



958174

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2012	.	
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The Committee on Community Affairs (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Disclosure of unfunded, long-term costs of federal grant programs.-

(1) (a) Before accepting a federal grant, a county, municipality, or special district shall identify and disclose, for each project that is funded by a federal grant, the costs of the activities of the project that will not be funded by the federal funds. The costs shall be calculated from inception of the project through the 2 fiscal years after the federal funds



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13 have been depleted.

14 (b) The costs of activities not paid by federal funds may
15 include, but are not limited to, required state and local
16 matching funds, projected payroll costs, maintenance costs, and
17 costs to operate and administer the project.

18 (c) Such unremitted costs shall be disclosed by prominently
19 posting a disclosure statement on the website of the county,
20 municipality, or special district undertaking the project or
21 activity. The statement shall be posted at least 10 days before
22 the governing body of the county, municipality, or special
23 district votes to accept the federal grant or otherwise takes
24 any other action to authorize acceptance of the federal grant.

25 (d) If a special district does not operate an official
26 website, the special district shall, within a reasonable period
27 of time as established by the local general-purpose government
28 or governments in which the special district is located or the
29 local governing authority to which the district is dependent,
30 transmit the disclosure statement to the manager or
31 administrator of the local general-purpose government or the
32 local governing authority. Thereafter, manager or administrator
33 shall post the special district disclosure statement on the
34 website of the local general-purpose government or governing
35 authority.

36 (e) The disclosure statement for a county, municipality, or
37 special district shall describe the project and must include a
38 plan for funding the project for up to 2 fiscal years after the
39 federal grant funds have been depleted.

40 (2) A person may file a civil action to enforce subsection
41 (1). If a civil action is filed against a county, municipality,



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42 or special district to enforce subsection (1) and the court
43 finds that the county, municipality, or special district failed
44 to comply with that subsection, the court shall assess and award
45 against the appropriate county, municipality, or special
46 district the reasonable costs of enforcing subsection (1),
47 including reasonable attorney fees.

48 (3) Certified public accountants conducting audits of
49 counties, municipalities, or special districts pursuant to s.
50 218.39, shall report, as part of the audit, whether or not the
51 county, municipality, or special district has complied with this
52 section.

53 (4) This section does not apply to federal grants
54 associated with natural disasters, grants involving the Federal
55 Emergency Management Agency, grants received from the Department
56 of Homeland Security, or Medicaid funds.

57 Section 2. Present subsections (9) through (12) of section
58 218.39, Florida Statutes, are renumbered as subsections (10)
59 through (13), respectively, and new subsection (9) is added to
60 that section, to read:

61 218.39 Annual financial audit reports.—

62 (9) The Auditor General shall notify the Legislative
63 Auditing Committee of any audit report that indicates that an
64 audited entity has failed to comply with the required
65 disclosures relating to the receipt of federal funds.

66 (a) The committee may direct the governing body of the
67 audited entity to provide to the committee either the required
68 disclosure statement or a written statement explaining why the
69 required disclosure statement was not prepared.

70 (b) If the committee determines that the written statement



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71 is not sufficient, it may require the chair of the governing
72 body of the local governmental entity or the chair's designee,
73 the elected official of each county agency or the elected
74 official's designee, as appropriate, to appear before the
75 committee.

76 (c) If the committee determines that an audited entity has
77 failed to prepare a required disclosure statement for which
78 there is no justifiable reason for not preparing such, or has
79 failed to comply with committee requests made pursuant to this
80 section, the committee may proceed in accordance with s.
81 11.40(2).

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83
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete everything before the enacting clause
87 and insert:

88 A bill to be entitled
89 An act relating to federal grants; requiring a county,
90 municipality, or special district to identify and
91 disclose the costs of a federally-funded project that
92 will not be funded by the federal grant; requiring the
93 entity to disclose a plan for funding the project
94 after the depletion of federal funds; authorizing a
95 person to file a civil action to enforce the
96 disclosure of unfunded, long-term costs of a county,
97 municipality, or special district project funded by a
98 federal grant; requiring the court to assess
99 reasonable costs, including attorney fees, against the



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100 county, municipality, or special district if the court
101 finds that the county, municipality, or special
102 district did not disclose the unfunded costs of a
103 project funded by a federal grant; requiring auditors
104 to report on compliance; providing an exception for
105 federal grants associated with natural disasters,
106 grants involving the Federal Emergency Management
107 Agency, grants received from the Department of
108 Homeland Security, or Medicaid funds; requiring that
109 the Auditor General notify the Legislative Auditing
110 Committee of any audit report indicating that an
111 audited entity has failed to comply with the
112 disclosure requirements of this act; providing an
113 effective date.