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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2010	.	
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	.	
	.	

The Committee on Community Affairs (Siplin) 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) and (2) 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 and object code, expenditures shall be itemized in accordance
54 with the uniform chart of accounts prescribed by the Department
55 of Financial Services, as follows:

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

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

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

68 112.63 Actuarial reports and statements of actuarial
69 impact; review.—

70 (4) Upon receipt, pursuant to subsection (2), of an



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71 actuarial report, or ~~upon receipt~~, pursuant to subsection (3),
72 of a statement of actuarial impact, the Department of Management
73 Services shall acknowledge such receipt, but shall only review
74 and comment on each retirement system's or plan's actuarial
75 valuations at least on a triennial basis.

76 (a) If the department finds that the actuarial valuation is
77 not complete, accurate, or based on reasonable assumptions or
78 otherwise materially fails to satisfy the requirements of this
79 part; ~~if the department~~ requires additional material
80 information necessary to complete its review of the actuarial
81 valuation of a system or plan or material information necessary
82 to satisfy the duties of the department pursuant to s.
83 112.665(1); ~~or if the department~~ does not receive the actuarial
84 report or statement of actuarial impact, the department shall
85 notify the administrator of the affected retirement system or
86 plan and the affected governmental entity and request
87 appropriate adjustment, the additional material information, or
88 the required report or statement. The notification must inform
89 the administrator ~~of the affected retirement system or plan~~ and
90 the affected governmental entity of the consequences for failing
91 ~~failure~~ to comply with the requirements of this subsection.

92 (b) If, after a reasonable period of time, a satisfactory
93 adjustment is not made or the report, statement, or additional
94 material information is not provided, the department may notify
95 the Department of Revenue and the Department of Financial
96 Services of the ~~such~~ noncompliance, and ~~in which case~~ the
97 Department of Revenue and the Department of Financial Services
98 shall withhold any funds not pledged for satisfaction of bond
99 debt service which are payable to the affected governmental



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100 entity until the adjustment is made or the report, statement, or
101 additional material information is provided to the department.
102 The Department of Management Services shall specify the date
103 such action is to begin and notify, ~~and notification by the~~
104 ~~department must be received by~~ the Department of Revenue, the
105 Department of Financial Services, and the affected governmental
106 entity 30 days before the specified date ~~the action begins~~.

107 (c) ~~(a)~~ Within 21 days after receipt of the notice, the
108 affected governmental entity may petition the Department of
109 Management Services for a hearing under ss. 120.569 and 120.57
110 ~~with the Department of Management Services~~. The Department of
111 Revenue and the Department of Financial Services may not be
112 parties to the ~~any such~~ hearing, but may request to intervene if
113 requested by the Department of Management Services or if the
114 Department of Revenue or the Department of Financial Services
115 determines its interests may be adversely affected by the
116 hearing.

117 1. If the administrative law judge recommends in favor of
118 the department, the department shall perform an actuarial
119 review, prepare the statement of actuarial impact, or collect
120 the requested material information. The cost to the department
121 of performing the ~~such~~ actuarial review, preparing the
122 statement, or collecting the requested material information
123 shall be charged to the affected governmental entity whose ~~of~~
124 ~~which the~~ employees are covered by the retirement system or
125 plan. If payment ~~of such costs~~ is not received by the department
126 within 60 days after ~~receipt by~~ the affected governmental entity
127 receives ~~of~~ the request for payment, the department shall
128 certify to the Department of Revenue and the Department of



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129 Financial Services the amount due, and the Department of Revenue
130 and the Department of Financial Services shall pay such amount
131 to the Department of Management Services from ~~any~~ funds not
132 pledged for satisfaction of bond debt service which are payable
133 to the affected governmental entity ~~of which the employees are~~
134 ~~covered by the retirement system or plan.~~

135 2. If the administrative law judge recommends in favor of
136 the affected governmental entity and the department performs an
137 actuarial review, prepares the statement of actuarial impact, or
138 collects the requested material information, the cost to the
139 department ~~of performing the actuarial review, preparing the~~
140 ~~statement, or collecting the requested material information~~
141 shall be paid by the Department of Management Services.

142 (d) ~~(b)~~ In the case of an affected special district, the
143 Department of Management Services shall also notify the
144 Department of Community Affairs. Upon receipt of notification,
145 the Department of Community Affairs shall proceed pursuant to
146 ~~the provisions of s. 189.421 with regard to the special~~
147 ~~district.~~

148 1. Failure of a special district to provide a required
149 report or statement, to make appropriate adjustments, or to
150 provide additional material information after the procedures
151 specified in s. 189.421(1) are exhausted shall be deemed final
152 action by the special district.

153 2. The Department of Management Services may notify the
154 Department of Community Affairs of those special districts that
155 failed to come into compliance. Upon receipt of notification,
156 the Department of Community Affairs shall proceed pursuant to s.
157 189.421(4).



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158 Section 4. Section 129.01, Florida Statutes, is amended to
159 read:

160 129.01 Budget system established. ~~There is hereby~~
161 ~~established~~ A budget system for the control of the finances of
162 the boards of county commissioners of the several counties of
163 the state is established, as follows:

164 (1) A budget ~~There~~ shall be prepared, approved, adopted,
165 and executed, as prescribed in this chapter, ~~for the fiscal year~~
166 ~~ending September 30, 1952,~~ and for each fiscal year. At a
167 minimum, the budget must show for each fund, as thereafter, an
168 annual budget for such funds as may be required by law and or by
169 sound financial practices, budgeted revenues and expenditures by
170 organizational unit in detail consistent with the annual
171 financial report required under s. 218.32(1) and generally
172 accepted accounting principles. The budget shall control the
173 levy of taxes and the expenditure of money for all county
174 purposes during the ensuing fiscal year.

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

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

179 (b) The budget must ~~shall~~ be balanced, so that; that is,
180 the total of the estimated receipts available from taxation and
181 other sources, including balances brought forward from prior
182 fiscal years, equals ~~shall equal~~ the total of the appropriations
183 for expenditures and reserves. ~~It shall conform to the uniform~~
184 ~~classification of accounts prescribed by the appropriate state~~
185 ~~agency.~~ The budgeted receipts must ~~division of the budget shall~~
186 include 95 percent of all receipts reasonably ~~to be~~ anticipated



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187 from all sources, including taxes to be levied, provided the
188 percent anticipated from ad valorem levies is ~~shall be~~ as
189 specified in s. 200.065(2)(a), and is 100 percent of the amount
190 of the balances ~~of both cash and liquid securities~~ estimated to
191 be brought forward at the beginning of the fiscal year. The
192 appropriations must ~~appropriation division of the budget shall~~
193 include itemized appropriations for all expenditures authorized
194 by law, contemplated to be made, or incurred for the benefit of
195 the county during the ~~said~~ year and the provision for ~~the~~
196 reserves authorized by this chapter. Both the receipts and
197 appropriations must ~~appropriation divisions shall~~ reflect the
198 approximate division of expenditures between countywide
199 expenditures and noncountywide expenditures and the division of
200 county revenues derived from or on behalf of the county as a
201 whole and county revenues derived from or on behalf of a
202 municipal service taxing unit, special district included within
203 the county budget, unincorporated area, service area, or program
204 area, or otherwise not received for or on behalf of the county
205 as a whole.

