

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 commissioner may notify the Legislative  
6           Auditing Committee of an entity's failure to comply  
7           with certain auditing and financial reporting  
8           requirements; amending s. 11.45, F.S.; revising and  
9           providing definitions; excluding water management  
10          districts from certain audit requirements; removing a  
11          cross-reference; authorizing the Auditor General to  
12          conduct audits of tourist development councils and  
13          county tourism promotion agencies; revising reporting  
14          requirements applicable to the Auditor General;  
15          amending s. 28.35, F.S.; revising reporting  
16          requirements applicable to the Florida Clerks of Court  
17          Operations Corporation; amending s. 43.16, F.S.;  
18          revising the responsibilities of the Justice  
19          Administrative Commission, each state attorney, each  
20          public defender, a criminal conflict and civil  
21          regional counsel, a capital collateral regional  
22          counsel, and the Guardian Ad Litem Program to include  
23          the establishment and maintenance of certain internal  
24          controls; amending s. 112.31455, F.S.; correcting a  
25          cross-reference; revising provisions governing  
26          collection methods for unpaid automatic fines for

27 failure to timely file disclosure of financial  
 28 interests to include school districts; creating s.  
 29 112.31456, F.S.; authorizing the Commission on Ethics  
 30 to seek wage garnishment of certain individuals to  
 31 satisfy unpaid fines; authorizing the commission to  
 32 refer unpaid fines to a collection agency;  
 33 establishing a statute of limitations with respect to  
 34 the collection of an unpaid fine; amending s.  
 35 112.3261, F.S.; conforming provisions to changes made  
 36 by the act; expanding the types of governmental  
 37 entities that are subject to lobbyist registration  
 38 requirements; requiring a governmental entity to  
 39 create a lobbyist registration form; amending ss.  
 40 129.03, 129.06, 166.241, and 189.016, F.S.; requiring  
 41 counties, municipalities, and special districts to  
 42 maintain certain budget documents on the entities'  
 43 websites for a specified period; amending s. 215.425,  
 44 F.S.; defining the term "public funds"; requiring a  
 45 unit of government to investigate and take necessary  
 46 action to recover prohibited compensation; specifying  
 47 methods of recovery and liability for unintentional  
 48 and willful violations; providing a penalty;  
 49 specifying applicability of procedures regarding  
 50 suspension and removal of an officer who commits a  
 51 willful violation; establishing eligibility criteria  
 52 and amounts for rewards; specifying circumstances

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

79 an audit committee; prohibiting an audit committee  
80 member from being an employee, chief executive  
81 officer, or chief financial officer of the respective  
82 governmental entity; requiring the chair of an audit  
83 committee to execute an affidavit affirming compliance  
84 with auditor selection procedures; prescribing  
85 procedures in the event of noncompliance with auditor  
86 selection procedures; amending s. 288.92, F.S.;  
87 prohibiting specified officers and board members of  
88 Enterprise Florida, Inc., from representing a person  
89 or entity for compensation before Enterprise Florida,  
90 Inc., and associated entities thereof for a specified  
91 timeframe; amending s. 288.9604, F.S.; prohibiting a  
92 director of the Florida Development Finance  
93 Corporation from representing a person or entity for  
94 compensation before the corporation for a specified  
95 timeframe; amending s. 373.536, F.S.; deleting  
96 obsolete language; requiring water management  
97 districts to maintain certain budget documents on the  
98 districts' websites for a specified period; amending  
99 s. 1002.33, F.S.; revising the responsibilities of the  
100 governing board of a charter school to include the  
101 establishment and maintenance of internal controls;  
102 amending s. 1002.37, F.S.; requiring completion of an  
103 annual financial audit of the Florida Virtual School;  
104 specifying audit requirements; requiring an audit

105 report to be submitted to the board of trustees of the  
 106 Florida Virtual School and the Auditor General;  
 107 removing obsolete provisions; amending s. 1010.01,  
 108 F.S.; requiring each school district, Florida College  
 109 System institution, and state university to establish  
 110 and maintain certain internal controls; amending s.  
 111 1010.30, F.S.; requiring a district school board,  
 112 Florida College System institution board of trustees,  
 113 or university board of trustees to respond to audit  
 114 recommendations under certain circumstances; amending  
 115 ss. 68.082, 68.083, 218.503, and 1002.455, F.S.;

116 conforming provisions to changes made by the act;  
 117 declaring that the act fulfills an important state  
 118 interest; providing an effective date.

119

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

121

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

124 11.40 Legislative Auditing Committee.—

125 (2) Following notification by the Auditor General, the  
 126 Department of Financial Services, ~~or~~ the Division of Bond  
 127 Finance of the State Board of Administration, the Governor or  
 128 his or her designee, or the Commissioner of Education or his or  
 129 her designee of the failure of a local governmental entity,  
 130 district school board, charter school, or charter technical

131 career center to comply with the applicable provisions within s.  
132 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the  
133 Legislative Auditing Committee may schedule a hearing to  
134 determine if the entity should be subject to further state  
135 action. If the committee determines that the entity should be  
136 subject to further state action, the committee shall:

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

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

149 1. A special act, notify the President of the Senate, the  
150 Speaker of the House of Representatives, the standing committees  
151 of the Senate and the House of Representatives charged with  
152 special district oversight as determined by the presiding  
153 officers of each respective chamber, the legislators who  
154 represent a portion of the geographical jurisdiction of the  
155 special district pursuant to s. 189.034(2), and the Department  
156 of Economic Opportunity that the special district has failed to

157 | comply with the law. Upon receipt of notification, the  
158 | Department of Economic Opportunity shall proceed pursuant to s.  
159 | 189.062 or s. 189.067. If the special district remains in  
160 | noncompliance after the process set forth in s. 189.034(3), or  
161 | if a public hearing is not held, the Legislative Auditing  
162 | Committee may request the department to proceed pursuant to s.  
163 | 189.067(3).

164 |         2. A local ordinance, notify the chair or equivalent of  
165 | the local general-purpose government pursuant to s. 189.035(2)  
166 | and the Department of Economic Opportunity that the special  
167 | district has failed to comply with the law. Upon receipt of  
168 | notification, the department shall proceed pursuant to s.  
169 | 189.062 or s. 189.067. If the special district remains in  
170 | noncompliance after the process set forth in s. 189.034(3), or  
171 | if a public hearing is not held, the Legislative Auditing  
172 | Committee may request the department to proceed pursuant to s.  
173 | 189.067(3).

174 |         3. Any manner other than a special act or local ordinance,  
175 | notify the Department of Economic Opportunity that the special  
176 | district has failed to comply with the law. Upon receipt of  
177 | notification, the department shall proceed pursuant to s.  
178 | 189.062 or s. 189.067(3).

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

182 |         Section 2. Subsection (1), paragraph (j) of subsection

183 (2), paragraph (v) of subsection (3), and paragraph (i) of  
 184 subsection (7) of section 11.45, Florida Statutes, are amended,  
 185 and paragraph (y) is added to subsection (3) of that section, to  
 186 read:

187 11.45 Definitions; duties; authorities; reports; rules.—

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

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

194 (b)-(a) "Audit" means a financial audit, operational audit,  
 195 or performance audit.

