, including balances brought forward ~~amounts~~
544 ~~carried over~~ from prior fiscal years, must equal the total
545 appropriations for expenditures and reserves. At a minimum, the
546 adopted budget must show for each fund, as required by law and
547 sound financial practices, budgeted revenues and expenditures by
548 organizational unit at a level of detail at least similar to the
549 level of detail in the annual financial report required under s.
550 218.32(1). The adopted budget must regulate expenditures of the
551 municipality, and an ~~it is unlawful for any~~ officer of a
552 municipal government may not ~~to~~ expend or contract for
553 expenditures in any fiscal year except pursuant to the adopted
554 budget in pursuance of budgeted appropriations.

555 (3) The tentative budget must be posted on the
556 municipality's official website at least 2 days before the
557 public hearing, held pursuant to s. 200.065 or other law, to
558 consider such budget. The final adopted budget must be posted on
559 the municipality's official website within 30 days after
560 adoption. If the municipality does not operate an official
561 website, the tentative budget and final budget must be posted on
562 the website of the county or counties in which the municipality
563 is located.



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564 ~~(4)-(3)~~ The governing body of each municipality at any time
565 within a fiscal year or within up to 60 days following the end
566 of the fiscal year may amend a budget for that year as follows:

567 (a) Appropriations for expenditures within a fund may be
568 decreased or increased by motion recorded in the minutes ~~if,~~
569 ~~provided that~~ the total ~~of the~~ appropriations of the fund is not
570 changed.

571 (b) The governing body may establish procedures by which
572 the designated budget officer may authorize ~~certain~~ budget
573 amendments ~~if within a department, provided that~~ the total ~~of~~
574 ~~the~~ appropriations of the fund ~~department~~ is not changed.

575 (c) If a budget amendment is required for a purpose not
576 specifically authorized in paragraph (a) or paragraph (b), the
577 budget amendment must be adopted in the same manner as the
578 original budget unless otherwise specified in the municipality's
579 ~~charter of the respective municipality.~~

580 (5) If the governing body of a municipality amends the
581 budget pursuant to paragraph (4) (c), the adopted amendment must
582 be posted on the official website of the municipality within 5
583 days after adoption. If the municipality does not operate an
584 official website, the amendment must be posted on the website of
585 the county or counties in which the municipality is located.

586 Section 12. Paragraph (a) of subsection (1) of section
587 189.4044, Florida Statutes, is amended to read:

588 189.4044 Special procedures for inactive districts.-

589 (1) The department shall declare inactive any special
590 district in this state by documenting that:

591 (a) The special district meets one of the following
592 criteria:



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593 1. The registered agent of the district, the chair of the
594 governing body of the district, or the governing body of the
595 appropriate local general-purpose government notifies the
596 department in writing that the district has taken no action for
597 2 or more years;

598 2. Following an inquiry from the department, the registered
599 agent of the district, the chair of the governing body of the
600 district, or the governing body of the appropriate local
601 general-purpose government notifies the department in writing
602 that the district has not had a governing board or a sufficient
603 number of governing board members to constitute a quorum for 2
604 or more years or the registered agent of the district, the chair
605 of the governing body of the district, or the governing body of
606 the appropriate local general-purpose government fails to
607 respond to the department's inquiry within 21 days; ~~or~~

608 3. The department determines, pursuant to s. 189.421, that
609 the district has failed to file any of the reports listed in s.
610 189.419; or-

611 4. The district has not had a registered office and agent
612 on file with the department for 1 or more years.

613 Section 13. Subsection (1) of section 189.412, Florida
614 Statutes, is amended to read:

615 189.412 Special District Information Program; duties and
616 responsibilities.—The Special District Information Program of
617 the Department of Community Affairs is created and has the
618 following special duties:

619 (1) The collection and maintenance of special district
620 noncompliance status reports from the Department of Management
621 Services, the Department of Financial Services, the Division of



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622 Bond Finance of the State Board of Administration, ~~and~~ the
623 Auditor General, and the Legislative Auditing Committee, for the
624 reporting required in ss. 112.63, 218.32, 218.38, and 218.39.
625 The noncompliance reports must list those special districts that
626 did not comply with the statutory reporting requirements.

627 Section 14. Subsections (3) through (7) of section 189.418,
628 Florida Statutes, are amended to read:

629 189.418 Reports; budgets; audits.—

630 (3) The governing body of each special district shall adopt
631 a budget by resolution each fiscal year. The total amount
632 available from taxation and other sources, including balances
633 brought forward ~~amounts carried over~~ from prior fiscal years,
634 must equal the total of appropriations for expenditures and
635 reserves. At a minimum, the adopted budget must show for each
636 fund, as required by law and sound financial practices, budgeted
637 revenues and expenditures by organizational unit at a level of
638 detail that is at least similar to the level of detail in the
639 annual financial report required under s. 218.32(1). The adopted
640 budget must regulate expenditures of the special district, and
641 ~~an it is unlawful for any~~ officer of a special district may not
642 ~~to~~ expend or contract for expenditures in any fiscal year except
643 pursuant to the adopted budget in pursuance of budgeted
644 appropriations.