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

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

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

215 However, ~~receipts and balances of the budget;~~ ~~provided that~~ for



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216 the bond interest and sinking fund budget, this reserve may not
217 exceed ~~be not more than~~ the total maturities of debt, ~~(both~~
218 ~~principal and interest)~~, which ~~that~~ will occur during the next
219 ~~ensuing~~ fiscal year, plus the sinking fund requirements,
220 computed on a straight-line basis, for any outstanding
221 obligations to be paid from the fund.

222 (d) An appropriation for "outstanding indebtedness" shall
223 be made to provide for the payment of vouchers that ~~which~~ have
224 been incurred in and charged against the budget for the current
225 year or a prior year, but that ~~which~~ are expected to be unpaid
226 at the beginning of the next fiscal ~~ensuing~~ year ~~for which the~~
227 ~~budget is being prepared~~. The appropriation for the payment of
228 such vouchers shall be to ~~made in~~ the same fund in which ~~for~~
229 ~~which~~ the expenses were originally incurred.

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

236 1. In a fund raised for debt service may not ~~shall~~ be
237 transferred to another fund, ~~except to a fund raised for the~~
238 ~~same purposes in the same territory, unless~~ until the debt for
239 which the fund was established ~~of such territory~~ has been
240 extinguished, ~~in which case it may be transferred to any other~~
241 ~~fund raised for that territory; provided, further, that no such~~
242 surplus

243 2. In a capital outlay reserve fund may not be transferred
244 to another fund until ~~such time as~~ the projects for which the



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245 ~~such~~ capital outlay reserve fund was raised have been completed
246 and all obligations paid.

247 Section 5. Subsection (6) of section 129.02, Florida
248 Statutes, is amended to read:

249 129.02 Requisites of budgets.—Each budget shall conform to
250 the following specific directions and requirements:

251 (6) For each special district included within the county
252 budget, the ~~operating fund~~ budget must show budgeted revenues
253 and expenditures by organizational unit in detail consistent
254 with the annual financial report required under s. 218.32(1).
255 The amount available from taxation and other sources, including
256 balances brought forward from prior fiscal years, must equal the
257 total appropriations for expenditures and reserves. The budget
258 must include ~~shall contain an estimate of receipts by source and~~
259 ~~balances as provided herein, and an itemized estimate of~~
260 ~~expenditures necessary that will need to be incurred to carry on~~
261 ~~all functions and activities of the special district as now or~~
262 ~~hereafter provided by law, including and of the indebtedness of~~
263 ~~the special district and the provision for required reserves;~~
264 ~~also of the reserves for contingencies and the balances, as~~
265 ~~hereinbefore provided, which should be carried forward at the~~
266 ~~end of the year.~~

267 Section 6. Section 129.021, Florida Statutes, is amended to
268 read:

269 129.021 County officer budget information.—Notwithstanding
270 other provisions of law, the budgets of all county officers, as
271 submitted to the board of county commissioners, must ~~shall~~ be in
272 sufficient detail and contain such information as the board of
273 county commissioners may require in furtherance of their powers



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274 and responsibilities provided in ss. 125.01(1)(q), ~~and (r)~~, and
275 ~~(v)~~, 125.01(6), ~~and (6)~~ and 129.01(2)(b).

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

278 129.03 Preparation and adoption of budget.—

279 (3) Within ~~No later than~~ 15 days after certification of
280 value by the property appraiser pursuant to s. 200.065(1), the
281 county budget officer, after tentatively ascertaining the
282 proposed fiscal policies of the board for the next ensuing
283 fiscal year, shall prepare and present to the board a tentative
284 budget for the next ensuing fiscal year for each of the funds
285 provided in this chapter, including all estimated receipts,
286 taxes to be levied, and balances expected to be brought forward
287 and all estimated expenditures, reserves, and balances to be
288 carried over at the end of the year.

289 (a) The board of county commissioners shall receive and
290 examine the tentative budget for each fund and, subject to the
291 notice and hearing requirements of s. 200.065, shall require
292 such changes to be made as it deems ~~shall deem~~ necessary, ~~+~~
293 provided the budget remains ~~shall remain~~ in balance. The county
294 budget officer's estimates of receipts other than taxes, and of
295 balances to be brought forward, may ~~shall~~ not be revised except
296 by a resolution of the board, duly passed and spread on the
297 minutes of the board. However, the board may allocate to any of
298 the funds of the county any anticipated receipts, other than
299 taxes levied for a particular fund, except receipts designated
300 or received to be expended for a particular purpose.

301 (b) Upon receipt of the tentative budgets and completion of
302 any revisions ~~made by the board~~, the board shall prepare a



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303 statement summarizing all of the adopted tentative budgets. The
304 ~~This~~ summary statement must ~~shall~~ show, for each budget and the
305 total of all budgets, the proposed tax millages, ~~the~~ balances,
306 ~~the~~ reserves, and the total of each major classification of
307 receipts and expenditures, classified according to the uniform
308 classification of accounts adopted ~~prescribed~~ by the Department
309 of Financial Services ~~appropriate state agency~~. The board shall
310 cause this summary statement to be advertised one time in a
311 newspaper of general circulation published in the county, or by
312 posting at the courthouse door if there is no such newspaper,
313 and the advertisement must ~~shall~~ appear adjacent to the
314 advertisement required pursuant to s. 200.065.

315 (c) The board shall hold public hearings to adopt tentative
316 and final budgets pursuant to s. 200.065. The hearings shall be
317 primarily for the purpose of hearing requests and complaints
318 from the public regarding the budgets and the proposed tax
319 levies and for explaining the budget and any proposed or adopted
320 amendments ~~thereto, if any~~. The tentative and adopted tentative
321 budgets must be posted on the county's official website at least
322 2 days before the public hearings to consider such budgets. The
323 final budget must be posted on the website within 5 days after
324 adoption. The tentative budgets, adopted tentative budgets, and
325 final budgets shall be filed in the office of the county auditor
326 as a public record. Sufficient reference in words and figures to
327 identify the particular transactions shall be made in the
328 minutes of the board to record its actions with reference to the
329 budgets.

330 Section 8. Subsection (1) and paragraphs (a) and (f) of
331 subsection (2) of section 129.06, Florida Statutes, are amended



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332 to read:

333 129.06 Execution and amendment of budget.—

334 (1) Upon the final adoption of the budgets as provided in
335 this chapter, the budgets so adopted must ~~shall~~ regulate ~~the~~
336 expenditures of the county and each special district included
337 within the county budget, and the itemized estimates of
338 expenditures must ~~shall~~ have the effect of fixed appropriations
339 and may ~~shall~~ not be amended, altered, or exceeded except as
340 provided in this chapter.

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

344 (b) The cost of the investments provided in this chapter,
345 or the receipts from their sale or redemption, may ~~must~~ not be
346 treated as expense or income, and ~~but~~ the investments on hand at
347 the beginning or end of each fiscal year must be carried as
348 separate items at cost in the fund balances; however, the
349 amounts of profit or loss received on their sale must be treated
350 as income or expense, as applicable ~~the case may be~~.

