

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
 45 certain contracts to which a unit of government or
 46 state university is a party during a specified period
 47 to contain certain prohibitions on severance pay;
 48 requiring a unit of government to investigate and take
 49 necessary action to recover prohibited compensation;
 50 specifying methods of recovery and liability for
 51 unintentional and willful violations; providing a
 52 penalty; specifying applicability of procedures

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

79 | internal controls; amending s. 218.39, F.S.; requiring
 80 | an audited entity to respond to audit recommendations
 81 | under specified circumstances; amending s. 218.391,
 82 | F.S.; revising the composition of an audit committee;
 83 | prohibiting an audit committee member from being an
 84 | employee, chief executive officer, or chief financial
 85 | officer of the respective governmental entity;
 86 | requiring the chair of an audit committee to execute
 87 | an affidavit affirming compliance with auditor
 88 | selection procedures; prescribing procedures in the
 89 | event of noncompliance with auditor selection
 90 | procedures; amending s. 288.92, F.S.; prohibiting
 91 | specified officers and board members of Enterprise
 92 | Florida, Inc., from representing a person or entity
 93 | for compensation before Enterprise Florida, Inc., and
 94 | associated entities thereof for a specified timeframe;
 95 | providing an exception; amending s. 288.9604, F.S.;
 96 | prohibiting a director of the Florida Development
 97 | Finance Corporation from representing a person or
 98 | entity for compensation before the corporation for a
 99 | specified timeframe; amending s. 373.536, F.S.;
 100 | deleting obsolete language; requiring water management
 101 | districts to maintain certain budget documents on the
 102 | districts' websites for a specified period; amending
 103 | s. 1002.33, F.S.; revising the responsibilities of the
 104 | governing board of a charter school to include the

105 establishment and maintenance of internal controls;
 106 amending s. 1002.37, F.S.; requiring completion of an
 107 annual financial audit of the Florida Virtual School;
 108 specifying audit requirements; requiring an audit
 109 report to be submitted to the board of trustees of the
 110 Florida Virtual School and the Auditor General;
 111 removing obsolete provisions; amending s. 1010.01,
 112 F.S.; requiring each school district, Florida College
 113 System institution, and state university to establish
 114 and maintain certain internal controls; amending s.
 115 1010.30, F.S.; requiring a district school board,
 116 Florida College System institution board of trustees,
 117 or university board of trustees to respond to audit
 118 recommendations under certain circumstances; amending
 119 ss. 68.082, 68.083, 218.503, and 1002.455, F.S.;
 120 conforming provisions to changes made by the act;
 121 declaring that the act fulfills an important state
 122 interest; providing an effective date.

123

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

125

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

128 11.40 Legislative Auditing Committee.—

129 (2) Following notification by the Auditor General, the
 130 Department of Financial Services, ~~or~~ the Division of Bond

131 Finance of the State Board of Administration, the Governor or
 132 his or her designee, or the Commissioner of Education or his or
 133 her designee of the failure of a local governmental entity,
 134 district school board, charter school, or charter technical
 135 career center to comply with the applicable provisions within s.
 136 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
 137 Legislative Auditing Committee may schedule a hearing to
 138 determine if the entity should be subject to further state
 139 action. If the committee determines that the entity should be
 140 subject to further state action, the committee shall:

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

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

153 1. A special act, notify the President of the Senate, the
 154 Speaker of the House of Representatives, the standing committees
 155 of the Senate and the House of Representatives charged with
 156 special district oversight as determined by the presiding

157 officers of each respective chamber, the legislators who
158 represent a portion of the geographical jurisdiction of the
159 special district pursuant to s. 189.034(2), and the Department
160 of Economic Opportunity that the special district has failed to
161 comply with the law. Upon receipt of notification, the
162 Department of Economic Opportunity shall proceed pursuant to s.
163 189.062 or s. 189.067. If the special district remains in
164 noncompliance after the process set forth in s. 189.034(3), or
165 if a public hearing is not held, the Legislative Auditing
166 Committee may request the department to proceed pursuant to s.
167 189.067(3).

168 2. A local ordinance, notify the chair or equivalent of
169 the local general-purpose government pursuant to s. 189.035(2)
170 and the Department of Economic Opportunity that the special
171 district has failed to comply with the law. Upon receipt of
172 notification, the department shall proceed pursuant to s.
173 189.062 or s. 189.067. If the special district remains in
174 noncompliance after the process set forth in s. 189.034(3), or
175 if a public hearing is not held, the Legislative Auditing
176 Committee may request the department to proceed pursuant to s.
177 189.067(3).

178 3. Any manner other than a special act or local ordinance,
179 notify the Department of Economic Opportunity that the special
180 district has failed to comply with the law. Upon receipt of
181 notification, the department shall proceed pursuant to s.
182 189.062 or s. 189.067(3).

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

186 Section 2. Subsection (1), paragraph (j) of subsection
187 (2), paragraph (v) of subsection (3), and paragraph (i) of
188 subsection (7) of section 11.45, Florida Statutes, are amended,
189 and paragraph (y) is added to subsection (3) of that section, to
190 read:

191 11.45 Definitions; duties; authorities; reports; rules.—

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

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

198 (b)~~(a)~~ "Audit" means a financial audit, operational audit,
199 or performance audit.

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

208 (d)~~(e)~~ "Financial audit" means an examination of financial

209 statements in order to express an opinion on the fairness with
210 which they are presented in conformity with generally accepted
211 accounting principles and an examination to determine whether
212 operations are properly conducted in accordance with legal and
213 regulatory requirements. Financial audits must be conducted in
214 accordance with auditing standards generally accepted in the
215 United States and government auditing standards as adopted by
216 the Board of Accountancy. When applicable, the scope of
217 financial audits shall encompass the additional activities
218 necessary to establish compliance with the Single Audit Act
219 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
220 applicable federal law.

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

228 (f) ~~(d)~~ "Governmental entity" means a state agency, a
229 county agency, or any other entity, however styled, that
230 independently exercises any type of state or local governmental
231 function.

232 (g) ~~(e)~~ "Local governmental entity" means a county agency,
233 municipality, tourist development council, county tourism
234 promotion agency, or special district as defined in s. 189.012.

235 The term, ~~but~~ does not include any housing authority established
236 under chapter 421.

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

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

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

- 259 1. Economy, efficiency, or effectiveness of the program.
260 2. Structure or design of the program to accomplish its

261 goals and objectives.