645 (4) The tentative proposed budget must be posted on the
646 special district's official website at least 2 days before the
647 budget hearing, held pursuant to s. 200.065 or other law, to
648 consider such budget. The final adopted budget must be posted on
649 the special district's official website within 30 days after
650 adoption. If the special district does not operate an official



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651 website, the tentative budget and final adopted budget must be
652 posted on the website of the local general-purpose government or
653 governments in which the special district is located or the
654 local governing authority to which the district is dependent.
655 This subsection and subsection (3) do not apply to water
656 management districts as defined in s. 373.019.

657 (5)-(4) The proposed budget of a dependent special district
658 must shall be presented in accordance with generally accepted
659 accounting principles, contained within the general budget of
660 the local governing authority to which it is dependent, and be
661 clearly stated as the budget of the dependent district. However,
662 with the concurrence of the local governing authority, a
663 dependent district may be budgeted separately. The dependent
664 district must provide any budget information requested by the
665 local governing authority at the time and place designated by
666 the local governing authority.

667 (6)-(5) The governing body of each special district at any
668 time within a fiscal year or within up to 60 days following the
669 end of the fiscal year may amend a budget for that year as
670 follows:-

671 (a) Appropriations for expenditures within a fund may be
672 decreased or increased by motion recorded in the minutes if the
673 total appropriations of the fund do not change.

674 (b) The governing body may establish procedures by which
675 the designated budget officer may authorize certain budget
676 amendments if the total appropriations of the fund is not
677 changed.

678 (c) If a budget amendment is required for a purpose not
679 specifically authorized in paragraph (a) or paragraph (b), the



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680 budget amendment must be adopted by resolution.

681 (7) If the governing body of a special district amends the
682 budget pursuant to paragraph (6) (c), the adopted amendment must
683 be posted on the official website of the special district within
684 5 days after adoption. If the special district does not operate
685 an official website, the amendment must be posted on the website
686 of the local general-purpose government or governments in which
687 the special district is located or the local governing authority
688 to which the district is dependent.

689 (8)-(6) A local general-purpose government governing
690 authority may, in its discretion, review the budget or tax levy
691 of any special district located solely within its boundaries.

692 (9) All special districts must comply with the financial
693 reporting requirements of ss. 218.32 and 218.39. A local
694 general-purpose government or governing authority may request,
695 from any special district located solely within its boundaries,
696 financial information in order to comply with its reporting
697 requirements under ss. 218.32 and 218.39. The special district
698 must cooperate with such request and provide the financial
699 information at the time and place designated by the local
700 general-purpose government or governing authority.

701 (10)-(7) All reports or information required to be filed
702 with a local general-purpose government or governing authority
703 under ss. 189.415, 189.416, and 189.417, and subsection (8) ~~this~~
704 section shall:

705 (a) If ~~When~~ the local general-purpose government or
706 governing authority is a county, be filed with the clerk of the
707 board of county commissioners.

708 (b) If ~~When~~ the district is a multicounty district, be



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709 filed with the clerk of the county commission in each county.

710 (c) ~~If~~ When the local general-purpose government or
711 governing authority is a municipality, be filed at the place
712 designated by the municipal governing body.

713 Section 15. Section 189.419, Florida Statutes, is amended
714 to read:

715 189.419 Effect of failure to file certain reports or
716 information.—

717 (1) If an independent ~~a~~ special district fails to file the
718 reports or information required under s. 189.415, s. 189.416, ~~or~~
719 s. 189.417, or s. 189.418(9) with the local general-purpose
720 government or governments in which it is located ~~governing~~
721 ~~authority~~, the person authorized to receive and read the reports
722 or information or the local general-purpose government shall
723 notify the district's registered agent ~~and the appropriate local~~
724 ~~governing authority or authorities~~. If requested by the
725 district, the local general-purpose government ~~governing~~
726 ~~authority~~ shall grant an extension of ~~time of~~ up to 30 days for
727 filing the required reports or information.

728 ~~(2)~~ If the governing body of ~~at any time~~ the local general-
729 purpose government or governments ~~governing authority or~~
730 ~~authorities or the board of county commissioners~~ determines that
731 there has been an unjustified failure to file these ~~the~~ reports
732 or information ~~described in subsection (1)~~, it may notify the
733 department, and the department may proceed pursuant to s.
734 189.421(1).

735 (2) If a dependent special district fails to file the
736 reports or information required under s. 189.416, s. 189.417, or
737 s. 189.418(9) with the local governing authority to which it is



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738 dependent, the local governing authority shall take whatever
739 steps it deems necessary to enforce the special district's
740 accountability. Such steps may include, as authorized,
741 withholding funds, removing governing board members at will,
742 vetoing the special district's budget, conducting the oversight
743 review process set forth in s. 189.428, or amending, merging, or
744 dissolving the special district in accordance with the
745 provisions contained in the ordinance that created the dependent
746 special district.

747 (3) If a special district fails to file the reports or
748 information required under ~~s. 112.63, s. 218.32,~~ s. 218.38, ~~or~~
749 ~~s. 218.39~~ with the appropriate state agency, the agency shall
750 notify the department, and the department shall send a certified
751 technical assistance letter to the special district which
752 summarizes the requirements and encourages the special district
753 to take steps to prevent the noncompliance from reoccurring
754 proceed pursuant to s. 189.421.

