

1 A bill to be entitled
2 An act relating to government accountability; amending
3 s. 11.40, F.S.; specifying that the Governor, the
4 Commissioner of Education, or the designee of the
5 Governor or of the Commissioner of Education may
6 notify the Legislative Auditing Committee of an
7 entity's failure to comply with certain auditing and
8 financial reporting requirements; amending s. 11.45,
9 F.S.; revising and providing definitions; excluding
10 water management districts from certain audit
11 requirements; revising reporting requirements
12 applicable to the Auditor General; amending s. 28.35,
13 F.S.; revising reporting requirements applicable to
14 the Florida Clerks of Court Operations Corporation;
15 amending s. 43.16, F.S.; revising the responsibilities
16 of the Justice Administrative Commission, each state
17 attorney, each public defender, a criminal conflict
18 and civil regional counsel, a capital collateral
19 counsel, and the Guardian Ad Litem Program, to include
20 the establishment and maintenance of certain internal
21 controls; amending s. 112.31455, F.S.; authorizing the
22 Chief Financial Officer or a governing body to
23 withhold a specified percentage of a fine owed and
24 related administrative costs from public salary-
25 related payments of certain individuals; authorizing
26 the Chief Financial Officer or a governing body to

27 | reduce the amount withheld if certain individuals
28 | demonstrate a hardship; transferring a provision
29 | relating to the garnishment of wages of specified
30 | individuals; creating s. 112.31456, F.S.; authorizing
31 | the Commission on Ethics to seek wage garnishment of
32 | certain individuals to satisfy unpaid fines;
33 | authorizing the commission to refer unpaid fines to a
34 | collection agency; establishing a statute of
35 | limitations with respect to the collection of an
36 | unpaid fine; amending s. 112.3261, F.S.; revising
37 | definitions to conform to changes made by the act;
38 | expanding the types of governmental entities that are
39 | subject to lobbyist registration requirements;
40 | requiring such entities to create lobbyist
41 | registration forms; amending ss. 129.03, 129.06,
42 | 166.241, and 189.016, F.S.; requiring counties,
43 | municipalities, and special districts to maintain
44 | certain budget documents on the entities' websites for
45 | a specified period; amending s. 215.425, F.S.;
46 | requiring a unit of government to investigate and take
47 | necessary action to recover prohibited compensation;
48 | specifying methods of recovery and liability for
49 | unintentional and willful violations; providing a
50 | penalty; authorizing the Governor to suspend officers
51 | under specified circumstances; establishing
52 | eligibility criteria and amounts for rewards;

53 specifying circumstances under which an employee has a
54 cause of action under the Whistle-blower's Act;
55 establishing causes of action if a unit of government
56 fails to recover prohibited compensation within a
57 certain timeframe; amending s. 215.86, F.S.; revising
58 management systems and controls to be employed by each
59 state agency and the judicial branch; amending s.
60 215.97, F.S.; revising the definition of the term
61 "audit threshold"; amending s. 215.985, F.S.; revising
62 the requirements for a monthly financial statement
63 provided by a water management district; amending s.
64 218.32, F.S.; revising the requirements of the annual
65 financial audit report of a local governmental entity;
66 authorizing the Department of Financial Services to
67 request additional information from a local
68 governmental entity; requiring a local governmental
69 entity to respond to such requests within a specified
70 timeframe; requiring the department to notify the
71 Legislative Auditing Committee of noncompliance;
72 amending s. 218.33, F.S.; requiring local government
73 entities to establish and maintain internal controls;
74 amending s. 218.39, F.S.; requiring an audited entity
75 to respond to audit recommendations under specified
76 circumstances; amending s. 218.391, F.S.; revising the
77 composition of audit committees; requiring audit
78 reports to contain an affidavit of compliance;

79 providing procedures for reselection of an auditor
80 under certain circumstances; amending s. 288.92, F.S.;
81 prohibiting specified officers and board members of
82 Enterprise Florida, Inc., from representing a person
83 or entity for compensation before Enterprise Florida,
84 Inc., for a specified timeframe; amending s. 288.9604,
85 F.S.; prohibiting a director of the board of directors
86 of the Florida Development Finance Corporation from
87 representing a person or entity for compensation
88 before the corporation for a specified timeframe;
89 amending s. 373.536, F.S.; deleting obsolete language;
90 requiring water management districts to maintain
91 certain budget documents on the districts' websites
92 for a specified period; amending s. 1002.33, F.S.;
93 revising the responsibilities of the governing board
94 of a charter school to include the establishment and
95 maintenance of internal controls; amending s. 1002.37,
96 F.S.; requiring completion of an annual financial
97 audit of the Florida Virtual School; specifying audit
98 requirements; requiring an audit report to be
99 submitted to the board of trustees of the Florida
100 Virtual School and the Auditor General; requiring the
101 board of trustees to submit specified reports to the
102 Governor, Legislature, Commissioner of Education, and
103 State Board of Education; removing an obsolete
104 provision; amending s. 1010.01, F.S.; requiring each

105 school district, Florida College System institution,
 106 and state university to establish and maintain certain
 107 internal controls; amending s. 1010.30, F.S.;
 108 requiring a district school board, Florida College
 109 System board of trustees, or university board of
 110 trustees to respond to audit recommendations under
 111 certain circumstances; amending ss. 68.082, 68.083,
 112 218.503, and 1002.455, F.S.; conforming provisions and
 113 cross-references to changes made by the act; declaring
 114 that the act fulfills an important state interest;
 115 providing an effective date.

116

117 Be It Enacted by the Legislature of the State of Florida:

118

119 Section 1. Subsection (2) of section 11.40, Florida
 120 Statutes, is amended to read:

121 11.40 Legislative Auditing Committee.—

122 (2) Following notification by the Auditor General, the
 123 Department of Financial Services, ~~or~~ the Division of Bond
 124 Finance of the State Board of Administration, the Governor or
 125 his or her designee, or the Commissioner of Education or his or
 126 her designee of the failure of a local governmental entity,
 127 district school board, charter school, or charter technical
 128 career center to comply with the applicable provisions within s.
 129 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
 130 Legislative Auditing Committee may schedule a hearing to

131 determine if the entity should be subject to further state
 132 action. If the committee determines that the entity should be
 133 subject to further state action, the committee shall:

134 (a) In the case of a local governmental entity or district
 135 school board, direct the Department of Revenue and the
 136 Department of Financial Services to withhold any funds not
 137 pledged for bond debt service satisfaction which are payable to
 138 such entity until the entity complies with the law. The
 139 committee shall specify the date such action shall begin, and
 140 the directive must be received by the Department of Revenue and
 141 the Department of Financial Services 30 days before the date of
 142 the distribution mandated by law. The Department of Revenue and
 143 the Department of Financial Services may implement the
 144 provisions of this paragraph.

145 (b) In the case of a special district created by:

146 1. A special act, notify the President of the Senate, the
 147 Speaker of the House of Representatives, the standing committees
 148 of the Senate and the House of Representatives charged with
 149 special district oversight as determined by the presiding
 150 officers of each respective chamber, the legislators who
 151 represent a portion of the geographical jurisdiction of the
 152 special district pursuant to s. 189.034(2), and the Department
 153 of Economic Opportunity that the special district has failed to
 154 comply with the law. Upon receipt of notification, the
 155 Department of Economic Opportunity shall proceed pursuant to s.
 156 189.062 or s. 189.067. If the special district remains in

157 noncompliance after the process set forth in s. 189.034(3), or
 158 if a public hearing is not held, the Legislative Auditing
 159 Committee may request the department to proceed pursuant to s.
 160 189.067(3).