351 (2) The board at any time within a fiscal year may amend a
352 budget for that year, and may within the first 60 days of a
353 fiscal year amend the budget for the prior fiscal year, as
354 follows:

355 (a) Appropriations for expenditures within ~~in~~ any fund may
356 be decreased or ~~and other appropriations in the same fund~~
357 ~~correspondingly~~ increased by motion recorded in the minutes,
358 provided that the total ~~of the~~ appropriations of the fund does
359 not change ~~may not be changed~~. The board of county
360 commissioners, ~~however,~~ may establish procedures by which the



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361 designated budget officer may authorize ~~certain~~
362 ~~intradepartmental~~ budget amendments, provided that the total
363 appropriations appropriation of the fund does not change
364 ~~department may not be changed.~~

365 (f) Unless otherwise prohibited by law, if an amendment to
366 a budget is required for a purpose not specifically authorized
367 in paragraphs (a)-(e), ~~unless otherwise prohibited by law,~~ the
368 amendment may be authorized by resolution or ordinance of the
369 board of county commissioners adopted following a public
370 hearing.

371 1. The public hearing must be advertised at least 2 days,
372 but not more than 5 days, before the date of the hearing. The
373 advertisement must appear in a newspaper of paid general
374 circulation and must identify the name of the taxing authority,
375 the date, place, and time of the hearing, and the purpose of the
376 hearing. The advertisement must also identify each budgetary
377 fund to be amended, the source of the funds, the use of the
378 funds, and the total amount of each fund's appropriations
379 ~~budget.~~

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

383 Section 9. Section 129.07, Florida Statutes, is amended to
384 read:

385 129.07 Unlawful to exceed the budget; ~~certain contracts~~
386 ~~void; commissioners contracting excess indebtedness personally~~
387 ~~liable. It is unlawful for~~ The board of county commissioners may
388 not to expend or enter into a contract requiring for
389 expenditures ~~the expenditure~~ in any fiscal year for more than



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390 the amount of budgeted appropriations in each fund's budget,
391 except as provided herein, and ~~in no case shall~~ the total
392 appropriations of any budget may not be exceeded, except as
393 provided in s. 129.06.~~7~~, and Any indebtedness contracted for any
394 purpose against either of the funds enumerated in this chapter
395 or for any purpose, ~~the expenditure for~~ which is chargeable to
396 either of the said funds, is shall be null and void, and no suit
397 may or suits shall be prosecuted in any court in this state for
398 the collection of such indebtedness. ~~same,~~ and The members of
399 the board of county commissioners voting ~~for~~ and contracting for
400 such indebtedness amounts and the bonds ~~of such members of said~~
401 ~~boards also shall be~~ liable for any the excess indebtedness ~~so~~
402 contracted for.

403 Section 10. Section 129.201, Florida Statutes, is amended
404 to read:

405 129.201 Budget of supervisor of elections; manner and time
406 of preparation and presentation.-

407 (1) Pursuant to ss. 129.01 and s. 129.03(2), each
408 supervisor of elections shall annually prepare and submit
409 ~~certify~~ to the board of county commissioners, or county budget
410 commission if there is one in the county, a proposed budget for
411 carrying out the powers, duties, and operations of income and
412 ~~expenditures to fulfill the duties, responsibilities, and~~
413 ~~operation~~ of the office of the supervisor of elections for the
414 next ensuing fiscal year ~~of the county~~. The fiscal year of the
415 supervisor of elections commences shall commence on October 1 of
416 each year and ends shall end on September 30 of the following
417 year.

418 (2) ~~(a)~~ Within the functional category and object code,



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419 expenditures shall be itemized in accordance with the uniform
420 accounting system prescribed by the Department of Financial
421 Services ~~Each expenditure item in the budget for the supervisor~~
422 ~~of elections shall be itemized generally as follows:~~

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

425 (b) 2. Operating expenses.

426 (c) 3. Capital outlay.

427 (d) 4. Contingencies and transfers Nonoperating
428 disbursements and contingency reserves.

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

433 (3) The supervisor of elections shall furnish to the board
434 of county commissioners or the county budget commission all
435 relevant and pertinent information that the ~~which such~~ board or
436 commission deems ~~shall deem~~ necessary.

437 (4) The board or commission, as appropriate ~~the case may~~
438 ~~be~~, may require the supervisor of elections to correct
439 mathematical, mechanical, factual, and clerical errors and
440 errors of form in the proposed budget. At the hearings held
441 pursuant to s. 200.065, the board or commission may amend,
442 modify, increase, or reduce any or all items of expenditure in
443 the proposed budget; and, as amended, modified, increased, or
444 reduced, such budget shall be approved by the board or
445 commission, which must provide ~~giving~~ written notice of its
446 action to specific items amended, modified, increased, or
447 reduced.



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448 (5) The board or commission shall include in the county
449 budget the items of proposed expenditures ~~as~~ set forth in the
450 budget which are required by this section to be submitted, after
451 the budget has been reviewed and approved. The board or
452 commission shall include the supervisor of elections' reserve
453 for contingencies ~~provided herein~~ in the general county budget's
454 reserve for contingencies account ~~in the general county budget.~~

455 (6) The supervisor of elections' reserve for contingencies
456 ~~is in the budget of a supervisor of elections shall be~~ governed
457 by the same provisions governing the amount and use of the
458 reserve for contingencies appropriated in the county budget.

459 (7) The proposed budget shall be submitted to the board of
460 county commissioners or county budget commission pursuant to s.
461 129.03(2)~~7~~ and ~~the budget shall be~~ included by the board or
462 commission in the general county budget.

463 (8) The items placed in the budget of the board are
464 ~~pursuant to this act shall be~~ subject to the same provisions of
465 law as the county annual budget; however, an ~~no~~ amendment ~~may be~~
466 ~~made~~ to the appropriations of the office of the supervisor of
467 elections may not be made without due notice of the change to
468 the supervisor of elections.

469 (9) The budget of the supervisor of elections may be
470 increased by the board of county commissioners to cover such
471 expenses for emergencies and unanticipated expenses as are
472 recommended and justified by the supervisor of elections.

473 Section 11. Section 166.241, Florida Statutes, is amended
474 to read:

475 166.241 Fiscal years, ~~appropriations,~~ budgets, and budget
476 amendments.-



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

480 (2) The governing body of each municipality shall adopt a
481 budget each fiscal year. The budget must be adopted by ordinance
482 or resolution unless otherwise specified in the respective
483 municipality's charter. The amount available from taxation and
484 other sources, including balances brought forward ~~amounts~~
485 ~~carried over~~ from prior fiscal years, must equal the total
486 appropriations for expenditures and reserves. At a minimum, the
487 adopted budget must show for each fund, as required by law and
488 sound financial practices, budgeted revenues and expenditures by
489 organizational unit in detail consistent with the annual
490 financial report required under s. 218.32(1). The adopted budget
491 must regulate expenditures of the municipality, and an it is
492 ~~unlawful for any~~ officer of a municipal government may not ~~to~~
493 expend or contract for expenditures in any fiscal year except
494 pursuant to the adopted budget ~~in pursuance of budgeted~~
495 ~~appropriations.~~

496 (3) The tentative and adopted tentative budgets must be
497 posted on the municipality's official website before the public
498 hearings, held pursuant to s. 200.065 or other law, to consider
499 such budgets. The final adopted budget must be posted on the
500 municipality's official website within 5 days after adoption. If
501 the municipality does not operate an official website, the
502 tentative budget, adopted tentative budget, and final budget
503 must be posted on the website of the county or counties in which
504 the municipality is located.

505 (4) ~~(3)~~ The governing body of each municipality at any time



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506 within a fiscal year or within up to 60 days following the end
507 of the fiscal year may amend a budget for that year as follows:

508 (a) Appropriations for expenditures within a fund may be
509 decreased or increased by motion recorded in the minutes if
510 ~~provided that~~ the total ~~of the~~ appropriations of the fund is not
511 changed.