755 (4) If a special district fails to file the reports or
756 information required under s. 112.63 with the appropriate state
757 agency, the agency shall notify the department and the
758 department shall proceed pursuant to s. 189.421(1).

759 (5) If a special district fails to file the reports or
760 information required under s. 218.32 or s. 218.39 with the
761 appropriate state agency or office, the state agency or office
762 shall, and the Legislative Auditing Committee may, notify the
763 department and the department shall proceed pursuant to s.
764 189.421.

765 Section 16. Section 189.421, Florida Statutes, is amended
766 to read:



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767 189.421 Failure of district to disclose financial reports.-

768 (1) (a) If ~~when~~ notified pursuant to s. 189.419(1), (4), or
769 (5) ~~189.419~~, the department shall attempt to assist a special
770 district ~~in complying to comply~~ with its financial reporting
771 requirements by sending a certified letter to the special
772 district, and, if the special district is dependent, sending a
773 copy of ~~that the~~ letter to the chair of the ~~governing body of~~
774 ~~the local governing authority. The letter must include general-~~
775 ~~purpose government, which includes the following:~~ a description
776 of the required report, including statutory submission
777 deadlines, a contact telephone number for technical assistance
778 to help the special district comply, a 60-day ~~deadline extension~~
779 ~~of time~~ for filing the required report with the appropriate
780 entity, the address where the report must be filed, and an
781 explanation of the penalties for noncompliance.

782 (b) A special district that is unable to meet the 60-day
783 reporting deadline must provide written notice to the department
784 before the expiration of the deadline stating the reason the
785 special district is unable to comply with the deadline, the
786 steps the special district is taking to prevent the
787 noncompliance from reoccurring, and the estimated date that the
788 special district will file the report with the appropriate
789 agency. The district's written response does not constitute an
790 extension by the department; however, the department shall
791 forward the written response as follows:

792 1. If the written response refers to the reports required
793 under s. 218.32 or s. 218.39, forward the written response to
794 the Legislative Auditing Committee for its consideration in
795 determining whether the special district should be subject to



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796 further state action in accordance with s. 11.40(5)(b).

797 2. If the written response refers to the reports or
798 information requirements listed in s. 189.419(1), forward the
799 written response to the local general-purpose government or
800 governments for its consideration in determining whether the
801 oversight review process set forth in s. 189.428 should be
802 undertaken.

803 3. If the written response refers to the reports or
804 information required under s. 112.63, forward the written
805 response to the Department of Management Services for its
806 consideration in determining whether the special district should
807 be subject to further state action in accordance with s.
808 112.63(4)(d)2. ~~The department may grant an additional 30-day~~
809 ~~extension of time if requested to do so in writing by the~~
810 ~~special district. The department shall notify the appropriate~~
811 ~~entity of the new extension of time. In the case of a special~~
812 ~~district that did not timely file the reports or information~~
813 ~~required by s. 218.38, the department shall send a certified~~
814 ~~technical assistance letter to the special district which~~
815 ~~summarizes the requirements and encourages the special district~~
816 ~~to take steps to prevent the noncompliance from reoccurring.~~

817 (2) Failure of a special district to comply with the
818 actuarial and financial reporting requirements under s. 112.63,
819 s. 218.32, or s. 218.39 after the procedures of subsection (1)
820 are exhausted shall be deemed final action of the special
821 district. The actuarial and financial reporting requirements are
822 declared to be essential requirements of law. Remedy for
823 noncompliance shall be by writ of certiorari as set forth in
824 subsection (4) ~~(3)~~.



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825 (3) Pursuant to s. 11.40(5)(b), the Legislative Auditing
826 Committee shall notify the department of those districts that
827 fail failed to file the required reports report. If the
828 procedures described in subsection (1) have not yet been
829 initiated, the department shall initiate such procedures upon
830 receiving the notice from the Legislative Auditing Committee.
831 Otherwise, within 60 30 days after receiving such this notice,
832 or within 60 30 days after the expiration of the 60-day deadline
833 extension date provided in subsection (1), whichever occurs
834 later, the department, shall proceed as follows: notwithstanding
835 the provisions of chapter 120, ~~the department~~ shall file a
836 petition for writ of certiorari with the circuit court. Venue
837 for all actions pursuant to this subsection is shall be in Leon
838 County. The court shall award the prevailing party attorney's
839 fees and costs in all cases filed pursuant to this section
840 unless affirmatively waived by all parties. A writ of certiorari
841 shall be issued unless a respondent establishes that the
842 notification of the Legislative Auditing Committee was issued as
843 a result of material error. Proceedings under this subsection
844 shall otherwise be governed by the Rules of Appellate Procedure.