161 2. A local ordinance, notify the chair or equivalent of
 162 the local general-purpose government pursuant to s. 189.035(2)
 163 and the Department of Economic Opportunity that the special
 164 district has failed to comply with the law. Upon receipt of
 165 notification, the department shall proceed pursuant to s.
 166 189.062 or s. 189.067. If the special district remains in
 167 noncompliance after the process set forth in s. 189.034(3), or
 168 if a public hearing is not held, the Legislative Auditing
 169 Committee may request the department to proceed pursuant to s.
 170 189.067(3).

171 3. Any manner other than a special act or local ordinance,
 172 notify the Department of Economic Opportunity that the special
 173 district has failed to comply with the law. Upon receipt of
 174 notification, the department shall proceed pursuant to s.
 175 189.062 or s. 189.067(3).

176 (c) In the case of a charter school or charter technical
 177 career center, notify the appropriate sponsoring entity, which
 178 may terminate the charter pursuant to ss. 1002.33 and 1002.34.

179 Section 2. Subsection (1), paragraph (j) of subsection
 180 (2), paragraph (v) of subsection (3), and paragraph (i) of
 181 subsection (7) of section 11.45, Florida Statutes, are amended
 182 to read:

183 11.45 Definitions; duties; authorities; reports; rules.—

184 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

185 (a) "Abuse" means behavior that is deficient or improper
 186 when compared with behavior that a prudent person would consider
 187 reasonable and necessary operational practice given the facts
 188 and circumstances. The term includes the misuse of authority or
 189 position for personal gain or for the benefit of another.

190 (b)~~(a)~~ "Audit" means a financial audit, operational audit,
 191 or performance audit.

192 (c)~~(b)~~ "County agency" means a board of county
 193 commissioners or other legislative and governing body of a
 194 county, however styled, including that of a consolidated or
 195 metropolitan government, a clerk of the circuit court, a
 196 separate or ex officio clerk of the county court, a sheriff, a
 197 property appraiser, a tax collector, a supervisor of elections,
 198 or any other officer in whom any portion of the fiscal duties of
 199 the above are under law separately placed.

200 (d)~~(e)~~ "Financial audit" means an examination of financial
 201 statements in order to express an opinion on the fairness with
 202 which they are presented in conformity with generally accepted
 203 accounting principles and an examination to determine whether
 204 operations are properly conducted in accordance with legal and
 205 regulatory requirements. Financial audits must be conducted in
 206 accordance with auditing standards generally accepted in the
 207 United States and government auditing standards as adopted by
 208 the Board of Accountancy. When applicable, the scope of

209 financial audits shall encompass the additional activities
 210 necessary to establish compliance with the Single Audit Act
 211 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
 212 applicable federal law.

213 (e) "Fraud" means obtaining something of value through
 214 willful misrepresentation, including, but not limited to, the
 215 intentional misstatements or omissions of amounts or disclosures
 216 in financial statements to deceive users of financial
 217 statements, theft of an entity's assets, bribery, or the use of
 218 one's position for personal enrichment through the deliberate
 219 misuse or misapplication of an organization's resources.

220 (f)~~(d)~~ "Governmental entity" means a state agency, a
 221 county agency, or any other entity, however styled, that
 222 independently exercises any type of state or local governmental
 223 function.

224 (g)~~(e)~~ "Local governmental entity" means a county agency,
 225 municipality, tourist development council, county tourism
 226 promotion agency, or special district as defined in s. 189.012.
 227 The term,~~but~~ does not include any housing authority established
 228 under chapter 421.

229 (h)~~(f)~~ "Management letter" means a statement of the
 230 auditor's comments and recommendations.

231 (i)~~(g)~~ "Operational audit" means an audit whose purpose is
 232 to evaluate management's performance in establishing and
 233 maintaining internal controls, including controls designed to
 234 prevent and detect fraud, waste, and abuse, and in administering

235 assigned responsibilities in accordance with applicable laws,
236 administrative rules, contracts, grant agreements, and other
237 guidelines. Operational audits must be conducted in accordance
238 with government auditing standards. Such audits examine internal
239 controls that are designed and placed in operation to promote
240 and encourage the achievement of management's control objectives
241 in the categories of compliance, economic and efficient
242 operations, reliability of financial records and reports, and
243 safeguarding of assets, and identify weaknesses in those
244 internal controls.

245 (j) ~~(h)~~ "Performance audit" means an examination of a
246 program, activity, or function of a governmental entity,
247 conducted in accordance with applicable government auditing
248 standards or auditing and evaluation standards of other
249 appropriate authoritative bodies. The term includes an
250 examination of issues related to:

- 251 1. Economy, efficiency, or effectiveness of the program.
- 252 2. Structure or design of the program to accomplish its
253 goals and objectives.
- 254 3. Adequacy of the program to meet the needs identified by
255 the Legislature or governing body.
- 256 4. Alternative methods of providing program services or
257 products.
- 258 5. Goals, objectives, and performance measures used by the
259 agency to monitor and report program accomplishments.
- 260 6. The accuracy or adequacy of public documents, reports,

261 or requests prepared under the program by state agencies.

262 7. Compliance of the program with appropriate policies,
263 rules, or laws.

264 8. Any other issues related to governmental entities as
265 directed by the Legislative Auditing Committee.

266 (k)~~(i)~~ "Political subdivision" means a separate agency or
267 unit of local government created or established by law and
268 includes, but is not limited to, the following and the officers
269 thereof: authority, board, branch, bureau, city, commission,
270 consolidated government, county, department, district,
271 institution, metropolitan government, municipality, office,
272 officer, public corporation, town, or village.

273 (l)~~(j)~~ "State agency" means a separate agency or unit of
274 state government created or established by law and includes, but
275 is not limited to, the following and the officers thereof:
276 authority, board, branch, bureau, commission, department,
277 division, institution, office, officer, or public corporation,
278 as the case may be, except any such agency or unit within the
279 legislative branch of state government other than the Florida
280 Public Service Commission.

281 (m) "Waste" means the act of using or expending resources
282 unreasonably, carelessly, extravagantly, or for no useful
283 purpose.

284 (2) DUTIES.—The Auditor General shall:

285 (j) Conduct audits of local governmental entities when
286 determined to be necessary by the Auditor General, when directed

287 | by the Legislative Auditing Committee, or when otherwise
 288 | required by law. No later than 18 months after the release of
 289 | the audit report, the Auditor General shall perform such
 290 | appropriate followup procedures as he or she deems necessary to
 291 | determine the audited entity's progress in addressing the
 292 | findings and recommendations contained within the Auditor
 293 | General's previous report. The Auditor General shall notify each
 294 | member of the audited entity's governing body and the
 295 | Legislative Auditing Committee of the results of his or her
 296 | determination. For purposes of this paragraph, local
 297 | governmental entities do not include water management districts.
 298 |

299 | The Auditor General shall perform his or her duties
 300 | independently but under the general policies established by the
 301 | Legislative Auditing Committee. This subsection does not limit
 302 | the Auditor General's discretionary authority to conduct other
 303 | audits or engagements of governmental entities as authorized in
 304 | subsection (3).

305 | (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 306 | Auditor General may, pursuant to his or her own authority, or at
 307 | the direction of the Legislative Auditing Committee, conduct
 308 | audits or other engagements as determined appropriate by the
 309 | Auditor General of:

310 | (v) The Florida Virtual School ~~pursuant to s. 1002.37.~~

311 | (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

312 | (i) The Auditor General shall annually transmit by July

313 15, to the President of the Senate, the Speaker of the House of
 314 Representatives, and the Department of Financial Services, a
 315 list of all school districts, charter schools, charter technical
 316 career centers, Florida College System institutions, state
 317 universities, and local governmental entities ~~water management~~
 318 ~~districts~~ that have failed to comply with the transparency
 319 requirements as identified in the audit reports reviewed
 320 pursuant to paragraph (b) and those conducted pursuant to
 321 subsection (2).