262 3. Adequacy of the program to meet the needs identified by
263 the Legislature or governing body.

264 4. Alternative methods of providing program services or
265 products.

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

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

270 7. Compliance of the program with appropriate policies,
271 rules, or laws.

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

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

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

287 legislative branch of state government other than the Florida
288 Public Service Commission.

289 (m) "Waste" means the act of using or expending resources
290 unreasonably, carelessly, extravagantly, or for no useful
291 purpose.

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

293 (j) Conduct audits of local governmental entities when
294 determined to be necessary by the Auditor General, when directed
295 by the Legislative Auditing Committee, or when otherwise
296 required by law. No later than 18 months after the release of
297 the audit report, the Auditor General shall perform such
298 appropriate followup procedures as he or she deems necessary to
299 determine the audited entity's progress in addressing the
300 findings and recommendations contained within the Auditor
301 General's previous report. The Auditor General shall notify each
302 member of the audited entity's governing body and the
303 Legislative Auditing Committee of the results of his or her
304 determination. For purposes of this paragraph, local
305 governmental entities do not include water management districts.
306

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

313 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 314 Auditor General may, pursuant to his or her own authority, or at
 315 the direction of the Legislative Auditing Committee, conduct
 316 audits or other engagements as determined appropriate by the
 317 Auditor General of:

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

319 (y) Tourist development councils and county tourism
 320 promotion agencies.

321 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

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

332 Section 3. Paragraph (d) of subsection (2) of section
 333 28.35, Florida Statutes, is amended to read:

334 28.35 Florida Clerks of Court Operations Corporation.—

335 (2) The duties of the corporation shall include the
 336 following:

337 (d) Developing and certifying a uniform system of workload
 338 measures and applicable workload standards for court-related

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

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

364 2. "Workload performance standards" means the standards

365 developed to measure the timeliness and effectiveness of the
366 activities that are accomplished by the clerk in the performance
367 of the court-related duties of the office as defined by the
368 membership of the Florida Clerks of Court Operations
369 Corporation.

370 Section 4. Subsections (6) and (7) of section 43.16,
371 Florida Statutes, are renumbered as subsections (7) and (8),
372 respectively, and a new subsection (6) is added to that section
373 to read:

374 43.16 Justice Administrative Commission; membership,
375 powers and duties.—

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

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

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

384 (c) Support economical and efficient operations.

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

386 (e) Safeguard assets.

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

389 112.31455 Collection methods for unpaid automatic fines
390 for failure to timely file disclosure of financial interests.—

391 (1) Before referring any unpaid fine accrued pursuant to
 392 s. 112.3144(5) or s. 112.3145(7) ~~s. 112.3145(6)~~ to the
 393 Department of Financial Services, the commission shall attempt
 394 to determine whether the individual owing such a fine is a
 395 current public officer or current public employee. If so, the
 396 commission may notify the Chief Financial Officer or the
 397 governing body of the appropriate county, municipality, school
 398 district, or special district of the total amount of any fine
 399 owed to the commission by such individual.

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

407 (b) The Chief Financial Officer or the governing body of
 408 the county, municipality, school district, or special district
 409 may retain an amount of each withheld payment, as provided in s.
 410 77.0305, to cover the administrative costs incurred under this
 411 section.

412 Section 6. Section 112.31456, Florida Statutes, is created
 413 to read:

414 112.31456 Garnishment of wages for unpaid automatic fines
 415 for failure to timely file disclosure of financial interests.-

416 (1) Before referring any unpaid fine accrued pursuant to

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

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

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

439 Section 7. Section 112.3261, Florida Statutes, is amended
440 to read:

441 112.3261 Lobbying before governmental entities ~~water~~
442 ~~management districts~~; registration and reporting.—

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

444 (a) "Governmental entity" or "entity" ~~"District"~~ means a

445 water management district created in s. 373.069 and operating

446 under the authority of chapter 373, a hospital district, a

447 children's services district, an expressway authority as the

448 term "authority" is defined in s. 348.0002, the term "port

449 authority" as defined in s. 315.02, or an independent special

450 district with annual revenues of more than \$5 million which

451 exercises ad valorem taxing authority.

452 (b) "Lobbies" means seeking, on behalf of another person,

453 to influence a governmental entity ~~district~~ with respect to a

454 decision of the entity ~~district~~ in an area of policy or

455 procurement or an attempt to obtain the goodwill of an a

456 ~~district~~ official or employee of a governmental entity. The term

457 ~~"lobbies"~~ shall be interpreted and applied consistently with the

458 rules of the commission implementing s. 112.3215.

459 (c) "Lobbyist" has the same meaning as provided in s.

460 112.3215.

461 (d) "Principal" has the same meaning as provided in s.

462 112.3215.

463 (2) A person may not lobby a governmental entity ~~district~~

464 until such person has registered as a lobbyist with that entity

465 ~~district~~. Such registration shall be due upon initially being

466 retained to lobby and is renewable on a calendar-year basis

467 thereafter. Upon registration, the person shall provide a

468 statement signed by the principal or principal's representative

469 stating that the registrant is authorized to represent the
470 principal. The principal shall also identify and designate its
471 main business on the statement authorizing that lobbyist
472 pursuant to a classification system approved by the governmental
473 entity ~~district~~. Any changes to the information required by this
474 section must be disclosed within 15 days by filing a new
475 registration form. The registration form shall require each
476 lobbyist to disclose, under oath, the following:

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

478 (b) The name and business address of each principal
479 represented.

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

484

485 A governmental entity shall create a lobbyist registration form
486 modeled after the printed or online version of the

487 ~~(d) In lieu of creating its own lobbyist registration~~
488 ~~forms, a district may accept a completed~~ legislative branch or
489 executive branch lobbyist registration form, which must be
490 returned to or electronically filed with the governmental
491 entity.

492 (3) A governmental entity ~~district~~ shall make lobbyist
493 registrations available to the public. If a governmental entity
494 ~~district~~ maintains a website, a database of currently registered

495 lobbyists and principals must be available on the entity's
496 ~~district's~~ website.

497 (4) A lobbyist shall promptly send a written statement to
498 the governmental entity ~~district~~ canceling the registration for
499 a principal upon termination of the lobbyist's representation of
500 that principal. A governmental entity ~~district~~ may remove the
501 name of a lobbyist from the list of registered lobbyists if the
502 principal notifies the entity ~~district~~ that a person is no
503 longer authorized to represent that principal.