845 (4) Pursuant to s. 112.63(4)(d)2., the Department of
846 Management Services may notify the department of those special
847 districts that have failed to file the required adjustments,
848 additional information, or report or statement after the
849 procedures of subsection (1) have been exhausted. Within 60 days
850 after receiving such notice or within 60 days after the 60-day
851 deadline provided in subsection (1), whichever occurs later, the
852 department, notwithstanding chapter 120, shall file a petition
853 for writ of certiorari with the circuit court. Venue for all



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854 actions pursuant to this subsection is in Leon County. The court
855 shall award the prevailing party attorney's fees and costs in
856 all cases filed pursuant to this section unless affirmatively
857 waived by all parties. A writ of certiorari shall be issued
858 unless a respondent establishes that the notification of the
859 Department of Management Services was issued as a result of
860 material error. Proceedings under this subsection are otherwise
861 governed by the Rules of Appellate Procedure.

862 Section 17. Subsection (6) is added to section 195.087,
863 Florida Statutes, to read:

864 195.087 Property appraisers and tax collectors to submit
865 budgets to Department of Revenue.—

866 (6) The final approved budget of each property appraiser
867 and tax collector must be posted on the county's official
868 website within 5 days after adoption of the county's budget. The
869 final approved budget of each property appraiser and tax
870 collector may be included in the county's budget.

871 Section 18. Paragraphs (d), (e), and (f) of subsection (1)
872 of section 218.32, Florida Statutes, are amended, and paragraph
873 (g) is added to that subsection, to read:

874 218.32 Annual financial reports; local governmental
875 entities.—

876 (1)

877 (d) Each local governmental entity that is required to
878 provide for an audit under ~~in accordance with~~ s. 218.39(1) must
879 submit ~~the annual financial report with the audit report.~~ a copy
880 of the audit report and annual financial report ~~must be~~
881 ~~submitted~~ to the department within 45 days after the completion
882 of the audit report but no later than 9 ~~12~~ months after the end



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883 of the fiscal year.

884 (e) Each local governmental entity that is not required to
885 provide for an audit under report in accordance with s. 218.39
886 must submit the annual financial report to the department no
887 later than 9 months after the end of the fiscal April 30 of each
888 year. The department shall consult with the Auditor General in
889 the development of the format of annual financial reports
890 submitted pursuant to this paragraph. The format must shall
891 include balance sheet information used to be utilized by the
892 Auditor General pursuant to s. 11.45(7)(f). The department must
893 forward the financial information contained within the these
894 entities' annual financial reports to the Auditor General in
895 electronic form. This paragraph does not apply to housing
896 authorities created under chapter 421.

897 (f) If the department does not receive a completed annual
898 financial report from a local governmental entity within the
899 required period, it shall notify the Legislative Auditing
900 Committee and the Special District Information Program of the
901 Department of Community Affairs of the local governmental
902 entity's failure to comply with the reporting requirements. The
903 committee shall proceed in accordance with s. 11.40(5).

904 (g) Each local governmental entity's website must provide a
905 link to the department's website to view the entity's annual
906 financial report submitted to the department pursuant to this
907 section. If the local governmental entity does not have an
908 official website, the county government's website must provide
909 the required link for the local governmental entity.

910 Section 19. Section 218.35, Florida Statutes, is amended to
911 read:



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912 218.35 County fee officers; financial matters.-

913 (1) Each county fee officer shall establish an annual
914 budget for carrying out the powers, duties, and operations of
915 his or her office for the next county fiscal year ~~which shall~~
916 ~~clearly reflect the revenues available to said office and the~~
917 ~~functions for which money is to be expended.~~ The budget must
918 ~~shall~~ be balanced so that; that is, the total of estimated
919 receipts, including balances brought forward, equals shall equal
920 the total of estimated expenditures and reserves. The budgeting
921 of segregated funds must shall be made in a such manner that
922 retains the relation between program and revenue source, as
923 provided by law ~~is retained.~~

924 (2) The clerk of the circuit court, functioning in his or
925 her capacity as clerk of the circuit and county courts and as
926 clerk of the board of county commissioners, shall prepare his or
927 her budget in two parts:

928 (a) The budget for funds necessary to perform court-related
929 functions as provided ~~for~~ in s. 28.36, ~~which shall detail the~~
930 ~~methodologies used to apportion costs between court-related and~~
931 ~~non-court-related functions performed by the clerk.~~

932 (b) The budget relating to the requirements of the clerk as
933 clerk of the board of county commissioners, county auditor, and
934 custodian or treasurer of all county funds and other county-
935 related duties, which shall be annually prepared and submitted
936 to the board of county commissioners pursuant to s. 129.03(2),
937 for each fiscal year. Expenditures shall be itemized in
938 accordance with the uniform accounting system prescribed by the
939 Department of Financial Services as follows:

940 1. Personnel services.



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941 2. Operating expenses.

942 3. Capital outlay.

943 4. Debt service.

944 5. Grants and aids.

945 6. Other uses.

946 (3) The clerk of the circuit court shall furnish to the
947 board of county commissioners or the county budget commission
948 all relevant and pertinent information that the board or
949 commission deems necessary, including expenditures at the
950 subobject code level in accordance with the uniform chart of
951 accounts prescribed by the Department of Financial Services.

952 (4) The final approved budget of the clerk of the circuit
953 court must be posted on the county's official website within 30
954 days after adoption. The final approved budget of the clerk of
955 the circuit court may be included in the county's budget.

