

By Senator Gaetz

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1                   A bill to be entitled  
2           An act relating to government accountability;  
3           providing a short title; amending s. 11.40, F.S.;  
4           specifying that the Governor, the Commissioner of  
5           Education, or the designee of the Governor or of the  
6           Commissioner of Education may notify the Legislative  
7           Auditing Committee of an entity's failure to comply  
8           with certain auditing and financial reporting  
9           requirements; amending s. 11.45, F.S.; defining the  
10          terms "abuse," "fraud," and "waste"; revising the  
11          definition of the term "local governmental entity";  
12          excluding water management districts from certain  
13          audit requirements; removing a cross-reference;  
14          authorizing the Auditor General to conduct audits of  
15          tourist development councils and county tourism  
16          promotion agencies; revising reporting requirements  
17          applicable to the Auditor General; creating s. 20.602,  
18          F.S.; specifying the applicability of certain  
19          provisions of the Code of Ethics for Public Officers  
20          and Employees to officers and board members of  
21          corporate entities associated with the Department of  
22          Economic Opportunity; prohibiting such officers and  
23          board members from representing a person or an entity  
24          for compensation before certain bodies for a specified  
25          timeframe; providing for construction; amending s.  
26          28.35, F.S.; revising reporting requirements  
27          applicable to the Florida Clerks of Court Operations  
28          Corporation; amending s. 43.16, F.S.; revising the  
29          responsibilities of the Justice Administrative

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30 Commission, each state attorney, each public defender,  
31 a criminal conflict and civil regional counsel, a  
32 capital collateral regional counsel, and the Guardian  
33 Ad Litem Program, to include the establishment and  
34 maintenance of certain internal controls; amending s.  
35 112.313, F.S.; specifying that prohibitions on  
36 conflicting employment or contractual relationships  
37 for public officers or employees of an agency apply to  
38 contractual relationships held by certain business  
39 entities; making technical changes; amending s.  
40 112.3144, F.S.; requiring elected municipal officers  
41 to file a full and public disclosure of financial  
42 interests, rather than a statement of financial  
43 interests; providing for applicability; amending s.  
44 112.31455, F.S.; revising provisions governing  
45 collection methods for unpaid automatic fines for  
46 failure to timely file disclosure of financial  
47 interests to include school districts; amending s.  
48 112.3261, F.S.; revising terms to conform to changes  
49 made by the act; expanding the types of governmental  
50 entities that are subject to lobbyist registration  
51 requirements; requiring a governmental entity to  
52 create a lobbyist registration form; amending ss.  
53 129.03, 129.06, 166.241, and 189.016, F.S.; requiring  
54 counties, municipalities, and special districts to  
55 maintain certain budget documents on the entities'  
56 websites for a specified period; amending s. 215.425,  
57 F.S.; defining the term "public funds"; revising  
58 exceptions to the prohibition on extra compensation

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59 claims; requiring certain contracts to which a unit of  
60 government or state university is a party during a  
61 specified period to contain certain prohibitions on  
62 severance pay; requiring a unit of government to  
63 investigate and take necessary action to recover  
64 prohibited compensation; specifying methods of  
65 recovery for unintentional and willful violations;  
66 providing a penalty; specifying applicability of  
67 procedures regarding suspension and removal of an  
68 officer who commits a willful violation; establishing  
69 eligibility criteria and amounts for rewards;  
70 specifying circumstances under which an employee has a  
71 cause of action under the Whistle-blower's Act;  
72 establishing causes of action if a unit of government  
73 fails to recover prohibited compensation within a  
74 certain timeframe; providing for applicability;  
75 amending s. 215.86, F.S.; revising the purposes for  
76 which management systems and internal controls must be  
77 established and maintained by each state agency and  
78 the judicial branch; amending s. 215.97, F.S.;

79 revising the definition of the term "audit threshold";  
80 amending s. 215.985, F.S.; revising the requirements  
81 for a monthly financial statement provided by a water  
82 management district; amending s. 218.32, F.S.;

83 revising the requirements of the annual financial  
84 audit report of a local governmental entity;  
85 authorizing the Department of Financial Services to  
86 request additional information from a local  
87 governmental entity; requiring a local governmental

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88 entity to respond to such requests within a specified  
89 timeframe; requiring the department to notify the  
90 Legislative Auditing Committee of noncompliance;  
91 amending s. 218.33, F.S.; requiring local governmental  
92 entities to establish and maintain internal controls  
93 to achieve specified purposes; amending s. 218.39,  
94 F.S.; requiring an audited entity to respond to audit  
95 recommendations under specified circumstances;  
96 amending s. 218.391, F.S.; revising the composition of  
97 an audit committee; prohibiting an audit committee  
98 member from being an employee, chief executive  
99 officer, or chief financial officer of the respective  
100 governmental entity; requiring the chair of an audit  
101 committee to sign and execute an affidavit affirming  
102 compliance with auditor selection procedures;  
103 prescribing procedures in the event of noncompliance  
104 with auditor selection procedures; amending s.  
105 286.0114, F.S.; prohibiting a board or commission from  
106 requiring an advance copy of testimony or comments  
107 from a member of the public as a precondition to be  
108 given the opportunity to be heard at a public meeting;  
109 amending s. 288.92, F.S.; prohibiting specified  
110 officers and board members of Enterprise Florida,  
111 Inc., from representing a person or entity for  
112 compensation before Enterprise Florida, Inc., and  
113 associated entities thereof, for a specified  
114 timeframe; amending s. 288.9604, F.S.; prohibiting a  
115 director of the Florida Development Finance  
116 Corporation from representing a person or entity for

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117 compensation before the corporation for a specified  
118 timeframe; amending s. 373.536, F.S.; deleting  
119 obsolete language; requiring water management  
120 districts to maintain certain budget documents on the  
121 districts' websites for a specified period; amending  
122 s. 838.014, F.S.; deleting the definition of the term  
123 "corruptly" or "with corrupt intent"; defining the  
124 term "governmental entity"; expanding the definition  
125 of the term "public servant" to include certain  
126 persons who are acting on behalf of a governmental  
127 entity; amending s. 838.015, F.S.; redefining the term  
128 "bribery" to include knowing and intentional, rather  
129 than corrupt, acts; amending s. 838.016, F.S.;  
130 revising the prohibition against unlawful compensation  
131 or reward for official behavior to conform to changes  
132 made by the act; amending s. 838.022, F.S.; revising  
133 the prohibition against official misconduct to conform  
134 to changes made by the act; amending s. 838.22, F.S.;  
135 revising the prohibition against bid tampering to  
136 conform to changes made by the act; amending s.  
137 1001.42, F.S.; authorizing additional internal audits  
138 as directed by the district school board; amending s.  
139 1002.33, F.S.; revising the responsibilities of the  
140 governing board of a charter school to include the  
141 establishment and maintenance of internal controls;  
142 amending s. 1002.37, F.S.; requiring completion of an  
143 annual financial audit of the Florida Virtual School;  
144 specifying audit requirements; requiring an audit  
145 report to be submitted to the board of trustees of the

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146 Florida Virtual School and the Auditor General;  
147 removing obsolete provisions; amending s. 1010.01,  
148 F.S.; requiring each school district, Florida College  
149 System institution, and state university to establish  
150 and maintain certain internal controls; amending s.  
151 1010.30, F.S.; requiring a district school board,  
152 Florida College System institution board of trustees,  
153 or university board of trustees to respond to audit  
154 recommendations under certain circumstances; amending  
155 ss. 68.082, 68.083, 99.061, 218.503, and 1002.455,  
156 F.S.; conforming provisions and cross-references to  
157 changes made by the act; reenacting s. 817.568(11),  
158 F.S., relating to criminal use of personal  
159 identification information, to incorporate the  
160 amendment made to s. 838.014, F.S., in a reference  
161 thereto; declaring that the act fulfills an important  
162 state interest; providing an effective date.

163  
164 Be It Enacted by the Legislature of the State of Florida:

165  
166 Section 1. This act may be cited as the "Florida Anti-  
167 Corruption Act of 2016."

168 Section 2. Subsection (2) of section 11.40, Florida  
169 Statutes, is amended to read:

170 11.40 Legislative Auditing Committee.—

171 (2) Following notification by the Auditor General, the  
172 Department of Financial Services, ~~or~~ the Division of Bond  
173 Finance of the State Board of Administration, the Governor or  
174 his or her designee, or the Commissioner of Education or his or

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175 her designee of the failure of a local governmental entity,  
176 district school board, charter school, or charter technical  
177 career center to comply with the applicable provisions within s.  
178 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the  
179 Legislative Auditing Committee may schedule a hearing to  
180 determine if the entity should be subject to further state  
181 action. If the committee determines that the entity should be  
182 subject to further state action, the committee shall:

183 (a) In the case of a local governmental entity or district  
184 school board, direct the Department of Revenue and the  
185 Department of Financial Services to withhold any funds not  
186 pledged for bond debt service satisfaction which are payable to  
187 such entity until the entity complies with the law. The  
188 committee shall specify the date that such action must ~~shall~~  
189 begin, and the directive must be received by the Department of  
190 Revenue and the Department of Financial Services 30 days before  
191 the date of the distribution mandated by law. The Department of  
192 Revenue and the Department of Financial Services may implement  
193 ~~the provisions of~~ this paragraph.