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

204 (d)-(e) "Financial audit" means an examination of financial  
 205 statements in order to express an opinion on the fairness with  
 206 which they are presented in conformity with generally accepted  
 207 accounting principles and an examination to determine whether  
 208 operations are properly conducted in accordance with legal and



209 regulatory requirements. Financial audits must be conducted in  
210 accordance with auditing standards generally accepted in the  
211 United States and government auditing standards as adopted by  
212 the Board of Accountancy. When applicable, the scope of  
213 financial audits shall encompass the additional activities  
214 necessary to establish compliance with the Single Audit Act  
215 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other  
216 applicable federal law.

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

224 (f)~~(d)~~ "Governmental entity" means a state agency, a  
225 county agency, or any other entity, however styled, that  
226 independently exercises any type of state or local governmental  
227 function.

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

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

235        (i)~~(g)~~ "Operational audit" means an audit whose purpose is  
236 to evaluate management's performance in establishing and  
237 maintaining internal controls, including controls designed to  
238 prevent and detect fraud, waste, and abuse, and in administering  
239 assigned responsibilities in accordance with applicable laws,  
240 administrative rules, contracts, grant agreements, and other  
241 guidelines. Operational audits must be conducted in accordance  
242 with government auditing standards. Such audits examine internal  
243 controls that are designed and placed in operation to promote  
244 and encourage the achievement of management's control objectives  
245 in the categories of compliance, economic and efficient  
246 operations, reliability of financial records and reports, and  
247 safeguarding of assets, and identify weaknesses in those  
248 internal controls.

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

- 255            1. Economy, efficiency, or effectiveness of the program.
- 256            2. Structure or design of the program to accomplish its  
257 goals and objectives.
- 258            3. Adequacy of the program to meet the needs identified by  
259 the Legislature or governing body.
- 260            4. Alternative methods of providing program services or

261 products.

262 5. Goals, objectives, and performance measures used by the  
263 agency to monitor and report program accomplishments.

264 6. The accuracy or adequacy of public documents, reports,  
265 or requests prepared under the program by state agencies.

266 7. Compliance of the program with appropriate policies,  
267 rules, or laws.

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

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

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

285 (m) "Waste" means the act of using or expending resources  
286 unreasonably, carelessly, extravagantly, or for no useful

287 purpose.

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

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

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

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

313 Auditor General of:

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

315 (y) Tourist development councils and county tourism  
 316 promotion agencies.

317 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

318 (i) The Auditor General shall annually transmit by July  
 319 15, to the President of the Senate, the Speaker of the House of  
 320 Representatives, and the Department of Financial Services, a  
 321 list of all school districts, charter schools, charter technical  
 322 career centers, Florida College System institutions, state  
 323 universities, and local governmental entities ~~water management~~  
 324 ~~districts~~ that have failed to comply with the transparency  
 325 requirements as identified in the audit reports reviewed  
 326 pursuant to paragraph (b) and those conducted pursuant to  
 327 subsection (2).

328 Section 3. Paragraph (d) of subsection (2) of section  
 329 28.35, Florida Statutes, is amended to read:

330 28.35 Florida Clerks of Court Operations Corporation.—

331 (2) The duties of the corporation shall include the  
 332 following:

333 (d) Developing and certifying a uniform system of workload  
 334 measures and applicable workload standards for court-related  
 335 functions as developed by the corporation and clerk workload  
 336 performance in meeting the workload performance standards. These  
 337 workload measures and workload performance standards shall be  
 338 designed to facilitate an objective determination of the

339 performance of each clerk in accordance with minimum standards  
340 for fiscal management, operational efficiency, and effective  
341 collection of fines, fees, service charges, and court costs. The  
342 corporation shall develop the workload measures and workload  
343 performance standards in consultation with the Legislature. When  
344 the corporation finds a clerk has not met the workload  
345 performance standards, the corporation shall identify the nature  
346 of each deficiency and any corrective action recommended and  
347 taken by the affected clerk of the court. For quarterly periods  
348 ending on the last day of March, June, September, and December  
349 of each year, the corporation shall notify the Legislature of  
350 any clerk not meeting workload performance standards and provide  
351 a copy of any corrective action plans. Such notifications shall  
352 be submitted no later than 45 days after the end of the  
353 preceding quarterly period. As used in this subsection, the  
354 term:

355 1. "Workload measures" means the measurement of the  
356 activities and frequency of the work required for the clerk to  
357 adequately perform the court-related duties of the office as  
358 defined by the membership of the Florida Clerks of Court  
359 Operations Corporation.

360 2. "Workload performance standards" means the standards  
361 developed to measure the timeliness and effectiveness of the  
362 activities that are accomplished by the clerk in the performance  
363 of the court-related duties of the office as defined by the  
364 membership of the Florida Clerks of Court Operations

365 Corporation.

366 Section 4. Subsections (6) and (7) of section 43.16,  
367 Florida Statutes, are renumbered as subsections (7) and (8),  
368 respectively, and a new subsection (6) is added to that section  
369 to read:

370 43.16 Justice Administrative Commission; membership,  
371 powers and duties.—

372 (6) The commission, each state attorney, each public  
373 defender, the criminal conflict and civil regional counsel, the  
374 capital collateral regional counsel, and the Guardian Ad Litem  
375 Program shall establish and maintain internal controls designed  
376 to:

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

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

380 (c) Support economical and efficient operations.

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

382 (e) Safeguard assets.

383 Section 5. Subsection (1) of section 112.31455, Florida  
384 Statutes, is amended to read:

385 112.31455 Collection methods for unpaid automatic fines  
386 for failure to timely file disclosure of financial interests.—

387 (1) Before referring any unpaid fine accrued pursuant to  
388 s. 112.3144(5) or s. 112.3145(7) ~~s. 112.3145(6)~~ to the  
389 Department of Financial Services, the commission shall attempt  
390 to determine whether the individual owing such a fine is a

391 current public officer or current public employee. If so, the  
 392 commission may notify the Chief Financial Officer or the  
 393 governing body of the appropriate county, municipality, school  
 394 district, or special district of the total amount of any fine  
 395 owed to the commission by such individual.

396 (a) After receipt and verification of the notice from the  
 397 commission, the Chief Financial Officer or the governing body of  
 398 the county, municipality, school district, or special district  
 399 shall begin withholding the lesser of 10 percent or the maximum  
 400 amount allowed under federal law from any salary-related  
 401 payment. The withheld payments shall be remitted to the  
 402 commission until the fine is satisfied.

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

408 Section 6. Section 112.31456, Florida Statutes, is created  
 409 to read:

410 112.31456 Garnishment of wages for unpaid automatic fines  
 411 for failure to timely file disclosure of financial interests.-

412 (1) Before referring any unpaid fine accrued pursuant to  
 413 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial  
 414 Services, the commission shall attempt to determine whether the  
 415 individual owing such a fine is a current public officer or  
 416 current public employee. If the commission determines that an



417 individual who is the subject of an unpaid fine accrued pursuant  
418 to s. 112.3144(5) or s. 112.3145(7) is no longer a public  
419 officer or public employee or if the commission cannot determine  
420 whether the individual is a current public officer or current  
421 public employee, the commission may, 6 months after the order  
422 becomes final, seek garnishment of any wages to satisfy the  
423 amount of the fine, or any unpaid portion thereof, pursuant to  
424 chapter 77. Upon recording the order imposing the fine with the  
425 clerk of the circuit court, the order shall be deemed a judgment  
426 for purposes of garnishment pursuant to chapter 77.