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

516 (c) If a budget amendment is required for a purpose not
517 specifically authorized in paragraph (a) or paragraph (b), the
518 budget amendment must be adopted in the same manner as the
519 original budget unless otherwise specified in the municipality's
520 charter ~~of the respective municipality~~.

521 (5) If the governing body of a municipality amends the
522 budget pursuant to paragraph (4)(c), the adopted amendment must
523 be posted on the official website of the municipality within 5
524 days after adoption. If the municipality does not operate an
525 official website, the amendment must be posted on the website of
526 the county or counties in which the municipality is located.

527 Section 12. Paragraph (a) of subsection (1) of section
528 189.4044, Florida Statutes, is amended to read:

529 189.4044 Special procedures for inactive districts.—

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

532 (a) The special district meets one of the following
533 criteria:

534 1. The registered agent of the district, the chair of the



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535 governing body of the district, or the governing body of the
536 appropriate local general-purpose government notifies the
537 department in writing that the district has taken no action for
538 2 or more years;

539 2. Following an inquiry from the department, the registered
540 agent of the district, the chair of the governing body of the
541 district, or the governing body of the appropriate local
542 general-purpose government notifies the department in writing
543 that the district has not had a governing board or a sufficient
544 number of governing board members to constitute a quorum for 2
545 or more years or the registered agent of the district, the chair
546 of the governing body of the district, or the governing body of
547 the appropriate local general-purpose government fails to
548 respond to the department's inquiry within 21 days; or

549 3. The department determines, pursuant to s. 189.421, that
550 the district has failed to file any of the reports listed in s.
551 189.419.

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

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

556 189.412 Special District Information Program; duties and
557 responsibilities.—The Special District Information Program of
558 the Department of Community Affairs is created and has the
559 following special duties:

560 (1) The collection and maintenance of special district
561 noncompliance status reports from the Department of Management
562 Services, the Department of Financial Services, the Division of
563 Bond Finance of the State Board of Administration, ~~and~~ the



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564 Auditor General, and the Legislative Auditing Committee for the
565 reporting required in ss. 112.63, 218.32, 218.38, and 218.39.
566 The noncompliance reports must list those special districts that
567 did not comply with the statutory reporting requirements.

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

570 189.418 Reports; budgets; audits.—

571 (3) The governing body of each special district shall adopt
572 a budget by resolution each fiscal year. The total amount
573 available from taxation and other sources, including balances
574 brought forward ~~amounts carried over~~ from prior fiscal years,
575 must equal the total of appropriations for expenditures and
576 reserves. At a minimum, the adopted budget must show for each
577 fund, as required by law and sound financial practices, budgeted
578 revenues and expenditures by organizational unit in detail
579 consistent with the annual financial report required under s.
580 218.32(1). The adopted budget must regulate expenditures of the
581 special district, and an ~~it is unlawful for any~~ officer of a
582 special district may not ~~to~~ expend or contract for expenditures
583 in any fiscal year except pursuant to the adopted budget ~~in~~
584 ~~pursuance of budgeted appropriations.~~

585 (4) The tentative and adopted tentative budgets must be
586 posted on the special district's official website before the
587 budget hearings, held pursuant to s. 200.065 or other law, to
588 consider such budgets. The final adopted budget must be posted
589 on the special district's official website within 5 days after
590 adoption. If the special district does not operate an official
591 website, the tentative budget, adopted tentative budget, and
592 final budget must be posted on the website of the local general-



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593 purpose government or governments in which the special district
594 is located or the local governing authority to which the
595 district is dependent. This subsection and subsection (3) do not
596 apply to water management districts as defined within s.
597 373.019.

598 (5) ~~(4)~~ The proposed budget of a dependent special district
599 must shall be presented in accordance with generally accepted
600 accounting principles, contained within the general budget of
601 the local governing authority to which it is dependent, and be
602 clearly stated as the budget of the dependent district. However,
603 with the concurrence of the local governing authority, a
604 dependent district may be budgeted separately. The dependent
605 district must provide any budget information requested by the
606 local governing authority at the time and place designated by
607 the local governing authority.

608 (6) ~~(5)~~ The governing body of each special district at any
609 time within a fiscal year or within up to 60 days following the
610 end of the fiscal year may amend a budget for that year as
611 follows:-

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

615 (b) The governing body may establish procedures by which
616 the designated budget officer may authorize certain budget
617 amendments if the total appropriations of the fund is not
618 changed.

619 (c) If a budget amendment is required for a purpose not
620 specifically authorized in paragraph (a) or paragraph (b), the
621 budget amendment must be adopted by resolution.



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622 (7) If the governing body of a special district amends the
623 budget pursuant to paragraph (6) (c), the adopted amendment must
624 be posted on the official website of the special district within
625 5 days after adoption. If the special district does not operate
626 an official website, the amendment must be posted on the website
627 of the local general-purpose government or governments in which
628 the special district is located or the local governing authority
629 to which the district is dependent.

630 (8) ~~(6)~~ A local general-purpose government governing
631 authority may, in its discretion, review the budget or tax levy
632 of any special district located solely within its boundaries.

633 (9) All special districts must comply with the financial
634 reporting requirements of ss. 218.32 and 218.39. A local
635 general-purpose government or governing authority may request,
636 from any special district located solely within its boundaries,
637 financial information in order to comply with its reporting
638 requirements under ss. 218.32 and 218.39. The special district
639 must cooperate with such request and provide the financial
640 information at the time and place designated by the local
641 general-purpose government or governing authority.

642 (10) ~~(7)~~ All reports or information required to be filed
643 with a local general-purpose government or governing authority
644 under ss. 189.415, 189.416, and 189.417, and 189.418 (8) ~~this~~
645 section shall:

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

649 (b) If ~~When~~ the district is a multicounty district, be
650 filed with the clerk of the county commission in each county.



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

654 Section 15. Section 189.419, Florida Statutes, is amended
655 to read:

656 189.419 Effect of failure to file certain reports or
657 information.-

658 (1) If ~~a~~ an independent special district fails to file the
659 reports or information required under s. 189.415, s. 189.416, ~~or~~
660 s. 189.417, or s. 189.418(9) with the local general-purpose
661 government or governments in which it is located ~~governing~~
662 ~~authority~~, the person authorized to receive and read the reports
663 or information or the local general-purpose government shall
664 notify the district's registered agent ~~and the appropriate local~~
665 ~~governing authority or authorities~~. If requested by the
666 district, the local general-purpose government ~~governing~~
667 ~~authority~~ shall grant an extension of ~~time of~~ up to 30 days for
668 filing the required reports or information. ~~(2)~~ If the governing
669 body of at any time the local general-purpose government or
670 governments ~~governing authority or authorities or the board of~~
671 ~~county commissioners~~ determines that there has been an
672 unjustified failure to file these ~~the~~ reports or information
673 ~~described in subsection (1)~~, it may notify the department, and
674 the department may proceed pursuant to s. 189.421(1).

675 (2) If a dependent special district fails to file the
676 reports or information required under s. 189.416, s. 189.417, or
677 s. 189.418(9) with the local governing authority to which it is
678 dependent, the local governing authority shall take whatever
679 steps it deems necessary to enforce the special district's



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680 accountability. Such steps may include, as authorized,
681 withholding funds, removing governing board members at will,
682 vetoing the special district's budget, conducting the oversight
683 review process set forth in s. 189.428, or amending, merging, or
684 dissolving the special district in accordance with the
685 provisions contained in the ordinance that created the dependent
686 special district.