322 Section 3. Paragraph (d) of subsection (2) of section
 323 28.35, Florida Statutes, is amended to read:

324 28.35 Florida Clerks of Court Operations Corporation.—

325 (2) The duties of the corporation shall include the
 326 following:

327 (d) Developing and certifying a uniform system of workload
 328 measures and applicable workload standards for court-related
 329 functions as developed by the corporation and clerk workload
 330 performance in meeting the workload performance standards. These
 331 workload measures and workload performance standards shall be
 332 designed to facilitate an objective determination of the
 333 performance of each clerk in accordance with minimum standards
 334 for fiscal management, operational efficiency, and effective
 335 collection of fines, fees, service charges, and court costs. The
 336 corporation shall develop the workload measures and workload
 337 performance standards in consultation with the Legislature. When
 338 the corporation finds a clerk has not met the workload

339 performance standards, the corporation shall identify the nature
340 of each deficiency and any corrective action recommended and
341 taken by the affected clerk of the court. For quarterly periods
342 ending on the last day of March, June, September, and December
343 of each year, the corporation shall notify the Legislature of
344 any clerk not meeting workload performance standards and provide
345 a copy of any corrective action plans. Such notifications shall
346 be submitted no later than 45 days after the end of the
347 preceding quarterly period. As used in this subsection, the
348 term:

349 1. "Workload measures" means the measurement of the
350 activities and frequency of the work required for the clerk to
351 adequately perform the court-related duties of the office as
352 defined by the membership of the Florida Clerks of Court
353 Operations Corporation.

354 2. "Workload performance standards" means the standards
355 developed to measure the timeliness and effectiveness of the
356 activities that are accomplished by the clerk in the performance
357 of the court-related duties of the office as defined by the
358 membership of the Florida Clerks of Court Operations
359 Corporation.

360 Section 4. Present subsections (6) and (7) of section
361 43.16, Florida Statutes, are redesignated as subsections (7) and
362 (8), respectively, and a new subsection (6) is added to that
363 section, to read:

364 43.16 Justice Administrative Commission; membership,

365 powers and duties.—

366 (6) The commission, each state attorney, each public
367 defender, the criminal conflict and civil regional counsel, the
368 capital collateral regional counsel, and the Guardian Ad Litem
369 Program shall establish and maintain internal controls designed
370 to:

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

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

374 (c) Support economic and efficient operations.

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

376 (e) Safeguard assets.

377 Section 5. Section 112.31455, Florida Statutes, is amended
378 to read:

379 112.31455 Withholding of public salary-related payments
380 ~~Collection methods~~ for unpaid automatic fines for failure to
381 timely file disclosure of financial interests.—

382 (1) Before referring any unpaid fine accrued pursuant to
383 s. 112.3144(5) or s. 112.3145(7) ~~s. 112.3145(6)~~ to the
384 Department of Financial Services, the commission shall attempt
385 to determine whether the individual owing such a fine is a
386 current public officer or current public employee. If so, the
387 commission may notify the Chief Financial Officer or the
388 governing body of the appropriate county, municipality, or
389 special district of the total amount of any fine owed to the
390 commission by such individual.

391 (a) After receipt and verification of the notice from the
392 commission, the Chief Financial Officer or the governing body of
393 the county, municipality, or special district shall withhold 25
394 percent of the entire amount of any fine owed, and any
395 administrative costs incurred, from the individual's next public
396 salary-related payment. The same percentage of each successive
397 public salary-related payment shall be withheld until the fine
398 and administrative costs are paid in full ~~begin withholding the~~
399 ~~lesser of 10 percent or the maximum amount allowed under federal~~
400 ~~law from any salary-related payment. The Chief Financial Officer~~
401 ~~or the governing body of the county, municipality, or special~~
402 ~~district may retain an amount of each withheld payment, as~~
403 ~~provided in s. 77.0305, to cover the administrative costs~~
404 ~~incurred under this section. The withheld payments shall be~~
405 ~~remitted to the commission until the fine is satisfied.~~

406 ~~(b) The Chief Financial Officer or the governing body of~~
407 ~~the county, municipality, or special district may retain an~~
408 ~~amount of each withheld payment, as provided in s. 77.0305, to~~
409 ~~cover the administrative costs incurred under this section.~~

410 (b) If a current public officer or current public employee
411 demonstrates to the Chief Financial Officer or the governing
412 body responsible for paying him or her that the public salary is
413 his or her primary source of income and that withholding 25
414 percent of the amount of any fine owed from a public salary-
415 related payment would present an undue hardship, the withheld
416 amount may be reduced but must be at least 10 percent of the

417 public salary-related payment.

418 ~~(2) If the commission determines that the individual who~~
419 ~~is the subject of an unpaid fine accrued pursuant to s.~~
420 ~~112.3144(5) or s. 112.3145(6) is no longer a public officer or~~
421 ~~public employee or if the commission is unable to determine~~
422 ~~whether the individual is a current public officer or public~~
423 ~~employee, the commission may, 6 months after the order becomes~~
424 ~~final, seek garnishment of any wages to satisfy the amount of~~
425 ~~the fine, or any unpaid portion thereof, pursuant to chapter 77.~~
426 ~~Upon recording the order imposing the fine with the clerk of the~~
427 ~~circuit court, the order shall be deemed a judgment for purposes~~
428 ~~of garnishment pursuant to chapter 77.~~

429 (2)~~(3)~~ The commission may refer unpaid fines to the
430 appropriate collection agency, as directed by the Chief
431 Financial Officer, to use ~~utilize~~ any collection methods
432 provided by law. Except as expressly limited by this section,
433 any other collection methods authorized by law are allowed.

434 (3)~~(4)~~ Action may be taken to collect any unpaid fine
435 imposed by ss. 112.3144 and 112.3145 within 20 years after the
436 date the final order is rendered.

437 Section 6. Section 112.31456, Florida Statutes, is created
438 to read:

439 112.31456 Garnishment of wages for unpaid automatic fines
440 for failure to timely file disclosure of financial interests.-

441 (1) Before referring any unpaid fine accrued pursuant to
442 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial

443 Services, the commission shall attempt to determine whether the
444 individual owing such a fine is a current public officer or
445 current public employee. If the commission determines that an
446 individual who is the subject of an unpaid fine accrued pursuant
447 to s. 112.3144(5) or s. 112.3145(7) is no longer a public
448 officer or public employee or if the commission cannot determine
449 whether the individual is a current public officer or current
450 public employee, the commission may, 6 months after the order
451 becomes final, seek garnishment of any wages to satisfy the
452 amount of the fine, or any unpaid portion thereof, pursuant to
453 chapter 77. Upon recording the order imposing the fine with the
454 clerk of the circuit court, the order shall be deemed a judgment
455 for purposes of garnishment pursuant to chapter 77.

456 (2) The commission may refer unpaid fines to the
457 appropriate collection agency, as directed by the Chief
458 Financial Officer, to use any collection methods provided by
459 law. Except as expressly limited by this section, any other
460 collection method authorized by law is allowed.

461 (3) Action may be taken to collect any unpaid fine imposed
462 by ss. 112.3144 and 112.3145 within 20 years after the date the
463 final order is rendered.

464 Section 7. Section 112.3261, Florida Statutes, is amended
465 to read:

466 112.3261 Lobbying before governmental entities ~~water~~
467 ~~management districts~~; registration and reporting.—

468 (1) As used in this section, the term:

469 (a) "Governmental entity" or "entity" ~~"District"~~ means a
470 water management district created in s. 373.069 and operating
471 under the authority of chapter 373, a hospital district, a
472 children's services district, an expressway authority as the
473 term "authority" is defined in s. 348.0002, a port authority as
474 the term is defined in s. 315.02, or an independent special
475 district with annual revenues of more than \$5 million which
476 exercises ad valorem taxing authority.