427 (2) The commission may refer unpaid fines to the  
428 appropriate collection agency, as directed by the Chief  
429 Financial Officer, to use any collection methods provided by  
430 law. Except as expressly limited by this section, any other  
431 collection method authorized by law is allowed.

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

435 Section 7. Section 112.3261, Florida Statutes, is amended  
436 to read:

437 112.3261 Lobbying before governmental entities ~~water~~  
438 ~~management districts~~; registration and reporting.—

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

440 (a) "Governmental entity" or "entity" ~~"District"~~ means a  
441 water management district created in s. 373.069 and operating  
442 under the authority of chapter 373, a hospital district, a

443 children's services district, an expressway authority as the  
 444 term "authority" is defined in s. 348.0002, the term "port  
 445 authority" as defined in s. 315.02, or an independent special  
 446 district with annual revenues of more than \$5 million which  
 447 exercises ad valorem taxing authority.

448 (b) "Lobbies" means seeking, on behalf of another person,  
 449 to influence a governmental entity ~~district~~ with respect to a  
 450 decision of the entity ~~district~~ in an area of policy or  
 451 procurement or an attempt to obtain the goodwill of an a  
 452 ~~district~~ official or employee of a governmental entity. The term  
 453 "lobbies" shall be interpreted and applied consistently with the  
 454 rules of the commission implementing s. 112.3215.

455 (c) "Lobbyist" has the same meaning as provided in s.  
 456 112.3215.

457 (d) "Principal" has the same meaning as provided in s.  
 458 112.3215.

459 (2) A person may not lobby a governmental entity ~~district~~  
 460 until such person has registered as a lobbyist with that entity  
 461 ~~district~~. Such registration shall be due upon initially being  
 462 retained to lobby and is renewable on a calendar-year basis  
 463 thereafter. Upon registration, the person shall provide a  
 464 statement signed by the principal or principal's representative  
 465 stating that the registrant is authorized to represent the  
 466 principal. The principal shall also identify and designate its  
 467 main business on the statement authorizing that lobbyist  
 468 pursuant to a classification system approved by the governmental

469 entity ~~district~~. Any changes to the information required by this  
470 section must be disclosed within 15 days by filing a new  
471 registration form. The registration form shall require each  
472 lobbyist to disclose, under oath, the following:

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

474 (b) The name and business address of each principal  
475 represented.

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

480 (d) A governmental entity shall create a lobbyist  
481 registration form modeled after the ~~In lieu of creating its own~~  
482 ~~lobbyist registration forms, a district may accept a completed~~  
483 legislative branch or executive branch lobbyist registration  
484 form, which must be returned to the governmental entity.

485 (3) A governmental entity ~~district~~ shall make lobbyist  
486 registrations available to the public. If a governmental entity  
487 ~~district~~ maintains a website, a database of currently registered  
488 lobbyists and principals must be available on the entity's  
489 ~~district's~~ website.

490 (4) A lobbyist shall promptly send a written statement to  
491 the governmental entity ~~district~~ canceling the registration for  
492 a principal upon termination of the lobbyist's representation of  
493 that principal. A governmental entity ~~district~~ may remove the  
494 name of a lobbyist from the list of registered lobbyists if the

495 principal notifies the entity ~~district~~ that a person is no  
496 longer authorized to represent that principal.

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

501 (6) A governmental entity ~~district~~ shall be diligent to  
502 ascertain whether persons required to register pursuant to this  
503 section have complied. A governmental entity ~~district~~ may not  
504 knowingly authorize a person who is not registered pursuant to  
505 this section to lobby the entity ~~district~~.

506 (7) Upon receipt of a sworn complaint alleging that a  
507 lobbyist or principal has failed to register with a governmental  
508 entity ~~district~~ or has knowingly submitted false information in  
509 a report or registration required under this section, the  
510 commission shall investigate a lobbyist or principal pursuant to  
511 the procedures established under s. 112.324. The commission  
512 shall provide the Governor with a report of its findings and  
513 recommendations in any investigation conducted pursuant to this  
514 subsection. The Governor is authorized to enforce the  
515 commission's findings and recommendations.

516 (8) A governmental entity ~~Water management districts~~ may  
517 adopt rules to establish procedures to govern the registration  
518 of lobbyists, including the adoption of forms and the  
519 establishment of a lobbyist registration fee.

520 Section 8. Paragraph (c) of subsection (3) of section

521 129.03, Florida Statutes, is amended to read:

522 129.03 Preparation and adoption of budget.—

523 (3) The county budget officer, after tentatively  
524 ascertaining the proposed fiscal policies of the board for the  
525 next fiscal year, shall prepare and present to the board a  
526 tentative budget for the next fiscal year for each of the funds  
527 provided in this chapter, including all estimated receipts,  
528 taxes to be levied, and balances expected to be brought forward  
529 and all estimated expenditures, reserves, and balances to be  
530 carried over at the end of the year.

531 (c) The board shall hold public hearings to adopt  
532 tentative and final budgets pursuant to s. 200.065. The hearings  
533 shall be primarily for the purpose of hearing requests and  
534 complaints from the public regarding the budgets and the  
535 proposed tax levies and for explaining the budget and any  
536 proposed or adopted amendments. The tentative budget must be  
537 posted on the county's official website at least 2 days before  
538 the public hearing to consider such budget and must remain on  
539 the website for at least 45 days. The final budget must be  
540 posted on the website within 30 days after adoption and must  
541 remain on the website for at least 2 years. The tentative  
542 budgets, adopted tentative budgets, and final budgets shall be  
543 filed in the office of the county auditor as a public record.  
544 Sufficient reference in words and figures to identify the  
545 particular transactions shall be made in the minutes of the  
546 board to record its actions with reference to the budgets.

547 Section 9. Paragraph (f) of subsection (2) of section  
 548 129.06, Florida Statutes, is amended to read:

549 129.06 Execution and amendment of budget.—

550 (2) The board at any time within a fiscal year may amend a  
 551 budget for that year, and may within the first 60 days of a  
 552 fiscal year amend the budget for the prior fiscal year, as  
 553 follows:

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

559 1. The public hearing must be advertised at least 2 days,  
 560 but not more than 5 days, before the date of the hearing. The  
 561 advertisement must appear in a newspaper of paid general  
 562 circulation and must identify the name of the taxing authority,  
 563 the date, place, and time of the hearing, and the purpose of the  
 564 hearing. The advertisement must also identify each budgetary  
 565 fund to be amended, the source of the funds, the use of the  
 566 funds, and the total amount of each fund's appropriations.

567 2. If the board amends the budget pursuant to this  
 568 paragraph, the adopted amendment must be posted on the county's  
 569 official website within 5 days after adoption and must remain on  
 570 the website for at least 2 years.