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

195 1. A special act, notify the President of the Senate, the  
196 Speaker of the House of Representatives, the standing committees  
197 of the Senate and the House of Representatives charged with  
198 special district oversight as determined by the presiding  
199 officers of each respective chamber, the legislators who  
200 represent a portion of the geographical jurisdiction of the  
201 special district pursuant to s. 189.034(2), and the Department  
202 of Economic Opportunity that the special district has failed to  
203 comply with the law. Upon receipt of notification, the

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204 Department of Economic Opportunity shall proceed pursuant to s.  
205 189.062 or s. 189.067. If the special district remains in  
206 noncompliance after the process set forth in s. 189.034(3), or  
207 if a public hearing is not held, the Legislative Auditing  
208 Committee may request the department to proceed pursuant to s.  
209 189.067(3).

210 2. A local ordinance, notify the chair or equivalent of the  
211 local general-purpose government pursuant to s. 189.035(2) and  
212 the Department of Economic Opportunity that the special district  
213 has failed to comply with the law. Upon receipt of notification,  
214 the department shall proceed pursuant to s. 189.062 or s.  
215 189.067. If the special district remains in noncompliance after  
216 the process set forth in s. 189.034(3), or if a public hearing  
217 is not held, the Legislative Auditing Committee may request the  
218 department to proceed pursuant to s. 189.067(3).

219 3. Any manner other than a special act or local ordinance,  
220 notify the Department of Economic Opportunity that the special  
221 district has failed to comply with the law. Upon receipt of  
222 notification, the department shall proceed pursuant to s.  
223 189.062 or s. 189.067(3).

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

227 Section 3. Subsection (1), paragraph (j) of subsection (2),  
228 paragraph (u) of subsection (3), and paragraph (i) of subsection  
229 (7) of section 11.45, Florida Statutes, are amended, and  
230 paragraph (x) is added to subsection (3) of that section, to  
231 read:

232 11.45 Definitions; duties; authorities; reports; rules.—



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

234 (a) “Abuse” means behavior that is deficient or improper  
235 when compared with behavior that a prudent person would consider  
236 a reasonable and necessary operational practice given the facts  
237 and circumstances. The term includes the misuse of authority or  
238 position for personal gain.

239 (b) ~~(a)~~ “Audit” means a financial audit, operational audit,  
240 or performance audit.

241 (c) ~~(b)~~ “County agency” means a board of county  
242 commissioners or other legislative and governing body of a  
243 county, however styled, including that of a consolidated or  
244 metropolitan government, a clerk of the circuit court, a  
245 separate or ex officio clerk of the county court, a sheriff, a  
246 property appraiser, a tax collector, a supervisor of elections,  
247 or any other officer in whom any portion of the fiscal duties of  
248 a body or officer expressly stated in this paragraph are ~~the~~  
249 above are under law separately placed by law.

250 (d) ~~(e)~~ “Financial audit” means an examination of financial  
251 statements in order to express an opinion on the fairness with  
252 which they are presented in conformity with generally accepted  
253 accounting principles and an examination to determine whether  
254 operations are properly conducted in accordance with legal and  
255 regulatory requirements. Financial audits must be conducted in  
256 accordance with auditing standards generally accepted in the  
257 United States and government auditing standards as adopted by  
258 the Board of Accountancy. When applicable, the scope of  
259 financial audits must ~~shall~~ encompass the additional activities  
260 necessary to establish compliance with the Single Audit Act  
261 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other

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262 applicable federal law.

263 (e) "Fraud" means obtaining something of value through  
264 willful misrepresentation, including, but not limited to, the  
265 intentional misstatements or omissions of amounts or disclosures  
266 in financial statements to deceive users of financial  
267 statements, theft of an entity's assets, bribery, or the use of  
268 one's position for personal enrichment through the deliberate  
269 misuse or misapplication of an organization's resources.

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

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

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

280 (i)~~(g)~~ "Operational audit" means an audit whose purpose is  
281 to evaluate management's performance in establishing and  
282 maintaining internal controls, including controls designed to  
283 prevent and detect fraud, waste, and abuse, and in administering  
284 assigned responsibilities in accordance with applicable laws,  
285 administrative rules, contracts, grant agreements, and other  
286 guidelines. Operational audits must be conducted in accordance  
287 with government auditing standards. Such audits examine internal  
288 controls that are designed and placed in operation to promote  
289 and encourage the achievement of management's control objectives  
290 in the categories of compliance, economic and efficient

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291 operations, reliability of financial records and reports, and  
292 safeguarding of assets, and identify weaknesses in those  
293 internal controls.

294 (j)~~(h)~~ "Performance audit" means an examination of a  
295 program, activity, or function of a governmental entity,  
296 conducted in accordance with applicable government auditing  
297 standards or auditing and evaluation standards of other  
298 appropriate authoritative bodies. The term includes an  
299 examination of issues related to:

- 300 1. Economy, efficiency, or effectiveness of the program.
- 301 2. Structure or design of the program to accomplish its  
302 goals and objectives.
- 303 3. Adequacy of the program to meet the needs identified by  
304 the Legislature or governing body.
- 305 4. Alternative methods of providing program services or  
306 products.
- 307 5. Goals, objectives, and performance measures used by the  
308 agency to monitor and report program accomplishments.
- 309 6. The accuracy or adequacy of public documents, reports,  
310 or requests prepared under the program by state agencies.
- 311 7. Compliance of the program with appropriate policies,  
312 rules, or laws.
- 313 8. Any other issues related to governmental entities as  
314 directed by the Legislative Auditing Committee.

315 (k)~~(i)~~ "Political subdivision" means a separate agency or  
316 unit of local government created or established by law and  
317 includes, but is not limited to, the following and the officers  
318 thereof: authority, board, branch, bureau, city, commission,  
319 consolidated government, county, department, district,

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320 institution, metropolitan government, municipality, office,  
321 officer, public corporation, town, or village.

322 (1)~~(j)~~ "State agency" means a separate agency or unit of  
323 state government created or established by law and includes, but  
324 is not limited to, the following and the officers thereof:  
325 authority, board, branch, bureau, commission, department,  
326 division, institution, office, officer, or public corporation,  
327 as the case may be, except any such agency or unit within the  
328 legislative branch of state government other than the Florida  
329 Public Service Commission.

330 (m) "Waste" means the act of using or expending resources  
331 unreasonably, carelessly, extravagantly, or for no useful  
332 purpose.

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

334 (j) Conduct audits of local governmental entities when  
335 determined to be necessary by the Auditor General, when directed  
336 by the Legislative Auditing Committee, or when otherwise  
337 required by law. No later than 18 months after the release of  
338 the audit report, the Auditor General shall perform such  
339 appropriate followup procedures as he or she deems necessary to  
340 determine the audited entity's progress in addressing the  
341 findings and recommendations contained within the Auditor  
342 General's previous report. The Auditor General shall notify each  
343 member of the audited entity's governing body and the  
344 Legislative Auditing Committee of the results of his or her  
345 determination. For purposes of this paragraph, local  
346 governmental entities do not include water management districts.

347  
348 The Auditor General shall perform his or her duties

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349 independently but under the general policies established by the  
 350 Legislative Auditing Committee. This subsection does not limit  
 351 the Auditor General's discretionary authority to conduct other  
 352 audits or engagements of governmental entities as authorized in  
 353 subsection (3).

354 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor  
 355 General may, pursuant to his or her own authority, or at the  
 356 direction of the Legislative Auditing Committee, conduct audits  
 357 or other engagements as determined appropriate by the Auditor  
 358 General of:

359 (u) The Florida Virtual School ~~pursuant to s. 1002.37.~~

360 (x) Tourist development councils and county tourism  
 361 promotion agencies.

362 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

363 (i) The Auditor General shall annually transmit by July 15,  
 364 to the President of the Senate, the Speaker of the House of  
 365 Representatives, and the Department of Financial Services, a  
 366 list of all school districts, charter schools, charter technical  
 367 career centers, Florida College System institutions, state  
 368 universities, and local governmental entities ~~water management~~  
 369 ~~districts~~ that have failed to comply with the transparency  
 370 requirements as identified in the audit reports reviewed  
 371 pursuant to paragraph (b) and those conducted pursuant to  
 372 subsection (2).

373 Section 4. Section 20.602, Florida Statutes, is created to  
 374 read:

375 20.602 Standards of conduct; officers and board members of  
 376 Department of Economic Opportunity corporate entities.—

377 (1) The following officers and board members are subject to

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378 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
379 112.3143(2):

380 (a) Officers and members of the board of directors of:

381 1. Any corporation created under chapter 288;

382 2. Space Florida;

383 3. CareerSource Florida, Inc., or the programs or entities  
384 created by CareerSource Florida, Inc., pursuant to s. 445.004;

385 4. The Florida Housing Finance Corporation; or

386 5. Any other corporation created by the Department of  
387 Economic Opportunity in accordance with its powers and duties  
388 under s. 20.60.

389 (b) Officers and members of the board of directors of a  
390 corporate parent or subsidiary corporation of a corporation  
391 described in paragraph (a).

392 (c) Officers and members of the board of directors of a  
393 corporation created to carry out the missions of a corporation  
394 described in paragraph (a).

395 (d) Officers and members of the board of directors of a  
396 corporation with which a corporation described in paragraph (a)  
397 is required by law to contract with to carry out its missions.

398 (2) For purposes of applying ss. 112.313(1)-(8), (10),  
399 (12), and (15); 112.3135; and 112.3143(2) to activities of the  
400 officers and members of the board of directors specified in  
401 subsection (1), those persons shall be considered public  
402 officers or employees and the corporation shall be considered  
403 their agency.

404 (3) For a period of 6 years after retirement from or  
405 termination of service, or for a period of 10 years if removed  
406 or terminated for cause or for misconduct, as defined in s.