477 (b) "Lobbies" means seeking, on behalf of another person,
478 to influence a governmental entity ~~district~~ with respect to a
479 decision of the entity ~~district~~ in an area of policy or
480 procurement or an attempt to obtain the goodwill of an a
481 ~~district~~ official or employee of a governmental entity. The term
482 "lobbies" shall be interpreted and applied consistently with the
483 rules of the commission implementing s. 112.3215.

484 (c) "Lobbyist" has the same meaning as provided in s.
485 112.3215.

486 (d) "Principal" has the same meaning as provided in s.
487 112.3215.

488 (2) A person may not lobby a governmental entity ~~district~~
489 until such person has registered as a lobbyist with that entity
490 ~~district~~. Such registration shall be due upon initially being
491 retained to lobby and is renewable on a calendar-year basis
492 thereafter. Upon registration, the person shall provide a
493 statement signed by the principal or principal's representative
494 stating that the registrant is authorized to represent the

495 principal. The principal shall also identify and designate its
496 main business on the statement authorizing that lobbyist
497 pursuant to a classification system approved by the governmental
498 entity ~~district~~. Any changes to the information required by this
499 section must be disclosed within 15 days by filing a new
500 registration form. The registration form shall require each
501 lobbyist to disclose, under oath, the following:

502 (a) The lobbyist's name and business address.

503 (b) The name and business address of each principal
504 represented.

505 (c) The existence of any direct or indirect business
506 association, partnership, or financial relationship with an
507 official ~~any officer~~ or employee of a governmental entity
508 ~~district~~ with which he or she lobbies or intends to lobby.

509 ~~(d) In lieu of creating its own lobbyist registration~~
510 ~~forms,~~

511
512 A governmental entity shall create a lobbyist registration form
513 modeled after the ~~district may accept a completed~~ legislative
514 branch or executive branch lobbyist registration form which must
515 be returned to the governmental entity.

516 (3) A governmental entity ~~district~~ shall make lobbyist
517 registrations available to the public. If a governmental entity
518 ~~district~~ maintains a website, a database of currently registered
519 lobbyists and principals must be available on the entity's
520 ~~district's~~ website.

521 (4) A lobbyist shall promptly send a written statement to
522 the governmental entity ~~district~~ canceling the registration for
523 a principal upon termination of the lobbyist's representation of
524 that principal. A governmental entity ~~district~~ may remove the
525 name of a lobbyist from the list of registered lobbyists if the
526 principal notifies the entity ~~district~~ that a person is no
527 longer authorized to represent that principal.

528 (5) A governmental entity ~~district~~ may establish an annual
529 lobbyist registration fee, not to exceed \$40, for each principal
530 represented. The governmental entity ~~district~~ may use
531 registration fees only to administer this section.

532 (6) A governmental entity ~~district~~ shall be diligent to
533 ascertain whether persons required to register pursuant to this
534 section have complied. A governmental entity ~~district~~ may not
535 knowingly authorize a person who is not registered pursuant to
536 this section to lobby the entity ~~district~~.

537 (7) Upon receipt of a sworn complaint alleging that a
538 lobbyist or principal has failed to register with a governmental
539 entity ~~district~~ or has knowingly submitted false information in
540 a report or registration required under this section, the
541 commission shall investigate a lobbyist or principal pursuant to
542 the procedures established under s. 112.324. The commission
543 shall provide the Governor with a report of its findings and
544 recommendations in any investigation conducted pursuant to this
545 subsection. The Governor is authorized to enforce the
546 commission's findings and recommendations.

547 (8) A governmental entity ~~Water management districts~~ may
548 adopt rules to establish procedures to govern the registration
549 of lobbyists, including the adoption of forms and the
550 establishment of a lobbyist registration fee.

551 Section 8. Paragraph (c) of subsection (3) of section
552 129.03, Florida Statutes, is amended to read:

553 129.03 Preparation and adoption of budget.—

554 (3) The county budget officer, after tentatively
555 ascertaining the proposed fiscal policies of the board for the
556 next fiscal year, shall prepare and present to the board a
557 tentative budget for the next fiscal year for each of the funds
558 provided in this chapter, including all estimated receipts,
559 taxes to be levied, and balances expected to be brought forward
560 and all estimated expenditures, reserves, and balances to be
561 carried over at the end of the year.

562 (c) The board shall hold public hearings to adopt
563 tentative and final budgets pursuant to s. 200.065. The hearings
564 shall be primarily for the purpose of hearing requests and
565 complaints from the public regarding the budgets and the
566 proposed tax levies and for explaining the budget and any
567 proposed or adopted amendments. The tentative budget must be
568 posted on the county's official website at least 2 days before
569 the public hearing to consider such budget and must remain on
570 the website for at least 45 days. The final budget must be
571 posted on the website within 30 days after adoption and must
572 remain on the website for at least 2 years. The tentative

573 budgets, adopted tentative budgets, and final budgets shall be
 574 filed in the office of the county auditor as a public record.
 575 Sufficient reference in words and figures to identify the
 576 particular transactions shall be made in the minutes of the
 577 board to record its actions with reference to the budgets.

578 Section 9. Paragraph (f) of subsection (2) of section
 579 129.06, Florida Statutes, is amended to read:

580 129.06 Execution and amendment of budget.—

581 (2) The board at any time within a fiscal year may amend a
 582 budget for that year, and may within the first 60 days of a
 583 fiscal year amend the budget for the prior fiscal year, as
 584 follows:

585 (f) Unless otherwise prohibited by law, if an amendment to
 586 a budget is required for a purpose not specifically authorized
 587 in paragraphs (a)-(e), the amendment may be authorized by
 588 resolution or ordinance of the board of county commissioners
 589 adopted following a public hearing.

590 1. The public hearing must be advertised at least 2 days,
 591 but not more than 5 days, before the date of the hearing. The
 592 advertisement must appear in a newspaper of paid general
 593 circulation and must identify the name of the taxing authority,
 594 the date, place, and time of the hearing, and the purpose of the
 595 hearing. The advertisement must also identify each budgetary
 596 fund to be amended, the source of the funds, the use of the
 597 funds, and the total amount of each fund's appropriations.

598 2. If the board amends the budget pursuant to this

599 paragraph, the adopted amendment must be posted on the county's
 600 official website within 5 days after adoption and must remain on
 601 the website for at least 2 years.

602 Section 10. Subsections (3) and (5) of section 166.241,
 603 Florida Statutes, are amended to read:

604 166.241 Fiscal years, budgets, and budget amendments.—

605 (3) The tentative budget must be posted on the
 606 municipality's official website at least 2 days before the
 607 budget hearing, held pursuant to s. 200.065 or other law, to
 608 consider such budget, and must remain on the website for at
 609 least 45 days. The final adopted budget must be posted on the
 610 municipality's official website within 30 days after adoption
 611 and must remain on the website for at least 2 years. If the
 612 municipality does not operate an official website, the
 613 municipality must, within a reasonable period of time as
 614 established by the county or counties in which the municipality
 615 is located, transmit the tentative budget and final budget to
 616 the manager or administrator of such county or counties who
 617 shall post the budgets on the county's website.

618 (5) If the governing body of a municipality amends the
 619 budget pursuant to paragraph (4)(c), the adopted amendment must
 620 be posted on the official website of the municipality within 5
 621 days after adoption and must remain on the website for at least
 622 2 years. If the municipality does not operate an official
 623 website, the municipality must, within a reasonable period of
 624 time as established by the county or counties in which the

625 municipality is located, transmit the adopted amendment to the
626 manager or administrator of such county or counties who shall
627 post the adopted amendment on the county's website.