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

573 166.241 Fiscal years, budgets, and budget amendments.—  
574 (3) The tentative budget must be posted on the  
575 municipality's official website at least 2 days before the  
576 budget hearing, held pursuant to s. 200.065 or other law, to  
577 consider such budget and must remain on the website for at least  
578 45 days. The final adopted budget must be posted on the  
579 municipality's official website within 30 days after adoption  
580 and must remain on the website for at least 2 years. If the  
581 municipality does not operate an official website, the  
582 municipality must, within a reasonable period of time as  
583 established by the county or counties in which the municipality  
584 is located, transmit the tentative budget and final budget to  
585 the manager or administrator of such county or counties who  
586 shall post the budgets on the county's website.

587 (5) If the governing body of a municipality amends the  
588 budget pursuant to paragraph (4)(c), the adopted amendment must  
589 be posted on the official website of the municipality within 5  
590 days after adoption and must remain on the website for at least  
591 2 years. If the municipality does not operate an official  
592 website, the municipality must, within a reasonable period of  
593 time as established by the county or counties in which the  
594 municipality is located, transmit the adopted amendment to the  
595 manager or administrator of such county or counties who shall  
596 post the adopted amendment on the county's website.

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

599 189.016 Reports; budgets; audits.—

600 (4) The tentative budget must be posted on the special  
601 district's official website at least 2 days before the budget  
602 hearing, held pursuant to s. 200.065 or other law, to consider  
603 such budget and must remain on the website for at least 45 days.  
604 The final adopted budget must be posted on the special  
605 district's official website within 30 days after adoption and  
606 must remain on the website for at least 2 years. If the special  
607 district does not operate an official website, the special  
608 district must, within a reasonable period of time as established  
609 by the local general-purpose government or governments in which  
610 the special district is located or the local governing authority  
611 to which the district is dependent, transmit the tentative  
612 budget or final budget to the manager or administrator of the  
613 local general-purpose government or the local governing  
614 authority. The manager or administrator shall post the tentative  
615 budget or final budget on the website of the local general-  
616 purpose government or governing authority. This subsection and  
617 subsection (3) do not apply to water management districts as  
618 defined in s. 373.019.

619 (7) If the governing body of a special district amends the  
620 budget pursuant to paragraph (6)(c), the adopted amendment must  
621 be posted on the official website of the special district within  
622 5 days after adoption and must remain on the website for at  
623 least 2 years. If the special district does not operate an  
624 official website, the special district must, within a reasonable



625 period of time as established by the local general-purpose  
 626 government or governments in which the special district is  
 627 located or the local governing authority to which the district  
 628 is dependent, transmit the adopted amendment to the manager or  
 629 administrator of the local general-purpose government or  
 630 governing authority. The manager or administrator shall post the  
 631 adopted amendment on the website of the local general-purpose  
 632 government or governing authority.

633 Section 12. Subsections (1) through (5) of section  
 634 215.425, Florida Statutes, are renumbered as subsections (2)  
 635 through (6), respectively, present subsection (2) and paragraph  
 636 (a) of present subsection (4) are amended, and a new subsection  
 637 (1) and subsections (7) through (12) are added to that section,  
 638 to read:

639 215.425 Extra compensation claims prohibited; bonuses;  
 640 severance pay.—

641 (1) As used in this section, the term "public funds" means  
 642 any taxes, tuition, grants, fines, fees, or other charges or any  
 643 other type of revenue collected by the state or any county,  
 644 municipality, special district, school district, Florida College  
 645 System institution, state university, or other separate unit of  
 646 government created pursuant to law, including any office,  
 647 department, agency, division, subdivision, political  
 648 subdivision, board, bureau, commission, authority, or  
 649 institution of such entities.

650 ~~(3)(2)~~ This section does not apply to:

651       ~~(a)~~ a bonus or severance pay that is paid from sources  
652 other than public funds, or from revenues derived from patient  
653 services from private insurers ~~wholly from nontax revenues and~~  
654 ~~nonstate-appropriated funds, the payment and receipt of which~~  
655 ~~does not otherwise violate part III of chapter 112, and which is~~  
656 paid to an officer, agent, employee, or contractor of a seaport,  
657 airport, or public hospital that is operated by a county or a  
658 special district; or

659       ~~(b)~~ a clothing and maintenance allowance given to  
660 plainclothes deputies pursuant to s. 30.49.

661       (5) (a) ~~(4) (a)~~ ~~On or after July 1, 2011,~~ A unit of  
662 government that enters into a contract or employment agreement,  
663 or renewal or renegotiation of an existing contract or  
664 employment agreement, that contains a provision for severance  
665 pay with an officer, agent, employee, or contractor must include  
666 the following provisions in the contract:

667       1. A requirement that severance pay paid from public funds  
668 ~~provided~~ may not exceed an amount greater than 20 weeks of  
669 compensation.

670       2. A prohibition of provision of severance pay paid from  
671 public funds when the officer, agent, employee, or contractor  
672 has been fired for misconduct, as defined in s. 443.036(29), by  
673 the unit of government.

674       (7) Upon discovery or notification that a unit of  
675 government has provided prohibited compensation to any officer,  
676 agent, employee, or contractor in violation of this section,

677 such unit of government shall investigate and take all necessary  
678 action to recover the prohibited compensation.

679 (a) If the violation was unintentional, the unit of  
680 government shall recover the prohibited compensation from the  
681 individual receiving the prohibited compensation through normal  
682 recovery methods for overpayments.

683 (b) If the violation was willful, the unit of government  
684 shall recover the prohibited compensation from either the  
685 individual receiving the prohibited compensation or the  
686 individual or individuals responsible for approving the  
687 prohibited compensation. Each individual determined to have  
688 willfully violated this section is jointly and severally liable  
689 for repayment of the prohibited compensation.

690 (8) A person who willfully violates this section commits a  
691 misdemeanor of the first degree, punishable as provided in s.  
692 775.082 or s. 775.083.

693 (9) An officer who exercises the powers and duties of a  
694 state or county officer and willfully violates this section is  
695 subject to the Governor's power under s. 7(a), Art. IV of the  
696 State Constitution. An officer who exercises powers and duties  
697 other than those of a state or county officer and willfully  
698 violates this section is subject to the suspension and removal  
699 procedures under s. 112.51.

700 (10) (a) A person who reports a violation of this section  
701 is eligible for a reward of at least \$500, or the lesser of 10  
702 percent of the funds recovered or \$10,000 per incident of a

703 prohibited compensation payment recovered by the unit of  
704 government, depending upon the extent to which the person  
705 substantially contributed to the discovery, notification, and  
706 recovery of such prohibited payment.

707 (b) In the event that the recovery of the prohibited  
708 compensation is based primarily on disclosures of specific  
709 information, other than information provided by such person,  
710 relating to allegations or transactions in a criminal, civil, or  
711 administrative hearing; in a legislative, administrative,  
712 inspector general, or other government report; in an auditor  
713 general report, hearing, audit, or investigation; or from the  
714 news media, such person is not eligible for a reward or for an  
715 award of a portion of the proceeds or payment of attorney fees  
716 and costs pursuant to s. 68.085.

