

By the Committees on Finance and Tax; and Community Affairs; and
Senators Dean and Gaetz

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1 A bill to be entitled
2 An act relating to local government accountability;
3 amending s. 11.40, F.S., relating to the Legislative
4 Auditing Committee; clarifying when the Department of
5 Community Affairs may institute procedures for
6 declaring that a special district is inactive;
7 amending s. 30.49, F.S.; specifying the level of
8 detail required for each fund in the sheriff's
9 proposed budget; revising the categories for
10 expenditures; amending s. 112.63, F.S., relating to
11 the review of the actuarial reports and statements of
12 retirement plans of governmental entities by the
13 Department of Management Services; providing that the
14 failure of a special district to make appropriate
15 adjustments or provide additional information
16 authorizes the department to seek a writ of
17 certiorari; amending s. 129.01, F.S.; revising
18 provisions relating to the preparation of county
19 budgets; specifying the level of detail required for
20 each fund in the budget; amending s. 129.02, F.S.;
21 revising provisions relating to the preparation of
22 special district budgets; specifying the level of
23 detail required for each fund in the budget; amending
24 s. 129.021, F.S.; conforming cross-references;
25 amending s. 129.03, F.S.; deleting a time restriction
26 on preparing and presenting a tentative county budget;
27 requiring tentative county budgets to be posted on the
28 county's website; amending s. 129.06, F.S.; revising
29 provisions relating to the execution and amendment of

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30 county budgets; requiring revised budgets to be posted
31 on the county's website; amending s. 129.07, F.S.;
32 revising provisions relating to the prohibition
33 against exceeding the county budget; amending s.
34 129.201, F.S.; conforming and revising provisions
35 relating to the budget of the supervisor of elections;
36 specifying the level of detail required for each fund
37 in the proposed budget; revising expenditure
38 categories; amending s. 166.241, F.S.; revising
39 provisions relating to the preparation or amendment of
40 municipal budgets; specifying the level of detail for
41 each fund in the budget; requiring such budgets and
42 amendment to such budgets to be posted on the website
43 of the municipality or related county; amending s.
44 189.4044, F.S.; adding failure to file a registered
45 office or agent with the department for 1 or more
46 years as a criteria for declaring a special district
47 inactive; amending s. 189.412, F.S.; adding the
48 Legislative Auditing Committee to the list of entities
49 that obtain special district noncompliance status
50 reports; amending s. 189.418, F.S.; revising
51 provisions relating to the preparation or amendment of
52 special district budgets; specifying the level of
53 detail for each fund in the budget; requiring such
54 budgets to be posted on the website of the special
55 district or related local general-purpose government
56 or governing authority; requiring special districts to
57 comply with certain reporting requirements;
58 authorizing a local governing authority to request

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59 certain financial information from special districts
60 located solely within the boundaries of the authority;
61 requiring special districts to cooperate with such
62 requests; amending s. 189.419, F.S.; revising
63 procedures relating to a special district's failure to
64 file certain reports or information; amending s.
65 189.421, F.S.; revising procedures relating to the
66 failure of a special district to disclose financial
67 reports; authorizing the Department of Community
68 Affairs to seek a writ of certiorari; amending s.
69 195.087, F.S.; requiring the final approved budget of
70 the property appraiser and tax collector to be posted
71 on the county's website; amending s. 218.32, F.S.;
72 revising the schedule for submitting a local
73 governmental entity's audit and annual financial
74 reports to the Department of Financial Services;
75 requiring the department to notify the Special
76 District Information Program if it does not receive a
77 financial report from a local government entity;
78 requiring a local governmental entity to provide a
79 link to the entity's financial report on the
80 department's website; amending s. 218.35, F.S.;
81 requiring the budget for certain county-related duties
82 to be itemized in accordance with the uniform
83 accounting system of the Department of Financial
84 Services; specifying the level of detail for each fund
85 in the clerk of the court's budget; requiring the
86 court clerk's approved budget to be posted on the
87 county's website; amending s. 218.39, F.S.; revising

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88 the timeframe for completing a local governmental
89 entity's annual financial audit; requiring that an
90 auditor prepare an audit report; requiring that such
91 report be filed with the Auditor General within a
92 specified time; requiring that the Auditor General
93 notify the Legislative Auditing Committee of any audit
94 report indicating that an audited entity has failed to
95 take corrective action; requiring that the chair of a
96 local governmental entity appear before the committee
97 under certain circumstances; amending s. 218.503,
98 F.S.; revising provisions relating to oversight by the
99 Governor when an entity's financial statements show it
100 cannot cover a deficit of funds; amending s. 373.536,
101 F.S.; requiring that water management district budgets
102 be posted on the district website; amending s.
103 1011.03, F.S.; requiring the summary of the tentative
104 budget, the tentative budget, and the budget of a
105 district school board to be posted on the website of
106 the district or related county; amending s. 1011.051,
107 F.S.; revising provisions relating to the guidelines
108 for district school boards to maintain an ending fund
109 balance for the general fund; amending s. 1011.64,
110 F.S.; revising obsolete accounting terminology;
111 providing an effective date.

112
113 Be It Enacted by the Legislature of the State of Florida:

114
115 Section 1. Paragraph (b) of subsection (5) of section
116 11.40, Florida Statutes, is amended to read:

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117 11.40 Legislative Auditing Committee.—

118 (5) Following notification by the Auditor General, the
119 Department of Financial Services, or the Division of Bond
120 Finance of the State Board of Administration of the failure of a
121 local governmental entity, district school board, charter
122 school, or charter technical career center to comply with the
123 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
124 s. 218.38, the Legislative Auditing Committee may schedule a
125 hearing. If a hearing is scheduled, the committee shall
126 determine if the entity should be subject to further state
127 action. If the committee determines that the entity should be
128 subject to further state action, the committee shall:

129 (b) In the case of a special district, notify the
130 Department of Community Affairs that the special district has
131 failed to comply with the law. Upon receipt of notification, the
132 Department of Community Affairs shall proceed pursuant to s.
133 189.4044 or ~~the provisions specified in~~ s. 189.421.

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

136 30.49 Budgets.—

137 (1) Pursuant to s. 129.03(2), each sheriff shall annually
138 prepare and submit ~~certify~~ to the board of county commissioners
139 a proposed budget ~~of expenditures~~ for the carrying out ~~of~~ the
140 powers, duties, and operations of the office for the next
141 ensuing fiscal year ~~of the county~~. The fiscal year of the
142 sheriff shall ~~henceforth~~ commence on October 1 and end on
143 September 30 of each year.

144 (2) (a) ~~The sheriff shall submit with the proposed budget~~
145 ~~his or her sworn certificate, stating that the proposed~~

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146 ~~expenditures are reasonable and necessary for the proper and~~
147 ~~efficient operation of the office for the ensuing year.~~ The
148 proposed budget must ~~shall~~ show the estimated amounts of all
149 proposed expenditures for operating and equipping the sheriff's
150 office and jail, excluding the cost of construction, repair, or
151 capital improvement of county buildings during the ~~such~~ fiscal
152 year. The expenditures must ~~shall~~ be categorized at the
153 appropriate fund level in accordance with the following
154 functional categories:

- 155 1. General law enforcement.
- 156 2. Corrections and detention alternative facilities.
- 157 3. Court services, excluding service of process.

158 (b) The sheriff shall submit with the proposed budget a
159 sworn certificate stating that the proposed expenditures are
160 reasonable and necessary for the proper and efficient operation
161 of the office for the next fiscal year.

162 (c) Within the appropriate fund and functional category,
163 expenditures shall be itemized in accordance with the uniform
164 chart of accounts prescribed by the Department of Financial
165 Services, as follows:

- 166 1. Personnel ~~Personal~~ services.
- 167 2. Operating expenses.
- 168 3. Capital outlay.
- 169 4. Debt service.
- 170 5. Grants and aids ~~Nonoperating disbursements and~~
171 ~~contingency reserves.~~
- 172 6. Other uses.

173 (d) ~~(e)~~ The sheriff shall submit to the board of county
174 commissioners for consideration and inclusion in the county

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175 budget, as deemed appropriate by the county, requests for
176 construction, repair, or capital improvement of county buildings
177 operated or occupied by the sheriff.