628 Section 11. Subsections (4) and (7) of section 189.016,
629 Florida Statutes, are amended to read:

630 189.016 Reports; budgets; audits.—

631 (4) The tentative budget must be posted on the special
632 district's official website at least 2 days before the budget
633 hearing, held pursuant to s. 200.065 or other law, to consider
634 such budget, and must remain on the website for at least 45
635 days. The final adopted budget must be posted on the special
636 district's official website within 30 days after adoption and
637 must remain on the website for at least 2 years. If the special
638 district does not operate an official website, the special
639 district must, within a reasonable period of time as established
640 by the local general-purpose government or governments in which
641 the special district is located or the local governing authority
642 to which the district is dependent, transmit the tentative
643 budget or final budget to the manager or administrator of the
644 local general-purpose government or the local governing
645 authority. The manager or administrator shall post the tentative
646 budget or final budget on the website of the local general-
647 purpose government or governing authority. This subsection and
648 subsection (3) do not apply to water management districts as
649 defined in s. 373.019.

650 (7) If the governing body of a special district amends the

651 budget pursuant to paragraph (6) (c), the adopted amendment must
652 be posted on the official website of the special district within
653 5 days after adoption and must remain on the website for at
654 least 2 years. If the special district does not operate an
655 official website, the special district must, within a reasonable
656 period of time as established by the local general-purpose
657 government or governments in which the special district is
658 located or the local governing authority to which the district
659 is dependent, transmit the adopted amendment to the manager or
660 administrator of the local general-purpose government or
661 governing authority. The manager or administrator shall post the
662 adopted amendment on the website of the local general-purpose
663 government or governing authority.

664 Section 12. Subsections (6) through (10) are added to
665 section 215.425, Florida Statutes, to read:

666 215.425 Extra compensation claims prohibited; bonuses;
667 severance pay.—

668 (6) Upon discovery or notification that a unit of
669 government has provided prohibited compensation to any officer,
670 agent, employee, or contractor in violation of this section,
671 such unit of government shall investigate and take all necessary
672 action to recover the prohibited compensation.

673 (a) If the violation was unintentional, the unit of
674 government shall recover the prohibited compensation from the
675 individual receiving the prohibited compensation through normal
676 recovery methods for overpayments.

677 (b) If the violation was willful, the unit of government
678 shall recover the prohibited compensation from either the
679 individual receiving the prohibited compensation or the
680 individual or individuals responsible for approving the
681 prohibited compensation. Each individual determined to have
682 willfully violated this section is jointly and severally liable
683 for repayment of the prohibited compensation.

684 (7) A person who willfully violates this section commits a
685 misdemeanor of the first degree, punishable as provided in s.
686 775.082 or s. 775.083. The Governor may suspend an officer who
687 willfully violates this section.

688 (8) (a) A person who reports a violation of this section is
689 eligible for a reward of at least \$500, or the lesser of 10
690 percent of the funds recovered or \$10,000 per incident of a
691 prohibited compensation payment recovered by the unit of
692 government, depending upon the extent to which the person
693 substantially contributed to the discovery, notification, and
694 recovery of such prohibited payment.

695 (b) In the event that the recovery of the prohibited
696 compensation is based primarily on disclosures of specific
697 information, other than information provided by such person,
698 relating to allegations or transactions in a criminal, civil, or
699 administrative hearing; a legislative, administrative, inspector
700 general, or other government report; auditor general report,
701 hearing, audit, or investigation; or from the news media, such
702 person is not eligible for a reward, or for an award of a

703 portion of the proceeds or payment of attorney fees and costs
704 pursuant to s. 68.085.

705 (c) If it is determined that the person who reported a
706 violation of this section was involved in the authorization,
707 approval, or receipt of the prohibited compensation or is
708 convicted of criminal conduct arising from his or her role in
709 the authorization, approval, or receipt of the prohibited
710 compensation, such person is not eligible for a reward, or for
711 an award of a portion of the proceeds or payment of attorney
712 fees and costs pursuant to s. 68.085.

713 (9) An employee who is discharged, demoted, suspended,
714 threatened, harassed, or in any manner discriminated against in
715 the terms and conditions of employment by his or her employer
716 because of lawful acts done by the employee on behalf of the
717 employee or others in furtherance of an action under this
718 section, including investigation for initiation of, testimony
719 for, or assistance in an action filed or to be filed under this
720 section, has a cause of action under s. 112.3187.

721 (10) If the unit of government fails to recover prohibited
722 compensation for a willful violation of this section upon
723 discovery and notification of such prohibited payment within 90
724 days, a cause of action may be brought to:

725 (a) Recover state funds in accordance with ss. 68.082 and
726 68.083.

727 (b) Recover other funds by the Department of Legal Affairs
728 using the procedures set forth in ss. 68.082 and 68.083, except

729 that venue shall lie in the circuit court of the county in which
 730 the unit of government is located.

731 (c) Recover other funds by a person using the procedures
 732 set forth in ss. 68.082 and 68.083, except that venue shall lie
 733 in the circuit court of the county in which the unit of
 734 government is located.

735 Section 13. Section 215.86, Florida Statutes, is amended
 736 to read:

737 215.86 Management systems and controls.—Each state agency
 738 and the judicial branch as defined in s. 216.011 shall establish
 739 and maintain management systems and internal controls designed
 740 to:

- 741 (1) Prevent and detect fraud, waste, and abuse. ~~that~~
- 742 (2) Promote and encourage compliance with applicable laws,
 743 rules, contracts, grant agreements, and best practices.†
- 744 (3) Support economic ~~and,~~ efficient, ~~and effective~~
 745 operations.†
- 746 (4) Ensure reliability of financial records and reports.†
- 747 (5) Safeguard ~~and safeguarding of~~ assets. ~~Accounting~~
 748 ~~systems and procedures shall be designed to fulfill the~~
 749 ~~requirements of generally accepted accounting principles.~~

750 Section 14. Paragraph (a) of subsection (2) of section
 751 215.97, Florida Statutes, is amended to read:

752 215.97 Florida Single Audit Act.—

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

754 (a) "Audit threshold" means the threshold amount used to

755 determine when a state single audit or project-specific audit of
756 a nonstate entity shall be conducted in accordance with this
757 section. Each nonstate entity that expends a total amount of
758 state financial assistance equal to or in excess of \$750,000
759 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
760 required to have a state single audit, or a project-specific
761 audit, for such fiscal year in accordance with the requirements
762 of this section. Periodically, ~~Every 2 years~~ the Auditor
763 General, after consulting with the Executive Office of the
764 Governor, the Department of Financial Services, and all state
765 awarding agencies, shall review the threshold amount for
766 requiring audits under this section and, if appropriate, may
767 recommend to the Legislature a statutory change to revise the
768 threshold amount in the annual report submitted pursuant to s.
769 11.45(7)(h) ~~may adjust such threshold amount consistent with the~~
770 ~~purposes of this section.~~

771 Section 15. Subsection (11) of section 215.985, Florida
772 Statutes, is amended to read:

773 215.985 Transparency in government spending.—

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

779 Section 16. Paragraph (d) of subsection (1) and subsection
780 (2) of section 218.32, Florida Statutes, are amended to read:

781 218.32 Annual financial reports; local governmental
782 entities.—

783 (1)

784 (d) Each local governmental entity that is required to
785 provide for an audit under s. 218.39(1) must submit a copy of
786 the audit report and annual financial report to the department
787 within 45 days after the completion of the audit report but no
788 later than 9 months after the end of the fiscal year. An
789 independent certified public accountant completing an audit of a
790 local governmental entity pursuant to s. 218.39 shall report, as
791 part of the audit, whether or not the entity's annual financial
792 report agrees with the audited financial statements. Such
793 determination shall be made at the level of detail required for
794 the annual financial report. If the annual financial report does
795 not agree, the auditor shall specify the significant differences
796 that exist between the annual financial report and the audited
797 financial statements and explain such differences.