717 (c) If it is determined that the person who reported a  
718 violation of this section was involved in the authorization,  
719 approval, or receipt of the prohibited compensation or is  
720 convicted of criminal conduct arising from his or her role in  
721 the authorization, approval, or receipt of the prohibited  
722 compensation, such person is not eligible for a reward or for an  
723 award of a portion of the proceeds or payment of attorney fees  
724 and costs pursuant to s. 68.085.

725 (11) An employee who is discharged, demoted, suspended,  
726 threatened, harassed, or in any manner discriminated against in  
727 the terms and conditions of employment by his or her employer  
728 because of lawful acts done by the employee on behalf of the

729 employee or others in furtherance of an action under this  
730 section, including investigation for initiation of, testimony  
731 for, or assistance in an action filed or to be filed under this  
732 section, has a cause of action under s. 112.3187.

733 (12) If the unit of government fails to recover prohibited  
734 compensation for a willful violation of this section upon  
735 discovery and notification of such prohibited payment within 90  
736 days, a cause of action may be brought to:

737 (a) Recover state funds in accordance with ss. 68.082 and  
738 68.083.

739 (b) Recover other funds by the Department of Legal Affairs  
740 using the procedures set forth in ss. 68.082 and 68.083, except  
741 that venue shall lie in the circuit court of the county in which  
742 the unit of government is located.

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

747 Section 13. Section 215.86, Florida Statutes, is amended  
748 to read:

749 215.86 Management systems and controls.—Each state agency  
750 and the judicial branch as defined in s. 216.011 shall establish  
751 and maintain management systems and internal controls designed  
752 to:

753 (1) Prevent and detect fraud, waste, and abuse. ~~that~~

754 (2) Promote and encourage compliance with applicable laws,

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

756 (3) Support economical and ~~economic~~, efficient, and  
 757 effective operations.

758 (4) Ensure reliability of financial records and reports.

759 (5) Safeguard and ~~safeguarding of~~ assets. Accounting  
 760 systems and procedures shall be designed to fulfill the  
 761 requirements of generally accepted accounting principles.

762 Section 14. Paragraph (a) of subsection (2) of section  
 763 215.97, Florida Statutes, is amended to read:

764 215.97 Florida Single Audit Act.—

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

766 (a) "Audit threshold" means the threshold amount used to  
 767 determine when a state single audit or project-specific audit of  
 768 a nonstate entity shall be conducted in accordance with this  
 769 section. Each nonstate entity that expends a total amount of  
 770 state financial assistance equal to or in excess of \$750,000  
 771 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be  
 772 required to have a state single audit, or a project-specific  
 773 audit, for such fiscal year in accordance with the requirements  
 774 of this section. Periodically, ~~Every 2 years~~ the Auditor  
 775 General, after consulting with the Executive Office of the  
 776 Governor, the Department of Financial Services, and all state  
 777 awarding agencies, shall review the threshold amount for  
 778 requiring audits under this section and, if appropriate, may  
 779 recommend to the Legislature a statutory change to revise the  
 780 threshold amount in the annual report submitted pursuant to s.

781 ~~11.45(7)(h) may adjust such threshold amount consistent with the~~  
782 ~~purposes of this section.~~

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

785 215.985 Transparency in government spending.—

786 (11) Each water management district shall provide a  
787 monthly financial statement in the form and manner prescribed by  
788 the Department of Financial Services to the district's its  
789 governing board and make such monthly financial statement  
790 available for public access on its website.

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

793 218.32 Annual financial reports; local governmental  
794 entities.—

795 (1)

796 (d) Each local governmental entity that is required to  
797 provide for an audit under s. 218.39(1) must submit a copy of  
798 the audit report and annual financial report to the department  
799 within 45 days after the completion of the audit report but no  
800 later than 9 months after the end of the fiscal year. An  
801 independent certified public accountant completing an audit of a  
802 local governmental entity pursuant to s. 218.39 shall report, as  
803 part of the audit, as to whether the entity's annual financial  
804 report is in agreement with the audited financial statements.  
805 The accountant's audit report must be supported by the same  
806 level of detail as required for the annual financial report. If

807 the accountant's audit report is not in agreement with the  
808 annual financial report, the accountant shall specify and  
809 explain the significant differences that exist between the  
810 annual financial report and the audit report.

811 (2) The department shall annually by December 1 file a  
812 verified report with the Governor, the Legislature, the Auditor  
813 General, and the Special District Accountability Program of the  
814 Department of Economic Opportunity showing the revenues, both  
815 locally derived and derived from intergovernmental transfers,  
816 and the expenditures of each local governmental entity, regional  
817 planning council, local government finance commission, and  
818 municipal power corporation that is required to submit an annual  
819 financial report. In preparing the verified report, the  
820 department may request additional information from the local  
821 governmental entity. The information requested must be provided  
822 to the department within 45 days after the request. If the local  
823 governmental entity does not comply with the request, the  
824 department shall notify the Legislative Auditing Committee,  
825 which may take action pursuant to s. 11.40(2). The report must  
826 include, but is not limited to:

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

830 (b) The amount of outstanding long-term debt by each local  
831 governmental entity. For purposes of this paragraph, the term  
832 "long-term debt" means any agreement or series of agreements to



833 pay money, which, at inception, contemplate terms of payment  
834 exceeding 1 year in duration.

835 Section 17. Subsection (3) of section 218.33, Florida  
836 Statutes, is renumbered as subsection (4), and a new subsection  
837 (3) is added to that section to read:

838 218.33 Local governmental entities; establishment of  
839 uniform fiscal years and accounting practices and procedures.—

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

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

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

845 (c) Support economical and efficient operations.

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

847 (e) Safeguard assets.

848 Section 18. Subsections (8) through (12) of section  
849 218.39, Florida Statutes, are renumbered as subsections (9)  
850 through (13), respectively, and a new subsection (8) is added to  
851 that section to read:

852 218.39 Annual financial audit reports.—

853 (8) If the audit report includes a recommendation that was  
854 included in the preceding financial audit report, the governing  
855 body of the audited entity, within 60 days after the delivery of  
856 the audit report to the governing body and during a regularly  
857 scheduled public meeting, shall indicate its intent regarding  
858 corrective action, the corrective action to be taken, and when

859 the corrective action will occur. If the governing body does not  
 860 intend to take corrective action, it shall explain why such  
 861 action will not be taken at the regularly scheduled public  
 862 meeting.

863 Section 19. Subsection (2) of section 218.391, Florida  
 864 Statutes, is amended, and subsection (9) is added to that  
 865 section, to read:

866 218.391 Auditor selection procedures.—

867 (2) The governing body of a ~~charter~~ county, municipality,  
 868 special district, district school board, charter school, or  
 869 charter technical career center shall establish an audit  
 870 committee.

871 (a) For a county, the ~~Each noncharter county shall~~  
 872 ~~establish an~~ audit committee ~~that~~, at a minimum, shall consist  
 873 of each of the county officers elected pursuant to the county  
 874 charter or s. 1(d), Art. VIII of the State Constitution, or a  
 875 designee, and one member of the board of county commissioners or  
 876 its designee.