956 (5)~~(3)~~ Each county fee officer shall establish ~~make~~
957 ~~provision for establishing~~ a fiscal year beginning October 1 and
958 ending September 30 of the following year, and shall report his
959 or her finances annually upon the close of each fiscal year to
960 the county fiscal officer for inclusion in the annual financial
961 report by the county.

962 (6)~~(4)~~ The proposed budget of a county fee officer shall be
963 filed with the clerk of the county governing authority by
964 September 1 preceding the fiscal year for the budget, except for
965 the budget prepared by the clerk of the circuit court for court-
966 related functions as provided in s. 28.36.

967 Section 20. Section 218.39, Florida Statutes, is amended to
968 read:

969 218.39 Annual financial audit reports.-



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970 (1) If, by the first day in any fiscal year, a local
971 governmental entity, district school board, charter school, or
972 charter technical career center has not been notified that a
973 financial audit for that fiscal year will be performed by the
974 Auditor General, each of the following entities shall have an
975 annual financial audit of its accounts and records completed
976 within 9 ~~12~~ months after the end of its fiscal year by an
977 independent certified public accountant retained by it and paid
978 from its public funds:

979 (a) Each county.

980 (b) Any municipality with revenues or the total of
981 expenditures and expenses in excess of \$250,000.

982 (c) Any special district with revenues or the total of
983 expenditures and expenses in excess of \$100,000.

984 (d) Each district school board.

985 (e) Each charter school established under s. 1002.33.

986 (f) Each charter technical center established under s.
987 1002.34.

988 (g) Each municipality with revenues or the total of
989 expenditures and expenses between \$100,000 and \$250,000 that has
990 not been subject to a financial audit pursuant to this
991 subsection for the 2 preceding fiscal years.

992 (h) Each special district with revenues or the total of
993 expenditures and expenses between \$50,000 and \$100,000 that has
994 not been subject to a financial audit pursuant to this
995 subsection for the 2 preceding fiscal years.

996 (2) The county audit report must ~~shall~~ be a single document
997 that includes a financial audit of the county as a whole and,
998 for each county agency other than a board of county



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999 commissioners, an audit of its financial accounts and records,
1000 including reports on compliance and internal control, management
1001 letters, and financial statements as required by rules adopted
1002 by the Auditor General. In addition ~~to such requirements~~, if a
1003 board of county commissioners elects to have a separate audit of
1004 its financial accounts and records in the manner required by
1005 rules adopted by the Auditor General for other county agencies,
1006 the ~~such~~ separate audit must ~~shall~~ be included in the county
1007 audit report.

1008 (3) (a) A dependent special district may provide ~~make~~
1009 ~~provision~~ for an annual financial audit by being included in
1010 ~~within~~ the audit of the ~~another~~ local governmental entity upon
1011 which it is dependent. An independent special district may not
1012 make provision for an annual financial audit by being included
1013 in ~~within~~ the audit of another local governmental entity.

1014 (b) A special district that is a component unit, as defined
1015 by generally accepted accounting principles, of a local
1016 governmental entity shall provide the local governmental entity,
1017 within a reasonable time period as established by the local
1018 governmental entity, with financial information necessary to
1019 comply with this section. The failure of a component unit to
1020 provide this financial information must be noted in the annual
1021 financial audit report of the local governmental entity.

1022 (4) A management letter shall be prepared and included as a
1023 part of each financial audit report.

1024 (5) At the conclusion of the audit, the auditor shall
1025 discuss with the chair of the governing body of the ~~each~~ local
1026 governmental entity or the chair's designee, ~~or with~~ the elected
1027 official of each county agency or ~~with~~ the elected official's



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1028 designee, ~~or with~~ the chair of the district school board or the
1029 chair's designee, ~~or with~~ the chair of the board of the charter
1030 school or the chair's designee, or ~~with~~ the chair of the board
1031 of the charter technical career center or the chair's designee,
1032 as appropriate, all of the auditor's comments that will be
1033 included in the audit report. If the officer is not available to
1034 discuss the auditor's comments, their discussion is presumed
1035 when the comments are delivered in writing to his or her office.
1036 The auditor shall notify each member of the governing body of a
1037 local governmental entity, district school board, charter
1038 school, or charter technical career center for which
1039 deteriorating financial conditions exist that may cause a
1040 condition described in s. 218.503(1) to occur if actions are not
1041 taken to address such conditions.

1042 (6) The officer's written statement of explanation or
1043 rebuttal concerning the auditor's findings, including corrective
1044 action to be taken, must be filed with the governing body of the
1045 local governmental entity, district school board, charter
1046 school, or charter technical career center within 30 days after
1047 the delivery of the auditor's findings.

1048 (7) All audits conducted pursuant to this section must be
1049 conducted in accordance with the rules of the Auditor General
1050 adopted pursuant to s. 11.45. Upon completion of the audit, the
1051 auditor shall prepare an audit report in accordance with the
1052 rules of the Auditor General. The audit report shall be filed
1053 with the Auditor General within 45 days after delivery of the
1054 audit report to the governing body of the audited entity, but no
1055 later than 9 months after the end of the audited entity's fiscal
1056 year. The audit report must include a written statement



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1057 describing corrective actions to be taken in response to each of
1058 the auditor's recommendations included in the audit report.