178 (3) The sheriff shall furnish to the board of county
179 commissioners or the budget commission, if there is a budget
180 commission in the county, all relevant and pertinent information
181 concerning expenditures made in previous fiscal years and ~~to the~~
182 proposed expenditures which the ~~such~~ board or commission deems
183 necessary, including expenditures at the subobject code level in
184 accordance with the uniform chart of accounts prescribed by the
185 Department of Financial Services. The board or commission may
186 not amend, modify, increase, or reduce any expenditure at the
187 subobject code level. ~~except that~~ The board or commission may
188 not require confidential information concerning details of
189 investigations. Confidential information concerning details of
190 investigations is exempt from ~~the provisions of~~ s. 119.07(1).

191 (4) The board of county commissioners or the budget
192 commission, as appropriate ~~the case may be~~, may require the
193 sheriff to correct mathematical, mechanical, factual, and
194 clerical errors and errors as to form in the proposed budget. At
195 the hearings held pursuant to s. 200.065, the board or
196 commission, ~~as the case may be~~, may amend, modify, increase, or
197 reduce any or all items of expenditure in the proposed budget,
198 as certified by the sheriff pursuant to paragraphs (2)(a)-(c),
199 and shall approve such budget, as amended, modified, increased,
200 or reduced. The board or commission ~~It~~ must give written notice
201 of its action to the sheriff and specify in such notice the
202 specific items amended, modified, increased, or reduced. The
203 budget must ~~shall~~ include the salaries and expenses of the

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204 sheriff's office, cost of operation of the county jail,
205 purchase, maintenance and operation of equipment, including
206 patrol cars, radio systems, transporting prisoners, court
207 duties, and all other salaries, expenses, equipment, and
208 investigation expenditures of the entire sheriff's office for
209 the previous year.

210 (a) The sheriff, within 30 days after receiving written
211 notice of such action by the board or commission, ~~either~~ in
212 person or in his or her office, may file an appeal by petition
213 to the Administration Commission. ~~Such appeal shall be by~~
214 ~~petition to the Administration commission.~~ The petition must
215 ~~shall~~ set forth the budget proposed by the sheriff, in the form
216 and manner prescribed by the Executive Office of the Governor
217 and approved by the Administration Commission, and the budget as
218 approved by the board of county commissioners or the budget
219 commission, ~~as the case may be,~~ and shall contain the reasons or
220 grounds for the appeal. Such petition shall be filed with the
221 Executive Office of the Governor, and a copy of the petition
222 shall be served upon the board or commission from the decision
223 of which appeal is taken by delivering the same to the chair or
224 president thereof or to the clerk of the circuit court.

225 (b) The board ~~of county commissioners~~ or the budget
226 commission, ~~as the case may be,~~ shall have 5 days following ~~from~~
227 delivery of a copy of ~~any~~ such petition to file a reply with the
228 Executive Office of the Governor ~~a reply thereto,~~ and ~~it~~ shall
229 deliver a copy of such reply to the sheriff.

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

232 112.63 Actuarial reports and statements of actuarial

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233 impact; review.—

234 (4) Upon receipt, pursuant to subsection (2), of an
235 actuarial report, or ~~upon receipt~~, pursuant to subsection (3),
236 of a statement of actuarial impact, the Department of Management
237 Services shall acknowledge such receipt, but shall only review
238 and comment on each retirement system's or plan's actuarial
239 valuations at least on a triennial basis.

240 (a) If the department finds that the actuarial valuation is
241 not complete, accurate, or based on reasonable assumptions or
242 otherwise materially fails to satisfy the requirements of this
243 part; ~~if the department~~ requires additional material
244 information necessary to complete its review of the actuarial
245 valuation of a system or plan or material information necessary
246 to satisfy the duties of the department pursuant to s.
247 112.665(1); ~~or if the department~~ does not receive the actuarial
248 report or statement of actuarial impact, the department shall
249 notify the administrator of the affected retirement system or
250 plan and the affected governmental entity and request
251 appropriate adjustment, the additional material information, or
252 the required report or statement. The notification must inform
253 the administrator ~~of the affected retirement system or plan~~ and
254 the affected governmental entity of the consequences for failing
255 ~~failure~~ to comply with the requirements of this subsection.

256 (b) If, after a reasonable period of time, a satisfactory
257 adjustment is not made or the report, statement, or additional
258 material information is not provided, the department may notify
259 the Department of Revenue and the Department of Financial
260 Services of the ~~such~~ noncompliance, and ~~in which case~~ the
261 Department of Revenue and the Department of Financial Services

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262 shall withhold any funds not pledged for satisfaction of bond
263 debt service which are payable to the affected governmental
264 entity until the adjustment is made or the report, statement, or
265 additional material information is provided to the department.
266 The Department of Management Services shall specify the date
267 such action is to begin and notify, ~~and notification by the~~
268 ~~department must be received by~~ the Department of Revenue, the
269 Department of Financial Services, and the affected governmental
270 entity 30 days before the specified date ~~the action begins~~.

271 (c) ~~(a)~~ Within 21 days after receipt of the notice, the
272 affected governmental entity may petition the Department of
273 Management Services for a hearing under ss. 120.569 and 120.57
274 ~~with the Department of Management Services~~. The Department of
275 Revenue and the Department of Financial Services may not be
276 parties to the any such hearing, but may request to intervene if
277 requested by the Department of Management Services or if the
278 Department of Revenue or the Department of Financial Services
279 determines its interests may be adversely affected by the
280 hearing.

281 1. If the administrative law judge recommends in favor of
282 the department, the department shall perform an actuarial
283 review, prepare the statement of actuarial impact, or collect
284 the requested material information. The cost to the department
285 of performing the such actuarial review, preparing the
286 statement, or collecting the requested material information
287 shall be charged to the affected governmental entity whose ~~of~~
288 ~~which the~~ employees are covered by the retirement system or
289 plan. If payment ~~of such costs~~ is not received by the department
290 within 60 days after ~~receipt by~~ the affected governmental entity

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291 receives ~~of~~ the request for payment, the department shall
292 certify to the Department of Revenue and the Department of
293 Financial Services the amount due, and the Department of Revenue
294 and the Department of Financial Services shall pay such amount
295 to the Department of Management Services from ~~any~~ funds not
296 pledged for satisfaction of bond debt service which are payable
297 to the affected governmental entity ~~of which the employees are~~
298 ~~covered by the retirement system or plan.~~

299 2. If the administrative law judge recommends in favor of
300 the affected governmental entity and the department performs an
301 actuarial review, prepares the statement of actuarial impact, or
302 collects the requested material information, the cost to the
303 department ~~of performing the actuarial review, preparing the~~
304 ~~statement, or collecting the requested material information~~
305 shall be paid by the Department of Management Services.

306 (d) ~~(b)~~ In the case of an affected special district, the
307 Department of Management Services shall also notify the
308 Department of Community Affairs. Upon receipt of notification,
309 the Department of Community Affairs shall proceed pursuant to
310 ~~the provisions of s. 189.421 with regard to the special~~
311 ~~district.~~

312 1. Failure of a special district to provide a required
313 report or statement, to make appropriate adjustments, or to
314 provide additional material information after the procedures
315 specified in s. 189.421(1) are exhausted shall be deemed final
316 action by the special district.

317 2. The Department of Management Services may notify the
318 Department of Community Affairs of those special districts that
319 failed to come into compliance. Upon receipt of notification,

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320 the Department of Community Affairs shall proceed pursuant to s.
321 189.421(4).

322 Section 4. Section 129.01, Florida Statutes, is amended to
323 read:

324 129.01 Budget system established. ~~There is hereby~~
325 ~~established~~ A budget system for the control of the finances of
326 the boards of county commissioners of the several counties of
327 the state is established, as follows:

328 (1) A budget ~~There~~ shall be prepared, approved, adopted,
329 and executed, as prescribed in this chapter, ~~for the fiscal year~~
330 ~~ending September 30, 1952, and for each fiscal year.~~ At a
331 minimum, the budget must show for each fund, as thereafter, an
332 annual budget for such funds as may be required by law and or by
333 sound financial practices, budgeted revenues and expenditures by
334 organizational unit at a level of detail that is at least
335 similar to the level of detail in the annual financial report
336 required under s. 218.32(1) and generally accepted accounting
337 principles. The budget shall control the levy of taxes and the
338 expenditure of money for all county purposes during the ensuing
339 fiscal year.