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

508 (6) A governmental entity ~~district~~ shall be diligent to
509 ascertain whether persons required to register pursuant to this
510 section have complied. A governmental entity ~~district~~ may not
511 knowingly authorize a person who is not registered pursuant to
512 this section to lobby the entity ~~district~~.

513 (7) Upon receipt of a sworn complaint alleging that a
514 lobbyist or principal has failed to register with a governmental
515 entity ~~district~~ or has knowingly submitted false information in
516 a report or registration required under this section, the
517 commission shall investigate a lobbyist or principal pursuant to
518 the procedures established under s. 112.324. The commission
519 shall provide the Governor with a report of its findings and
520 recommendations in any investigation conducted pursuant to this

521 subsection. The Governor is authorized to enforce the
522 commission's findings and recommendations.

523 (8) A governmental entity ~~Water management districts~~ may
524 adopt rules to establish procedures to govern the registration
525 of lobbyists, including the adoption of forms and the
526 establishment of a lobbyist registration fee.

527 Section 8. Paragraph (c) of subsection (3) of section
528 129.03, Florida Statutes, is amended to read:

529 129.03 Preparation and adoption of budget.—

530 (3) The county budget officer, after tentatively
531 ascertaining the proposed fiscal policies of the board for the
532 next fiscal year, shall prepare and present to the board a
533 tentative budget for the next fiscal year for each of the funds
534 provided in this chapter, including all estimated receipts,
535 taxes to be levied, and balances expected to be brought forward
536 and all estimated expenditures, reserves, and balances to be
537 carried over at the end of the year.

538 (c) The board shall hold public hearings to adopt
539 tentative and final budgets pursuant to s. 200.065. The hearings
540 shall be primarily for the purpose of hearing requests and
541 complaints from the public regarding the budgets and the
542 proposed tax levies and for explaining the budget and any
543 proposed or adopted amendments. The tentative budget must be
544 posted on the county's official website at least 2 days before
545 the public hearing to consider such budget and must remain on
546 the website for at least 45 days. The final budget must be

547 | posted on the website within 30 days after adoption and must
548 | remain on the website for at least 2 years. The tentative
549 | budgets, adopted tentative budgets, and final budgets shall be
550 | filed in the office of the county auditor as a public record.
551 | Sufficient reference in words and figures to identify the
552 | particular transactions shall be made in the minutes of the
553 | board to record its actions with reference to the budgets.

554 | Section 9. Paragraph (f) of subsection (2) of section
555 | 129.06, Florida Statutes, is amended to read:

556 | 129.06 Execution and amendment of budget.—

557 | (2) The board at any time within a fiscal year may amend a
558 | budget for that year, and may within the first 60 days of a
559 | fiscal year amend the budget for the prior fiscal year, as
560 | follows:

561 | (f) Unless otherwise prohibited by law, if an amendment to
562 | a budget is required for a purpose not specifically authorized
563 | in paragraphs (a)-(e), the amendment may be authorized by
564 | resolution or ordinance of the board of county commissioners
565 | adopted following a public hearing.

566 | 1. The public hearing must be advertised at least 2 days,
567 | but not more than 5 days, before the date of the hearing. The
568 | advertisement must appear in a newspaper of paid general
569 | circulation and must identify the name of the taxing authority,
570 | the date, place, and time of the hearing, and the purpose of the
571 | hearing. The advertisement must also identify each budgetary
572 | fund to be amended, the source of the funds, the use of the

573 funds, and the total amount of each fund's appropriations.

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

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

580 166.241 Fiscal years, budgets, and budget amendments.—

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

594 (5) If the governing body of a municipality amends the
595 budget pursuant to paragraph (4)(c), the adopted amendment must
596 be posted on the official website of the municipality within 5
597 days after adoption and must remain on the website for at least
598 2 years. If the municipality does not operate an official

599 | website, the municipality must, within a reasonable period of
600 | time as established by the county or counties in which the
601 | municipality is located, transmit the adopted amendment to the
602 | manager or administrator of such county or counties who shall
603 | post the adopted amendment on the county's website.

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

606 | 189.016 Reports; budgets; audits.—

607 | (4) The tentative budget must be posted on the special
608 | district's official website at least 2 days before the budget
609 | hearing, held pursuant to s. 200.065 or other law, to consider
610 | such budget and must remain on the website for at least 45 days.

611 | The final adopted budget must be posted on the special
612 | district's official website within 30 days after adoption and
613 | must remain on the website for at least 2 years. If the special
614 | district does not operate an official website, the special
615 | district must, within a reasonable period of time as established
616 | by the local general-purpose government or governments in which
617 | the special district is located or the local governing authority
618 | to which the district is dependent, transmit the tentative
619 | budget or final budget to the manager or administrator of the
620 | local general-purpose government or the local governing
621 | authority. The manager or administrator shall post the tentative
622 | budget or final budget on the website of the local general-
623 | purpose government or governing authority. This subsection and
624 | subsection (3) do not apply to water management districts as

625 defined in s. 373.019.

626 (7) If the governing body of a special district amends the
627 budget pursuant to paragraph (6)(c), the adopted amendment must
628 be posted on the official website of the special district within
629 5 days after adoption and must remain on the website for at
630 least 2 years. If the special district does not operate an
631 official website, the special district must, within a reasonable
632 period of time as established by the local general-purpose
633 government or governments in which the special district is
634 located or the local governing authority to which the district
635 is dependent, transmit the adopted amendment to the manager or
636 administrator of the local general-purpose government or
637 governing authority. The manager or administrator shall post the
638 adopted amendment on the website of the local general-purpose
639 government or governing authority.

640 Section 12. Subsection (1) of section 215.425, Florida
641 Statutes, is renumbered as subsection (2), present subsection
642 (2) and paragraph (a) of subsection (4) are amended, and a new
643 subsection (1) and subsections (6) through (12) are added to
644 that section, to read:

645 215.425 Extra compensation claims prohibited; bonuses;
646 severance pay.—

647 (1) As used in this section, the term "public funds" means
648 any taxes, tuition, state grants, fines, fees, or other charges
649 or any other type of revenue collected by the state or any
650 county, municipality, special district, school district, Florida

651 College System institution, state university, or other separate
652 unit of government created pursuant to law, including any
653 office, department, agency, division, subdivision, political
654 subdivision, board, bureau, or commission of such entities.