1059 (8) The Auditor General shall notify the Legislative
1060 Auditing Committee of any audit report prepared pursuant to this
1061 section which indicates that an audited entity has failed to
1062 take full corrective action in response to a recommendation that
1063 was included in the two preceding financial audit reports. The
1064 committee may direct the governing body of the audited entity to
1065 provide a written statement to the committee explaining why full
1066 corrective action has not been taken or, if the governing body
1067 intends to take full corrective action, describing the
1068 corrective action to be taken and when it will occur. If the
1069 committee determines that the written statement is not
1070 sufficient, it may require the chair of the governing body of
1071 the local governmental entity or the chair's designee, the
1072 elected official of each county agency or the elected official's
1073 designee, the chair of the district school board or the chair's
1074 designee, the chair of the board of the charter school or the
1075 chair's designee, or the chair of the board of the charter
1076 technical career center or the chair's designee, as appropriate,
1077 to appear before the committee. If the committee determines that
1078 an audited entity has failed to take full corrective action for
1079 which there is no justifiable reason for not taking such action,
1080 or has failed to comply with committee requests made pursuant to
1081 this section, the committee may proceed in accordance with s.
1082 11.40(5).

1083 (9)~~(7)~~ The predecessor auditor of a district school board
1084 shall provide the Auditor General access to the prior year's
1085 working papers in accordance with the Statements on Auditing



1086 Standards, including documentation of planning, internal
1087 control, audit results, and other matters of continuing
1088 accounting and auditing significance, such as the working paper
1089 analysis of balance sheet accounts and those relating to
1090 contingencies.

1091 ~~(8) All audits conducted in accordance with this section~~
1092 ~~must be conducted in accordance with the rules of the Auditor~~
1093 ~~General promulgated pursuant to s. 11.45. All audit reports and~~
1094 ~~the officer's written statement of explanation or rebuttal must~~
1095 ~~be submitted to the Auditor General within 45 days after~~
1096 ~~delivery of the audit report to the entity's governing body, but~~
1097 ~~no later than 12 months after the end of the fiscal year.~~

1098 ~~(10)~~(9) Each charter school and charter technical career
1099 center must file a copy of its audit report with the sponsoring
1100 entity; the local district school board, if not the sponsoring
1101 entity; the Auditor General; and with the Department of
1102 Education.

1103 ~~(11)~~(10) This section does not apply to housing authorities
1104 created under chapter 421.

1105 ~~(12)~~(11) Notwithstanding the provisions of any local law,
1106 the provisions of this section shall govern.

1107 Section 21. Paragraph (e) of subsection (1) of section
1108 218.503, Florida Statutes, is amended to read:

1109 218.503 Determination of financial emergency.—

1110 (1) Local governmental entities, charter schools, charter
1111 technical career centers, and district school boards shall be
1112 subject to review and oversight by the Governor, the charter
1113 school sponsor, the charter technical career center sponsor, or
1114 the Commissioner of Education, as appropriate, when any one of



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1115 the following conditions occurs:

1116 (e) ~~A An unreserved or total~~ fund balance ~~or retained~~
1117 ~~earnings~~ deficit in total or for that portion of fund balance
1118 classified as neither restricted or nonspendable, or a
1119 ~~unrestricted or total~~ or unrestricted net assets deficit, as
1120 reported on the balance sheet or statement of net assets on the
1121 ~~general purpose or~~ fund financial statements of entities
1122 required to report under governmental financial reporting
1123 standards, or on the basic financial statements of entities
1124 required to report under not-for-profit financial reporting
1125 standards, for which sufficient resources of the local
1126 governmental entity, charter school, charter technical career
1127 center, or district school board, as reported on the ~~balance~~
1128 ~~sheet or statement of net assets on the general purpose or~~ fund
1129 financial statements, are not available to cover the deficit.
1130 Resources available to cover reported deficits include fund
1131 balance or net assets that are not otherwise restricted by
1132 federal, state, or local laws, bond covenants, contractual
1133 agreements, or other legal constraints. Property, plant, and
1134 equipment ~~Fixed or capital assets~~, the disposal of which would
1135 impair the ability of a local governmental entity, charter
1136 school, charter technical career center, or district school
1137 board to carry out its functions, are not considered resources
1138 available to cover reported deficits.

1139 Section 22. Paragraph (c) of subsection (5) of section
1140 373.536, Florida Statutes, is amended, and paragraph (c) is
1141 added to subsection (6) of that section, to read:

1142 373.536 District budget and hearing thereon.—

1143 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND



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1144 APPROVAL.—

1145 (c) Each water management district shall, by August 1 of
1146 each year, submit for review a tentative budget to the Governor,
1147 the President of the Senate, the Speaker of the House of
1148 Representatives, the chairs of all legislative committees and
1149 subcommittees with substantive or fiscal jurisdiction over water
1150 management districts, as determined by the President of the
1151 Senate or the Speaker of the House of Representatives as
1152 applicable, the secretary of the department, and the governing
1153 body of each county in which the district has jurisdiction or
1154 derives any funds for the operations of the district. The
1155 tentative budget must be posted on the water management
1156 district's official website at least 2 days before budget
1157 hearings held pursuant to s. 200.065 or other law.