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

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

344 (b) The budget must ~~shall~~ be balanced, so that; that is,
345 the total of the estimated receipts available from taxation and
346 other sources, including balances brought forward from prior
347 fiscal years, equals ~~shall equal~~ the total of ~~the~~ appropriations
348 for expenditures and reserves. ~~It shall conform to the uniform~~

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349 ~~classification of accounts prescribed by the appropriate state~~
350 ~~agency.~~ The budgeted receipts must ~~division of the budget shall~~
351 include 95 percent of all receipts reasonably ~~to be~~ anticipated
352 from all sources, including taxes to be levied, provided the
353 percent anticipated from ad valorem levies is ~~shall be~~ as
354 specified in s. 200.065(2)(a), and is 100 percent of the amount
355 of the balances ~~of both cash and liquid securities~~ estimated to
356 be brought forward at the beginning of the fiscal year. The
357 appropriations must ~~appropriation division of the budget shall~~
358 include itemized appropriations for all expenditures authorized
359 by law, contemplated to be made, or incurred for the benefit of
360 the county during the ~~said~~ year and the provision for the
361 reserves authorized by this chapter. Both the receipts and
362 appropriations must ~~appropriation divisions shall~~ reflect the
363 approximate division of expenditures between countywide
364 expenditures and noncountywide expenditures and the division of
365 county revenues derived from or on behalf of the county as a
366 whole and county revenues derived from or on behalf of a
367 municipal service taxing unit, special district included within
368 the county budget, unincorporated area, service area, or program
369 area, or otherwise not received for or on behalf of the county
370 as a whole.

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

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

375 2. A reserve for cash balance to be carried over may be
376 provided for the purpose of paying expenses from October 1 of
377 the next ~~ensuing~~ fiscal year until ~~the time when~~ the revenues

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378 for that year are expected to be available. This reserve may ~~be~~
379 not be more than 20 percent of the total appropriations.
380 ~~However, receipts and balances of the budget; provided that~~ for
381 the bond interest and sinking fund budget, this reserve may not
382 exceed ~~be not more than~~ the total maturities of debt, ~~(both~~
383 ~~principal and interest),~~ which ~~that~~ will occur during the next
384 ~~ensuing~~ fiscal year, plus the sinking fund requirements,
385 computed on a straight-line basis, for any outstanding
386 obligations to be paid from the fund.

387 (d) An appropriation for "outstanding indebtedness" shall
388 be made to provide for the payment of vouchers that ~~which~~ have
389 been incurred in and charged against the budget for the current
390 year or a prior year, but that ~~which~~ are expected to be unpaid
391 at the beginning of the next fiscal ~~ensuing~~ year ~~for which the~~
392 ~~budget is being prepared~~. The appropriation for the payment of
393 such vouchers shall be to ~~made in~~ the same fund in which ~~for~~
394 ~~which~~ the expenses were originally incurred.

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

401 1. In a fund raised for debt service may not ~~shall~~ be
402 transferred to another fund until, ~~except to a fund raised for~~
403 ~~the same purposes in the same territory, unless the debt for~~
404 which the fund was established ~~of such territory~~ has been
405 extinguished, ~~in which case it may be transferred to any other~~
406 ~~fund raised for that territory; provided, further, that no such~~

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407 surplus

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

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

414 129.02 Requisites of budgets.—Each budget shall conform to
415 the following specific directions and requirements:

416 (6) For each special district included within the county
417 budget, the ~~operating fund budget~~ must show budgeted revenues
418 and expenditures by organizational unit at a level of detail
419 that is at least similar to the level of detail in the annual
420 financial report required under s. 218.32(1). The amount
421 available from taxation and other sources, including balances
422 brought forward from prior fiscal years, must equal the total
423 appropriations for expenditures and reserves. The budget must
424 include ~~shall contain an estimate of receipts by source and~~
425 ~~balances as provided herein, and an itemized estimate of~~
426 expenditures necessary that will need to be incurred to carry on
427 all functions and activities of the special district as ~~now or~~
428 ~~hereafter~~ provided by law, including and of the indebtedness of
429 the special district and the provision for required reserves;
430 ~~also of the reserves for contingencies and the balances, as~~
431 ~~hereinbefore provided, which should be carried forward at the~~
432 ~~end of the year.~~

433 Section 6. Section 129.021, Florida Statutes, is amended to
434 read:

435 129.021 County officer budget information.—Notwithstanding

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436 other provisions of law, the budgets of all county officers, as
437 submitted to the board of county commissioners, must ~~shall~~ be in
438 sufficient detail and contain such information as the board of
439 county commissioners may require in furtherance of their powers
440 and responsibilities provided in ss. 125.01(1)(q), and (r), and
441 (v), and (6) and 129.01(2)(b).

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

444 129.03 Preparation and adoption of budget.-

445 (3) ~~No later than 15 days after certification of value by~~
446 ~~the property appraiser pursuant to s. 200.065(1),~~ The county
447 budget officer, after tentatively ascertaining the proposed
448 fiscal policies of the board for the next ~~ensuing~~ fiscal year,
449 shall prepare and present to the board a tentative budget for
450 the next ~~ensuing~~ fiscal year for each of the funds provided in
451 this chapter, including all estimated receipts, taxes to be
452 levied, and balances expected to be brought forward and all
453 estimated expenditures, reserves, and balances to be carried
454 over at the end of the year.

455 (a) The board of county commissioners shall receive and
456 examine the tentative budget for each fund and, subject to the
457 notice and hearing requirements of s. 200.065, shall require
458 such changes to be made as it deems ~~shall deem~~ necessary, +
459 provided the budget remains ~~shall remain~~ in balance. The county
460 budget officer's estimates of receipts other than taxes, and of
461 balances to be brought forward, may ~~shall~~ not be revised except
462 by a resolution of the board, duly passed and spread on the
463 minutes of the board. However, the board may allocate to any of
464 the funds of the county any anticipated receipts, other than

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465 taxes levied for a particular fund, except receipts designated
466 or received to be expended for a particular purpose.

467 (b) Upon receipt of the tentative budgets and completion of
468 any revisions ~~made by the board~~, the board shall prepare a
469 statement summarizing all of the adopted tentative budgets. The
470 ~~This~~ summary statement must ~~shall~~ show, for each budget and the
471 total of all budgets, the proposed tax millages, ~~the~~ balances,
472 ~~the~~ reserves, and the total of each major classification of
473 receipts and expenditures, classified according to the uniform
474 classification of accounts adopted ~~prescribed~~ by the appropriate
475 state agency. The board shall cause this summary statement to be
476 advertised one time in a newspaper of general circulation
477 published in the county, or by posting at the courthouse door if
478 there is no such newspaper, and the advertisement must ~~shall~~
479 appear adjacent to the advertisement required pursuant to s.
480 200.065.

481 (c) The board shall hold public hearings to adopt tentative
482 and final budgets pursuant to s. 200.065. The hearings shall be
483 primarily for the purpose of hearing requests and complaints
484 from the public regarding the budgets and the proposed tax
485 levies and for explaining the budget and any proposed or adopted
486 amendments ~~thereto, if any~~. The tentative budget must be posted
487 on the county's official website at least 2 days before the
488 public hearing to consider such budget. The final budget must be
489 posted on the website within 30 days after adoption. The
490 tentative budgets, adopted tentative budgets, and final budgets
491 shall be filed in the office of the county auditor as a public
492 record. Sufficient reference in words and figures to identify
493 the particular transactions shall be made in the minutes of the

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494 board to record its actions with reference to the budgets.

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

498 129.06 Execution and amendment of budget.—

499 (1) Upon the final adoption of the budgets as provided in
500 this chapter, the budgets so adopted must ~~shall~~ regulate ~~the~~
501 expenditures of the county and each special district included
502 within the county budget, and the itemized estimates of
503 expenditures must ~~shall~~ have the effect of fixed appropriations
504 and may ~~shall~~ not be amended, altered, or exceeded except as
505 provided in this chapter.