687 (3) If a special district fails to file the reports or
688 information required under ~~s. 112.63, s. 218.32, s. 218.38, or~~
689 ~~s. 218.39~~ with the appropriate state agency, the agency shall
690 notify the department, and the department shall send a certified
691 technical assistance letter to the special district which
692 summarizes the requirements and encourages the special district
693 to take steps to prevent the noncompliance from reoccurring
694 proceed pursuant to s. 189.421.

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

699 (5) If a special district fails to file the reports or
700 information required under s. 218.32 or s. 218.39 with the
701 appropriate state agency or office, the state agency or office
702 shall, and the Legislative Auditing Committee may, notify the
703 department and the department shall proceed pursuant to s.
704 189.421.

705 Section 16. Section 189.421, Florida Statutes, is amended
706 to read:

707 189.421 Failure of district to disclose financial reports.-

708 (1) If ~~When~~ notified pursuant to s. 189.419(1), (4), or (5)



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709 ~~189.419~~, the department shall attempt to assist a special
710 district in complying to comply with its financial reporting
711 requirements by sending a certified letter to the special
712 district, and, if the special district is dependent, sending a
713 copy of that the letter to the chair of the ~~governing body of~~
714 ~~the local governing authority.~~ The letter must include ~~general-~~
715 ~~purpose government, which includes the following:~~ a description
716 of the required report, including statutory submission
717 deadlines, a contact telephone number for technical assistance
718 to help the special district comply, a 60-day deadline extension
719 ~~of time~~ for filing the required report with the appropriate
720 entity, the address where the report must be filed, and an
721 explanation of the penalties for noncompliance.

722 (a) A special district that is unable to meet the 60-day
723 reporting deadline must provide written notice to the department
724 before the expiration of the deadline stating the reason the
725 special district is unable to comply with the deadline, the
726 steps the special district is taking to prevent the
727 noncompliance from reoccurring, and the estimated date that the
728 special district will file the report with the appropriate
729 agency. The district's written response does not constitute an
730 extension by the department; however, the department shall
731 forward the written response as follows:

732 1. If the written response refers to the reports required
733 under s. 218.32 or s. 218.39, forward the written response to
734 the Legislative Auditing Committee for its consideration in
735 determining whether the special district should be subject to
736 further state action in accordance with s. 11.40(5)(b).

737 2. If the written response refers to the reports or



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738 information requirements listed in s. 189.419(1), forward the
739 written response to the local general-purpose government or
740 governments for its consideration in determining whether the
741 oversight review process set forth in s. 189.428 should be
742 undertaken.

743 3. If the written response refers to the reports or
744 information required under s. 112.63, forward the written
745 response to the Department of Management Services for its
746 consideration in determining whether the special district should
747 be subject to further state action in accordance with s.
748 112.63(4)(d)2. ~~The department may grant an additional 30-day~~
749 ~~extension of time if requested to do so in writing by the~~
750 ~~special district. The department shall notify the appropriate~~
751 ~~entity of the new extension of time. In the case of a special~~
752 ~~district that did not timely file the reports or information~~
753 ~~required by s. 218.38, the department shall send a certified~~
754 ~~technical assistance letter to the special district which~~
755 ~~summarizes the requirements and encourages the special district~~
756 ~~to take steps to prevent the noncompliance from reoccurring.~~

757 (2) Failure of a special district to comply with the
758 actuarial and financial reporting requirements under s. 112.63,
759 s. 218.32, or s. 218.39 after the procedures of subsection (1)
760 are exhausted shall be deemed final action of the special
761 district. The actuarial and financial reporting requirements are
762 declared to be essential requirements of law. Remedy for
763 noncompliance shall be by writ of certiorari as set forth in
764 subsection (4) ~~(3)~~.

765 (3) Pursuant to s. 11.40(5)(b), the Legislative Auditing
766 Committee shall notify the department of those districts that



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767 fail ~~failed~~ to file the required reports ~~report~~. If the
768 procedures described in subsection (1) have not yet been
769 initiated, the department shall initiate such procedures upon
770 receiving the notice from the Legislative Auditing Committee.
771 Otherwise, within 60 ~~30~~ days after receiving such ~~this~~ notice,
772 or within 60 ~~30~~ days after the expiration of the 60-day deadline
773 extension date provided in subsection (1), whichever occurs
774 later, the department, ~~shall proceed as follows:~~ notwithstanding
775 the provisions of chapter 120, the department shall file a
776 petition for writ of certiorari with the circuit court. Venue
777 for all actions pursuant to this subsection is ~~shall be~~ in Leon
778 County. The court shall award the prevailing party attorney's
779 fees and costs in all cases filed pursuant to this section
780 unless affirmatively waived by all parties. A writ of certiorari
781 shall be issued unless a respondent establishes that the
782 notification of the Legislative Auditing Committee was issued as
783 a result of material error. Proceedings under this subsection
784 shall otherwise be governed by the Rules of Appellate Procedure.

785 (4) Pursuant to s. 112.63(4)(d)2., the Department of
786 Management Services may notify the department of those special
787 districts that have failed to file the required adjustments,
788 additional information, or report or statement after the
789 procedures of subsection (1) have been exhausted. Within 60 days
790 after receiving such notice or within 60 days after the 60-day
791 deadline provided in subsection (1), whichever occurs later, the
792 department, notwithstanding chapter 120, shall file a petition
793 for writ of certiorari with the circuit court. Venue for all
794 actions pursuant to this subsection is in Leon County. The court
795 shall award the prevailing party attorney's fees and costs in



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796 all cases filed pursuant to this section unless affirmatively
797 waived by all parties. A writ of certiorari shall be issued
798 unless a respondent establishes that the notification of the
799 Department of Management Services was issued as a result of
800 material error. Proceedings under this subsection are otherwise
801 governed by the Rules of Appellate Procedure.

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

804 195.087 Property appraisers and tax collectors to submit
805 budgets to Department of Revenue.—

806 (6) The final approved budget of each property appraiser
807 and tax collector must be posted on the county's official
808 website within 5 days of adoption of the county's budget. The
809 final approved budget of each property appraiser and tax
810 collector may be included in the county's budget.

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

814 218.32 Annual financial reports; local governmental
815 entities.—

816 (1)

817 (d) Each local governmental entity that is required to
818 provide for an audit under ~~in accordance with~~ s. 218.39(1) must
819 submit ~~the annual financial report with the audit report.~~ a copy
820 of the audit report and annual financial report ~~must be~~
821 ~~submitted~~ to the department within 45 days after the completion
822 of the audit report but no later than 9 ~~12~~ months after the end
823 of the fiscal year.

824 (e) Each local governmental entity that is not required to



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825 provide for an audit under ~~report in accordance with~~ s. 218.39
826 must submit the annual financial report to the department no
827 later than 9 months after the end of the fiscal ~~April 30 of each~~
828 year. The department shall consult with the Auditor General in
829 the development of the format of annual financial reports
830 submitted pursuant to this paragraph. The format must ~~shall~~
831 include balance sheet information used to be utilized by the
832 Auditor General pursuant to s. 11.45(7)(f). The department must
833 forward the financial information contained within the ~~these~~
834 ~~entities'~~ annual financial reports to the Auditor General in
835 electronic form. This paragraph does not apply to housing
836 authorities created under chapter 421.