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407 443.036(29), an officer or a member of the board of directors  
408 specified in subsection (1) may not represent another person or  
409 entity for compensation before:

410 (a) His or her corporation;

411 (b) A division, a subsidiary, or the board of directors of  
412 a corporation created to carry out the mission of his or her  
413 corporation; or

414 (c) A corporation with which the corporation is required by  
415 law to contract to carry out its missions.

416 (4) This section does not supersede any additional or more  
417 stringent standards of conduct applicable to an officer or a  
418 member of the board of directors of an entity specified in  
419 subsection (1) prescribed by any other provision of law.

420 Section 5. Paragraph (d) of subsection (2) of section  
421 28.35, Florida Statutes, is amended to read:

422 28.35 Florida Clerks of Court Operations Corporation.—

423 (2) The duties of the corporation shall include the  
424 following:

425 (d) Developing and certifying a uniform system of workload  
426 measures and applicable workload standards for court-related  
427 functions as developed by the corporation and clerk workload  
428 performance in meeting the workload performance standards. These  
429 workload measures and workload performance standards shall be  
430 designed to facilitate an objective determination of the  
431 performance of each clerk in accordance with minimum standards  
432 for fiscal management, operational efficiency, and effective  
433 collection of fines, fees, service charges, and court costs. The  
434 corporation shall develop the workload measures and workload  
435 performance standards in consultation with the Legislature. When

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436 the corporation finds a clerk has not met the workload  
437 performance standards, the corporation shall identify the nature  
438 of each deficiency and any corrective action recommended and  
439 taken by the affected clerk of the court. For quarterly periods  
440 ending on the last day of March, June, September, and December  
441 of each year, the corporation shall notify the Legislature of  
442 any clerk not meeting workload performance standards and provide  
443 a copy of any corrective action plans. Such notifications shall  
444 be submitted no later than 45 days after the end of the  
445 preceding quarterly period. As used in this subsection, the  
446 term:

447 1. "Workload measures" means the measurement of the  
448 activities and frequency of the work required for the clerk to  
449 adequately perform the court-related duties of the office as  
450 defined by the membership of the Florida Clerks of Court  
451 Operations Corporation.

452 2. "Workload performance standards" means the standards  
453 developed to measure the timeliness and effectiveness of the  
454 activities that are accomplished by the clerk in the performance  
455 of the court-related duties of the office as defined by the  
456 membership of the Florida Clerks of Court Operations  
457 Corporation.

458 Section 6. Present subsections (6) and (7) of section  
459 43.16, Florida Statutes, are redesignated as subsections (7) and  
460 (8), respectively, and a new subsection (6) is added to that  
461 section, to read:

462 43.16 Justice Administrative Commission; membership, powers  
463 and duties.—

464 (6) The commission, each state attorney, each public



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465 defender, the criminal conflict and civil regional counsel, the  
 466 capital collateral regional counsel, and the Guardian Ad Litem  
 467 Program shall establish and maintain internal controls designed  
 468 to:

- 469 (a) Prevent and detect fraud, waste, and abuse.  
 470 (b) Promote and encourage compliance with applicable laws,  
 471 rules, contracts, grant agreements, and best practices.  
 472 (c) Support economical and efficient operations.  
 473 (d) Ensure reliability of financial records and reports.  
 474 (e) Safeguard assets.

475 Section 7. Subsection (7) of section 112.313, Florida  
 476 Statutes, is amended to read:

477 112.313 Standards of conduct for public officers, employees  
 478 of agencies, and local government attorneys.—

479 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

480 (a) A ~~No~~ public officer or employee of an agency may not  
 481 ~~shall~~ have or hold any employment or contractual relationship  
 482 with any business entity or any agency that ~~which~~ is subject to  
 483 the regulation of, or is doing business with, an agency of which  
 484 he or she is an officer or employee, excluding those  
 485 organizations and their officers who, when acting in their  
 486 official capacity, enter into or negotiate a collective  
 487 bargaining contract with the state or any municipality, county,  
 488 or other political subdivision of the state; and ~~nor shall~~ an  
 489 officer or employee of an agency may not have or hold any  
 490 employment or contractual relationship that will create a  
 491 continuing or frequently recurring conflict between his or her  
 492 private interests and the performance of his or her public  
 493 duties or that would impede the full and faithful discharge of

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494 his or her public duties. For purposes of this subsection, if a  
495 public officer or employee of an agency holds a controlling  
496 interest in a business entity or is an officer, a director, or a  
497 member who manages such an entity, contractual relationships  
498 held by the business entity are deemed to be held by the public  
499 officer or employee.

500 1. When the agency referred to is a ~~that certain kind of~~  
501 special tax district created by general or special law and is  
502 limited specifically to constructing, maintaining, managing, and  
503 financing improvements in the land area over which the agency  
504 has jurisdiction, or when the agency has been organized pursuant  
505 to chapter 298, ~~then~~ employment with, or entering into a  
506 contractual relationship with, such a business entity by a  
507 public officer or employee of such an agency is ~~shall~~ not ~~be~~  
508 prohibited by this subsection or ~~be~~ deemed a conflict per se.  
509 However, conduct by such officer or employee that is prohibited  
510 by, or otherwise frustrates the intent of, this section must  
511 ~~shall~~ be deemed a conflict of interest in violation of the  
512 standards of conduct set forth by this section.

513 2. When the agency referred to is a legislative body and  
514 the regulatory power over the business entity resides in another  
515 agency, or when the regulatory power that ~~which~~ the legislative  
516 body exercises over the business entity or agency is strictly  
517 through the enactment of laws or ordinances, ~~then~~ employment or  
518 a contractual relationship with such a business entity by a  
519 public officer or employee of a legislative body is ~~shall~~ not ~~be~~  
520 prohibited by this subsection or ~~be~~ deemed a conflict.

521 (b) This subsection does ~~shall~~ not prohibit a public  
522 officer or employee from practicing in a particular profession

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523 or occupation when such practice by persons holding such public  
524 office or employment is required or permitted by law or  
525 ordinance.

526 Section 8. Subsections (1) and (2) of section 112.3144,  
527 Florida Statutes, are amended to read:

528 112.3144 Full and public disclosure of financial  
529 interests.-

530 (1) In addition to officers specified in s. 8, Art. II of  
531 the State Constitution or other state law, all elected municipal  
532 officers are required to file a full and public disclosure of  
533 their financial interests. An officer who is required ~~by s. 8,~~  
534 ~~Art. II of the State Constitution~~ to file a full and public  
535 disclosure of ~~his or her~~ financial interests for any calendar or  
536 fiscal year shall file that disclosure with the Florida  
537 Commission on Ethics. ~~Additionally, beginning January 1, 2015,~~  
538 An officer who is required to complete annual ethics training  
539 pursuant to s. 112.3142 must certify on his or her full and  
540 public disclosure of financial interests that he or she has  
541 completed the required training.

542 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~  
543 ~~the State Constitution,~~ to file a full and public disclosure of  
544 financial interests and who has filed a full and public  
545 disclosure of financial interests for any calendar or fiscal  
546 year ~~is shall~~ not ~~be~~ required to file a statement of financial  
547 interests pursuant to s. 112.3145(2) and (3) for the same year  
548 or for any part thereof notwithstanding any requirement of this  
549 part. If an incumbent in an elective office has filed the full  
550 and public disclosure of financial interests to qualify for  
551 election to the same office or if a candidate for office holds

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552 another office subject to the annual filing requirement, the  
553 qualifying officer shall forward an electronic copy of the full  
554 and public disclosure of financial interests to the commission  
555 no later than July 1. The electronic copy of the full and public  
556 disclosure of financial interests satisfies the annual  
557 disclosure requirement of this section. A candidate who does not  
558 qualify until after the annual full and public disclosure of  
559 financial interests has been filed pursuant to this section  
560 shall file a copy of his or her disclosure with the officer  
561 before whom he or she qualifies.

562 Section 9. The amendment made to s. 112.3144, Florida  
563 Statutes, by this act applies to disclosures filed for the 2016  
564 calendar year and all subsequent calendar years.

565 Section 10. Subsection (1) of section 112.31455, Florida  
566 Statutes, is amended to read:

567 112.31455 Collection methods for unpaid automatic fines for  
568 failure to timely file disclosure of financial interests.-

569 (1) Before referring any unpaid fine accrued pursuant to s.  
570 112.3144(5) or s. 112.3145(7) to the Department of Financial  
571 Services, the commission shall attempt to determine whether the  
572 individual owing such a fine is a current public officer or  
573 current public employee. If so, the commission may notify the  
574 Chief Financial Officer or the governing body of the appropriate  
575 county, municipality, school district, or special district of  
576 the total amount of any fine owed to the commission by such  
577 individual.

578 (a) After receipt and verification of the notice from the  
579 commission, the Chief Financial Officer or the governing body of  
580 the county, municipality, school district, or special district

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581 shall begin withholding the lesser of 10 percent or the maximum  
582 amount allowed under federal law from any salary-related  
583 payment. The withheld payments shall be remitted to the  
584 commission until the fine is satisfied.

585 (b) The Chief Financial Officer or the governing body of  
586 the county, municipality, school district, or special district  
587 may retain an amount of each withheld payment, as provided in s.  
588 77.0305, to cover the administrative costs incurred under this  
589 section.