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

509 (b) The cost of the investments provided in this chapter,
510 or the receipts from their sale or redemption, may ~~must~~ not be
511 treated as expense or income, and ~~but~~ the investments on hand at
512 the beginning or end of each fiscal year must be carried as
513 separate items at cost in the fund balances; however, the
514 amounts of profit or loss received on their sale must be treated
515 as income or expense, as applicable ~~the case may be~~.

516 (2) The board at any time within a fiscal year may amend a
517 budget for that year, and may within the first 60 days of a
518 fiscal year amend the budget for the prior fiscal year, as
519 follows:

520 (a) Appropriations for expenditures within ~~in~~ any fund may
521 be decreased or ~~and other appropriations in the same fund~~
522 ~~correspondingly~~ increased by motion recorded in the minutes,

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523 provided that the total ~~of the~~ appropriations of the fund does
524 not change ~~may not be changed~~. The board of county
525 commissioners, ~~however,~~ may establish procedures by which the
526 designated budget officer may authorize ~~certain~~
527 ~~intradepartmental~~ budget amendments, provided that the total
528 appropriations ~~appropriation~~ of the fund does not change
529 ~~department may not be changed~~.

530 (f) Unless otherwise prohibited by law, if an amendment to
531 a budget is required for a purpose not specifically authorized
532 in paragraphs (a)-(e), ~~unless otherwise prohibited by law,~~ the
533 amendment may be authorized by resolution or ordinance of the
534 board of county commissioners adopted following a public
535 hearing.

536 1. The public hearing must be advertised at least 2 days,
537 but not more than 5 days, before the date of the hearing. The
538 advertisement must appear in a newspaper of paid general
539 circulation and must identify the name of the taxing authority,
540 the date, place, and time of the hearing, and the purpose of the
541 hearing. The advertisement must also identify each budgetary
542 fund to be amended, the source of the funds, the use of the
543 funds, and the total amount of each fund's appropriations
544 ~~budget~~.

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

548 Section 9. Section 129.07, Florida Statutes, is amended to
549 read:

550 129.07 Unlawful to exceed the budget; ~~certain contracts~~
551 ~~void; commissioners contracting excess indebtedness personally~~

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552 ~~liable.~~ ~~It is unlawful for~~ The board of county commissioners may
 553 not ~~to~~ expend or enter into a contract requiring expenditures
 554 ~~for the expenditure~~ in any fiscal year for more than the amount
 555 of appropriations budgeted in each fund's budget, except as
 556 provided herein, and ~~in no case shall~~ the total appropriations
 557 of any budget may not be exceeded, except as provided in s.
 558 129.06., ~~and~~ Any indebtedness contracted for any purpose against
 559 either of the funds enumerated in this chapter or for any
 560 purpose, ~~the expenditure for~~ which is chargeable to either of
 561 the said funds, is ~~shall be~~ null and void, and no suit may ~~or~~
 562 ~~suits shall~~ be prosecuted in any court in this state for the
 563 collection of such indebtedness. ~~same, and~~ The members of the
 564 board of county commissioners voting ~~for~~ and contracting for
 565 such indebtedness ~~amounts and the bonds of such members of said~~
 566 ~~boards also~~ shall be liable for any ~~the~~ excess indebtedness ~~so~~
 567 contracted for.

568 Section 10. Section 129.201, Florida Statutes, is amended
 569 to read:

570 129.201 Budget of supervisor of elections; manner and time
 571 of preparation and presentation.-

572 (1) Pursuant to ss. 129.01 and ~~s.~~ 129.03(2), each
 573 supervisor of elections shall annually prepare and submit
 574 ~~certify~~ to the board of county commissioners, or county budget
 575 commission if there is one in the county, a proposed budget for
 576 carrying out the powers, duties, and operations ~~of income and~~
 577 ~~expenditures to fulfill the duties, responsibilities, and~~
 578 ~~operation~~ of the office of the supervisor of elections for the
 579 next ensuing fiscal year ~~of the county~~. The fiscal year of the
 580 supervisor of elections commences ~~shall commence~~ on October 1 of

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581 each year and ends ~~shall end~~ on September 30 of the following
582 year.

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

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

589 (b)2. Operating expenses.

590 (c)3. Capital outlay.

591 (d) Debt service.

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

593 (f) Other uses.

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

598 (3) The supervisor of elections shall furnish to the board
599 of county commissioners or the county budget commission all
600 relevant and pertinent information that the ~~which such~~ board or
601 commission deems ~~shall deem~~ necessary, including expenditures at
602 the subobject code level in accordance with the uniform chart of
603 accounts prescribed by the Department of Financial Services. The
604 board or commission may not amend, modify, increase, or reduce
605 any expenditure at the subobject code level.

606 (4) The board or commission, as appropriate ~~the case may~~
607 ~~be~~, may require the supervisor of elections to correct
608 mathematical, mechanical, factual, and clerical errors and
609 errors of form in the proposed budget. At the hearings held

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610 pursuant to s. 200.065, the board or commission may amend,
611 modify, increase, or reduce any or all items of expenditure in
612 the proposed budget as submitted under subsections (1) and (2);
613 and, as amended, modified, increased, or reduced, such budget
614 shall be approved by the board or commission, which must provide
615 ~~giving~~ written notice of its action to specific items amended,
616 modified, increased, or reduced.

617 (5) The board or commission shall include in the county
618 budget the items of proposed expenditures ~~as~~ set forth in the
619 budget which are required by this section to be submitted, after
620 the budget has been reviewed and approved. The board or
621 commission shall include the supervisor of elections' reserve
622 for contingencies ~~provided herein~~ in the general county budget's
623 reserve for contingencies account ~~in the general county budget.~~

624 (6) The supervisor of elections' reserve for contingencies
625 ~~is in the budget of a supervisor of elections shall be~~ governed
626 by the same provisions governing the amount and use of the
627 reserve for contingencies appropriated in the county budget.

628 (7) The proposed budget shall be submitted to the board of
629 county commissioners or county budget commission pursuant to s.
630 129.03(2), ~~and the budget shall be~~ included by the board or
631 commission in the general county budget.

632 (8) The items placed in the budget of the board are
633 ~~pursuant to this act shall be~~ subject to the same provisions of
634 law as the county annual budget; however, an ~~no~~ amendment ~~may be~~
635 ~~made~~ to the appropriations of the office of the supervisor of
636 elections may not be made without due notice of the change to
637 the supervisor of elections.

638 (9) The budget of the supervisor of elections may be

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639 increased by the board of county commissioners to cover such
640 expenses for emergencies and unanticipated expenses as are
641 recommended and justified by the supervisor of elections.

642 Section 11. Section 166.241, Florida Statutes, is amended
643 to read:

644 166.241 Fiscal years, ~~appropriations,~~ budgets, and budget
645 amendments.—

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

649 (2) The governing body of each municipality shall adopt a
650 budget each fiscal year. The budget must be adopted by ordinance
651 or resolution unless otherwise specified in the respective
652 municipality's charter. The amount available from taxation and
653 other sources, including balances brought forward ~~amounts~~
654 ~~carried over~~ from prior fiscal years, must equal the total
655 appropriations for expenditures and reserves. At a minimum, the
656 adopted budget must show for each fund, as required by law and
657 sound financial practices, budgeted revenues and expenditures by
658 organizational unit at a level of detail at least similar to the
659 level of detail in the annual financial report required under s.
660 218.32(1). The adopted budget must regulate expenditures of the
661 municipality, and an ~~it is unlawful for any~~ officer of a
662 municipal government may not ~~to~~ expend or contract for
663 expenditures in any fiscal year except pursuant to the adopted
664 budget in pursuance of budgeted appropriations.

665 (3) The tentative budget must be posted on the
666 municipality's official website at least 2 days before the
667 budget hearing, held pursuant to s. 200.065 or other law, to

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668 consider such budget. The final adopted budget must be posted on
669 the municipality's official website within 30 days after
670 adoption. If the municipality does not operate an official
671 website, the municipality must, within a reasonable period of
672 time as established by the county or counties in which the
673 municipality is located, transmit the tentative budget and final
674 budget to the manager or administrator of such counties who
675 shall post the budgets on the county's website.

676 (4) ~~(3)~~ The governing body of each municipality at any time
677 within a fiscal year or within up to 60 days following the end
678 of the fiscal year may amend a budget for that year as follows:

679 (a) Appropriations for expenditures within a fund may be
680 decreased or increased by motion recorded in the minutes if,
681 ~~provided that~~ the total ~~of the~~ appropriations of the fund is not
682 changed.