877 (b) For a municipality, special district, district school  
 878 board, charter school, or charter technical career center, the  
 879 audit committee shall consist of at least three members. One  
 880 member of the audit committee must be a member of the governing  
 881 body of an entity specified in this paragraph who shall also  
 882 serve as the chair of the committee.

883 (c) A member of the audit committee may not be an  
 884 employee, chief executive officer, or chief financial officer of

885 the county, municipality, special district, district school  
886 board, charter school, or charter technical career center.

887 (d) The primary purpose of the audit committee is to  
888 assist the governing body in selecting an auditor to conduct the  
889 annual financial audit required in s. 218.39; however, the audit  
890 committee may serve other audit oversight purposes as determined  
891 by the entity's governing body. The public may ~~shall~~ not be  
892 excluded from the proceedings under this section.

893 (9) An audit report submitted pursuant to s. 218.39 must  
894 include an affidavit executed by the chair of the audit  
895 committee affirming that the committee complied with the  
896 requirements of subsections (3)-(6) in selecting an auditor. If  
897 the Auditor General determines that an entity failed to comply  
898 with the requirements of subsections (3)-(6) in selecting an  
899 auditor, the entity shall select a replacement auditor in  
900 accordance with this section to conduct audits for subsequent  
901 fiscal years if the original audit was performed under a  
902 multiyear contract. If replacement of an auditor would preclude  
903 the entity from timely completion of the annual financial audit  
904 required by s. 218.39, the entity shall replace an auditor in  
905 accordance with this section for the subsequent annual financial  
906 audit. A multiyear contract between an entity and an auditor may  
907 not prohibit or restrict an entity from complying with this  
908 subsection.

909 Section 20. Paragraph (b) of subsection (2) of section  
910 288.92, Florida Statutes, is amended to read:

911 288.92 Divisions of Enterprise Florida, Inc.—

912 (2)

913 (b)1. The following officers and board members are subject  
 914 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
 915 112.3143(2):

916 a. Officers and members of the board of directors of the  
 917 divisions of Enterprise Florida, Inc.

918 b. Officers and members of the board of directors of  
 919 subsidiaries of Enterprise Florida, Inc.

920 c. Officers and members of the board of directors of  
 921 corporations created to carry out the missions of Enterprise  
 922 Florida, Inc.

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

926 2. The officers and board members specified in  
 927 subparagraph 1. may not represent another person or entity for  
 928 compensation before Enterprise Florida, Inc., or a division, a  
 929 subsidiary, or the board of directors of corporations created to  
 930 carry out the missions of Enterprise Florida, Inc., or with  
 931 which a division is required by law to contract to carry out its  
 932 missions, for 2 years after retirement from or termination of  
 933 service to a division.

934 ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),  
 935 (12), and (15); 112.3135; and 112.3143(2) to activities of the  
 936 officers and members of the board of directors specified in

937 subparagraph 1., those persons shall be considered public  
938 officers or employees and the corporation shall be considered  
939 their agency.

940 ~~4.3.~~ It is not a violation of s. 112.3143(2) or (4) for  
941 the officers or members of the board of directors of the Florida  
942 Tourism Industry Marketing Corporation to:

943 a. Vote on the 4-year marketing plan required under s.  
944 288.923 or vote on any individual component of or amendment to  
945 the plan.

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

959 Section 21. Paragraph (a) of subsection (3) of section  
960 288.9604, Florida Statutes, is amended to read:

961 288.9604 Creation of the authority.—

962 (3)(a)1. A director may not receive compensation for his

963 or her services, but is entitled to necessary expenses,  
964 including travel expenses, incurred in the discharge of his or  
965 her duties. Each director shall hold office until his or her  
966 successor has been appointed.

967 2. Directors are subject to ss. 112.313(1)-(8), (10),  
968 (12), and (15); 112.3135; and 112.3143(2). For purposes of  
969 applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
970 112.3143(2) to activities of directors, directors shall be  
971 considered public officers and the corporation shall be  
972 considered their agency.

973 3. A director of the corporation may not represent another  
974 person or entity for compensation before the corporation for a  
975 period of 2 years following his or her service on the board of  
976 directors.

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

980 373.536 District budget and hearing thereon.—

981 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

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

987 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
988 APPROVAL.—

989 (d) Each district shall, by August 1 of each year, submit  
 990 for review a tentative budget and a description of any  
 991 significant changes from the preliminary budget submitted to the  
 992 Legislature pursuant to s. 373.535 to the Governor, the  
 993 President of the Senate, the Speaker of the House of  
 994 Representatives, the chairs of all legislative committees and  
 995 subcommittees having substantive or fiscal jurisdiction over  
 996 water management districts, as determined by the President of  
 997 the Senate or the Speaker of the House of Representatives, as  
 998 applicable, the secretary of the department, and the governing  
 999 body of each county in which the district has jurisdiction or  
 1000 derives any funds for the operations of the district. The  
 1001 tentative budget must be posted on the district's official  
 1002 website at least 2 days before budget hearings held pursuant to  
 1003 s. 200.065 or other law and must remain on the website for at  
 1004 least 45 days.

1005 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
 1006 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1007 (d) The final adopted budget must be posted on the water  
 1008 management district's official website within 30 days after  
 1009 adoption and must remain on the website for at least 2 years.

1010 Section 23. Paragraph (j) of subsection (9) of section  
 1011 1002.33, Florida Statutes, is amended to read:

1012 1002.33 Charter schools.—

1013 (9) CHARTER SCHOOL REQUIREMENTS.—

1014 (j) The governing body of the charter school shall be

1015 responsible for:

1016 1. Establishing and maintaining internal controls designed  
 1017 to:

1018 a. Prevent and detect fraud, waste, and abuse.

1019 b. Promote and encourage compliance with applicable laws,  
 1020 rules, contracts, grant agreements, and best practices.

1021 c. Support economical and efficient operations.

1022 d. Ensure reliability of financial records and reports.

1023 e. Safeguard assets.

1024 ~~2.1-~~ Ensuring that the charter school has retained the  
 1025 services of a certified public accountant or auditor for the  
 1026 annual financial audit, pursuant to s. 1002.345(2), who shall  
 1027 submit the report to the governing body.

1028 ~~3.2-~~ Reviewing and approving the audit report, including  
 1029 audit findings and recommendations for the financial recovery  
 1030 plan.

1031 ~~4.a.3.a-~~ Performing the duties in s. 1002.345, including  
 1032 monitoring a corrective action plan.

1033 b. Monitoring a financial recovery plan in order to ensure  
 1034 compliance.

1035 ~~5.4-~~ Participating in governance training approved by the  
 1036 department which must include government in the sunshine,  
 1037 conflicts of interest, ethics, and financial responsibility.

1038 Section 24. Subsections (6) through (10) of section  
 1039 1002.37, Florida Statutes, are renumbered as subsections (7)  
 1040 through (11), respectively, a new subsection (6) is added to



1041 that section, and present subsections (6) and (11) of that  
1042 section are amended, to read:

1043 1002.37 The Florida Virtual School.—

1044 (6) The Florida Virtual School shall have an annual  
1045 financial audit of its accounts and records completed by an  
1046 independent auditor who is a certified public accountant  
1047 licensed under chapter 473. The independent auditor shall  
1048 conduct the audit in accordance with rules adopted by the  
1049 Auditor General pursuant to s. 11.45 and, upon completion of the  
1050 audit, shall prepare an audit report in accordance with such  
1051 rules. The audit report must include a written statement of the  
1052 board of trustees describing corrective action to be taken in  
1053 response to each of the independent auditor's recommendations  
1054 included in the audit report. The independent auditor shall  
1055 submit the audit report to the board of trustees and the Auditor  
1056 General no later than 9 months after the end of the preceding  
1057 fiscal year.