655 However, the term does not include the following:

656 (a) For state universities, revenues received by, through,
657 or from faculty practice plans, health services support
658 organizations, hospitals with which state universities are
659 affiliated, direct-support organizations, or federal, auxiliary,
660 or private sources, except for tuition;

661 (b) For public hospitals, special districts, and Florida
662 College System institutions, revenues and fees received from
663 non-state appropriated sources or other general non-tax
664 revenues; or

665 (c) A clothing and maintenance allowance given to
666 plainclothes deputies pursuant to s. 30.49.

667 ~~(2) This section does not apply to:~~

668 ~~(a) A bonus or severance pay that is paid wholly from~~
669 ~~nontax revenues and nonstate-appropriated funds, the payment and~~
670 ~~receipt of which does not otherwise violate part III of chapter~~
671 ~~112, and which is paid to an officer, agent, employee, or~~
672 ~~contractor of a public hospital that is operated by a county or~~
673 ~~a special district; or~~

674 ~~(b) A clothing and maintenance allowance given to~~
675 ~~plainclothes deputies pursuant to s. 30.49.~~

676 ~~(4) (a) On or after July 1, 2011, A unit of government, on~~

677 or after July 1, 2011, or a state university, on or after July
678 1, 2012, that is a party to ~~enters into~~ a contract or employment
679 agreement, or renewal or renegotiation of an existing contract
680 or employment agreement, that contains a provision for severance
681 pay with an officer, agent, employee, or contractor must include
682 the following provisions in the contract:

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

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

690 (6) Upon discovery or notification that a unit of
691 government has provided prohibited compensation to any officer,
692 agent, employee, or contractor in violation of this section,
693 such unit of government shall investigate and take all necessary
694 action to recover the prohibited compensation.

695 (a) If the violation was unintentional, the unit of
696 government shall recover the prohibited compensation from the
697 individual receiving the prohibited compensation through normal
698 recovery methods for overpayments.

699 (b) If the violation was willful, the unit of government
700 shall recover the prohibited compensation from either the
701 individual receiving the prohibited compensation or the
702 individual or individuals responsible for approving the

703 prohibited compensation. Each individual determined to have
704 willfully violated this section is jointly and severally liable
705 for repayment of the prohibited compensation.

706 (7) A person who willfully violates this section commits a
707 misdemeanor of the first degree, punishable as provided in s.
708 775.082 or s. 775.083.

709 (8) An officer who exercises the powers and duties of a
710 state or county officer and willfully violates this section is
711 subject to the Governor's power under s. 7(a), Art. IV of the
712 State Constitution. An officer who exercises powers and duties
713 other than those of a state or county officer and willfully
714 violates this section is subject to the suspension and removal
715 procedures under s. 112.51.

716 (9) (a) A person who reports a violation of this section is
717 eligible for a reward of at least \$500, or the lesser of 10
718 percent of the funds recovered or \$10,000 per incident of a
719 prohibited compensation payment recovered by the unit of
720 government, depending upon the extent to which the person
721 substantially contributed to the discovery, notification, and
722 recovery of such prohibited payment.

723 (b) In the event that the recovery of the prohibited
724 compensation is based primarily on disclosures of specific
725 information, other than information provided by such person,
726 relating to allegations or transactions in a criminal, civil, or
727 administrative hearing; in a legislative, administrative,
728 inspector general, or other government report; in an auditor

729 general report, hearing, audit, or investigation; or from the
730 news media, such person is not eligible for a reward or for an
731 award of a portion of the proceeds or payment of attorney fees
732 and costs pursuant to s. 68.085.

733 (c) If it is determined that the person who reported a
734 violation of this section was involved in the authorization,
735 approval, or receipt of the prohibited compensation or is
736 convicted of criminal conduct arising from his or her role in
737 the authorization, approval, or receipt of the prohibited
738 compensation, such person is not eligible for a reward or for an
739 award of a portion of the proceeds or payment of attorney fees
740 and costs pursuant to s. 68.085.

741 (10) An employee who is discharged, demoted, suspended,
742 threatened, harassed, or in any manner discriminated against in
743 the terms and conditions of employment by his or her employer
744 because of lawful acts done by the employee on behalf of the
745 employee or others in furtherance of an action under this
746 section, including investigation for initiation of, testimony
747 for, or assistance in an action filed or to be filed under this
748 section, has a cause of action under s. 112.3187.

749 (11) If the unit of government fails to recover prohibited
750 compensation for a willful violation of this section upon
751 discovery and notification of such prohibited payment within 90
752 days, a cause of action may be brought to:

753 (a) Recover state funds in accordance with ss. 68.082 and
754 68.083.

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

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

763 (12) Subsections (7)-(11) apply prospectively to contracts
 764 or employment agreements, or the renewal or renegotiation of an
 765 existing contract or employment agreement, effective on or after
 766 July 1, 2015.

767 Section 13. Section 215.86, Florida Statutes, is amended
 768 to read:

769 215.86 Management systems and controls.—Each state agency
 770 and the judicial branch as defined in s. 216.011 shall establish
 771 and maintain management systems and internal controls designed
 772 to:

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

774 (2) Promote and encourage compliance with applicable laws,
 775 rules, contracts, grant agreements, and best practices. ~~;~~

776 (3) Support economical and ~~economic,~~ efficient, ~~and~~
 777 effective operations. ~~;~~

778 (4) Ensure reliability of financial records and reports. ~~;~~

779 (5) Safeguard ~~and safeguarding of~~ assets. ~~Accounting~~
 780 systems and procedures shall be designed to fulfill the

781 ~~requirements of generally accepted accounting principles.~~

782 Section 14. Paragraph (a) of subsection (2) of section
783 215.97, Florida Statutes, is amended to read:

784 215.97 Florida Single Audit Act.—

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

786 (a) "Audit threshold" means the threshold amount used to
787 determine when a state single audit or project-specific audit of
788 a nonstate entity shall be conducted in accordance with this
789 section. Each nonstate entity that expends a total amount of
790 state financial assistance equal to or in excess of \$750,000
791 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
792 required to have a state single audit, or a project-specific
793 audit, for such fiscal year in accordance with the requirements
794 of this section. Periodically, ~~Every 2 years~~ the Auditor
795 General, after consulting with the Executive Office of the
796 Governor, the Department of Financial Services, and all state
797 awarding agencies, shall review the threshold amount for
798 requiring audits under this section and, if appropriate, may
799 recommend to the Legislature a statutory change to revise the
800 threshold amount in the annual report submitted pursuant to s.
801 11.45(7)(h) ~~may adjust such threshold amount consistent with the~~
802 ~~purposes of this section.~~

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

805 215.985 Transparency in government spending.—

806 (11) Each water management district shall provide a

807 monthly financial statement in the form and manner prescribed by
808 the Department of Financial Services to the district's ~~its~~
809 governing board and make such monthly financial statement
810 available for public access on its website.