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

687 (c) If a budget amendment is required for a purpose not
688 specifically authorized in paragraph (a) or paragraph (b), the
689 budget amendment must be adopted in the same manner as the
690 original budget unless otherwise specified in the municipality's
691 ~~charter of the respective municipality.~~

692 (5) If the governing body of a municipality amends the
693 budget pursuant to paragraph (4) (c), the adopted amendment must
694 be posted on the official website of the municipality within 5
695 days after adoption. If the municipality does not operate an
696 official website, the municipality must, within a reasonable

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697 period of time as established by the county or counties in which
698 the municipality is located, transmit the adopted amendment to
699 the manager or administrator of such county or counties who
700 shall post the adopted amendment on the county's website.

701 Section 12. Paragraph (a) of subsection (1) of section
702 189.4044, Florida Statutes, is amended to read:

703 189.4044 Special procedures for inactive districts.—

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

706 (a) The special district meets one of the following
707 criteria:

708 1. The registered agent of the district, the chair of the
709 governing body of the district, or the governing body of the
710 appropriate local general-purpose government notifies the
711 department in writing that the district has taken no action for
712 2 or more years;

713 2. Following an inquiry from the department, the registered
714 agent of the district, the chair of the governing body of the
715 district, or the governing body of the appropriate local
716 general-purpose government notifies the department in writing
717 that the district has not had a governing board or a sufficient
718 number of governing board members to constitute a quorum for 2
719 or more years or the registered agent of the district, the chair
720 of the governing body of the district, or the governing body of
721 the appropriate local general-purpose government fails to
722 respond to the department's inquiry within 21 days; ~~or~~

723 3. The department determines, pursuant to s. 189.421, that
724 the district has failed to file any of the reports listed in s.
725 189.419; or—

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

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

730 189.412 Special District Information Program; duties and
731 responsibilities.—The Special District Information Program of
732 the Department of Community Affairs is created and has the
733 following special duties:

734 (1) The collection and maintenance of special district
735 noncompliance status reports from the Department of Management
736 Services, the Department of Financial Services, the Division of
737 Bond Finance of the State Board of Administration, ~~and~~ the
738 Auditor General, and the Legislative Auditing Committee, for the
739 reporting required in ss. 112.63, 218.32, 218.38, and 218.39.
740 The noncompliance reports must list those special districts that
741 did not comply with the statutory reporting requirements.

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

744 189.418 Reports; budgets; audits.—

745 (3) The governing body of each special district shall adopt
746 a budget by resolution each fiscal year. The total amount
747 available from taxation and other sources, including balances
748 brought forward ~~amounts carried over~~ from prior fiscal years,
749 must equal the total of appropriations for expenditures and
750 reserves. At a minimum, the adopted budget must show for each
751 fund, as required by law and sound financial practices, budgeted
752 revenues and expenditures by organizational unit at a level of
753 detail that is at least similar to the level of detail in the
754 annual financial report required under s. 218.32(1). The adopted

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755 budget must regulate expenditures of the special district, and
756 ~~an it is unlawful for any~~ officer of a special district may not
757 ~~to~~ expend or contract for expenditures in any fiscal year except
758 pursuant to the adopted budget in pursuance of budgeted
759 appropriations.

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

777 (5)~~(4)~~ The proposed budget of a dependent special district
778 must ~~shall be presented in accordance with generally accepted~~
779 ~~accounting principles,~~ contained within the general budget of
780 the local governing authority to which it is dependent, and be
781 clearly stated as the budget of the dependent district. However,
782 with the concurrence of the local governing authority, a
783 dependent district may be budgeted separately. The dependent

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784 district must provide any budget information requested by the
785 local governing authority at the time and place designated by
786 the local governing authority.

787 (6)~~(5)~~ The governing body of each special district at any
788 time within a fiscal year or within up to 60 days following the
789 end of the fiscal year may amend a budget for that year as
790 follows:-

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

794 (b) The governing body may establish procedures by which
795 the designated budget officer may authorize certain budget
796 amendments if the total appropriations of the fund is not
797 changed.

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

801 (7) If the governing body of a special district amends the
802 budget pursuant to paragraph (6) (c), the adopted amendment must
803 be posted on the official website of the special district within
804 5 days after adoption. If the special district does not operate
805 an official website, the special district must, within a
806 reasonable period of time as established by the local general-
807 purpose government, transmit the adopted amendment to the
808 manager or administrator of the local general-purpose government
809 or governments in which the special district is located or the
810 governing authority to which the district is dependent. The
811 manager or administrator shall post the adopted amendment on the
812 website of the local general-purpose government or governing

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813 authority.

814 (8)-(6) A local general-purpose government governing
815 authority may, ~~in its discretion,~~ review the budget or tax levy
816 of any special district located solely within its boundaries.

817 (9) All special districts must comply with the financial
818 reporting requirements of ss. 218.32 and 218.39. A local
819 general-purpose government or governing authority may request,
820 from any special district located solely within its boundaries,
821 financial information in order to comply with its reporting
822 requirements under ss. 218.32 and 218.39. The special district
823 must cooperate with such request and provide the financial
824 information at the time and place designated by the local
825 general-purpose government or governing authority.

826 (10)-(7) All reports or information required to be filed
827 with a local general-purpose government or governing authority
828 under ss. 189.415, 189.416, and 189.417 and subsection (8) ~~this~~
829 ~~section~~ shall:

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

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

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

838 Section 15. Section 189.419, Florida Statutes, is amended
839 to read:

840 189.419 Effect of failure to file certain reports or
841 information.-

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842 (1) If an independent ~~a~~ special district fails to file the
843 reports or information required under s. 189.415, s. 189.416, ~~or~~
844 s. 189.417, or s. 189.418(9) with the local general-purpose
845 government or governments in which it is located ~~governing~~
846 ~~authority~~, the person authorized to receive and read the reports
847 or information or the local general-purpose government shall
848 notify the district's registered agent ~~and the appropriate local~~
849 ~~governing authority or authorities~~. If requested by the
850 district, the local general-purpose government ~~governing~~
851 ~~authority~~ shall grant an extension of ~~time of~~ up to 30 days for
852 filing the required reports or information.

853 ~~(2)~~ If the governing body of ~~at any time~~ the local general-
854 purpose government or governments ~~governing authority or~~
855 ~~authorities or the board of county commissioners~~ determines that
856 there has been an unjustified failure to file these ~~the~~ reports
857 or information ~~described in subsection (1)~~, it may notify the
858 department, and the department may proceed pursuant to s.
859 189.421(1).

860 (2) If a dependent special district fails to file the
861 reports or information required under s. 189.416, s. 189.417, or
862 s. 189.418(9) with the local governing authority to which it is
863 dependent, the local governing authority shall take whatever
864 steps it deems necessary to enforce the special district's
865 accountability. Such steps may include, as authorized,
866 withholding funds, removing governing board members at will,
867 vetoing the special district's budget, conducting the oversight
868 review process set forth in s. 189.428, or amending, merging, or
869 dissolving the special district in accordance with the
870 provisions contained in the ordinance that created the dependent

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871 special district.

872 (3) If a special district fails to file the reports or
 873 information required under ~~s. 112.63, s. 218.32, s. 218.38, or~~
 874 ~~s. 218.39~~ with the appropriate state agency, the agency shall
 875 notify the department, and the department shall send a certified
 876 technical assistance letter to the special district which
 877 summarizes the requirements and encourages the special district
 878 to take steps to prevent the noncompliance from reoccurring
 879 ~~proceed pursuant to s. 189.421.~~

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

884 (5) If a special district fails to file the reports or
 885 information required under s. 218.32 or s. 218.39 with the
 886 appropriate state agency or office, the state agency or office
 887 shall, and the Legislative Auditing Committee may, notify the
 888 department and the department shall proceed pursuant to s.
 889 189.421.