837 (f) If the department does not receive a completed annual
838 financial report from a local governmental entity within the
839 required period, it shall notify the Legislative Auditing
840 Committee and the Special District Information Program of the
841 Department of Community Affairs of the ~~local governmental~~
842 entity's failure to comply with the reporting requirements. The
843 committee shall proceed in accordance with s. 11.40(5).

844 (g) Each local governmental entity's website must provide a
845 link to the department's website to view the entity's annual
846 financial report submitted to the department pursuant to this
847 section. If the local governmental entity does not have an
848 official website, the county government's website must provide
849 the required link for the local governmental entity.

850 Section 19. Section 218.35, Florida Statutes, is amended to
851 read:

852 218.35 County fee officers; financial matters.—

853 (1) Each county fee officer shall establish an annual



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854 budget for carrying out the powers, duties, and operations of
855 his or her office for the next county fiscal year ~~which shall~~
856 ~~clearly reflect the revenues available to said office and the~~
857 ~~functions for which money is to be expended.~~ The budget must
858 ~~shall~~ be balanced so that; that is, the total of estimated
859 receipts, including balances brought forward, equals shall equal
860 the total of estimated expenditures and reserves. The budgeting
861 of segregated funds must shall be made in a such manner that
862 retains the relation between program and revenue source, as
863 provided by law ~~is retained.~~

864 (2) The clerk of the circuit court, functioning in his or
865 her capacity as clerk of the circuit and county courts and as
866 clerk of the board of county commissioners, shall prepare his or
867 her budget in two parts:

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

872 (b) The budget relating to the requirements of the clerk as
873 clerk of the board of county commissioners, county auditor, and
874 custodian or treasurer of all county funds and other county-
875 related duties, which shall be annually prepared and submitted
876 to the board of county commissioners pursuant to s. 129.03(2),
877 for each fiscal year. Within the functional category and object
878 code, expenditures shall be itemized in accordance with the
879 uniform accounting system prescribed by the Department of
880 Financial Services as follows:

- 881 1. Personnel services.
- 882 2. Operating expenses.



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883 3. Capital outlay.

884 4. Nonoperating disbursements and contingency reserves.

885 (3) The final approved budget of the clerk of the circuit
886 court must be posted on the county's official website within 5
887 days after adoption. The final approved budget of the clerk of
888 the circuit court may be included in the county's budget.

889 (4)~~(3)~~ Each county fee officer shall establish ~~make~~
890 ~~provision for establishing~~ a fiscal year beginning October 1 and
891 ending September 30 of the following year, and shall report his
892 or her finances annually upon the close of each fiscal year to
893 the county fiscal officer for inclusion in the annual financial
894 report by the county.

895 (5)~~(4)~~ The proposed budget of a county fee officer shall be
896 filed with the clerk of the county governing authority by
897 September 1 preceding the fiscal year for the budget, except for
898 the budget prepared by the clerk of the circuit court for court-
899 related functions as provided in s. 28.36.

900 Section 20. Section 218.39, Florida Statutes, is amended to
901 read:

902 218.39 Annual financial audit reports.—

903 (1) If, by the first day in any fiscal year, a local
904 governmental entity, district school board, charter school, or
905 charter technical career center has not been notified that a
906 financial audit for that fiscal year will be performed by the
907 Auditor General, each of the following entities shall have an
908 annual financial audit of its accounts and records completed
909 within 9 ~~12~~ months after the end of its fiscal year by an
910 independent certified public accountant retained by it and paid
911 from its public funds:



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- 912 (a) Each county.
- 913 (b) Any municipality with revenues or the total of
914 expenditures and expenses in excess of \$250,000.
- 915 (c) Any special district with revenues or the total of
916 expenditures and expenses in excess of \$100,000.
- 917 (d) Each district school board.
- 918 (e) Each charter school established under s. 1002.33.
- 919 (f) Each charter technical center established under s.
920 1002.34.
- 921 (g) Each municipality with revenues or the total of
922 expenditures and expenses between \$100,000 and \$250,000 that has
923 not been subject to a financial audit pursuant to this
924 subsection for the 2 preceding fiscal years.
- 925 (h) Each special district with revenues or the total of
926 expenditures and expenses between \$50,000 and \$100,000 that has
927 not been subject to a financial audit pursuant to this
928 subsection for the 2 preceding fiscal years.
- 929 (2) The county audit report must ~~shall~~ be a single document
930 that includes a financial audit of the county as a whole and,
931 for each county agency other than a board of county
932 commissioners, an audit of its financial accounts and records,
933 including reports on compliance and internal control, management
934 letters, and financial statements as required by rules adopted
935 by the Auditor General. In addition ~~to such requirements~~, if a
936 board of county commissioners elects to have a separate audit of
937 its financial accounts and records in the manner required by
938 rules adopted by the Auditor General for other county agencies,
939 the ~~such~~ separate audit must ~~shall~~ be included in the county
940 audit report.



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941 (3) (a) A dependent special district may provide ~~make~~
942 ~~provision~~ for an annual financial audit by being included in
943 ~~within~~ the audit of the ~~another~~ local governmental entity upon
944 which it is dependent. An independent special district may not
945 make provision for an annual financial audit by being included
946 in ~~within~~ the audit of another local governmental entity.

947 (b) A special district that is a component unit, as defined
948 by generally accepted accounting principles, of a local
949 governmental entity shall provide the local governmental entity,
950 within a reasonable time period as established by the local
951 governmental entity, with financial information necessary to
952 comply with this section. The failure of a component unit to
953 provide this financial information must be noted in the annual
954 financial audit report of the local governmental entity.

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

957 (5) At the conclusion of the audit, the auditor shall
958 discuss with the chair of the governing body of the ~~each~~ local
959 governmental entity or the chair's designee, ~~or with~~ the elected
960 official of each county agency or ~~with~~ the elected official's
961 designee, ~~or with~~ the chair of the district school board or the
962 chair's designee, ~~or with~~ the chair of the board of the charter
963 school or the chair's designee, or ~~with~~ the chair of the board
964 of the charter technical career center or the chair's designee,
965 as appropriate, all of the auditor's comments that will be
966 included in the audit report. If the officer is not available to
967 discuss the auditor's comments, their discussion is presumed
968 when the comments are delivered in writing to his or her office.
969 The auditor shall notify each member of the governing body of a



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970 local governmental entity, district school board, charter
971 school, or charter technical career center for which
972 deteriorating financial conditions exist that may cause a
973 condition described in s. 218.503(1) to occur if actions are not
974 taken to address such conditions.

975 (6) The officer's written statement of explanation or
976 rebuttal concerning the auditor's findings, including corrective
977 action to be taken, must be filed with the governing body of the
978 local governmental entity, district school board, charter
979 school, or charter technical career center within 30 days after
980 the delivery of the auditor's findings.

981 (7) All audits conducted pursuant to this section must be
982 conducted in accordance with the rules of the Auditor General
983 adopted pursuant to s. 11.45. Upon completion of the audit, the
984 auditor shall prepare an audit report in accordance with the
985 rules of the Auditor General. The audit report shall be filed
986 with the Auditor General within 45 days after delivery of the
987 audit report to the governing body of the audited entity, but no
988 later than 9 months after the end of the audited entity's fiscal
989 year. The audit report must include a written statement
990 describing corrective actions to be taken in response to each of
991 the auditor's recommendations included in the audit report.