1158 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1159 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1160 (c) The final adopted budget must be posted on the water
1161 management district's official website within 30 days after
1162 adoption.

1163 Section 23. Subsections (1) and (5) of section 1011.03,
1164 Florida Statutes, are amended, and subsection (6) is added to
1165 that section, to read:

1166 1011.03 Public hearings; budget to be submitted to
1167 Department of Education.—

1168 (1) Each district school board must cause a summary of its
1169 tentative budget, including the proposed millage levies as
1170 provided for by law, and graphs illustrating a historical
1171 summary of financial and demographic data, to be advertised at
1172 least once ~~one time~~ as a full-page advertisement in the



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1173 newspaper with the largest circulation published in the district
1174 or to be posted at the courthouse door if there be no such
1175 newspaper. The board shall post the summary of its tentative
1176 budget on the district's official website. If the district does
1177 not operate an official website, the summary must be posted on
1178 the website of the county in which the district is located.

1179 (5) The board shall hold public hearings to adopt tentative
1180 and final budgets pursuant to s. 200.065. The hearings shall be
1181 primarily for the purpose of hearing requests and complaints
1182 from the public regarding the budgets and the proposed tax
1183 levies and for explaining the budget and proposed or adopted
1184 amendments thereto, if any. The tentative budget must be posted
1185 on the district's official website at least 2 days before the
1186 budget hearing held pursuant to s. 200.065 or other law. The
1187 final adopted budget must be posted on the district's official
1188 website within 30 days after adoption. If the district does not
1189 operate an official website, the tentative budget and final
1190 adopted budget must be posted on the website of the county in
1191 which it is located. The ~~district school~~ board shall ~~then~~
1192 require the superintendent to transmit ~~forthwith~~ two copies of
1193 the adopted budget to the Department of Education for approval
1194 as prescribed by law and rules of the State Board of Education.

1195 (6) If the governing body of a district amends the budget,
1196 the adopted amendment must be posted on the official website of
1197 the district within 5 days after adoption. If the district does
1198 not operate an official website, the amendment must be posted on
1199 the website of the county in which it is located.

1200 Section 24. Section 1011.051, Florida Statutes, is amended
1201 to read:



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1202 1011.051 Guidelines for general funds.—The district school
1203 board shall maintain a ~~an unreserved~~ general fund ending fund
1204 balance that is sufficient to address normal contingencies.

1205 (1) If at any time the portion of the ~~unreserved~~ general
1206 fund's ending fund ~~fund~~ balance classified as neither restricted
1207 or nonspendable in the district's approved operating budget is
1208 projected to fall ~~during the current fiscal year~~ below 3 percent
1209 of projected general fund revenues during the current fiscal
1210 year, the superintendent shall provide written notification to
1211 the district school board and the Commissioner of Education.

1212 (2) If at any time the portion of the ~~unreserved~~ general
1213 fund's ending fund ~~fund~~ balance classified as neither restricted
1214 or nonspendable in the district's approved operating budget is
1215 projected to fall ~~during the current fiscal year~~ below 2 percent
1216 of projected general fund revenues during the current fiscal
1217 year, the superintendent shall provide written notification to
1218 the district school board and the Commissioner of Education.

1219 Within 14 days after receiving such notification, if the
1220 commissioner determines that the district does not have a plan
1221 that is reasonably anticipated to avoid a financial emergency as
1222 determined pursuant to s. 218.503, the commissioner shall
1223 appoint a financial emergency board that shall operate
1224 consistent with the requirements, powers, and duties specified
1225 in s. 218.503(3)(g).

1226 Section 25. Paragraph (a) of subsection (3) of section
1227 1011.64, Florida Statutes, is amended to read:

1228 1011.64 School district minimum classroom expenditure
1229 requirements.—

1230 (3) (a) Annually the Department of Education shall calculate



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1231 for each school district:

1232 1. Total K-12 operating expenditures, which are defined as
1233 the amount of total general fund expenditures for K-12 programs
1234 as reported in accordance with the accounts and codes prescribed
1235 in the most recent issuance of the Department of Education
1236 publication entitled "Financial and Program Cost Accounting and
1237 Reporting for Florida Schools" and as included in the most
1238 recent annual financial report submitted to the Commissioner of
1239 Education, less the student transportation revenue allocation
1240 from the state appropriation for that purpose, amounts
1241 transferred to other funds, and increases to the amount of the
1242 general fund's fund-unreserved ending fund balance classified as
1243 neither restricted or nonspendable when the total unreserved
1244 ending fund balance classified as neither restricted or
1245 nonspendable is in excess of 5 percent of the total general fund
1246 revenues.

1247 2. Expenditures for classroom instruction, which shall be
1248 the sum of the general fund expenditures for K-12 instruction
1249 and instructional staff training.