590 Section 11. Section 112.3261, Florida Statutes, is amended  
591 to read:

592 112.3261 Lobbying before governmental entities ~~water~~  
593 ~~management districts~~; registration and reporting.—

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

595 (a) "Governmental entity" or "entity" ~~"District"~~ means a  
596 water management district created in s. 373.069 and operating  
597 under the authority of chapter 373, a hospital district, a  
598 children's services district, an expressway authority as the  
599 term "authority" is defined in s. 348.0002, the term "port  
600 authority" as defined in s. 315.02, a county or municipality  
601 that has not adopted lobbyist registration and reporting  
602 requirements, or an independent special district with annual  
603 revenues of more than \$5 million which exercises ad valorem  
604 taxing authority.

605 (b) "Lobbies" means seeking, on behalf of another person,  
606 to influence a governmental entity ~~district~~ with respect to a  
607 decision of the entity ~~district~~ in an area of policy or  
608 procurement or an attempt to obtain the goodwill of an a  
609 ~~district~~ official or employee of a governmental entity. The term

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610 ~~"lobbies"~~ shall be interpreted and applied consistently with the  
611 rules of the commission implementing s. 112.3215.

612 (c) "Lobbyist" has the same meaning as provided in s.  
613 112.3215.

614 (d) "Principal" has the same meaning as provided in s.  
615 112.3215.

616 (2) A person may not lobby a governmental entity ~~district~~  
617 until such person has registered as a lobbyist with that entity  
618 ~~district~~. Such registration shall be due upon initially being  
619 retained to lobby and is renewable on a calendar-year basis  
620 thereafter. Upon registration, the person shall provide a  
621 statement signed by the principal or principal's representative  
622 stating that the registrant is authorized to represent the  
623 principal. The principal shall also identify and designate its  
624 main business on the statement authorizing that lobbyist  
625 pursuant to a classification system approved by the governmental  
626 entity ~~district~~. Any changes to the information required by this  
627 section must be disclosed within 15 days by filing a new  
628 registration form. The registration form must ~~shall~~ require each  
629 lobbyist to disclose, under oath, the following:

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

631 (b) The name and business address of each principal  
632 represented.

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

637 (d) A governmental entity shall create a lobbyist  
638 registration form modeled after the ~~In lieu of creating its own~~

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639 ~~lobbyist registration forms, a district may accept a completed~~  
640 legislative branch or executive branch lobbyist registration  
641 form, which must be returned to the governmental entity.

642 (3) A governmental entity ~~district~~ shall make lobbyist  
643 registrations available to the public. If a governmental entity  
644 ~~district~~ maintains a website, a database of currently registered  
645 lobbyists and principals must be available on the entity's  
646 ~~district's~~ website.

647 (4) A lobbyist shall promptly send a written statement to  
648 the governmental entity ~~district~~ canceling the registration for  
649 a principal upon termination of the lobbyist's representation of  
650 that principal. A governmental entity ~~district~~ may remove the  
651 name of a lobbyist from the list of registered lobbyists if the  
652 principal notifies the entity ~~district~~ that a person is no  
653 longer authorized to represent that principal.

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

658 (6) A governmental entity ~~district~~ shall be diligent to  
659 ascertain whether persons required to register pursuant to this  
660 section have complied. A governmental entity ~~district~~ may not  
661 knowingly authorize a person who is not registered pursuant to  
662 this section to lobby the entity ~~district~~.

663 (7) Upon receipt of a sworn complaint alleging that a  
664 lobbyist or principal has failed to register with a governmental  
665 entity ~~district~~ or has knowingly submitted false information in  
666 a report or registration required under this section, the  
667 commission shall investigate a lobbyist or principal pursuant to

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668 the procedures established under s. 112.324. The commission  
669 shall provide the Governor with a report of its findings and  
670 recommendations in any investigation conducted pursuant to this  
671 subsection. The Governor is authorized to enforce the  
672 commission's findings and recommendations.

673 (8) A governmental entity ~~Water management districts~~ may  
674 adopt rules to establish procedures to govern the registration  
675 of lobbyists, including the adoption of forms and the  
676 establishment of a lobbyist registration fee.

677 Section 12. Paragraph (c) of subsection (3) of section  
678 129.03, Florida Statutes, is amended to read:

679 129.03 Preparation and adoption of budget.—

680 (3) The county budget officer, after tentatively  
681 ascertaining the proposed fiscal policies of the board for the  
682 next fiscal year, shall prepare and present to the board a  
683 tentative budget for the next fiscal year for each of the funds  
684 provided in this chapter, including all estimated receipts,  
685 taxes to be levied, and balances expected to be brought forward  
686 and all estimated expenditures, reserves, and balances to be  
687 carried over at the end of the year.

688 (c) The board shall hold public hearings to adopt tentative  
689 and final budgets pursuant to s. 200.065. The hearings shall be  
690 primarily for the purpose of hearing requests and complaints  
691 from the public regarding the budgets and the proposed tax  
692 levies and for explaining the budget and any proposed or adopted  
693 amendments. The tentative budget must be posted on the county's  
694 official website at least 2 days before the public hearing to  
695 consider such budget and must remain on the website for at least  
696 45 days. The final budget must be posted on the website within



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697 30 days after adoption and must remain on the website for at  
698 least 2 years. The tentative budgets, adopted tentative budgets,  
699 and final budgets shall be filed in the office of the county  
700 auditor as a public record. Sufficient reference in words and  
701 figures to identify the particular transactions must ~~shall~~ be  
702 made in the minutes of the board to record its actions with  
703 reference to the budgets.

704 Section 13. Paragraph (f) of subsection (2) of section  
705 129.06, Florida Statutes, is amended to read:

706 129.06 Execution and amendment of budget.—

707 (2) The board at any time within a fiscal year may amend a  
708 budget for that year, and may within the first 60 days of a  
709 fiscal year amend the budget for the prior fiscal year, as  
710 follows:

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

716 1. The public hearing must be advertised at least 2 days,  
717 but not more than 5 days, before the date of the hearing. The  
718 advertisement must appear in a newspaper of paid general  
719 circulation and must identify the name of the taxing authority,  
720 the date, place, and time of the hearing, and the purpose of the  
721 hearing. The advertisement must also identify each budgetary  
722 fund to be amended, the source of the funds, the use of the  
723 funds, and the total amount of each fund's appropriations.

724 2. If the board amends the budget pursuant to this  
725 paragraph, the adopted amendment must be posted on the county's

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726 official website within 5 days after adoption and must remain on  
727 the website for at least 2 years.

728 Section 14. Subsections (3) and (5) of section 166.241,  
729 Florida Statutes, are amended to read:

730 166.241 Fiscal years, budgets, and budget amendments.—

731 (3) The tentative budget must be posted on the  
732 municipality's official website at least 2 days before the  
733 budget hearing, held pursuant to s. 200.065 or other law, to  
734 consider such budget, and must remain on the website for at  
735 least 45 days. The final adopted budget must be posted on the  
736 municipality's official website within 30 days after adoption  
737 and must remain on the website for at least 2 years. If the  
738 municipality does not operate an official website, the  
739 municipality must, within a reasonable period of time as  
740 established by the county or counties in which the municipality  
741 is located, transmit the tentative budget and final budget to  
742 the manager or administrator of such county or counties who  
743 shall post the budgets on the county's website.

744 (5) If the governing body of a municipality amends the  
745 budget pursuant to paragraph (4)(c), the adopted amendment must  
746 be posted on the official website of the municipality within 5  
747 days after adoption and must remain on the website for at least  
748 2 years. If the municipality does not operate an official  
749 website, the municipality must, within a reasonable period of  
750 time as established by the county or counties in which the  
751 municipality is located, transmit the adopted amendment to the  
752 manager or administrator of such county or counties who shall  
753 post the adopted amendment on the county's website.

754 Section 15. Subsections (4) and (7) of section 189.016,

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755 Florida Statutes, are amended to read:

756 189.016 Reports; budgets; audits.-

757 (4) The tentative budget must be posted on the special  
758 district's official website at least 2 days before the budget  
759 hearing, held pursuant to s. 200.065 or other law, to consider  
760 such budget, and must remain on the website for at least 45  
761 days. The final adopted budget must be posted on the special  
762 district's official website within 30 days after adoption and  
763 must remain on the website for at least 2 years. If the special  
764 district does not operate an official website, the special  
765 district must, within a reasonable period of time as established  
766 by the local general-purpose government or governments in which  
767 the special district is located or the local governing authority  
768 to which the district is dependent, transmit the tentative  
769 budget or final budget to the manager or administrator of the  
770 local general-purpose government or the local governing  
771 authority. The manager or administrator shall post the tentative  
772 budget or final budget on the website of the local general-  
773 purpose government or governing authority. This subsection and  
774 subsection (3) do not apply to water management districts as  
775 defined in s. 373.019.

776 (7) If the governing body of a special district amends the  
777 budget pursuant to paragraph (6) (c), the adopted amendment must  
778 be posted on the official website of the special district within  
779 5 days after adoption and must remain on the website for at  
780 least 2 years. If the special district does not operate an  
781 official website, the special district must, within a reasonable  
782 period of time as established by the local general-purpose  
783 government or governments in which the special district is

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784 located or the local governing authority to which the district  
785 is dependent, transmit the adopted amendment to the manager or  
786 administrator of the local general-purpose government or  
787 governing authority. The manager or administrator shall post the  
788 adopted amendment on the website of the local general-purpose  
789 government or governing authority.