992 (8) The Auditor General shall notify the Legislative
993 Auditing Committee of any audit report prepared pursuant to this
994 section which indicates that an audited entity has failed to
995 take full corrective action in response to a recommendation that
996 was included in the two preceding financial audit reports. The
997 committee may direct the governing body of the audited entity to
998 provide a written statement to the committee explaining why full



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999 corrective action has not been taken or, if the governing body
1000 intends to take full corrective action, describing the
1001 corrective action to be taken and when it will occur. If the
1002 committee determines that the written statement is not
1003 sufficient, it may require the chair of the governing body of
1004 the local governmental entity or the chair's designee, the
1005 elected official of each county agency or the elected official's
1006 designee, the chair of the district school board or the chair's
1007 designee, the chair of the board of the charter school or the
1008 chair's designee, or the chair of the board of the charter
1009 technical career center or the chair's designee, as appropriate,
1010 to appear before the committee. If the committee determines that
1011 an audited entity has failed to take full corrective action for
1012 which there is no justifiable reason for not taking such action,
1013 or has failed to comply with committee requests made pursuant to
1014 this section, the committee may proceed in accordance with s.
1015 11.40(5).

1016 (9)(7) The predecessor auditor of a district school board
1017 shall provide the Auditor General access to the prior year's
1018 working papers in accordance with the Statements on Auditing
1019 Standards, including documentation of planning, internal
1020 control, audit results, and other matters of continuing
1021 accounting and auditing significance, such as the working paper
1022 analysis of balance sheet accounts and those relating to
1023 contingencies.

1024 ~~(8) All audits conducted in accordance with this section~~
1025 ~~must be conducted in accordance with the rules of the Auditor~~
1026 ~~General promulgated pursuant to s. 11.45. All audit reports and~~
1027 ~~the officer's written statement of explanation or rebuttal must~~



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1028 ~~be submitted to the Auditor General within 45 days after~~
1029 ~~delivery of the audit report to the entity's governing body, but~~
1030 ~~no later than 12 months after the end of the fiscal year.~~

1031 ~~(10)~~(9) Each charter school and charter technical career
1032 center must file a copy of its audit report with the sponsoring
1033 entity; the local district school board, if not the sponsoring
1034 entity; the Auditor General; and with the Department of
1035 Education.

1036 ~~(11)~~(10) This section does not apply to housing authorities
1037 created under chapter 421.

1038 ~~(12)~~(11) Notwithstanding the provisions of any local law,
1039 the provisions of this section shall govern.

1040 Section 21. Paragraph (e) of subsection (1) of section
1041 218.503, Florida Statutes, is amended to read:

1042 218.503 Determination of financial emergency.—

1043 (1) Local governmental entities, charter schools, charter
1044 technical career centers, and district school boards shall be
1045 subject to review and oversight by the Governor, the charter
1046 school sponsor, the charter technical career center sponsor, or
1047 the Commissioner of Education, as appropriate, when any one of
1048 the following conditions occurs:

1049 (e) ~~A~~ An unreserved or total fund balance or retained
1050 earnings deficit in total or for that portion of fund balance
1051 classified as neither restricted or nonspendable, or
1052 unrestricted or a total or unrestricted net assets deficit, as
1053 reported on the balance sheet or statement of net assets on the
1054 general purpose or fund financial statements of entities
1055 required to report under governmental financial reporting
1056 standards, or on the basic financial statements of entities



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1057 required to report under not-for-profit financial reporting
1058 standards, for which sufficient resources of the local
1059 governmental entity, charter school, charter technical career
1060 center, or district school board, as reported on the ~~balance~~
1061 ~~sheet or statement of net assets on the general purpose or fund~~
1062 financial statements, are not available to cover the deficit.
1063 Resources available to cover reported deficits include fund
1064 balance or net assets that are not otherwise restricted by
1065 federal, state, or local laws, bond covenants, contractual
1066 agreements, or other legal constraints. Property, plant, and
1067 equipment ~~Fixed or capital assets~~, the disposal of which would
1068 impair the ability of a local governmental entity, charter
1069 school, charter technical career center, or district school
1070 board to carry out its functions, are not considered resources
1071 available to cover reported deficits.

1072 Section 22. Paragraph (c) of subsection (5) of section
1073 373.536, Florida Statutes, is amended, and paragraph (c) is
1074 added to subsection (6) of that section, to read:

1075 373.536 District budget and hearing thereon.—

1076 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
1077 APPROVAL.—

1078 (c) Each water management district shall, by August 1 of
1079 each year, submit for review a tentative budget to the Governor,
1080 the President of the Senate, the Speaker of the House of
1081 Representatives, the chairs of all legislative committees and
1082 subcommittees with substantive or fiscal jurisdiction over water
1083 management districts, as determined by the President of the
1084 Senate or the Speaker of the House of Representatives as
1085 applicable, the secretary of the department, and the governing



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1086 body of each county in which the district has jurisdiction or
1087 derives any funds for the operations of the district. The
1088 tentative budget must be posted on the water management
1089 district's official website at least 2 days before budget
1090 hearings held pursuant to s. 200.065 or other law.

1091 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1092 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1093 (c) The final adopted budget must be posted on the water
1094 management district's official website within 5 days after
1095 adoption.

1096 Section 23. Subsections (1) and (5) of section 1011.03,
1097 Florida Statutes, are amended, and subsection (6) is added to
1098 that section, to read:

1099 1011.03 Public hearings; budget to be submitted to
1100 Department of Education.—

1101 (1) Each district school board must cause a summary of its
1102 tentative budget, including the proposed millage levies as
1103 provided for by law, and graphs illustrating a historical
1104 summary of financial and demographic data, to be advertised at
1105 least once ~~one time~~ as a full-page advertisement in the
1106 newspaper with the largest circulation published in the district
1107 or to be posted at the courthouse door if there be no such
1108 newspaper. The board shall post the summary of its tentative
1109 budget on the district's official website. If the district does
1110 not operate an official website, the summary must be posted on
1111 the website of the county in which the district is located.

1112 (5) The board shall hold public hearings to adopt tentative
1113 and final budgets pursuant to s. 200.065. The hearings shall be
1114 primarily for the purpose of hearing requests and complaints



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1115 from the public regarding the budgets and the proposed tax
1116 levies and for explaining the budget and proposed or adopted
1117 amendments thereto, if any. The tentative and adopted tentative
1118 budgets must be posted on the district's official website 5 days
1119 before the budget hearings held pursuant to s. 200.065 or other
1120 law. Upon adoption, the final budget must be posted on the
1121 district's official website within 5 days after adoption. If the
1122 district does not operate an official website, the tentative
1123 budget, adopted tentative budget, and final budget must be
1124 posted on the website of the county in which it is located. The
1125 ~~district school~~ board shall ~~then~~ require the superintendent to
1126 transmit ~~forthwith~~ two copies of the adopted budget to the
1127 Department of Education for approval as prescribed by law and
1128 rules of the State Board of Education.

1129 (6) If the governing body of a district amends the budget,
1130 the adopted amendment must be posted on the official website of
1131 the district within 5 days after adoption. If the district does
1132 not operate an official website, the amendment must be posted on
1133 the website of the county in which it is located.

1134 Section 24. Section 1011.051, Florida Statutes, is amended
1135 to read:

1136 1011.051 Guidelines for general funds.—The district school
1137 board shall maintain a ~~an unreserved~~ general fund ending fund
1138 balance that is sufficient to address normal contingencies.