798 (2) The department shall annually by December 1 file a
799 verified report with the Governor, the Legislature, the Auditor
800 General, and the Special District Accountability Program of the
801 Department of Economic Opportunity showing the revenues, both
802 locally derived and derived from intergovernmental transfers,
803 and the expenditures of each local governmental entity, regional
804 planning council, local government finance commission, and
805 municipal power corporation that is required to submit an annual
806 financial report. In preparing the verified report, the

807 department may request additional information from the local
808 governmental entity. The information requested must be provided
809 to the department within 45 days after the request. If the local
810 governmental entity does not comply with the request, the
811 department shall notify the Legislative Auditing Committee,
812 which may take action pursuant to s. 11.40(2). The report must
813 include, but is not limited to:

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

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

822 Section 17. Present subsection (3) of section 218.33,
823 Florida Statutes, is redesignated as subsection (4), and a new
824 subsection (3) is added to that section, to read:

825 218.33 Local governmental entities; establishment of
826 uniform fiscal years and accounting practices and procedures.—

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

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

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

832 (c) Support economic and efficient operations.

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

834 (e) Safeguard assets.

835 Section 18. Present subsections (8) through (12) of
 836 section 218.39, Florida Statutes, are redesignated as
 837 subsections (9) through (13), respectively, and a new subsection
 838 (8) is added to that section, to read:

839 218.39 Annual financial audit reports.—

840 (8) If the audit report includes a recommendation that was
 841 previously included in the preceding financial audit report, the
 842 governing body of the audited entity, within 60 days after the
 843 delivery of the audit report to the governing body and during a
 844 regularly scheduled public meeting, shall indicate its intent
 845 regarding corrective action, the corrective action to be taken,
 846 and when the corrective action will occur. If the governing body
 847 does not intend to take corrective action, it shall explain why
 848 such action will not be taken at the regularly scheduled public
 849 meeting.

850 Section 19. Subsection (2) of section 218.391, Florida
 851 Statutes, is amended, and subsection (9) is added to that
 852 section, to read:

853 218.391 Auditor selection procedures.—

854 (2) The governing body of a ~~charter~~ county, municipality,
 855 special district, district school board, charter school, or
 856 charter technical career center shall establish an audit
 857 committee. For a county, the ~~Each noncharter county shall~~
 858 ~~establish an audit committee that,~~ at a minimum, shall consist

859 of each of the county officers elected pursuant to the county
860 charter or s. 1(d), Art. VIII of the State Constitution, or a
861 designee, and one member of the board of county commissioners or
862 its designee. For a municipality, special district, district
863 school board, charter school, or charter technical career
864 center, the audit committee shall consist of at least three
865 members, one of whom must be a member of the governing body of
866 the municipality, special district, district school board,
867 charter school, or charter technical career center. The chair of
868 the audit committee must also be a member of such governing
869 body. For a county, municipality, special district, district
870 school board, charter school, or charter technical career
871 center, a member of the audit committee may not exercise
872 financial management responsibilities for the county,
873 municipality, special district, district school board, charter
874 school, or charter technical career center. The primary purpose
875 of the audit committee is to assist the governing body in
876 selecting an auditor to conduct the annual financial audit
877 required in s. 218.39; however, the audit committee may serve
878 other audit oversight purposes as determined by the entity's
879 governing body. The public may ~~shall~~ not be excluded from the
880 proceedings under this section.

881 (9) Audit reports submitted pursuant to s. 218.39 must
882 include an affidavit signed by the chair of the audit committee
883 of the local governmental entity, district school board, charter
884 school, or charter technical career center stating that the

885 local governmental entity, district school board, charter
886 school, charter technical career center has complied with
887 subsections (3)-(6) in selecting the auditor pursuant to this
888 section. If a local governmental entity, district school board,
889 charter school, or charter technical career center fails to
890 comply with subsections (3)-(6) in selecting an auditor pursuant
891 to this section, the local governmental entity, district school
892 board, charter school, or charter technical career center shall
893 reselect an auditor in accordance with this section for
894 subsequent fiscal years' audits if the audit was performed under
895 a multiyear contract. If the reselection of the auditor would
896 preclude the local governmental entity, district school board,
897 charter school, or charter technical career center from timely
898 completion of the annual financial audit required by s. 218.39,
899 the local governmental entity, district school board, charter
900 school, or charter technical career center shall reselect an
901 auditor in accordance with this section for the next annual
902 financial audit required by s. 218.39.

903 Section 20. Paragraph (b) of subsection (2) of section
904 288.92, Florida Statutes, is amended to read:

905 288.92 Divisions of Enterprise Florida, Inc.—

906 (2)

907 (b)1. The following officers and board members are subject
908 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
909 112.3143(2):

910 a. Officers and members of the board of directors of the

911 divisions of Enterprise Florida, Inc.

912 b. Officers and members of the board of directors of
913 subsidiaries of Enterprise Florida, Inc.

914 c. Officers and members of the board of directors of
915 corporations created to carry out the missions of Enterprise
916 Florida, Inc.

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

920 2. The officers and members of the board of directors
921 specified in subparagraph 1. may not represent another person or
922 entity for compensation before Enterprise Florida, Inc., for a
923 period of 2 years after retirement from or termination of
924 service to a division.

925 ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),
926 (12), and (15); 112.3135; and 112.3143(2) to activities of the
927 officers and members of the board of directors specified in
928 subparagraph 1., those persons shall be considered public
929 officers or employees and the corporation shall be considered
930 their agency.

931 ~~4.3.~~ It is not a violation of s. 112.3143(2) or (4) for
932 the officers or members of the board of directors of the Florida
933 Tourism Industry Marketing Corporation to:

934 a. Vote on the 4-year marketing plan required under s.
935 288.923 or vote on any individual component of or amendment to
936 the plan.

937 b. Participate in the establishment or calculation of
938 payments related to the private match requirements of s.
939 288.904(3). The officer or member must file an annual disclosure
940 describing the nature of his or her interests or the interests
941 of his or her principals, including corporate parents and
942 subsidiaries of his or her principal, in the private match
943 requirements. This annual disclosure requirement satisfies the
944 disclosure requirement of s. 112.3143(4). This disclosure must
945 be placed either on the Florida Tourism Industry Marketing
946 Corporation's website or included in the minutes of each meeting
947 of the Florida Tourism Industry Marketing Corporation's board of
948 directors at which the private match requirements are discussed
949 or voted upon.

950 Section 21. Paragraph (a) of subsection (3) of section
951 288.9604, Florida Statutes, is amended to read:

952 288.9604 Creation of the authority.—

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

958 2. Directors are subject to ss. 112.313(1)-(8), (10),
959 (12), and (15); 112.3135; and 112.3143(2). For purposes of
960 applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
961 112.3143(2) to activities of directors, directors shall be
962 considered public officers and the corporation shall be

963 considered their agency.

964 3. A director of the board of directors of the corporation
965 may not represent another person or entity for compensation
966 before the corporation for a period of 2 years following his or
967 her service on the board of directors.

968 Section 22. Paragraph (e) of subsection (4), paragraph (d)
969 of subsection (5), and paragraph (d) of subsection (6) of
970 section 373.536, Florida Statutes, are amended to read:

971 373.536 District budget and hearing thereon.—

972 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

973 (e) ~~By September 1, 2012,~~ Each district shall provide a
974 monthly financial statement in the form and manner prescribed by
975 the Department of Financial Services to the district's governing
976 board and make such monthly financial statement available for
977 public access on its website.