790 Section 16. Present subsections (1) through (5) of section  
791 215.425, Florida Statutes, are redesignated as subsections (2)  
792 through (6), respectively, present subsection (2) and paragraph  
793 (a) of present subsection (4) of that section are amended, and a  
794 new subsection (1) and subsections (7) through (13) are added to  
795 that section, to read:

796 215.425 Extra compensation claims prohibited; bonuses;  
797 severance pay.—

798 (1) As used in this section, the term "public funds" means  
799 any taxes, tuition, grants, fines, fees, or other charges or any  
800 other type of revenue collected by the state or any county,  
801 municipality, special district, school district, Florida College  
802 System institution, state university, or other separate unit of  
803 government created pursuant to law, including any office,  
804 department, agency, division, subdivision, political  
805 subdivision, board, bureau, or commission of such entities.

806 (3)~~(2)~~ Notwithstanding subsection (2), if the payment and  
807 receipt does not otherwise violate part III of chapter 112, the  
808 following funds may be used to provide extra compensation:

809 (a) Revenues received by state universities through or from  
810 faculty practice plans, health services support organizations,  
811 hospitals with which state universities are affiliated, direct-  
812 support organizations, or private donations, so long as such

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813 extra compensation is paid to individuals who are primarily  
814 clinical practitioners;

815 (b) Revenues received by Florida College System  
816 institutions through or from faculty practice plans, health  
817 services support organizations, direct-support organizations, or  
818 private donations, so long as such extra compensation is paid to  
819 individuals who are primarily clinical practitioners;

820 (c) Revenues that are received by a hospital licensed under  
821 chapter 395 which has entered into a Medicaid Provider Contract,  
822 so long as such extra compensation is paid to individuals who  
823 are primarily clinical practitioners, and such revenues that:

824 1. Are not derived from the levy of an ad valorem tax;

825 2. Are not derived from patient services paid through the  
826 Medicaid or Medicare program;

827 3. Are derived from patient services pursuant to contracts  
828 with private insurers or private managed care entities; or

829 4. Are not appropriated by the Legislature or by any  
830 county, municipality, special district, school district, Florida  
831 College System institution, state university, or other separate  
832 unit of government created pursuant to law, including any  
833 office, department, agency, division, subdivision, political  
834 subdivision, board, bureau, commission, authority, or  
835 institution of such entities, except for revenues otherwise  
836 authorized to be used pursuant to subparagraphs 2. and 3.

837 ~~This section does not apply to:~~

838 ~~(a) a bonus or severance pay that is paid wholly from~~  
839 ~~nontax revenues and nonstate appropriated funds, the payment and~~  
840 ~~receipt of which does not otherwise violate part III of chapter~~  
841 ~~112, and which is paid to an officer, agent, employee, or~~

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842 ~~contractor of a public hospital that is operated by a county or~~  
843 ~~a special district; or~~

844 (d) (b) A clothing and maintenance allowance given to  
845 plainclothes deputies pursuant to s. 30.49.

846 (e) Revenues or fees received by a seaport or airport from  
847 sources other than through the levy of a tax or funds  
848 appropriated by any county or municipality or the Legislature.

849 (5) (a) (4) (a) On or after July 1, 2011, A unit of  
850 government, on or after July 1, 2011, or a state university, on  
851 or after July 1, 2012, which is a party to ~~that enters into~~ a  
852 contract or employment agreement, or renewal or renegotiation of  
853 an existing contract or employment agreement, that contains a  
854 provision for severance pay with an officer, agent, employee, or  
855 contractor must include the following provisions in the  
856 contract:

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

860 2. A prohibition of provision of severance pay paid from  
861 any source of revenue when the officer, agent, employee, or  
862 contractor has been fired by the unit of government for  
863 misconduct, as defined in s. 443.036(29), ~~by the unit of~~  
864 ~~government.~~

865 (7) Upon discovery or notification that a unit of  
866 government has provided prohibited compensation to any officer,  
867 agent, employee, or contractor in violation of this section,  
868 such unit of government shall investigate and take all necessary  
869 action to recover the prohibited compensation.

870 (a) If the violation was unintentional, the unit of

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871 government shall recover the prohibited compensation from the  
872 individual receiving the prohibited compensation through normal  
873 recovery methods for overpayments.

874 (b) If the violation was willful, the unit of government  
875 shall recover the prohibited compensation from either the  
876 individual receiving the prohibited compensation or the  
877 individual or individuals responsible for approving the  
878 prohibited compensation.

879 (8) A person who willfully violates this section commits a  
880 misdemeanor of the first degree, punishable as provided in s.  
881 775.082 or s. 775.083, and is jointly and severally liable for  
882 repayment of the prohibited compensation.

883 (9) An officer who exercises the powers and duties of a  
884 state or county officer and willfully violates this section is  
885 subject to the Governor's power under s. 7(a), Art. IV of the  
886 State Constitution. An officer who exercises powers and duties  
887 other than those of a state or county officer and willfully  
888 violates this section is subject to the suspension and removal  
889 procedures under s. 112.51.

890 (10) (a) A person who reports a violation of this section is  
891 eligible for a reward of at least \$500, or the lesser of 10  
892 percent of the funds recovered or \$10,000 per incident of a  
893 prohibited compensation payment recovered by the unit of  
894 government, depending upon the extent to which the person  
895 substantially contributed to the discovery, notification, and  
896 recovery of such prohibited payment.

897 (b) In the event that the recovery of the prohibited  
898 compensation is based primarily on disclosures of specific  
899 information, other than information provided by such person,

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900 relating to allegations or transactions in a criminal, civil, or  
901 administrative hearing; in a legislative, administrative,  
902 inspector general's, or other governmental report; in an Auditor  
903 General's report, hearing, audit, or investigation; or reported  
904 in the news media, such person is not eligible for a reward or  
905 for an award of a portion of the proceeds or the payment of  
906 attorney fees and costs pursuant to s. 68.085.

907 (c) If it is determined that the person who reported a  
908 violation of this section was involved in the authorization,  
909 approval, or receipt of the prohibited compensation, or if that  
910 person is convicted of criminal conduct arising from his or her  
911 role in the authorization, approval, or receipt of the  
912 prohibited compensation, he or she is not eligible for a reward  
913 or for an award of a portion of the proceeds or payment of  
914 attorney fees and costs pursuant to s. 68.085.

915 (11) A cause of action under s. 112.3187 exists for an  
916 employee who is discharged, demoted, suspended, threatened,  
917 harassed, or in any manner discriminated against by his or her  
918 employer in the terms and conditions of employment for lawful  
919 acts performed on his or her behalf or on behalf of others in  
920 furtherance of bringing an action under this section, including  
921 investigation for initiation of, testimony for, or assistance in  
922 an action filed or to be filed under this section.

923 (12) In the case of a willful violation of this section, if  
924 the unit of government fails to recover prohibited compensation  
925 within 90 days after discovering or being notified that such  
926 compensation occurred, a cause of action may be brought to  
927 recover state funds in accordance with ss. 68.082 and 68.083.  
928 Other funds may be recovered by:



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929 (a) The Department of Legal Affairs using the procedures  
 930 set forth in ss. 68.082 and 68.083, except that venue shall lie  
 931 in the circuit court of the county in which the unit of  
 932 government is located.

933 (b) A person using the procedures set forth in ss. 68.082  
 934 and 68.083, except that venue shall lie in the circuit court of  
 935 the county in which the unit of government is located.

936 (13) Subsections (7)-(12) apply prospectively to contracts  
 937 or employment agreements, or the renewal or renegotiation of an  
 938 existing contract or employment agreement, effective on or after  
 939 October 1, 2016.

940 Section 17. Section 215.86, Florida Statutes, is amended to  
 941 read:

942 215.86 Management systems and controls.—Each state agency  
 943 and the judicial branch as defined in s. 216.011 shall establish  
 944 and maintain management systems and internal controls designed  
 945 to:

- 946 (1) Prevent and detect fraud, waste, and abuse. ~~that~~
- 947 (2) Promote and encourage compliance with applicable laws,  
 948 rules, contracts, grant agreements, and best practices.†
- 949 (3) Support economical and ~~economic,~~ efficient, ~~and~~  
 950 effective operations.†
- 951 (4) Ensure reliability of financial records and reports.†
- 952 (5) Safeguard and ~~safeguarding~~ of assets. Accounting  
 953 systems and procedures shall be designed to fulfill the  
 954 requirements of generally accepted accounting principles.

955 Section 18. Paragraph (a) of subsection (2) of section  
 956 215.97, Florida Statutes, is amended to read:

957 215.97 Florida Single Audit Act.—

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958 (2) Definitions; as used in this section, the term:  
959 (a) "Audit threshold" means the threshold amount used to  
960 determine when a state single audit or project-specific audit of  
961 a nonstate entity shall be conducted in accordance with this  
962 section. Each nonstate entity that expends a total amount of  
963 state financial assistance equal to or in excess of \$750,000  
964 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be  
965 required to have a state single audit, or a project-specific  
966 audit, for such fiscal year in accordance with the requirements  
967 of this section. ~~Every 2 years the Auditor General,~~ After  
968 consulting with the Executive Office of the Governor, the  
969 Department of Financial Services, and all state awarding  
970 agencies, the Auditor General shall periodically review the  
971 threshold amount for requiring audits under this section and may  
972 recommend any appropriate statutory change to revise the  
973 threshold amount in the annual report submitted pursuant to s.  
974 11.45(7)(h) to the Legislature ~~may adjust such threshold amount~~  
975 ~~consistent with the purposes of this section.~~

976 Section 19. Subsection (11) of section 215.985, Florida  
977 Statutes, is amended to read:

978 215.985 Transparency in government spending.—

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

984 Section 20. Paragraph (d) of subsection (1) and subsection  
985 (2) of section 218.32, Florida Statutes, are amended to read:

986 218.32 Annual financial reports; local governmental

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987 entities.-

988 (1)

989 (d) Each local governmental entity that is required to  
990 provide for an audit under s. 218.39(1) must submit a copy of  
991 the audit report and annual financial report to the department  
992 within 45 days after the completion of the audit report but no  
993 later than 9 months after the end of the fiscal year. In  
994 conducting an audit of a local governmental entity pursuant to  
995 s. 218.39, an independent certified public accountant shall  
996 determine whether the entity's annual financial report is in  
997 agreement with the audited financial statements. The  
998 accountant's audit report must be supported by the same level of  
999 detail as required for the annual financial report. If the  
1000 accountant's audit report is not in agreement with the annual  
1001 financial report, the accountant shall specify and explain the  
1002 significant differences that exist between the annual financial  
1003 report and the audit report.