890 Section 16. Section 189.421, Florida Statutes, is amended
 891 to read:

892 189.421 Failure of district to disclose financial reports.—

893 (1) (a) If when notified pursuant to s. 189.419(1), (4), or
 894 (5) 189.419, the department shall attempt to assist a special
 895 district in complying to comply with its financial reporting
 896 requirements by sending a certified letter to the special
 897 district, and, if the special district is dependent, sending a
 898 copy of that the letter to the chair of the ~~governing body of~~
 899 the local governing authority. The letter must include general-

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900 ~~purpose government, which includes the following:~~ a description
901 of the required report, including statutory submission
902 deadlines, a contact telephone number for technical assistance
903 to help the special district comply, a 60-day deadline extension
904 ~~of time~~ for filing the required report with the appropriate
905 entity, the address where the report must be filed, and an
906 explanation of the penalties for noncompliance.

907 (b) A special district that is unable to meet the 60-day
908 reporting deadline must provide written notice to the department
909 before the expiration of the deadline stating the reason the
910 special district is unable to comply with the deadline, the
911 steps the special district is taking to prevent the
912 noncompliance from reoccurring, and the estimated date that the
913 special district will file the report with the appropriate
914 agency. The district's written response does not constitute an
915 extension by the department; however, the department shall
916 forward the written response as follows:

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

922 2. If the written response refers to the reports or
923 information requirements listed in s. 189.419(1), forward the
924 written response to the local general-purpose government or
925 governments for its consideration in determining whether the
926 oversight review process set forth in s. 189.428 should be
927 undertaken.

928 3. If the written response refers to the reports or

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929 information required under s. 112.63, forward the written
930 response to the Department of Management Services for its
931 consideration in determining whether the special district should
932 be subject to further state action in accordance with s.
933 112.63(4)(d)2. The department may grant an additional 30-day
934 extension of time if requested to do so in writing by the
935 special district. The department shall notify the appropriate
936 entity of the new extension of time. In the case of a special
937 district that did not timely file the reports or information
938 required by s. 218.38, the department shall send a certified
939 technical assistance letter to the special district which
940 summarizes the requirements and encourages the special district
941 to take steps to prevent the noncompliance from reoccurring.

942 (2) Failure of a special district to comply with the
943 actuarial and financial reporting requirements under s. 112.63,
944 s. 218.32, or s. 218.39 after the procedures of subsection (1)
945 are exhausted shall be deemed final action of the special
946 district. The actuarial and financial reporting requirements are
947 declared to be essential requirements of law. Remedy for
948 noncompliance shall be by writ of certiorari as set forth in
949 subsection (4) ~~(3)~~.

950 (3) Pursuant to s. 11.40(5)(b), the Legislative Auditing
951 Committee shall notify the department of those districts that
952 fail ~~failed~~ to file the required reports ~~report~~. If the
953 procedures described in subsection (1) have not yet been
954 initiated, the department shall initiate such procedures upon
955 receiving the notice from the Legislative Auditing Committee.
956 Otherwise, within 60 ~~30~~ days after receiving such ~~this~~ notice,
957 or within 60 ~~30~~ days after the expiration of the 60-day deadline

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958 ~~extension date~~ provided in subsection (1), whichever occurs
959 later, the department, ~~shall proceed as follows:~~ notwithstanding
960 the provisions of chapter 120, ~~the department~~ shall file a
961 petition for writ of certiorari with the circuit court. Venue
962 for all actions pursuant to this subsection ~~is shall be~~ in Leon
963 County. The court shall award the prevailing party attorney's
964 fees and costs in all cases filed pursuant to this section
965 unless affirmatively waived by all parties. A writ of certiorari
966 shall be issued unless a respondent establishes that the
967 notification of the Legislative Auditing Committee was issued as
968 a result of material error. Proceedings under this subsection
969 shall otherwise be governed by the Rules of Appellate Procedure.

970 (4) Pursuant to s. 112.63(4)(d)2., the Department of
971 Management Services may notify the department of those special
972 districts that have failed to file the required adjustments,
973 additional information, or report or statement after the
974 procedures of subsection (1) have been exhausted. Within 60 days
975 after receiving such notice or within 60 days after the 60-day
976 deadline provided in subsection (1), whichever occurs later, the
977 department, notwithstanding chapter 120, shall file a petition
978 for writ of certiorari with the circuit court. Venue for all
979 actions pursuant to this subsection is in Leon County. The court
980 shall award the prevailing party attorney's fees and costs in
981 all cases filed pursuant to this section unless affirmatively
982 waived by all parties. A writ of certiorari shall be issued
983 unless a respondent establishes that the notification of the
984 Department of Management Services was issued as a result of
985 material error. Proceedings under this subsection are otherwise
986 governed by the Rules of Appellate Procedure.

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

989 195.087 Property appraisers and tax collectors to submit
990 budgets to Department of Revenue.—

991 (6) The final approved budget of each property appraiser
992 and tax collector must be posted on the county's official
993 website within 5 days after adoption of the county's budget. The
994 final approved budget of each property appraiser and tax
995 collector may be included in the county's budget.

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

999 218.32 Annual financial reports; local governmental
1000 entities.—

1001 (1)

1002 (d) Each local governmental entity that is required to
1003 provide for an audit under ~~in accordance with~~ s. 218.39(1) must
1004 submit ~~the annual financial report with the audit report.~~ a copy
1005 of the audit report and annual financial report ~~must be~~
1006 ~~submitted~~ to the department within 45 days after the completion
1007 of the audit report but no later than 9 ~~12~~ months after the end
1008 of the fiscal year.

1009 (e) Each local governmental entity that is not required to
1010 provide for an audit under ~~report in accordance with~~ s. 218.39
1011 must submit the annual financial report to the department no
1012 later than 9 months after the end of the fiscal ~~April 30 of each~~
1013 year. The department shall consult with the Auditor General in
1014 the development of the format of annual financial reports
1015 submitted pursuant to this paragraph. The format must ~~shall~~

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1016 include balance sheet information used ~~to be utilized~~ by the
1017 Auditor General pursuant to s. 11.45(7)(f). The department must
1018 forward the financial information contained within the ~~these~~
1019 ~~entities'~~ annual financial reports to the Auditor General in
1020 electronic form. This paragraph does not apply to housing
1021 authorities created under chapter 421.

1022 (f) If the department does not receive a completed annual
1023 financial report from a local governmental entity within the
1024 required period, it shall notify the Legislative Auditing
1025 Committee and the Special District Information Program of the
1026 Department of Community Affairs of the ~~local governmental~~
1027 entity's failure to comply with the reporting requirements. The
1028 committee shall proceed in accordance with s. 11.40(5).

1029 (g) Each local governmental entity's website must provide a
1030 link to the department's website to view the entity's annual
1031 financial report submitted to the department pursuant to this
1032 section. If the local governmental entity does not have an
1033 official website, the county government's website must provide
1034 the required link for the local governmental entity.

1035 Section 19. Section 218.35, Florida Statutes, is amended to
1036 read:

1037 218.35 County fee officers; financial matters.—

1038 (1) Each county fee officer shall establish an annual
1039 budget for carrying out the powers, duties, and operations of
1040 his or her office for the next county fiscal year ~~which shall~~
1041 ~~clearly reflect the revenues available to said office and the~~
1042 ~~functions for which money is to be expended.~~ The budget must
1043 ~~shall~~ be balanced so that; ~~that is~~, the total of estimated
1044 receipts, including balances brought forward, equals ~~shall equal~~

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1045 the total of estimated expenditures and reserves. The budgeting
1046 of segregated funds must ~~shall~~ be made in a ~~such~~ manner that
1047 retains the relation between program and revenue source, as
1048 provided by law ~~is retained~~.

1049 (2) The clerk of the circuit court, functioning in his or
1050 her capacity as clerk of the circuit and county courts and as
1051 clerk of the board of county commissioners, shall prepare his or
1052 her budget in two parts:

1053 (a) The budget for funds necessary to perform court-related
1054 functions as provided ~~for~~ in s. 28.36, ~~which shall detail the~~
1055 ~~methodologies used to apportion costs between court-related and~~
1056 ~~non-court-related functions performed by the clerk.~~

1057 (b) The budget relating to the requirements of the clerk as
1058 clerk of the board of county commissioners, county auditor, and
1059 custodian or treasurer of all county funds and other county-
1060 related duties, which shall be annually prepared and submitted
1061 to the board of county commissioners pursuant to s. 129.03(2),
1062 for each fiscal year. Expenditures shall be itemized in
1063 accordance with the uniform accounting system prescribed by the
1064 Department of Financial Services as follows:

1065 1. Personnel services.