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

813 218.32 Annual financial reports; local governmental
814 entities.—

815 (1)

816 (d) Each local governmental entity that is required to
817 provide for an audit under s. 218.39(1) must submit a copy of
818 the audit report and annual financial report to the department
819 within 45 days after the completion of the audit report but no
820 later than 9 months after the end of the fiscal year. An
821 independent certified public accountant completing an audit of a
822 local governmental entity pursuant to s. 218.39 shall report, as
823 part of the audit, as to whether the entity's annual financial
824 report is in agreement with the audited financial statements.
825 The accountant's audit report must be supported by the same
826 level of detail as required for the annual financial report. If
827 the accountant's audit report is not in agreement with the
828 annual financial report, the accountant shall specify and
829 explain the significant differences that exist between the
830 annual financial report and the audit report.

831 (2) The department shall annually by December 1 file a
832 verified report with the Governor, the Legislature, the Auditor

833 General, and the Special District Accountability Program of the
 834 Department of Economic Opportunity showing the revenues, both
 835 locally derived and derived from intergovernmental transfers,
 836 and the expenditures of each local governmental entity, regional
 837 planning council, local government finance commission, and
 838 municipal power corporation that is required to submit an annual
 839 financial report. In preparing the verified report, the
 840 department may request additional information from the local
 841 governmental entity. The information requested must be provided
 842 to the department within 45 days after the request. If the local
 843 governmental entity does not comply with the request, the
 844 department shall notify the Legislative Auditing Committee,
 845 which may take action pursuant to s. 11.40(2). The report must
 846 include, but is not limited to:

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

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

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

858 218.33 Local governmental entities; establishment of

859 uniform fiscal years and accounting practices and procedures.—

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

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

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

865 (c) Support economical and efficient operations.

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

867 (e) Safeguard assets.

868 Section 18. Subsections (8) through (12) of section
869 218.39, Florida Statutes, are renumbered as subsections (9)
870 through (13), respectively, and a new subsection (8) is added to
871 that section to read:

872 218.39 Annual financial audit reports.—

873 (8) If the audit report includes a recommendation that was
874 included in the preceding financial audit report, the governing
875 body of the audited entity, within 60 days after the delivery of
876 the audit report to the governing body and during a regularly
877 scheduled public meeting, shall indicate its intent regarding
878 corrective action, the corrective action to be taken, and when
879 the corrective action will occur. If the governing body does not
880 intend to take corrective action, it shall explain why such
881 action will not be taken at the regularly scheduled public
882 meeting.

883 Section 19. Subsection (2) of section 218.391, Florida
884 Statutes, is amended, and subsection (9) is added to that

885 section, to read:

886 218.391 Auditor selection procedures.—

887 (2) The governing body of a ~~charter~~ county, municipality,
888 special district, district school board, charter school, or
889 charter technical career center shall establish an audit
890 committee.

891 (a) For a county, the ~~Each noncharter county shall~~
892 ~~establish an~~ audit committee ~~that~~, at a minimum, shall consist
893 of each of the county officers elected pursuant to the county
894 charter or s. 1(d), Art. VIII of the State Constitution, or a
895 designee, and one member of the board of county commissioners or
896 its designee.

897 (b) For a municipality, special district, district school
898 board, charter school, or charter technical career center, the
899 audit committee shall consist of at least three members. One
900 member of the audit committee must be a member of the governing
901 body of an entity specified in this paragraph who shall also
902 serve as the chair of the committee.

903 (c) A member of the audit committee may not be an
904 employee, chief executive officer, or chief financial officer of
905 the county, municipality, special district, district school
906 board, charter school, or charter technical career center.

907 (d) The primary purpose of the audit committee is to
908 assist the governing body in selecting an auditor to conduct the
909 annual financial audit required in s. 218.39; however, the audit
910 committee may serve other audit oversight purposes as determined

911 by the entity's governing body. The public may ~~shall~~ not be
 912 excluded from the proceedings under this section.

913 (9) An audit report submitted pursuant to s. 218.39 must
 914 include an affidavit executed by the chair of the audit
 915 committee affirming that the committee complied with the
 916 requirements of subsections (3)-(6) in selecting an auditor. If
 917 the Auditor General determines that an entity failed to comply
 918 with the requirements of subsections (3)-(6) in selecting an
 919 auditor, the entity shall select a replacement auditor in
 920 accordance with this section to conduct audits for subsequent
 921 fiscal years if the original audit was performed under a
 922 multiyear contract. If replacement of an auditor would preclude
 923 the entity from timely completion of the annual financial audit
 924 required by s. 218.39, the entity shall replace an auditor in
 925 accordance with this section for the subsequent annual financial
 926 audit. A multiyear contract between an entity and an auditor may
 927 not prohibit or restrict an entity from complying with this
 928 subsection.

929 Section 20. Paragraph (b) of subsection (2) of section
 930 288.92, Florida Statutes, is amended to read:

931 288.92 Divisions of Enterprise Florida, Inc.—

932 (2)

933 (b)1. The following officers and board members are subject
 934 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 935 112.3143(2):

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

937 divisions of Enterprise Florida, Inc.

938 b. Officers and members of the board of directors of
939 subsidiaries of Enterprise Florida, Inc.

940 c. Officers and members of the board of directors of
941 corporations created to carry out the missions of Enterprise
942 Florida, Inc.

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

946 2. The officers and board members specified in
947 subparagraph 1. may not represent another person or entity for
948 compensation before Enterprise Florida, Inc., or a division, a
949 subsidiary, or the board of directors of corporations created to
950 carry out the missions of Enterprise Florida, Inc., or with
951 which a division is required by law to contract to carry out its
952 missions, for 2 years after retirement from or termination of
953 service to a division. However, it is not a violation of this
954 subparagraph for an officer or board member specified in
955 subparagraph 1. to participate in the establishment or
956 calculation of payments related to the private match
957 requirements of s. 288.904(3) or any individual component of the
958 4-year marketing plan on behalf of his or her principal within 2
959 years after termination from service on the board.