978 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
979 APPROVAL.—

980 (d) Each district shall, by August 1 of each year, submit
981 for review a tentative budget and a description of any
982 significant changes from the preliminary budget submitted to the
983 Legislature pursuant to s. 373.535 to the Governor, the
984 President of the Senate, the Speaker of the House of
985 Representatives, the chairs of all legislative committees and
986 subcommittees having substantive or fiscal jurisdiction over
987 water management districts, as determined by the President of
988 the Senate or the Speaker of the House of Representatives, as

989 applicable, the secretary of the department, and the governing
 990 body of each county in which the district has jurisdiction or
 991 derives any funds for the operations of the district. The
 992 tentative budget must be posted on the district's official
 993 website at least 2 days before budget hearings held pursuant to
 994 s. 200.065 or other law and must remain on the website for at
 995 least 45 days.

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

998 (d) The final adopted budget must be posted on the water
 999 management district's official website within 30 days after
 1000 adoption and must remain on the website for at least 2 years.

1001 Section 23. Paragraph (j) of subsection (9) of section
 1002 1002.33, Florida Statutes, is amended to read:

1003 1002.33 Charter schools.—

1004 (9) CHARTER SCHOOL REQUIREMENTS.—

1005 (j) The governing body of the charter school shall be
 1006 responsible for:

1007 1. Establishing and maintaining internal controls designed
 1008 to:

1009 a. Prevent and detect fraud, waste, and abuse.

1010 b. Promote and encourage compliance with applicable laws,
 1011 rules, contracts, grant agreements, and best practices.

1012 c. Support economic and efficient operations.

1013 d. Ensure reliability of financial records and reports.

1014 e. Safeguard assets.

1015 ~~2.1.~~ Ensuring that the charter school has retained the
 1016 services of a certified public accountant or auditor for the
 1017 annual financial audit, pursuant to s. 1002.345(2), who shall
 1018 submit the report to the governing body.

1019 ~~3.2.~~ Reviewing and approving the audit report, including
 1020 audit findings and recommendations for the financial recovery
 1021 plan.

1022 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including
 1023 monitoring a corrective action plan.

1024 b. Monitoring a financial recovery plan in order to ensure
 1025 compliance.

1026 ~~5.4.~~ Participating in governance training approved by the
 1027 department which must include government in the sunshine,
 1028 conflicts of interest, ethics, and financial responsibility.

1029 Section 24. Present subsections (6) through (10) of
 1030 section 1002.37, Florida Statutes, are redesignated as
 1031 subsections (7) through (11), respectively, a new subsection (6)
 1032 is added to that section, and present subsections (6) and (11)
 1033 of that section are amended, to read:

1034 1002.37 The Florida Virtual School.—

1035 (6) The Florida Virtual School shall have an annual
 1036 financial audit of its accounts and records completed by an
 1037 independent auditor who is a certified public accountant
 1038 licensed under chapter 473. The independent auditor shall
 1039 conduct the audit in accordance with rules adopted by the
 1040 Auditor General pursuant to s. 11.45 and, upon completion of the

1041 audit, shall prepare an audit report in accordance with such
 1042 rules. The audit report shall include a written statement of the
 1043 board of trustees describing corrective action to be taken in
 1044 response to each of the independent auditor's recommendations
 1045 included in the audit report. The independent auditor shall
 1046 submit the audit report to the board of trustees and the Auditor
 1047 General no later than 9 months after the end of the preceding
 1048 fiscal year.

1049 (7)(6) The board of trustees shall annually submit to the
 1050 Governor, the Legislature, the Commissioner of Education, and
 1051 the State Board of Education the audit report prepared pursuant
 1052 to subsection (6) and a complete and detailed report setting
 1053 forth:

1054 (a) The operations and accomplishments of the Florida
 1055 Virtual School within the state and those occurring outside the
 1056 state as Florida Virtual School Global.

1057 (b) The marketing and operational plan for the Florida
 1058 Virtual School and Florida Virtual School Global, including
 1059 recommendations regarding methods for improving the delivery of
 1060 education through the Internet and other distance learning
 1061 technology.

1062 (c) The assets and liabilities of the Florida Virtual
 1063 School and Florida Virtual School Global at the end of the
 1064 fiscal year.

1065 ~~(d) A copy of an annual financial audit of the accounts~~
 1066 ~~and records of the Florida Virtual School and Florida Virtual~~

1067 ~~School Global, conducted by an independent certified public~~
1068 ~~accountant and performed in accordance with rules adopted by the~~
1069 ~~Auditor General.~~

1070 (d)~~(e)~~ Recommendations regarding the unit cost of
1071 providing services to students through the Florida Virtual
1072 School and Florida Virtual School Global. In order to most
1073 effectively develop public policy regarding any future funding
1074 of the Florida Virtual School, it is imperative that the cost of
1075 the program is accurately identified. The identified cost of the
1076 program must be based on reliable data.

1077 (e)~~(f)~~ Recommendations regarding an accountability
1078 mechanism to assess the effectiveness of the services provided
1079 by the Florida Virtual School and Florida Virtual School Global.

1080 ~~(11) The Auditor General shall conduct an operational~~
1081 ~~audit of the Florida Virtual School, including Florida Virtual~~
1082 ~~School Global. The scope of the audit shall include, but not be~~
1083 ~~limited to, the administration of responsibilities relating to~~
1084 ~~personnel; procurement and contracting; revenue production;~~
1085 ~~school funds, including internal funds; student enrollment~~
1086 ~~records; franchise agreements; information technology~~
1087 ~~utilization, assets, and security; performance measures and~~
1088 ~~standards; and accountability. The final report on the audit~~
1089 ~~shall be submitted to the President of the Senate and the~~
1090 ~~Speaker of the House of Representatives no later than January~~
1091 ~~31, 2014.~~

1092 Section 25. Subsection (5) is added to section 1010.01,

1093 Florida Statutes, to read:

1094 1010.01 Uniform records and accounts.—

1095 (5) Each school district, Florida College System

1096 institution, and state university shall establish and maintain

1097 internal controls designed to:

1098 (a) Prevent and detect fraud, waste, and abuse.

1099 (b) Promote and encourage compliance with applicable laws,

1100 rules, contracts, grant agreements, and best practices.

1101 (c) Support economic and efficient operations.

1102 (d) Ensure reliability of financial records and reports.

1103 (e) Safeguard assets.

1104 Section 26. Subsection (2) of section 1010.30, Florida

1105 Statutes, is amended to read:

1106 1010.30 Audits required.—

1107 (2) If a school district, Florida College System

1108 institution, or university audit report includes a

1109 recommendation that was previously included in the preceding

1110 financial audit report ~~an audit contains a significant finding,~~

1111 the district school board, the Florida College System

1112 institution board of trustees, or the university board of

1113 trustees, within 60 days after the delivery of the audit report

1114 to the school district, Florida College System institution, or

1115 university and ~~shall conduct an audit overview~~ during a

1116 regularly scheduled public meeting, shall indicate its intent

1117 regarding corrective action, the corrective action to be taken,

1118 and when the corrective action will occur. If the district

1119 school board, Florida College System institution board of
 1120 trustees, or university board of trustees does not intend to
 1121 take corrective action, it shall explain why such action will
 1122 not be taken at the regularly scheduled public meeting.