1066 2. Operating expenses.

1067 3. Capital outlay.

1068 4. Debt service.

1069 5. Grants and aids.

1070 6. Other uses.

1071 (3) The clerk of the circuit court shall furnish to the
1072 board of county commissioners or the county budget commission
1073 all relevant and pertinent information that the board or

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1074 commission deems necessary, including expenditures at the
1075 subobject code level in accordance with the uniform chart of
1076 accounts prescribed by the Department of Financial Services.

1077 (4) The final approved budget of the clerk of the circuit
1078 court must be posted on the county's official website within 30
1079 days after adoption. The final approved budget of the clerk of
1080 the circuit court may be included in the county's budget.

1081 (5)~~(3)~~ Each county fee officer shall establish ~~make~~
1082 ~~provision for establishing~~ a fiscal year beginning October 1 and
1083 ending September 30 of the following year, and shall report his
1084 or her finances annually upon the close of each fiscal year to
1085 the county fiscal officer for inclusion in the annual financial
1086 report by the county.

1087 (6)~~(4)~~ The proposed budget of a county fee officer shall be
1088 filed with the clerk of the county governing authority by
1089 September 1 preceding the fiscal year for the budget, except for
1090 the budget prepared by the clerk of the circuit court for court-
1091 related functions as provided in s. 28.36.

1092 Section 20. Section 218.39, Florida Statutes, is amended to
1093 read:

1094 218.39 Annual financial audit reports.—

1095 (1) If, by the first day in any fiscal year, a local
1096 governmental entity, district school board, charter school, or
1097 charter technical career center has not been notified that a
1098 financial audit for that fiscal year will be performed by the
1099 Auditor General, each of the following entities shall have an
1100 annual financial audit of its accounts and records completed
1101 within 9 ~~12~~ months after the end of its fiscal year by an
1102 independent certified public accountant retained by it and paid

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1103 from its public funds:

1104 (a) Each county.

1105 (b) Any municipality with revenues or the total of
1106 expenditures and expenses in excess of \$250,000.

1107 (c) Any special district with revenues or the total of
1108 expenditures and expenses in excess of \$100,000.

1109 (d) Each district school board.

1110 (e) Each charter school established under s. 1002.33.

1111 (f) Each charter technical center established under s.
1112 1002.34.

1113 (g) Each municipality with revenues or the total of
1114 expenditures and expenses between \$100,000 and \$250,000 that has
1115 not been subject to a financial audit pursuant to this
1116 subsection for the 2 preceding fiscal years.

1117 (h) Each special district with revenues or the total of
1118 expenditures and expenses between \$50,000 and \$100,000 that has
1119 not been subject to a financial audit pursuant to this
1120 subsection for the 2 preceding fiscal years.

1121 (2) The county audit report must ~~shall~~ be a single document
1122 that includes a financial audit of the county as a whole and,
1123 for each county agency other than a board of county
1124 commissioners, an audit of its financial accounts and records,
1125 including reports on compliance and internal control, management
1126 letters, and financial statements as required by rules adopted
1127 by the Auditor General. In addition ~~to such requirements~~, if a
1128 board of county commissioners elects to have a separate audit of
1129 its financial accounts and records in the manner required by
1130 rules adopted by the Auditor General for other county agencies,
1131 the ~~such~~ separate audit must ~~shall~~ be included in the county

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1132 audit report.

1133 (3) (a) A dependent special district may provide ~~make~~
1134 ~~provision~~ for an annual financial audit by being included in
1135 ~~within~~ the audit of the ~~another~~ local governmental entity upon
1136 which it is dependent. An independent special district may not
1137 make provision for an annual financial audit by being included
1138 in ~~within~~ the audit of another local governmental entity.

1139 (b) A special district that is a component unit, as defined
1140 by generally accepted accounting principles, of a local
1141 governmental entity shall provide the local governmental entity,
1142 within a reasonable time period as established by the local
1143 governmental entity, with financial information necessary to
1144 comply with this section. The failure of a component unit to
1145 provide this financial information must be noted in the annual
1146 financial audit report of the local governmental entity.

1147 (4) A management letter shall be prepared and included as a
1148 part of each financial audit report.

1149 (5) At the conclusion of the audit, the auditor shall
1150 discuss with the chair of the governing body of the ~~each~~ local
1151 governmental entity or the chair's designee, ~~or with~~ the elected
1152 official of each county agency or ~~with~~ the elected official's
1153 designee, ~~or with~~ the chair of the district school board or the
1154 chair's designee, ~~or with~~ the chair of the board of the charter
1155 school or the chair's designee, or ~~with~~ the chair of the board
1156 of the charter technical career center or the chair's designee,
1157 as appropriate, all of the auditor's comments that will be
1158 included in the audit report. If the officer is not available to
1159 discuss the auditor's comments, their discussion is presumed
1160 when the comments are delivered in writing to his or her office.

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1161 The auditor shall notify each member of the governing body of a
1162 local governmental entity, district school board, charter
1163 school, or charter technical career center for which
1164 deteriorating financial conditions exist that may cause a
1165 condition described in s. 218.503(1) to occur if actions are not
1166 taken to address such conditions.

1167 (6) The officer's written statement of explanation or
1168 rebuttal concerning the auditor's findings, including corrective
1169 action to be taken, must be filed with the governing body of the
1170 local governmental entity, district school board, charter
1171 school, or charter technical career center within 30 days after
1172 the delivery of the auditor's findings.

1173 (7) All audits conducted pursuant to this section must be
1174 conducted in accordance with the rules of the Auditor General
1175 adopted pursuant to s. 11.45. Upon completion of the audit, the
1176 auditor shall prepare an audit report in accordance with the
1177 rules of the Auditor General. The audit report shall be filed
1178 with the Auditor General within 45 days after delivery of the
1179 audit report to the governing body of the audited entity, but no
1180 later than 9 months after the end of the audited entity's fiscal
1181 year. The audit report must include a written statement
1182 describing corrective actions to be taken in response to each of
1183 the auditor's recommendations included in the audit report.

1184 (8) The Auditor General shall notify the Legislative
1185 Auditing Committee of any audit report prepared pursuant to this
1186 section which indicates that an audited entity has failed to
1187 take full corrective action in response to a recommendation that
1188 was included in the two preceding financial audit reports. The
1189 committee may direct the governing body of the audited entity to

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1190 provide a written statement to the committee explaining why full
1191 corrective action has not been taken or, if the governing body
1192 intends to take full corrective action, describing the
1193 corrective action to be taken and when it will occur. If the
1194 committee determines that the written statement is not
1195 sufficient, it may require the chair of the governing body of
1196 the local governmental entity or the chair's designee, the
1197 elected official of each county agency or the elected official's
1198 designee, the chair of the district school board or the chair's
1199 designee, the chair of the board of the charter school or the
1200 chair's designee, or the chair of the board of the charter
1201 technical career center or the chair's designee, as appropriate,
1202 to appear before the committee. If the committee determines that
1203 an audited entity has failed to take full corrective action for
1204 which there is no justifiable reason for not taking such action,
1205 or has failed to comply with committee requests made pursuant to
1206 this section, the committee may proceed in accordance with s.
1207 11.40(5).

1208 (9)(7) The predecessor auditor of a district school board
1209 shall provide the Auditor General access to the prior year's
1210 working papers in accordance with the Statements on Auditing
1211 Standards, including documentation of planning, internal
1212 control, audit results, and other matters of continuing
1213 accounting and auditing significance, such as the working paper
1214 analysis of balance sheet accounts and those relating to
1215 contingencies.

1216 ~~(8) All audits conducted in accordance with this section~~
1217 ~~must be conducted in accordance with the rules of the Auditor~~
1218 ~~General promulgated pursuant to s. 11.45. All audit reports and~~

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1219 ~~the officer's written statement of explanation or rebuttal must~~
1220 ~~be submitted to the Auditor General within 45 days after~~
1221 ~~delivery of the audit report to the entity's governing body, but~~
1222 ~~no later than 12 months after the end of the fiscal year.~~

1223 ~~(10)~~(9) Each charter school and charter technical career
1224 center must file a copy of its audit report with the sponsoring
1225 entity; the local district school board, if not the sponsoring
1226 entity; the Auditor General; and with the Department of
1227 Education.