1004 (2) The department shall annually by December 1 file a  
1005 verified report with the Governor, the Legislature, the Auditor  
1006 General, and the Special District Accountability Program of the  
1007 Department of Economic Opportunity showing the revenues, both  
1008 locally derived and derived from intergovernmental transfers,  
1009 and the expenditures of each local governmental entity, regional  
1010 planning council, local government finance commission, and  
1011 municipal power corporation that is required to submit an annual  
1012 financial report. In preparing the verified report, the  
1013 department may request additional information from the local  
1014 governmental entity. The information requested must be provided  
1015 to the department within 45 days after the request. If the local

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1016 governmental entity does not comply with the request, the  
1017 department shall notify the Legislative Auditing Committee,  
1018 which may take action pursuant to s. 11.40(2). The report must  
1019 include, but is not limited to:

1020 (a) The total revenues and expenditures of each local  
1021 governmental entity that is a component unit included in the  
1022 annual financial report of the reporting entity.

1023 (b) The amount of outstanding long-term debt by each local  
1024 governmental entity. For purposes of this paragraph, the term  
1025 "long-term debt" means any agreement or series of agreements to  
1026 pay money, which, at inception, contemplate terms of payment  
1027 exceeding 1 year in duration.

1028 Section 21. Present subsection (3) of section 218.33,  
1029 Florida Statutes, is redesignated as subsection (4), and a new  
1030 subsection (3) is added to that section, to read:

1031 218.33 Local governmental entities; establishment of  
1032 uniform fiscal years and accounting practices and procedures.—

1033 (3) Each local governmental entity shall establish and  
1034 maintain internal controls designed to:

1035 (a) Prevent and detect fraud, waste, and abuse.

1036 (b) Promote and encourage compliance with applicable laws,  
1037 rules, contracts, grant agreements, and best practices.

1038 (c) Support economical and efficient operations.

1039 (d) Ensure reliability of financial records and reports.

1040 (e) Safeguard assets.

1041 Section 22. Present subsections (8) through (12) of section  
1042 218.39, Florida Statutes, are redesignated as subsections (9)  
1043 through (13), respectively, and a new subsection (8) is added to  
1044 that section, to read:

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1045 218.39 Annual financial audit reports.-

1046 (8) If the audit report includes a recommendation that was  
 1047 included in the preceding financial audit report but remains  
 1048 unaddressed, the governing body of the audited entity, within 60  
 1049 days after the delivery of the audit report to the governing  
 1050 body, shall indicate during a regularly scheduled public meeting  
 1051 whether it intends to take corrective action, the intended  
 1052 corrective action, and the timeframe for the corrective action.  
 1053 If the governing body indicates that it does not intend to take  
 1054 corrective action, it shall explain its decision at the public  
 1055 meeting.

1056 Section 23. Subsection (2) of section 218.391, Florida  
 1057 Statutes, is amended, and subsection (9) is added to that  
 1058 section, to read:

1059 218.391 Auditor selection procedures.-

1060 (2) The governing body of a ~~charter~~ county, municipality,  
 1061 special district, district school board, charter school, or  
 1062 charter technical career center shall establish an audit  
 1063 committee.

1064 (a) The audit committee for a county ~~Each noncharter county~~  
 1065 ~~shall establish an audit committee that,~~ at a minimum, shall  
 1066 consist of each of the county officers elected pursuant to the  
 1067 county charter or s. 1(d), Art. VIII of the State Constitution,  
 1068 or their respective designees ~~a designee,~~ and one member of the  
 1069 board of county commissioners or its designee.

1070 (b) The audit committee for a municipality, special  
 1071 district, district school board, charter school, or charter  
 1072 technical career center shall consist of at least three members.  
 1073 One member of the audit committee must be a member of the

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1074 governing body of an entity specified in this paragraph, who  
1075 shall also serve as the chair of the committee.

1076 (c) An employee, chief executive officer, or chief  
1077 financial officer of the county, municipality, special district,  
1078 district school board, charter school, or charter technical  
1079 career center may not serve as a member of an audit committee  
1080 established under this subsection.

1081 (d) The primary purpose of the audit committee is to assist  
1082 the governing body in selecting an auditor to conduct the annual  
1083 financial audit required in s. 218.39; however, the audit  
1084 committee may serve other audit oversight purposes as determined  
1085 by the entity's governing body. The public ~~may~~ shall not be  
1086 excluded from the proceedings under this section.

1087 (9) An audit report submitted pursuant to s. 218.39 must  
1088 include an affidavit executed by the chair of the audit  
1089 committee affirming that the committee complied with the  
1090 requirements of subsections (3)-(6) in selecting an auditor. If  
1091 the Auditor General determines that an entity failed to comply  
1092 with the requirements of subsections (3)-(6) in selecting an  
1093 auditor, the entity shall select a replacement auditor in  
1094 accordance with this section to conduct audits for subsequent  
1095 fiscal years if the original audit was performed under a  
1096 multiyear contract. If the replacement of an auditor would  
1097 preclude the entity from timely completing the annual financial  
1098 audit required by s. 218.39, the entity shall replace an auditor  
1099 in accordance with this section for the subsequent annual  
1100 financial audit. A multiyear contract between an entity or an  
1101 auditor may not prohibit or restrict an entity from complying  
1102 with this subsection.

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1103 Section 24. Subsection (2) of section 286.0114, Florida  
1104 Statutes, is amended to read:

1105 286.0114 Public meetings; reasonable opportunity to be  
1106 heard; attorney fees.—

1107 (2) Members of the public shall be given a reasonable  
1108 opportunity to be heard on a proposition before a board or  
1109 commission. The opportunity to be heard need not occur at the  
1110 same meeting at which the board or commission takes official  
1111 action on the proposition if the opportunity occurs at a meeting  
1112 that is during the decisionmaking process and is within  
1113 reasonable proximity in time before the meeting at which the  
1114 board or commission takes the official action. A board or  
1115 commission may not require a member of the public to provide an  
1116 advance written copy of his or her testimony or comments as a  
1117 precondition of being given the opportunity to be heard at a  
1118 meeting. This section does not prohibit a board or commission  
1119 from maintaining orderly conduct or proper decorum in a public  
1120 meeting. The opportunity to be heard is subject to rules or  
1121 policies adopted by the board or commission, as provided in  
1122 subsection (4).

1123 Section 25. Paragraph (b) of subsection (2) of section  
1124 288.92, Florida Statutes, is amended to read:

1125 288.92 Divisions of Enterprise Florida, Inc.—

1126 (2)

1127 (b)1. The following officers and board members are subject  
1128 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
1129 112.3143(2):

1130 a. Officers and members of the board of directors of the  
1131 divisions of Enterprise Florida, Inc.

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1132           b. Officers and members of the board of directors of  
1133 subsidiaries of Enterprise Florida, Inc.

1134           c. Officers and members of the board of directors of  
1135 corporations created to carry out the missions of Enterprise  
1136 Florida, Inc.

1137           d. Officers and members of the board of directors of  
1138 corporations with which a division is required by law to  
1139 contract to carry out its missions.

1140           2. For a period of 6 years after retirement from or  
1141 termination of service to a division, or for a period of 10  
1142 years if removed or terminated for cause or for misconduct, as  
1143 defined in s. 443.036(29), the officers and board members  
1144 specified in subparagraph 1. may not represent another person or  
1145 entity for compensation before:

1146           a. Enterprise Florida, Inc.;

1147           b. A division, a subsidiary, or the board of directors of  
1148 corporations created to carry out the missions of Enterprise  
1149 Florida, Inc.; or

1150           c. A division with which Enterprise Florida, Inc., is  
1151 required by law to contract to carry out its missions.

1152           ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),  
1153 (12), and (15); 112.3135; and 112.3143(2) to activities of the  
1154 officers and members of the board of directors specified in  
1155 subparagraph 1., those persons shall be considered public  
1156 officers or employees and the corporation shall be considered  
1157 their agency.

1158           ~~4.3.~~ It is not a violation of s. 112.3143(2) or (4) for the  
1159 officers or members of the board of directors of the Florida  
1160 Tourism Industry Marketing Corporation to:



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1161 a. Vote on the 4-year marketing plan required under s.  
1162 288.923 or vote on any individual component of or amendment to  
1163 the plan.

1164 b. Participate in the establishment or calculation of  
1165 payments related to the private match requirements of s.  
1166 288.904(3). The officer or member must file an annual disclosure  
1167 describing the nature of his or her interests or the interests  
1168 of his or her principals, including corporate parents and  
1169 subsidiaries of his or her principal, in the private match  
1170 requirements. This annual disclosure requirement satisfies the  
1171 disclosure requirement of s. 112.3143(4). This disclosure must  
1172 be placed ~~either~~ on the Florida Tourism Industry Marketing  
1173 Corporation's website or included in the minutes of each meeting  
1174 of the Florida Tourism Industry Marketing Corporation's board of  
1175 directors at which the private match requirements are discussed  
1176 or voted upon.