1123 Section 27. Subsection (2) of section 68.082, Florida
 1124 Statutes, is amended to read:

1125 68.082 False claims against the state; definitions;
 1126 liability.—

1127 (2) Any person who:

1128 (a) Knowingly presents or causes to be presented a false
 1129 or fraudulent claim for payment or approval;

1130 (b) Knowingly authorizes, approves, or receives payment of
 1131 prohibited compensation in violation of s. 215.425;

1132 (c)~~(b)~~ Knowingly makes, uses, or causes to be made or used
 1133 a false record or statement material to a false or fraudulent
 1134 claim;

1135 (d)~~(e)~~ Conspires to commit a violation of this subsection;

1136 (e)~~(d)~~ Has possession, custody, or control of property or
 1137 money used or to be used by the state and knowingly delivers or
 1138 causes to be delivered less than all of that money or property;

1139 (f)~~(e)~~ Is authorized to make or deliver a document
 1140 certifying receipt of property used or to be used by the state
 1141 and, intending to defraud the state, makes or delivers the
 1142 receipt without knowing that the information on the receipt is
 1143 true;

1144 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an

1145 obligation or a debt, public property from an officer or
 1146 employee of the state who may not sell or pledge the property;
 1147 or

1148 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used
 1149 a false record or statement material to an obligation to pay or
 1150 transmit money or property to the state, or knowingly conceals
 1151 or knowingly and improperly avoids or decreases an obligation to
 1152 pay or transmit money or property to the state

1153
 1154 is liable to the state for a civil penalty of not less than
 1155 \$5,500 and not more than \$11,000 and for treble the amount of
 1156 damages the state sustains because of the act of that person.

1157 Section 28. Subsection (1) of section 68.083, Florida
 1158 Statutes, is amended to read:

1159 68.083 Civil actions for false claims.—

1160 (1) The department may diligently investigate a violation
 1161 under s. 68.082. If the department finds that a person has
 1162 violated or is violating s. 68.082, the department may bring a
 1163 civil action under the Florida False Claims Act against the
 1164 person. The Department of Financial Services may bring a civil
 1165 action under this section if the action arises from an
 1166 investigation by that department and the Department of Legal
 1167 Affairs has not filed an action under this act. For a violation
 1168 of s. 68.082 regarding prohibited compensation paid from state
 1169 funds, the Department of Financial Services may bring a civil
 1170 action under this section if the action arises from an

1171 investigation by that department concerning a violation of s.
1172 215.425 by the state and the Department of Legal Affairs has not
1173 filed an action under this act.

1174 Section 29. Subsection (3) of section 218.503, Florida
1175 Statutes, is amended to read:

1176 218.503 Determination of financial emergency.—

1177 (3) Upon notification that one or more of the conditions
1178 in subsection (1) have occurred or will occur if action is not
1179 taken to assist the local governmental entity or district school
1180 board, the Governor or his or her designee shall contact the
1181 local governmental entity or the Commissioner of Education or
1182 his or her designee shall contact the district school board to
1183 determine what actions have been taken by the local governmental
1184 entity or the district school board to resolve or prevent the
1185 condition. The information requested must be provided within 45
1186 days after the date of the request. If the local governmental
1187 entity or the district school board does not comply with the
1188 request, the Governor or his or her designee or the Commissioner
1189 of Education or his or her designee shall notify ~~the members of~~
1190 the Legislative Auditing Committee, which ~~who~~ may take action
1191 pursuant to s. 11.40(2) ~~s. 11.40~~. The Governor or the
1192 Commissioner of Education, as appropriate, shall determine
1193 whether the local governmental entity or the district school
1194 board needs state assistance to resolve or prevent the
1195 condition. If state assistance is needed, the local governmental
1196 entity or district school board is considered to be in a state

1197 of financial emergency. The Governor or the Commissioner of
1198 Education, as appropriate, has the authority to implement
1199 measures as set forth in ss. 218.50-218.504 to assist the local
1200 governmental entity or district school board in resolving the
1201 financial emergency. Such measures may include, but are not
1202 limited to:

1203 (a) Requiring approval of the local governmental entity's
1204 budget by the Governor or approval of the district school
1205 board's budget by the Commissioner of Education.

1206 (b) Authorizing a state loan to a local governmental
1207 entity and providing for repayment of same.

1208 (c) Prohibiting a local governmental entity or district
1209 school board from issuing bonds, notes, certificates of
1210 indebtedness, or any other form of debt until such time as it is
1211 no longer subject to this section.

1212 (d) Making such inspections and reviews of records,
1213 information, reports, and assets of the local governmental
1214 entity or district school board as are needed. The appropriate
1215 local officials shall cooperate in such inspections and reviews.

1216 (e) Consulting with officials and auditors of the local
1217 governmental entity or the district school board and the
1218 appropriate state officials regarding any steps necessary to
1219 bring the books of account, accounting systems, financial
1220 procedures, and reports into compliance with state requirements.

1221 (f) Providing technical assistance to the local
1222 governmental entity or the district school board.

1223 (g)1. Establishing a financial emergency board to oversee
 1224 the activities of the local governmental entity or the district
 1225 school board. If a financial emergency board is established for
 1226 a local governmental entity, the Governor shall appoint board
 1227 members and select a chair. If a financial emergency board is
 1228 established for a district school board, the State Board of
 1229 Education shall appoint board members and select a chair. The
 1230 financial emergency board shall adopt such rules as are
 1231 necessary for conducting board business. The board may:

1232 a. Make such reviews of records, reports, and assets of
 1233 the local governmental entity or the district school board as
 1234 are needed.

1235 b. Consult with officials and auditors of the local
 1236 governmental entity or the district school board and the
 1237 appropriate state officials regarding any steps necessary to
 1238 bring the books of account, accounting systems, financial
 1239 procedures, and reports of the local governmental entity or the
 1240 district school board into compliance with state requirements.

1241 c. Review the operations, management, efficiency,
 1242 productivity, and financing of functions and operations of the
 1243 local governmental entity or the district school board.

1244 d. Consult with other governmental entities for the
 1245 consolidation of all administrative direction and support
 1246 services, including, but not limited to, services for asset
 1247 sales, economic and community development, building inspections,
 1248 parks and recreation, facilities management, engineering and

1249 construction, insurance coverage, risk management, planning and
1250 zoning, information systems, fleet management, and purchasing.

1251 2. The recommendations and reports made by the financial
1252 emergency board must be submitted to the Governor for local
1253 governmental entities or to the Commissioner of Education and
1254 the State Board of Education for district school boards for
1255 appropriate action.

1256 (h) Requiring and approving a plan, to be prepared by
1257 officials of the local governmental entity or the district
1258 school board in consultation with the appropriate state
1259 officials, prescribing actions that will cause the local
1260 governmental entity or district school board to no longer be
1261 subject to this section. The plan must include, but need not be
1262 limited to:

1263 1. Provision for payment in full of obligations outlined
1264 in subsection (1), designated as priority items, which are
1265 currently due or will come due.

1266 2. Establishment of priority budgeting or zero-based
1267 budgeting in order to eliminate items that are not affordable.

1268 3. The prohibition of a level of operations which can be
1269 sustained only with nonrecurring revenues.

1270 4. Provisions implementing the consolidation, sourcing, or
1271 discontinuance of all administrative direction and support
1272 services, including, but not limited to, services for asset
1273 sales, economic and community development, building inspections,
1274 parks and recreation, facilities management, engineering and

1275 construction, insurance coverage, risk management, planning and
 1276 zoning, information systems, fleet management, and purchasing.

1277 Section 30. Paragraph (c) of subsection (2) of section
 1278 1002.455, Florida Statutes, is amended to read:

1279 1002.455 Student eligibility for K-12 virtual
 1280 instruction.—

1281 (2) A student is eligible to participate in virtual
 1282 instruction if:

1283 (c) The student was enrolled during the prior school year
 1284 in a virtual instruction program under s. 1002.45 or a full-time
 1285 Florida Virtual School program under s. 1002.37(9)(a)
 1286 ~~1002.37(8)(a);~~

1287 Section 31. The Legislature finds that a proper and
 1288 legitimate state purpose is served when internal controls are
 1289 established to prevent and detect fraud, waste, and abuse and to
 1290 safeguard and account for government funds and property.
 1291 Therefore, the Legislature determines and declares that this act
 1292 fulfills an important state interest.

1293 Section 32. This act shall take effect October 1, 2015.