960 ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),
961 (12), and (15); 112.3135; and 112.3143(2) to activities of the
962 officers and members of the board of directors specified in

963 subparagraph 1., those persons shall be considered public
964 officers or employees and the corporation shall be considered
965 their agency.

966 ~~4.3.~~ It is not a violation of s. 112.3143(2) or (4) for
967 the officers or members of the board of directors of the Florida
968 Tourism Industry Marketing Corporation to:

969 a. Vote on the 4-year marketing plan required under s.
970 288.923 or vote on any individual component of or amendment to
971 the plan.

972 b. Participate in the establishment or calculation of
973 payments related to the private match requirements of s.
974 288.904(3). The officer or member must file an annual disclosure
975 describing the nature of his or her interests or the interests
976 of his or her principals, including corporate parents and
977 subsidiaries of his or her principal, in the private match
978 requirements. This annual disclosure requirement satisfies the
979 disclosure requirement of s. 112.3143(4). This disclosure must
980 be placed either on the Florida Tourism Industry Marketing
981 Corporation's website or included in the minutes of each meeting
982 of the Florida Tourism Industry Marketing Corporation's board of
983 directors at which the private match requirements are discussed
984 or voted upon.

985 Section 21. Paragraph (a) of subsection (3) of section
986 288.9604, Florida Statutes, is amended to read:

987 288.9604 Creation of the authority.—

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

989 or her services, but is entitled to necessary expenses,
 990 including travel expenses, incurred in the discharge of his or
 991 her duties. Each director shall hold office until his or her
 992 successor has been appointed.

993 2. Directors are subject to ss. 112.313(1)-(8), (10),
 994 (12), and (15); 112.3135; and 112.3143(2). For purposes of
 995 applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 996 112.3143(2) to activities of directors, directors shall be
 997 considered public officers and the corporation shall be
 998 considered their agency.

999 3. A director of the corporation may not represent another
 1000 person or entity for compensation before the corporation for a
 1001 period of 2 years following his or her service on the board of
 1002 directors.

1003 Section 22. Paragraph (e) of subsection (4), paragraph (d)
 1004 of subsection (5), and paragraph (d) of subsection (6) of
 1005 section 373.536, Florida Statutes, are amended to read:

1006 373.536 District budget and hearing thereon.—

1007 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1008 (e) ~~By September 1, 2012,~~ Each district shall provide a
 1009 monthly financial statement in the form and manner prescribed by
 1010 the Department of Financial Services to the district's governing
 1011 board and make such monthly financial statement available for
 1012 public access on its website.

1013 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
 1014 APPROVAL.—

1015 (d) Each district shall, by August 1 of each year, submit
 1016 for review a tentative budget and a description of any
 1017 significant changes from the preliminary budget submitted to the
 1018 Legislature pursuant to s. 373.535 to the Governor, the
 1019 President of the Senate, the Speaker of the House of
 1020 Representatives, the chairs of all legislative committees and
 1021 subcommittees having substantive or fiscal jurisdiction over
 1022 water management districts, as determined by the President of
 1023 the Senate or the Speaker of the House of Representatives, as
 1024 applicable, the secretary of the department, and the governing
 1025 body of each county in which the district has jurisdiction or
 1026 derives any funds for the operations of the district. The
 1027 tentative budget must be posted on the district's official
 1028 website at least 2 days before budget hearings held pursuant to
 1029 s. 200.065 or other law and must remain on the website for at
 1030 least 45 days.

1031 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 1032 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1033 (d) The final adopted budget must be posted on the water
 1034 management district's official website within 30 days after
 1035 adoption and must remain on the website for at least 2 years.

1036 Section 23. Paragraph (j) of subsection (9) of section
 1037 1002.33, Florida Statutes, is amended to read:

1038 1002.33 Charter schools.—

1039 (9) CHARTER SCHOOL REQUIREMENTS.—

1040 (j) The governing body of the charter school shall be

1041 responsible for:

1042 1. Establishing and maintaining internal controls designed
1043 to:

1044 a. Prevent and detect fraud, waste, and abuse.

1045 b. Promote and encourage compliance with applicable laws,
1046 rules, contracts, grant agreements, and best practices.

1047 c. Support economical and efficient operations.

1048 d. Ensure reliability of financial records and reports.

1049 e. Safeguard assets.

1050 ~~2.1-~~ Ensuring that the charter school has retained the
1051 services of a certified public accountant or auditor for the
1052 annual financial audit, pursuant to s. 1002.345(2), who shall
1053 submit the report to the governing body.

1054 ~~3.2-~~ Reviewing and approving the audit report, including
1055 audit findings and recommendations for the financial recovery
1056 plan.

1057 ~~4.a.3.a-~~ Performing the duties in s. 1002.345, including
1058 monitoring a corrective action plan.

1059 b. Monitoring a financial recovery plan in order to ensure
1060 compliance.

1061 ~~5.4-~~ Participating in governance training approved by the
1062 department which must include government in the sunshine,
1063 conflicts of interest, ethics, and financial responsibility.

1064 Section 24. Subsections (6) through (10) of section
1065 1002.37, Florida Statutes, are renumbered as subsections (7)
1066 through (11), respectively, a new subsection (6) is added to

1067 that section, and present subsections (6) and (11) of that
1068 section are amended, to read:

1069 1002.37 The Florida Virtual School.—

1070 (6) The Florida Virtual School shall have an annual
1071 financial audit of its accounts and records completed by an
1072 independent auditor who is a certified public accountant
1073 licensed under chapter 473. The independent auditor shall
1074 conduct the audit in accordance with rules adopted by the
1075 Auditor General pursuant to s. 11.45 and, upon completion of the
1076 audit, shall prepare an audit report in accordance with such
1077 rules. The audit report must include a written statement of the
1078 board of trustees describing corrective action to be taken in
1079 response to each of the independent auditor's recommendations
1080 included in the audit report. The independent auditor shall
1081 submit the audit report to the board of trustees and the Auditor
1082 General no later than 9 months after the end of the preceding
1083 fiscal year.

1084 (7)~~(6)~~ The board of trustees shall annually submit to the
1085 Governor, the Legislature, the Commissioner of Education, and
1086 the State Board of Education the audit report prepared pursuant
1087 to subsection (6) and a complete and detailed report setting
1088 forth:

1089 (a) The operations and accomplishments of the Florida
1090 Virtual School within the state and those occurring outside the
1091 state as Florida Virtual School Global.