1250 Section 26. This act shall take effect October 1, 2010.

1251
1252 ===== T I T L E A M E N D M E N T =====

1253 And the title is amended as follows:

1254 Delete everything before the enacting clause
1255 and insert:

1256 A bill to be entitled
1257 An act relating to local government accountability;
1258 amending s. 11.40, F.S., relating to the Legislative
1259 Auditing Committee; clarifying when the Department of



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1260 Community Affairs may institute procedures for
1261 declaring that a special district is inactive;
1262 amending s. 30.49, F.S.; specifying the level of
1263 detail required for each fund in the sheriff's
1264 proposed budget; revising the categories for
1265 expenditures; amending s. 112.63, F.S., relating to
1266 the review of the actuarial reports and statements of
1267 retirement plans of governmental entities by the
1268 Department of Management Services; providing that the
1269 failure of a special district to make appropriate
1270 adjustments or provide additional information
1271 authorizes the department to seek a writ of
1272 certiorari; amending s. 129.01, F.S.; revising
1273 provisions relating to the preparation of county
1274 budgets; specifying the level of detail required for
1275 each fund in the budget; amending s. 129.02, F.S.;
1276 revising provisions relating to the preparation of
1277 special district budgets; specifying the level of
1278 detail required for each fund in the budget; amending
1279 s. 129.021, F.S.; conforming cross-references;
1280 amending s. 129.03, F.S.; requiring tentative county
1281 budgets to be posted on the county's website; amending
1282 s. 129.06, F.S.; revising provisions relating to the
1283 execution and amendment of county budgets; requiring
1284 revised budgets to be posted on the county's website;
1285 amending s. 129.07, F.S.; revising provisions relating
1286 to the prohibition against exceeding the county
1287 budget; amending s. 129.201, F.S.; conforming and
1288 revising provisions relating to the budget of the



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1289 supervisor of elections; specifying the level of
1290 detail required for each fund in the proposed budget;
1291 revising expenditure categories; amending s. 166.241,
1292 F.S.; revising provisions relating to the preparation
1293 or amendment of municipal budgets; specifying the
1294 level of detail for each fund in the budget; requiring
1295 such budgets to be posted on the website of the
1296 municipality or related county; amending s. 189.4044,
1297 F.S.; adding failure to file a registered office or
1298 agent with the department for 1 or more years as a
1299 criteria for declaring a special district inactive;
1300 amending s. 189.412, F.S.; adding the Legislative
1301 Auditing Committee to the list of entities that obtain
1302 special district noncompliance status reports;
1303 amending s. 189.418, F.S.; revising provisions
1304 relating to the preparation or amendment of special
1305 district budgets; specifying the level of detail for
1306 each fund in the budget; requiring such budgets to be
1307 posted on the website of the special district or
1308 related local general-purpose government or governing
1309 authority; requiring special districts to comply with
1310 certain reporting requirements; allowing a local
1311 governing authority to request certain financial
1312 information from special districts located solely
1313 within its boundaries; requiring special districts to
1314 cooperate with such requests; amending s. 189.419,
1315 F.S.; revising procedures relating to a special
1316 district's failure to file certain reports or
1317 information; amending s. 189.421, F.S.; revising



1318 procedures relating to the failure of a special
1319 district to disclose financial reports; authorizing
1320 the Department of Community Affairs to seek a writ of
1321 certiorari; amending s. 195.087, F.S.; requiring the
1322 final approved budget of the property appraiser and
1323 tax collector to be posted on the county's website;
1324 amending s. 218.32, F.S.; revising the schedule for
1325 submitting a local governmental entity's audit and
1326 annual financial reports to the Department of
1327 Financial Services; requiring the department to notify
1328 the Special District Information Program if it does
1329 not receive a financial report from a local government
1330 entity; requiring a local governmental entity to
1331 provide a link to the entity's financial report on the
1332 department's website; amending s. 218.35, F.S.;
1333 requiring the budget for certain county-related duties
1334 to be itemized in accordance with the uniform
1335 accounting system of the Department of financial
1336 services; specifying the level of detail for each fund
1337 in clerk of the court's budget; requiring the court
1338 clerk's approved budget to be posted on the county's
1339 website; amending s. 218.39, F.S.; revising the
1340 timeframe for completing a local governmental entity's
1341 annual financial audit; requiring that an auditor
1342 prepare an audit report; requiring that such report be
1343 filed with the Auditor General within a specified
1344 time; requiring that the Auditor General notify the
1345 Legislative Auditing Committee of any audit report
1346 indicating that an audited entity has failed to take



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1347 corrective action; requiring that the chair of a local
1348 governmental entity appear before the committee under
1349 certain circumstances; amending s. 218.503, F.S.;
1350 revising provisions relating to oversight by the
1351 Governor when an entity's financial statements show it
1352 cannot cover a deficit of funds; amending s. 373.536,
1353 F.S.; requiring water management district budgets to
1354 be posted on the district's website; amending s.
1355 1011.03, F.S.; requiring the budgets of district
1356 school boards to be posted on the website of the
1357 district or related county; amending s. 1011.051,
1358 F.S.; revising provisions relating to the guidelines
1359 for district school boards to maintain an ending fund
1360 balance for the general fund; amending s. 1011.64,
1361 F.S.; revising obsolete accounting terminology;
1362 providing an effective date.