1177 Section 26. Paragraph (a) of subsection (3) of section  
1178 288.9604, Florida Statutes, is amended to read:

1179 288.9604 Creation of the authority.—

1180 (3)(a)1. A director may not receive compensation for his or  
1181 her services, but is entitled to necessary expenses, including  
1182 travel expenses, incurred in the discharge of his or her duties.  
1183 Each director shall hold office until his or her successor has  
1184 been appointed.

1185 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),  
1186 and (15); 112.3135; and 112.3143(2). For purposes of applying  
1187 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
1188 112.3143(2) to activities of directors, directors shall be  
1189 considered public officers and the corporation shall be

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1190 considered their agency.

1191 3. A director of the corporation may not represent another  
1192 person or entity for compensation before the corporation for a  
1193 period of 6 years following his or her service on the board of  
1194 directors.

1195 Section 27. Paragraph (e) of subsection (4), paragraph (d)  
1196 of subsection (5), and paragraph (d) of subsection (6) of  
1197 section 373.536, Florida Statutes, are amended to read:

1198 373.536 District budget and hearing thereon.—

1199 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1200 (e) ~~By September 1, 2012,~~ Each district shall provide a  
1201 monthly financial statement in the form and manner prescribed by  
1202 the Department of Financial Services to the district's governing  
1203 board and make such monthly financial statement available for  
1204 public access on its website.

1205 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND  
1206 APPROVAL.—

1207 (d) Each district shall, by August 1 of each year, submit  
1208 for review a tentative budget and a description of any  
1209 significant changes from the preliminary budget submitted to the  
1210 Legislature pursuant to s. 373.535 to the Governor, the  
1211 President of the Senate, the Speaker of the House of  
1212 Representatives, the chairs of all legislative committees and  
1213 subcommittees having substantive or fiscal jurisdiction over  
1214 water management districts, as determined by the President of  
1215 the Senate or the Speaker of the House of Representatives, as  
1216 applicable, the secretary of the department, and the governing  
1217 body of each county in which the district has jurisdiction or  
1218 derives any funds for the operations of the district. The

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1219 tentative budget must be posted on the district's official  
1220 website at least 2 days before budget hearings held pursuant to  
1221 s. 200.065 or other law and must remain on the website for at  
1222 least 45 days.

1223 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
1224 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1225 (d) The final adopted budget must be posted on the water  
1226 management district's official website within 30 days after  
1227 adoption and must remain on the website for at least 2 years.

1228 Section 28. Section 838.014, Florida Statutes, is amended  
1229 to read:

1230 838.014 Definitions.—As used in this chapter, the term:

1231 (1) "Benefit" means gain or advantage, or anything regarded  
1232 by the person to be benefited as a gain or advantage, including  
1233 the doing of an act beneficial to any person in whose welfare he  
1234 or she is interested, including any commission, gift, gratuity,  
1235 property, commercial interest, or any other thing of economic  
1236 value not authorized by law.

1237 (2) "Bid" includes a response to an "invitation to bid,"  
1238 "invitation to negotiate," "request for a quote," or "request  
1239 for proposals" as those terms are defined in s. 287.012.

1240 (3) "Commodity" means any goods, merchandise, wares,  
1241 produce, chose in action, land, article of commerce, or other  
1242 tangible or intangible property, real, personal, or mixed, for  
1243 use, consumption, production, enjoyment, or resale.

1244 (4) "Governmental entity" means the state, including any  
1245 unit of the executive, legislative, and judicial branches of  
1246 government, political subdivisions and any agency or office  
1247 thereof, or any other public entity that independently exercises

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1248 any type of governmental function ~~“Corruptly” or “with corrupt~~  
1249 ~~intent” means acting knowingly and dishonestly for a wrongful~~  
1250 ~~purpose.~~

1251 (5) “Harm” means pecuniary or other loss, disadvantage, or  
1252 injury to the person affected.

1253 (6) “Public servant” means:

1254 (a) Any officer or employee of a governmental state,  
1255 ~~county, municipal, or special district agency or entity;~~

1256 (b) Any legislative or judicial officer or employee;

1257 (c) Any person, except a witness, who acts as a general or  
1258 special magistrate, receiver, auditor, arbitrator, umpire,  
1259 referee, consultant, or hearing officer while performing a  
1260 governmental function; ~~or~~

1261 (d) A candidate for election or appointment to any of the  
1262 positions listed in this subsection, or an individual who has  
1263 been elected to, but has yet to officially assume the  
1264 responsibilities of, public office; or

1265 (e) To the extent that the individual’s conduct relates to  
1266 the performance of a public duty of a governmental entity, any  
1267 officer, director, partner, manager, representative, or employee  
1268 of a nongovernmental entity, private corporation, quasi-public  
1269 corporation, or quasi-public entity, or any person subject to  
1270 chapter 119 who is acting on behalf of a governmental entity.

1271 For purposes of this paragraph, “nongovernmental entity” means a  
1272 person, an association, a cooperative, a corporation, a  
1273 partnership, an organization, or any other entity, whether  
1274 operating for profit or not for profit, which is not a  
1275 governmental entity.

1276 (7) “Service” means any kind of activity performed in whole

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1277 or in part for economic benefit.

1278 Section 29. Subsection (1) of section 838.015, Florida  
1279 Statutes, is amended to read:

1280 838.015 Bribery.—

1281 (1) For purposes of this section, "bribery" means ~~corruptly~~  
1282 to knowingly and intentionally give, offer, or promise to any  
1283 public servant, or, if a public servant, ~~corruptly~~ to knowingly  
1284 and intentionally request, solicit, accept, or agree to accept  
1285 for himself or herself or another, any pecuniary or other  
1286 benefit not authorized by law with an intent or purpose to  
1287 influence the performance of any act or omission which the  
1288 person believes to be, or the public servant represents as  
1289 being, within the official discretion of a public servant, in  
1290 violation of a public duty, or in performance of a public duty.

1291 Section 30. Subsections (1) and (2) of section 838.016,  
1292 Florida Statutes, are amended to read:

1293 838.016 Unlawful compensation or reward for official  
1294 behavior.—

1295 (1) It is unlawful for any person ~~corruptly~~ to knowingly  
1296 and intentionally give, offer, or promise to any public servant,  
1297 or, if a public servant, ~~corruptly~~ to knowingly and  
1298 intentionally request, solicit, accept, or agree to accept, any  
1299 pecuniary or other benefit not authorized by law, for the past,  
1300 present, or future performance, nonperformance, or violation of  
1301 any act or omission which the person believes to have been, or  
1302 the public servant represents as having been, either within the  
1303 official discretion of the public servant, in violation of a  
1304 public duty, or in performance of a public duty. This section  
1305 may not ~~Nothing herein shall~~ be construed to preclude a public

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1306 servant from accepting rewards for services performed in  
 1307 apprehending any criminal.

1308 (2) It is unlawful for any person ~~corruptly~~ to knowingly  
 1309 and intentionally give, offer, or promise to any public servant,  
 1310 or, if a public servant, ~~corruptly~~ to knowingly and  
 1311 intentionally request, solicit, accept, or agree to accept, any  
 1312 pecuniary or other benefit not authorized by law for the past,  
 1313 present, or future exertion of any influence upon or with any  
 1314 other public servant regarding any act or omission which the  
 1315 person believes to have been, or which is represented to him or  
 1316 her as having been, either within the official discretion of the  
 1317 other public servant, in violation of a public duty, or in  
 1318 performance of a public duty.

1319 Section 31. Subsection (1) of section 838.022, Florida  
 1320 Statutes, is amended, and subsection (2) of that section is  
 1321 republished, to read:

1322 838.022 Official misconduct.—

1323 (1) It is unlawful for a public servant, ~~with corrupt~~  
 1324 ~~intent~~ to knowingly and intentionally obtain an improper a  
 1325 benefit for any person or to cause unlawful harm to another, by  
 1326 ~~to~~:

1327 (a) Falsifying ~~Falsify~~, or causing ~~cause~~ another person to  
 1328 falsify, any official record or official document;

1329 (b) Concealing, covering up, destroying, mutilating, or  
 1330 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any  
 1331 official record or official document or causing ~~cause~~ another  
 1332 person to perform such an act; or

1333 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~  
 1334 ~~or prevent~~ the communication of information relating to the

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1335 commission of a felony that directly involves or affects the  
 1336 governmental ~~public agency or public~~ entity served by the public  
 1337 servant.

1338 (2) For the purposes of this section:

1339 (a) The term "public servant" does not include a candidate  
 1340 who does not otherwise qualify as a public servant.

1341 (b) An official record or official document includes only  
 1342 public records.

1343 Section 32. Subsections (1) and (2) of section 838.22,  
 1344 Florida Statutes, are amended to read:

1345 838.22 Bid tampering.—

1346 (1) It is unlawful for a public servant, ~~with corrupt~~  
 1347 ~~intent~~ to knowingly and intentionally influence or attempt to  
 1348 influence, in an improper manner, the competitive bidding  
 1349 process undertaken by any governmental ~~state, county, municipal,~~  
 1350 ~~or special district agency, or any other public entity,~~ for the  
 1351 procurement of commodities or services, by ~~to~~:

1352 (a) Disclosing ~~Disclose~~ material information concerning a  
 1353 bid or other aspects of the competitive bidding process when  
 1354 such information is not publicly disclosed.