1092 (b) The marketing and operational plan for the Florida

1093 Virtual School and Florida Virtual School Global, including
 1094 recommendations regarding methods for improving the delivery of
 1095 education through the Internet and other distance learning
 1096 technology.

1097 (c) The assets and liabilities of the Florida Virtual
 1098 School and Florida Virtual School Global at the end of the
 1099 fiscal year.

1100 ~~(d) A copy of an annual financial audit of the accounts~~
 1101 ~~and records of the Florida Virtual School and Florida Virtual~~
 1102 ~~School Global, conducted by an independent certified public~~
 1103 ~~accountant and performed in accordance with rules adopted by the~~
 1104 ~~Auditor General.~~

1105 (d)~~(e)~~ Recommendations regarding the unit cost of
 1106 providing services to students through the Florida Virtual
 1107 School and Florida Virtual School Global. In order to most
 1108 effectively develop public policy regarding any future funding
 1109 of the Florida Virtual School, it is imperative that the cost of
 1110 the program is accurately identified. The identified cost of the
 1111 program must be based on reliable data.

1112 (e)~~(f)~~ Recommendations regarding an accountability
 1113 mechanism to assess the effectiveness of the services provided
 1114 by the Florida Virtual School and Florida Virtual School Global.

1115 ~~(11) The Auditor General shall conduct an operational~~
 1116 ~~audit of the Florida Virtual School, including Florida Virtual~~
 1117 ~~School Global. The scope of the audit shall include, but not be~~
 1118 ~~limited to, the administration of responsibilities relating to~~

1119 ~~personnel; procurement and contracting; revenue production;~~
 1120 ~~school funds, including internal funds; student enrollment~~
 1121 ~~records; franchise agreements; information technology~~
 1122 ~~utilization, assets, and security; performance measures and~~
 1123 ~~standards; and accountability. The final report on the audit~~
 1124 ~~shall be submitted to the President of the Senate and the~~
 1125 ~~Speaker of the House of Representatives no later than January~~
 1126 ~~31, 2014.~~

1127 Section 25. Subsection (5) is added to section 1010.01,
 1128 Florida Statutes, to read:

1129 1010.01 Uniform records and accounts.—

1130 (5) Each school district, Florida College System
 1131 institution, and state university shall establish and maintain
 1132 internal controls designed to:

1133 (a) Prevent and detect fraud, waste, and abuse.

1134 (b) Promote and encourage compliance with applicable laws,
 1135 rules, contracts, grant agreements, and best practices.

1136 (c) Support economical and efficient operations.

1137 (d) Ensure reliability of financial records and reports.

1138 (e) Safeguard assets.

1139 Section 26. Subsection (2) of section 1010.30, Florida
 1140 Statutes, is amended to read:

1141 1010.30 Audits required.—

1142 (2) If a school district, Florida College System
 1143 institution, or university audit report includes a
 1144 recommendation that was included in the preceding financial

1145 audit report ~~an audit contains a significant finding~~, the
 1146 district school board, the Florida College System institution
 1147 board of trustees, or the university board of trustees, within
 1148 60 days after the delivery of the audit report to the school
 1149 district, Florida College System institution, or university and
 1150 ~~shall conduct an audit overview~~ during a regularly scheduled
 1151 public meeting, shall indicate its intent regarding corrective
 1152 action, the corrective action to be taken, and when the
 1153 corrective action will occur. If the district school board,
 1154 Florida College System institution board of trustees, or
 1155 university board of trustees does not intend to take corrective
 1156 action, it shall explain why such action will not be taken at
 1157 the regularly scheduled public meeting.

1158 Section 27. Subsection (2) of section 68.082, Florida
 1159 Statutes, is amended to read:

1160 68.082 False claims against the state; definitions;
 1161 liability.—

1162 (2) Any person who:

1163 (a) Knowingly presents or causes to be presented a false
 1164 or fraudulent claim for payment or approval;

1165 (b) Knowingly authorizes, approves, or receives payment of
 1166 prohibited compensation in violation of s. 215.425;

1167 (c) ~~(b)~~ Knowingly makes, uses, or causes to be made or used
 1168 a false record or statement material to a false or fraudulent
 1169 claim;

1170 (d) ~~(e)~~ Conspires to commit a violation of this subsection;

1171 (e)~~(d)~~ Has possession, custody, or control of property or
 1172 money used or to be used by the state and knowingly delivers or
 1173 causes to be delivered less than all of that money or property;

1174 (f)~~(e)~~ Is authorized to make or deliver a document
 1175 certifying receipt of property used or to be used by the state
 1176 and, intending to defraud the state, makes or delivers the
 1177 receipt without knowing that the information on the receipt is
 1178 true;

1179 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an
 1180 obligation or a debt, public property from an officer or
 1181 employee of the state who may not sell or pledge the property;
 1182 or

1183 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used
 1184 a false record or statement material to an obligation to pay or
 1185 transmit money or property to the state, or knowingly conceals
 1186 or knowingly and improperly avoids or decreases an obligation to
 1187 pay or transmit money or property to the state

1188
 1189 is liable to the state for a civil penalty of not less than
 1190 \$5,500 and not more than \$11,000 and for treble the amount of
 1191 damages the state sustains because of the act of that person.

1192 Section 28. Subsection (1) of section 68.083, Florida
 1193 Statutes, is amended to read:

1194 68.083 Civil actions for false claims.—

1195 (1) The department may diligently investigate a violation
 1196 under s. 68.082. If the department finds that a person has

1197 | violated or is violating s. 68.082, the department may bring a
 1198 | civil action under the Florida False Claims Act against the
 1199 | person. The Department of Financial Services may bring a civil
 1200 | action under this section if the action arises from an
 1201 | investigation by that department and the Department of Legal
 1202 | Affairs has not filed an action under this act. For a violation
 1203 | of s. 68.082 regarding prohibited compensation paid from state
 1204 | funds, the Department of Financial Services may bring a civil
 1205 | action under this section if the action arises from an
 1206 | investigation by that department concerning a violation of s.
 1207 | 215.425 by the state and the Department of Legal Affairs has not
 1208 | filed an action under this act.