1228 ~~(11)~~(10) This section does not apply to housing authorities
1229 created under chapter 421.

1230 ~~(12)~~(11) Notwithstanding the provisions of any local law,
1231 the provisions of this section shall govern.

1232 Section 21. Paragraph (e) of subsection (1) of section
1233 218.503, Florida Statutes, is amended to read:

1234 218.503 Determination of financial emergency.—

1235 (1) Local governmental entities, charter schools, charter
1236 technical career centers, and district school boards shall be
1237 subject to review and oversight by the Governor, the charter
1238 school sponsor, the charter technical career center sponsor, or
1239 the Commissioner of Education, as appropriate, when any one of
1240 the following conditions occurs:

1241 (e) A ~~An unreserved or total~~ fund balance ~~or retained~~
1242 ~~earnings~~ deficit in total or for that portion of fund balance
1243 classified as neither restricted or nonspendable, or a
1244 ~~unrestricted or total~~ or unrestricted net assets deficit, as
1245 reported on the balance sheet or statement of net assets on the
1246 ~~general purpose or~~ fund financial statements of entities
1247 required to report under governmental financial reporting

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1248 standards, or on the basic financial statements of entities
1249 required to report under not-for-profit financial reporting
1250 standards, for which sufficient resources of the local
1251 governmental entity, charter school, charter technical career
1252 center, or district school board, as reported on the ~~balance~~
1253 ~~sheet or statement of net assets on the general purpose or fund~~
1254 financial statements, are not available to cover the deficit.
1255 Resources available to cover reported deficits include fund
1256 balance or net assets that are not otherwise restricted by
1257 federal, state, or local laws, bond covenants, contractual
1258 agreements, or other legal constraints. Property, plant, and
1259 equipment ~~Fixed or capital assets~~, the disposal of which would
1260 impair the ability of a local governmental entity, charter
1261 school, charter technical career center, or district school
1262 board to carry out its functions, are not considered resources
1263 available to cover reported deficits.

1264 Section 22. Paragraph (c) of subsection (5) of section
1265 373.536, Florida Statutes, is amended, and paragraph (c) is
1266 added to subsection (6) of that section, to read:

1267 373.536 District budget and hearing thereon.—

1268 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
1269 APPROVAL.—

1270 (c) Each water management district shall, by August 1 of
1271 each year, submit for review a tentative budget to the Governor,
1272 the President of the Senate, the Speaker of the House of
1273 Representatives, the chairs of all legislative committees and
1274 subcommittees with substantive or fiscal jurisdiction over water
1275 management districts, as determined by the President of the
1276 Senate or the Speaker of the House of Representatives as

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1277 applicable, the secretary of the department, and the governing
1278 body of each county in which the district has jurisdiction or
1279 derives any funds for the operations of the district. The
1280 tentative budget must be posted on the water management
1281 district's official website at least 2 days before budget
1282 hearings held pursuant to s. 200.065 or other law.

1283 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1284 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1285 (c) The final adopted budget must be posted on the water
1286 management district's official website within 30 days after
1287 adoption.

1288 Section 23. Subsections (1) and (5) of section 1011.03,
1289 Florida Statutes, are amended, and subsection (6) is added to
1290 that section, to read:

1291 1011.03 Public hearings; budget to be submitted to
1292 Department of Education.—

1293 (1) Each district school board must cause a summary of its
1294 tentative budget, including the proposed millage levies as
1295 provided for by law, and graphs illustrating a historical
1296 summary of financial and demographic data, to be advertised at
1297 least once ~~one time~~ as a full-page advertisement in the
1298 newspaper with the largest circulation published in the district
1299 or to be posted at the courthouse door if there be no such
1300 newspaper. The board shall post the summary of its tentative
1301 budget on the district's official website. If the district does
1302 not operate an official website, the board must, within a
1303 reasonable period of time as established by the county in which
1304 the district is located, transmit the summary to the manager or
1305 administrator of the county. The manager or administrator shall

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1306 post the summary of the tentative budget on the county's
1307 website.

1308 (5) The board shall hold public hearings to adopt tentative
1309 and final budgets pursuant to s. 200.065. The hearings shall be
1310 primarily for the purpose of hearing requests and complaints
1311 from the public regarding the budgets and the proposed tax
1312 levies and for explaining the budget and proposed or adopted
1313 amendments thereto, if any. The tentative budget must be posted
1314 on the district's official website at least 2 days before the
1315 budget hearing held pursuant to s. 200.065 or other law. The
1316 final adopted budget must be posted on the district's official
1317 website within 30 days after adoption. If the district does not
1318 operate an official website, the board must, within a reasonable
1319 period of time as established by the county in which the
1320 district is located, transmit the tentative budget or final
1321 budget to the manager or administrator of the county. The
1322 manager or administrator shall post the tentative budget or
1323 final budget on the county's website. The ~~district school~~ board
1324 shall ~~then~~ require the superintendent to transmit ~~forthwith~~ two
1325 copies of the adopted budget to the Department of Education for
1326 approval as prescribed by law and rules of the State Board of
1327 Education.

1328 (6) If the governing body of a district amends the budget,
1329 the adopted amendment must be posted on the official website of
1330 the district within 5 days after adoption. If the district does
1331 not operate an official website, the board must, within a
1332 reasonable period of time as established by the county in which
1333 the district is located, transmit the adopted amendments to the
1334 manager or administrator of the county. The manager or

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1335 administrator shall post the tentative budget and final budget
1336 on the county's website.

1337 Section 24. Section 1011.051, Florida Statutes, is amended
1338 to read:

1339 1011.051 Guidelines for general funds.—The district school
1340 board shall maintain a ~~an unreserved~~ general fund ending fund
1341 balance that is sufficient to address normal contingencies.

1342 (1) If at any time the portion of the unreserved general
1343 fund's ending fund fund balance classified as neither restricted
1344 or nonspendable in the district's approved operating budget is
1345 projected to fall ~~during the current fiscal year~~ below 3 percent
1346 of projected general fund revenues during the current fiscal
1347 year, the superintendent shall provide written notification to
1348 the district school board and the Commissioner of Education.

1349 (2) If at any time the portion of the unreserved general
1350 fund's ending fund fund balance classified as neither restricted
1351 or nonspendable in the district's approved operating budget is
1352 projected to fall ~~during the current fiscal year~~ below 2 percent
1353 of projected general fund revenues during the current fiscal
1354 year, the superintendent shall provide written notification to
1355 the district school board and the Commissioner of Education.
1356 Within 14 days after receiving such notification, if the
1357 commissioner determines that the district does not have a plan
1358 that is reasonably anticipated to avoid a financial emergency as
1359 determined pursuant to s. 218.503, the commissioner shall
1360 appoint a financial emergency board that shall operate
1361 consistent with the requirements, powers, and duties specified
1362 in s. 218.503(3)(g).

1363 Section 25. Paragraph (a) of subsection (3) of section

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1364 1011.64, Florida Statutes, is amended to read:

1365 1011.64 School district minimum classroom expenditure
1366 requirements.-

1367 (3) (a) Annually the Department of Education shall calculate
1368 for each school district:

1369 1. Total K-12 operating expenditures, which are defined as
1370 the amount of total general fund expenditures for K-12 programs
1371 as reported in accordance with the accounts and codes prescribed
1372 in the most recent issuance of the Department of Education
1373 publication entitled "Financial and Program Cost Accounting and
1374 Reporting for Florida Schools" and as included in the most
1375 recent annual financial report submitted to the Commissioner of
1376 Education, less the student transportation revenue allocation
1377 from the state appropriation for that purpose, amounts
1378 transferred to other funds, and increases to the amount of the
1379 general fund's fund-unreserved ending fund balance classified as
1380 neither restricted or nonspendable when the total unreserved
1381 ending fund balance classified as neither restricted or
1382 nonspendable is in excess of 5 percent of the total general fund
1383 revenues.

1384 2. Expenditures for classroom instruction, which shall be
1385 the sum of the general fund expenditures for K-12 instruction
1386 and instructional staff training.

1387 Section 26. This act shall take effect October 1, 2010.