1058 (7)~~(6)~~ The board of trustees shall annually submit to the  
1059 Governor, the Legislature, the Commissioner of Education, and  
1060 the State Board of Education the audit report prepared pursuant  
1061 to subsection (6) and a complete and detailed report setting  
1062 forth:

1063 (a) The operations and accomplishments of the Florida  
1064 Virtual School within the state and those occurring outside the  
1065 state as Florida Virtual School Global.

1066 (b) The marketing and operational plan for the Florida

1067 Virtual School and Florida Virtual School Global, including  
1068 recommendations regarding methods for improving the delivery of  
1069 education through the Internet and other distance learning  
1070 technology.

1071 (c) The assets and liabilities of the Florida Virtual  
1072 School and Florida Virtual School Global at the end of the  
1073 fiscal year.

1074 ~~(d) A copy of an annual financial audit of the accounts~~  
1075 ~~and records of the Florida Virtual School and Florida Virtual~~  
1076 ~~School Global, conducted by an independent certified public~~  
1077 ~~accountant and performed in accordance with rules adopted by the~~  
1078 ~~Auditor General.~~

1079 (d)~~(e)~~ Recommendations regarding the unit cost of  
1080 providing services to students through the Florida Virtual  
1081 School and Florida Virtual School Global. In order to most  
1082 effectively develop public policy regarding any future funding  
1083 of the Florida Virtual School, it is imperative that the cost of  
1084 the program is accurately identified. The identified cost of the  
1085 program must be based on reliable data.

1086 (e)~~(f)~~ Recommendations regarding an accountability  
1087 mechanism to assess the effectiveness of the services provided  
1088 by the Florida Virtual School and Florida Virtual School Global.

1089 ~~(11) The Auditor General shall conduct an operational~~  
1090 ~~audit of the Florida Virtual School, including Florida Virtual~~  
1091 ~~School Global. The scope of the audit shall include, but not be~~  
1092 ~~limited to, the administration of responsibilities relating to~~

1093 ~~personnel; procurement and contracting; revenue production;~~  
 1094 ~~school funds, including internal funds; student enrollment~~  
 1095 ~~records; franchise agreements; information technology~~  
 1096 ~~utilization, assets, and security; performance measures and~~  
 1097 ~~standards; and accountability. The final report on the audit~~  
 1098 ~~shall be submitted to the President of the Senate and the~~  
 1099 ~~Speaker of the House of Representatives no later than January~~  
 1100 ~~31, 2014.~~

1101 Section 25. Subsection (5) is added to section 1010.01,  
 1102 Florida Statutes, to read:

1103 1010.01 Uniform records and accounts.—

1104 (5) Each school district, Florida College System  
 1105 institution, and state university shall establish and maintain  
 1106 internal controls designed to:

1107 (a) Prevent and detect fraud, waste, and abuse.

1108 (b) Promote and encourage compliance with applicable laws,  
 1109 rules, contracts, grant agreements, and best practices.

1110 (c) Support economical and efficient operations.

1111 (d) Ensure reliability of financial records and reports.

1112 (e) Safeguard assets.

1113 Section 26. Subsection (2) of section 1010.30, Florida  
 1114 Statutes, is amended to read:

1115 1010.30 Audits required.—

1116 (2) If a school district, Florida College System  
 1117 institution, or university audit report includes a  
 1118 recommendation that was included in the preceding financial

1119 audit report ~~an audit contains a significant finding~~, the  
 1120 district school board, the Florida College System institution  
 1121 board of trustees, or the university board of trustees, within  
 1122 60 days after the delivery of the audit report to the school  
 1123 district, Florida College System institution, or university and  
 1124 ~~shall conduct an audit overview~~ during a regularly scheduled  
 1125 public meeting, shall indicate its intent regarding corrective  
 1126 action, the corrective action to be taken, and when the  
 1127 corrective action will occur. If the district school board,  
 1128 Florida College System institution board of trustees, or  
 1129 university board of trustees does not intend to take corrective  
 1130 action, it shall explain why such action will not be taken at  
 1131 the regularly scheduled public meeting.

1132 Section 27. Subsection (2) of section 68.082, Florida  
 1133 Statutes, is amended to read:

1134 68.082 False claims against the state; definitions;  
 1135 liability.—

1136 (2) Any person who:

1137 (a) Knowingly presents or causes to be presented a false  
 1138 or fraudulent claim for payment or approval;

1139 (b) Knowingly authorizes, approves, or receives payment of  
 1140 prohibited compensation in violation of s. 215.425;

1141 (c) ~~(b)~~ Knowingly makes, uses, or causes to be made or used  
 1142 a false record or statement material to a false or fraudulent  
 1143 claim;

1144 (d) ~~(e)~~ Conspires to commit a violation of this subsection;

1145        (e)~~(d)~~ Has possession, custody, or control of property or  
 1146 money used or to be used by the state and knowingly delivers or  
 1147 causes to be delivered less than all of that money or property;

1148        (f)~~(e)~~ Is authorized to make or deliver a document  
 1149 certifying receipt of property used or to be used by the state  
 1150 and, intending to defraud the state, makes or delivers the  
 1151 receipt without knowing that the information on the receipt is  
 1152 true;

1153        (g)~~(f)~~ Knowingly buys or receives, as a pledge of an  
 1154 obligation or a debt, public property from an officer or  
 1155 employee of the state who may not sell or pledge the property;  
 1156 or

1157        (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used  
 1158 a false record or statement material to an obligation to pay or  
 1159 transmit money or property to the state, or knowingly conceals  
 1160 or knowingly and improperly avoids or decreases an obligation to  
 1161 pay or transmit money or property to the state

1162  
 1163 is liable to the state for a civil penalty of not less than  
 1164 \$5,500 and not more than \$11,000 and for treble the amount of  
 1165 damages the state sustains because of the act of that person.

1166        Section 28. Subsection (1) of section 68.083, Florida  
 1167 Statutes, is amended to read:

1168        68.083 Civil actions for false claims.—

1169        (1) The department may diligently investigate a violation  
 1170 under s. 68.082. If the department finds that a person has

1171 | violated or is violating s. 68.082, the department may bring a  
 1172 | civil action under the Florida False Claims Act against the  
 1173 | person. The Department of Financial Services may bring a civil  
 1174 | action under this section if the action arises from an  
 1175 | investigation by that department and the Department of Legal  
 1176 | Affairs has not filed an action under this act. For a violation  
 1177 | of s. 68.082 regarding prohibited compensation paid from state  
 1178 | funds, the Department of Financial Services may bring a civil  
 1179 | action under this section if the action arises from an  
 1180 | investigation by that department concerning a violation of s.  
 1181 | 215.425 by the state and the Department of Legal Affairs has not  
 1182 | filed an action under this act.