1209 | Section 29. Subsection (3) of section 218.503, Florida
 1210 | Statutes, is amended to read:

1211 | 218.503 Determination of financial emergency.—

1212 | (3) Upon notification that one or more of the conditions
 1213 | in subsection (1) have occurred or will occur if action is not
 1214 | taken to assist the local governmental entity or district school
 1215 | board, the Governor or his or her designee shall contact the
 1216 | local governmental entity or the Commissioner of Education or
 1217 | his or her designee shall contact the district school board to
 1218 | determine what actions have been taken by the local governmental
 1219 | entity or the district school board to resolve or prevent the
 1220 | condition. The information requested must be provided within 45
 1221 | days after the date of the request. If the local governmental
 1222 | entity or the district school board does not comply with the

1223 request, the Governor or his or her designee or the Commissioner
 1224 of Education or his or her designee shall notify ~~the members of~~
 1225 the Legislative Auditing Committee, which ~~who~~ may take action
 1226 pursuant to s. 11.40(2) ~~s. 11.40~~. The Governor or the
 1227 Commissioner of Education, as appropriate, shall determine
 1228 whether the local governmental entity or the district school
 1229 board needs state assistance to resolve or prevent the
 1230 condition. If state assistance is needed, the local governmental
 1231 entity or district school board is considered to be in a state
 1232 of financial emergency. The Governor or the Commissioner of
 1233 Education, as appropriate, has the authority to implement
 1234 measures as set forth in ss. 218.50-218.504 to assist the local
 1235 governmental entity or district school board in resolving the
 1236 financial emergency. Such measures may include, but are not
 1237 limited to:

1238 (a) Requiring approval of the local governmental entity's
 1239 budget by the Governor or approval of the district school
 1240 board's budget by the Commissioner of Education.

1241 (b) Authorizing a state loan to a local governmental
 1242 entity and providing for repayment of same.

1243 (c) Prohibiting a local governmental entity or district
 1244 school board from issuing bonds, notes, certificates of
 1245 indebtedness, or any other form of debt until such time as it is
 1246 no longer subject to this section.

1247 (d) Making such inspections and reviews of records,
 1248 information, reports, and assets of the local governmental

1249 entity or district school board as are needed. The appropriate
1250 local officials shall cooperate in such inspections and reviews.

1251 (e) Consulting with officials and auditors of the local
1252 governmental entity or the district school board and the
1253 appropriate state officials regarding any steps necessary to
1254 bring the books of account, accounting systems, financial
1255 procedures, and reports into compliance with state requirements.

1256 (f) Providing technical assistance to the local
1257 governmental entity or the district school board.

1258 (g)1. Establishing a financial emergency board to oversee
1259 the activities of the local governmental entity or the district
1260 school board. If a financial emergency board is established for
1261 a local governmental entity, the Governor shall appoint board
1262 members and select a chair. If a financial emergency board is
1263 established for a district school board, the State Board of
1264 Education shall appoint board members and select a chair. The
1265 financial emergency board shall adopt such rules as are
1266 necessary for conducting board business. The board may:

1267 a. Make such reviews of records, reports, and assets of
1268 the local governmental entity or the district school board as
1269 are needed.

1270 b. Consult with officials and auditors of the local
1271 governmental entity or the district school board and the
1272 appropriate state officials regarding any steps necessary to
1273 bring the books of account, accounting systems, financial
1274 procedures, and reports of the local governmental entity or the

1275 district school board into compliance with state requirements.

1276 c. Review the operations, management, efficiency,
 1277 productivity, and financing of functions and operations of the
 1278 local governmental entity or the district school board.

1279 d. Consult with other governmental entities for the
 1280 consolidation 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 2. The recommendations and reports made by the financial
 1287 emergency board must be submitted to the Governor for local
 1288 governmental entities or to the Commissioner of Education and
 1289 the State Board of Education for district school boards for
 1290 appropriate action.

1291 (h) Requiring and approving a plan, to be prepared by
 1292 officials of the local governmental entity or the district
 1293 school board in consultation with the appropriate state
 1294 officials, prescribing actions that will cause the local
 1295 governmental entity or district school board to no longer be
 1296 subject to this section. The plan must include, but need not be
 1297 limited to:

1298 1. Provision for payment in full of obligations outlined
 1299 in subsection (1), designated as priority items, which are
 1300 currently due or will come due.

1301 2. Establishment of priority budgeting or zero-based
1302 budgeting in order to eliminate items that are not affordable.

1303 3. The prohibition of a level of operations which can be
1304 sustained only with nonrecurring revenues.

1305 4. Provisions implementing the consolidation, sourcing, or
1306 discontinuance of all administrative direction and support
1307 services, including, but not limited to, services for asset
1308 sales, economic and community development, building inspections,
1309 parks and recreation, facilities management, engineering and
1310 construction, insurance coverage, risk management, planning and
1311 zoning, information systems, fleet management, and purchasing.

1312 Section 30. Subsection (2) of section 1002.455, Florida
1313 Statutes, is amended to read:

1314 1002.455 Student eligibility for K-12 virtual
1315 instruction.—

1316 (2) A student is eligible to participate in virtual
1317 instruction if:

1318 (a) The student spent the prior school year in attendance
1319 at a public school in the state and was enrolled and reported by
1320 the school district for funding during October and February for
1321 purposes of the Florida Education Finance Program surveys;

1322 (b) The student is a dependent child of a member of the
1323 United States Armed Forces who was transferred within the last
1324 12 months to this state from another state or from a foreign
1325 country pursuant to a permanent change of station order;

1326 (c) The student was enrolled during the prior school year

1327 in a virtual instruction program under s. 1002.45 or a full-time
 1328 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~
 1329 ~~1002.37(8)(a)~~;

1330 (d) The student has a sibling who is currently enrolled in
 1331 a virtual instruction program and the sibling was enrolled in
 1332 that program at the end of the prior school year;

1333 (e) The student is eligible to enter kindergarten or first
 1334 grade; or

1335 (f) The student is eligible to enter grades 2 through 5
 1336 and is enrolled full-time in a school district virtual
 1337 instruction program, virtual charter school, or the Florida
 1338 Virtual School.

1339 Section 31. The Legislature finds that a proper and
 1340 legitimate state purpose is served when internal controls are
 1341 established to prevent and detect fraud, waste, and abuse and to
 1342 safeguard and account for government funds and property.
 1343 Therefore, the Legislature determines and declares that this act
 1344 fulfills an important state interest.

1345 Section 32. This act shall take effect October 1, 2015.