1139 (1) If at any time the ~~unreserved~~ portion of the general
1140 fund's ending fund balance classified as neither restricted or
1141 nonspendable in the district's approved operating budget is
1142 projected to fall ~~during the current fiscal year~~ below 3 percent
1143 of projected general fund revenues during the current fiscal



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1144 year, the superintendent shall provide written notification to
1145 the district school board and the Commissioner of Education.

1146 (2) If at any time the unreserved portion of the general
1147 fund's ending fund balance classified as neither restricted or
1148 nonspendable in the district's approved operating budget is
1149 projected to fall ~~during the current fiscal year~~ below 2 percent
1150 of projected general fund revenues during the current fiscal
1151 year, the superintendent shall provide written notification to
1152 the district school board and the Commissioner of Education.
1153 Within 14 days after receiving such notification, if the
1154 commissioner determines that the district does not have a plan
1155 that is reasonably anticipated to avoid a financial emergency as
1156 determined pursuant to s. 218.503, the commissioner shall
1157 appoint a financial emergency board that shall operate
1158 consistent with the requirements, powers, and duties specified
1159 in s. 218.503(3)(g).

1160 Section 25. Paragraph (a) of subsection (3) of section
1161 1011.64, Florida Statutes, is amended to read:

1162 1011.64 School district minimum classroom expenditure
1163 requirements.—

1164 (3)(a) Annually the Department of Education shall calculate
1165 for each school district:

1166 1. Total K-12 operating expenditures, which are defined as
1167 the amount of total general fund expenditures for K-12 programs
1168 as reported in accordance with the accounts and codes prescribed
1169 in the most recent issuance of the Department of Education
1170 publication entitled "Financial and Program Cost Accounting and
1171 Reporting for Florida Schools" and as included in the most
1172 recent annual financial report submitted to the Commissioner of



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1173 Education, less the student transportation revenue allocation
1174 from the state appropriation for that purpose, amounts
1175 transferred to other funds, and increases to the amount of the
1176 general fund's ~~unreserved~~ ending fund balance classified as
1177 neither restricted or nonspendable when the total ~~unreserved~~
1178 ending fund balance classified as neither restricted or
1179 nonspendable is in excess of 5 percent of the total general fund
1180 revenues.

1181 2. Expenditures for classroom instruction, which shall be
1182 the sum of the general fund expenditures for K-12 instruction
1183 and instructional staff training.

1184 Section 26. This act shall take effect upon becoming law.

1185
1186 ===== T I T L E A M E N D M E N T =====

1187 And the title is amended as follows:

1188 Delete everything before the enacting clause
1189 and insert:

1190 A bill to be entitled
1191 An act relating to local government accountability;
1192 amending s. 11.40, F.S., relating to the Legislative
1193 Auditing Committee; clarifying when the Department of
1194 Community Affairs may institute procedures for
1195 declaring that a special district is inactive;
1196 amending s. 30.49, F.S.; specifying the level of
1197 detail required for each fund in the sheriff's
1198 proposed budget; revising the categories for
1199 expenditures; amending s. 112.63, F.S., relating to
1200 the review of the actuarial reports and statements of
1201 retirement plans of governmental entities by the



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1202 Department of Management Services; providing that the
1203 failure of a special district to make appropriate
1204 adjustments or provide additional information
1205 authorizes the department to seek a writ of
1206 certiorari; amending s. 129.01, F.S.; revising
1207 provisions relating to the preparation of county
1208 budgets; amending s. 129.02, F.S.; revising provisions
1209 relating to the preparation of special district
1210 budgets; amending s. 129.021, F.S.; conforming cross-
1211 references; amending s. 129.03, F.S.; requiring
1212 tentative county budgets to be posted on the county's
1213 website; amending s. 129.06, F.S.; revising provisions
1214 relating to the execution and amendment of county
1215 budgets; requiring revised budgets to be posted on the
1216 county's website; amending s. 129.07, F.S.; revising
1217 provisions relating to the prohibition against
1218 exceeding the county budget; amending s. 129.201,
1219 F.S.; conforming and revising provisions relating to
1220 the budget of the supervisor of elections; specifying
1221 the level of detail required for each fund in the
1222 proposed budget; deleting the expenditure categories;
1223 amending s. 166.241, F.S.; revising provisions
1224 relating to the preparation or amendment of municipal
1225 budgets; specifying the level of detail for each fund
1226 in the budget; requiring such budgets to be posted on
1227 the website of the municipality or related county;
1228 amending s. 189.4044, F.S.; adding failure to file a
1229 registered office or agent with the department for 1
1230 or more years as a criteria for declaring a special



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1231 district inactive; amending s. 189.412, F.S.; adding
1232 the Legislative Auditing Committee to the list of
1233 entities that obtain special district noncompliance
1234 status reports; amending s. 189.418, F.S.; revising
1235 provisions relating to the preparation or amendment of
1236 special district budgets; requiring such budgets to be
1237 posted on the website of the special district or
1238 related local general-purpose government or governing
1239 authority; requiring special districts to comply with
1240 certain reporting requirements; allowing a local
1241 governing authority to request certain financial
1242 information from special districts located solely
1243 within its boundaries; requiring special districts to
1244 cooperate with such requests; amending s. 189.419,
1245 F.S.; revising procedures relating to a special
1246 district's failure to file certain reports or
1247 information; amending s. 189.421, F.S.; revising
1248 procedures relating to the failure of a special
1249 district to disclose financial reports; authorizing
1250 the Department of Community Affairs to seek a writ of
1251 certiorari; amending s. 195.087, F.S.; requiring the
1252 final approved budget of the property appraiser and
1253 tax collector to be posted on the county's website;
1254 amending s. 218.32, F.S.; revising the schedule for
1255 submitting a local governmental entity's audit and
1256 annual financial reports to the Department of
1257 Financial Services; requiring the department to notify
1258 the Special District Information Program if it does
1259 not receive a financial report from a local government



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1260 entity; requiring a local governmental entity to
1261 provide a link to the entity's financial report on the
1262 department's website; amending s. 218.35, F.S.;
1263 specifying the level of detail for each fund in a
1264 county fee officer's budget; requiring the court
1265 clerk's approved budget to be posted on the county's
1266 website; amending s. 218.39, F.S.; revising the
1267 timeframe for completing a local governmental entity's
1268 annual financial audit; requiring that an auditor
1269 prepare an audit report; requiring that such report be
1270 filed with the Auditor General within a specified
1271 time; requiring that the Auditor General notify the
1272 Legislative Auditing Committee of any audit report
1273 indicating that an audited entity has failed to take
1274 corrective action; requiring that the chair of a local
1275 governmental entity appear before the committee under
1276 certain circumstances; amending s. 218.503, F.S.;
1277 revising provisions relating to oversight by the
1278 Governor when an entities' financial statements show
1279 they cannot cover a deficit of funds; amending s.
1280 373.536, F.S.; requiring water management district
1281 budgets to be posted on the district's website;
1282 amending s. 1011.03, F.S.; requiring the budgets of
1283 district school boards to be posted on the website of
1284 the district or related county; amending s. 1011.051,
1285 F.S.; revising provisions relating to the guidelines
1286 for district school boards to maintain an ending fund
1287 balance for the general fund; amending s. 1011.64,
1288 F.S.; revising obsolete accounting terminology;



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providing an effective date.