1183 |         Section 29. Subsection (3) of section 218.503, Florida  
 1184 | Statutes, is amended to read:

1185 |             218.503 Determination of financial emergency.—

1186 |             (3) Upon notification that one or more of the conditions  
 1187 | in subsection (1) have occurred or will occur if action is not  
 1188 | taken to assist the local governmental entity or district school  
 1189 | board, the Governor or his or her designee shall contact the  
 1190 | local governmental entity or the Commissioner of Education or  
 1191 | his or her designee shall contact the district school board to  
 1192 | determine what actions have been taken by the local governmental  
 1193 | entity or the district school board to resolve or prevent the  
 1194 | condition. The information requested must be provided within 45  
 1195 | days after the date of the request. If the local governmental  
 1196 | entity or the district school board does not comply with the

1197 request, the Governor or his or her designee or the Commissioner  
 1198 of Education or his or her designee shall notify ~~the members of~~  
 1199 the Legislative Auditing Committee, which ~~who~~ may take action  
 1200 pursuant to s. 11.40(2) ~~s. 11.40~~. The Governor or the  
 1201 Commissioner of Education, as appropriate, shall determine  
 1202 whether the local governmental entity or the district school  
 1203 board needs state assistance to resolve or prevent the  
 1204 condition. If state assistance is needed, the local governmental  
 1205 entity or district school board is considered to be in a state  
 1206 of financial emergency. The Governor or the Commissioner of  
 1207 Education, as appropriate, has the authority to implement  
 1208 measures as set forth in ss. 218.50-218.504 to assist the local  
 1209 governmental entity or district school board in resolving the  
 1210 financial emergency. Such measures may include, but are not  
 1211 limited to:

1212 (a) Requiring approval of the local governmental entity's  
 1213 budget by the Governor or approval of the district school  
 1214 board's budget by the Commissioner of Education.

1215 (b) Authorizing a state loan to a local governmental  
 1216 entity and providing for repayment of same.

1217 (c) Prohibiting a local governmental entity or district  
 1218 school board from issuing bonds, notes, certificates of  
 1219 indebtedness, or any other form of debt until such time as it is  
 1220 no longer subject to this section.

1221 (d) Making such inspections and reviews of records,  
 1222 information, reports, and assets of the local governmental

1223 entity or district school board as are needed. The appropriate  
 1224 local officials shall cooperate in such inspections and reviews.

1225 (e) Consulting with officials and auditors of the local  
 1226 governmental entity or the district school board and the  
 1227 appropriate state officials regarding any steps necessary to  
 1228 bring the books of account, accounting systems, financial  
 1229 procedures, and reports into compliance with state requirements.

1230 (f) Providing technical assistance to the local  
 1231 governmental entity or the district school board.

1232 (g)1. Establishing a financial emergency board to oversee  
 1233 the activities of the local governmental entity or the district  
 1234 school board. If a financial emergency board is established for  
 1235 a local governmental entity, the Governor shall appoint board  
 1236 members and select a chair. If a financial emergency board is  
 1237 established for a district school board, the State Board of  
 1238 Education shall appoint board members and select a chair. The  
 1239 financial emergency board shall adopt such rules as are  
 1240 necessary for conducting board business. The board may:

1241 a. Make such reviews of records, reports, and assets of  
 1242 the local governmental entity or the district school board as  
 1243 are needed.

1244 b. Consult with officials and auditors of the local  
 1245 governmental entity or the district school board and the  
 1246 appropriate state officials regarding any steps necessary to  
 1247 bring the books of account, accounting systems, financial  
 1248 procedures, and reports of the local governmental entity or the



1249 district school board into compliance with state requirements.

1250 c. Review the operations, management, efficiency,  
1251 productivity, and financing of functions and operations of the  
1252 local governmental entity or the district school board.

1253 d. Consult with other governmental entities for the  
1254 consolidation of all administrative direction and support  
1255 services, including, but not limited to, services for asset  
1256 sales, economic and community development, building inspections,  
1257 parks and recreation, facilities management, engineering and  
1258 construction, insurance coverage, risk management, planning and  
1259 zoning, information systems, fleet management, and purchasing.

1260 2. The recommendations and reports made by the financial  
1261 emergency board must be submitted to the Governor for local  
1262 governmental entities or to the Commissioner of Education and  
1263 the State Board of Education for district school boards for  
1264 appropriate action.

1265 (h) Requiring and approving a plan, to be prepared by  
1266 officials of the local governmental entity or the district  
1267 school board in consultation with the appropriate state  
1268 officials, prescribing actions that will cause the local  
1269 governmental entity or district school board to no longer be  
1270 subject to this section. The plan must include, but need not be  
1271 limited to:

1272 1. Provision for payment in full of obligations outlined  
1273 in subsection (1), designated as priority items, which are  
1274 currently due or will come due.

1275           2. Establishment of priority budgeting or zero-based  
1276 budgeting in order to eliminate items that are not affordable.

1277           3. The prohibition of a level of operations which can be  
1278 sustained only with nonrecurring revenues.

1279           4. Provisions implementing the consolidation, sourcing, or  
1280 discontinuance of all administrative direction and support  
1281 services, including, but not limited to, services for asset  
1282 sales, economic and community development, building inspections,  
1283 parks and recreation, facilities management, engineering and  
1284 construction, insurance coverage, risk management, planning and  
1285 zoning, information systems, fleet management, and purchasing.

1286           Section 30. Subsection (2) of section 1002.455, Florida  
1287 Statutes, is amended to read:

1288           1002.455 Student eligibility for K-12 virtual  
1289 instruction.—

1290           (2) A student is eligible to participate in virtual  
1291 instruction if:

1292           (a) The student spent the prior school year in attendance  
1293 at a public school in the state and was enrolled and reported by  
1294 the school district for funding during October and February for  
1295 purposes of the Florida Education Finance Program surveys;

1296           (b) The student is a dependent child of a member of the  
1297 United States Armed Forces who was transferred within the last  
1298 12 months to this state from another state or from a foreign  
1299 country pursuant to a permanent change of station order;

1300           (c) The student was enrolled during the prior school year

1301 in a virtual instruction program under s. 1002.45 or a full-time  
 1302 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~  
 1303 ~~1002.37(8)(a)~~;

1304 (d) The student has a sibling who is currently enrolled in  
 1305 a virtual instruction program and the sibling was enrolled in  
 1306 that program at the end of the prior school year;

1307 (e) The student is eligible to enter kindergarten or first  
 1308 grade; or

1309 (f) The student is eligible to enter grades 2 through 5  
 1310 and is enrolled full-time in a school district virtual  
 1311 instruction program, virtual charter school, or the Florida  
 1312 Virtual School.

1313 Section 31. The Legislature finds that a proper and  
 1314 legitimate state purpose is served when internal controls are  
 1315 established to prevent and detect fraud, waste, and abuse and to  
 1316 safeguard and account for government funds and property.  
 1317 Therefore, the Legislature determines and declares that this act  
 1318 fulfills an important state interest.

1319 Section 32. This act shall take effect October 1, 2015.