1355 (b) Altering or amending ~~Alter or amend~~ a submitted bid,  
 1356 documents or other materials supporting a submitted bid, or bid  
 1357 results for the purpose of intentionally providing a competitive  
 1358 advantage to any person who submits a bid.

1359 (2) It is unlawful for a public servant, ~~with corrupt~~  
 1360 ~~intent~~ to knowingly and intentionally obtain an improper a  
 1361 benefit for any person or to cause unlawful harm to another, to  
 1362 circumvent a competitive bidding process required by law or rule  
 1363 by using a sole-source contract for commodities or services.

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1364 Section 33. Paragraph (l) of subsection (12) of section  
 1365 1001.42, Florida Statutes, is amended to read:

1366 1001.42 Powers and duties of district school board.—The  
 1367 district school board, acting as a board, shall exercise all  
 1368 powers and perform all duties listed below:

1369 (12) FINANCE.—Take steps to assure students adequate  
 1370 educational facilities through the financial procedure  
 1371 authorized in chapters 1010 and 1011 and as prescribed below:

1372 (1) *Internal auditor*.—May employ an internal auditor to  
 1373 perform ongoing financial verification of the financial records  
 1374 of the school district and such other audits and reviews as the  
 1375 district school board directs for the purpose of determining:

1376 1. The adequacy of internal controls designed to prevent  
 1377 and detect fraud, waste, and abuse.

1378 2. Compliance with applicable laws, rules, contracts, grant  
 1379 agreements, district school board-approved policies, and best  
 1380 practices.

1381 3. The efficiency of operations.

1382 4. The reliability of financial records and reports.

1383 5. The safeguarding of assets.

1384  
 1385 The internal auditor shall report directly to the district  
 1386 school board or its designee.

1387 Section 34. Paragraph (j) of subsection (9) of section  
 1388 1002.33, Florida Statutes, is amended to read:

1389 1002.33 Charter schools.—

1390 (9) CHARTER SCHOOL REQUIREMENTS.—

1391 (j) The governing body of the charter school shall be  
 1392 responsible for:



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1393 1. Establishing and maintaining internal controls designed

1394 to:

1395 a. Prevent and detect fraud, waste, and abuse.

1396 b. Promote and encourage compliance with applicable laws,  
1397 rules, contracts, grant agreements, and best practices.

1398 c. Support economical and efficient operations.

1399 d. Ensure reliability of financial records and reports.

1400 e. Safeguard assets.

1401 ~~2.1.~~ Ensuring that the charter school has retained the  
1402 services of a certified public accountant or auditor for the  
1403 annual financial audit, pursuant to s. 1002.345(2), who shall  
1404 submit the report to the governing body.

1405 ~~3.2.~~ Reviewing and approving the audit report, including  
1406 audit findings and recommendations for the financial recovery  
1407 plan.

1408 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including  
1409 monitoring a corrective action plan.

1410 b. Monitoring a financial recovery plan in order to ensure  
1411 compliance.

1412 ~~5.4.~~ Participating in governance training approved by the  
1413 department which must include government in the sunshine,  
1414 conflicts of interest, ethics, and financial responsibility.

1415 Section 35. Present subsections (6) through (10) of section  
1416 1002.37, Florida Statutes, are redesignated as subsections (7)  
1417 through (11), respectively, a new subsection (6) is added to  
1418 that section, and present subsections (6) and (11) of that  
1419 section are amended, to read:

1420 1002.37 The Florida Virtual School.—

1421 (6) The Florida Virtual School shall have an annual

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1422 financial audit of its accounts and records conducted by an  
1423 independent auditor who is a certified public accountant  
1424 licensed under chapter 473. The independent auditor shall  
1425 conduct the audit in accordance with rules adopted by the  
1426 Auditor General pursuant to s. 11.45 and, upon completion of the  
1427 audit, shall prepare an audit report in accordance with such  
1428 rules. The audit report must include a written statement of the  
1429 board of trustees describing corrective action to be taken in  
1430 response to each of the recommendations of the independent  
1431 auditor included in the audit report. The independent auditor  
1432 shall submit the audit report to the board of trustees and the  
1433 Auditor General no later than 9 months after the end of the  
1434 preceding fiscal year.

1435 (7)~~(6)~~ The board of trustees shall annually submit to the  
1436 Governor, the Legislature, the Commissioner of Education, and  
1437 the State Board of Education the audit report prepared pursuant  
1438 to subsection (6) and a complete and detailed report setting  
1439 forth:

1440 (a) The operations and accomplishments of the Florida  
1441 Virtual School within the state and those occurring outside the  
1442 state as Florida Virtual School Global.

1443 (b) The marketing and operational plan for the Florida  
1444 Virtual School and Florida Virtual School Global, including  
1445 recommendations regarding methods for improving the delivery of  
1446 education through the Internet and other distance learning  
1447 technology.

1448 (c) The assets and liabilities of the Florida Virtual  
1449 School and Florida Virtual School Global at the end of the  
1450 fiscal year.

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1451           ~~(d) A copy of an annual financial audit of the accounts and~~  
1452 ~~records of the Florida Virtual School and Florida Virtual School~~  
1453 ~~Global, conducted by an independent certified public accountant~~  
1454 ~~and performed in accordance with rules adopted by the Auditor~~  
1455 ~~General.~~

1456           ~~(e)~~ Recommendations regarding the unit cost of providing  
1457 services to students through the Florida Virtual School and  
1458 Florida Virtual School Global. In order to most effectively  
1459 develop public policy regarding any future funding of the  
1460 Florida Virtual School, it is imperative that the cost of the  
1461 program is accurately identified. The identified cost of the  
1462 program must be based on reliable data.

1463           (e)~~(f)~~ Recommendations regarding an accountability  
1464 mechanism to assess the effectiveness of the services provided  
1465 by the Florida Virtual School and Florida Virtual School Global.

1466           ~~(11) The Auditor General shall conduct an operational audit~~  
1467 ~~of the Florida Virtual School, including Florida Virtual School~~  
1468 ~~Global. The scope of the audit shall include, but not be limited~~  
1469 ~~to, the administration of responsibilities relating to~~  
1470 ~~personnel; procurement and contracting; revenue production;~~  
1471 ~~school funds, including internal funds; student enrollment~~  
1472 ~~records; franchise agreements; information technology~~  
1473 ~~utilization, assets, and security; performance measures and~~  
1474 ~~standards; and accountability. The final report on the audit~~  
1475 ~~shall be submitted to the President of the Senate and the~~  
1476 ~~Speaker of the House of Representatives no later than January~~  
1477 ~~31, 2014.~~

1478           Section 36. Subsection (5) is added to section 1010.01,  
1479 Florida Statutes, to read:

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1010.01 Uniform records and accounts.—  
(5) Each school district, Florida College System institution, and state university shall establish and maintain internal controls designed to:  
(a) Prevent and detect fraud, waste, and abuse.  
(b) Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.  
(c) Support economical and efficient operations.  
(d) Ensure reliability of financial records and reports.  
(e) Safeguard assets.  
 Section 37. Subsection (2) of section 1010.30, Florida Statutes, is amended to read:  
 1010.30 Audits required.—  
 (2) If a school district, Florida College System institution, or university audit report includes a recommendation that was included in the preceding financial audit report but remains unaddressed, ~~an audit contains a significant finding,~~ the district school board, the Florida College System institution board of trustees, or the university board of trustees, within 60 days after the delivery of the audit report to the school district, Florida College System institution, or university, shall indicate ~~conduct an audit overview~~ during a regularly scheduled public meeting whether it intends to take corrective action, the intended corrective action, and the timeframe for the corrective action. If the district school board, Florida College System institution board of trustees, or university board of trustees indicates that it does not intend to take corrective action, it shall explain its decision at the public meeting.

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1509 Section 38. Subsection (2) of section 68.082, Florida  
1510 Statutes, is amended to read:  
1511 68.082 False claims against the state; definitions;  
1512 liability.—  
1513 (2) Any person who:  
1514 (a) Knowingly presents or causes to be presented a false or  
1515 fraudulent claim for payment or approval;  
1516 (b) Knowingly authorizes, approves, or receives payment of  
1517 prohibited compensation in violation of s. 215.425;  
1518 (c)~~(b)~~ Knowingly makes, uses, or causes to be made or used  
1519 a false record or statement material to a false or fraudulent  
1520 claim;  
1521 (d)~~(e)~~ Conspires to commit a violation of this subsection;  
1522 (e)~~(d)~~ Has possession, custody, or control of property or  
1523 money used or to be used by the state and knowingly delivers or  
1524 causes to be delivered less than all of that money or property;  
1525 (f)~~(e)~~ Is authorized to make or deliver a document  
1526 certifying receipt of property used or to be used by the state  
1527 and, intending to defraud the state, makes or delivers the  
1528 receipt without knowing that the information on the receipt is  
1529 true;  
1530 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an  
1531 obligation or a debt, public property from an officer or  
1532 employee of the state who may not sell or pledge the property;  
1533 or  
1534 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used  
1535 a false record or statement material to an obligation to pay or  
1536 transmit money or property to the state, or knowingly conceals  
1537 or knowingly and improperly avoids or decreases an obligation to

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1538 pay or transmit money or property to the state

1539  
1540 is liable to the state for a civil penalty of not less than  
1541 \$5,500 and not more than \$11,000 and for treble the amount of  
1542 damages the state sustains because of the act of that person.

1543 Section 39. Subsection (1) of section 68.083, Florida  
1544 Statutes, is amended to read:

1545 68.083 Civil actions for false claims.-

1546 (1) The department may diligently investigate a violation  
1547 under s. 68.082. If the department finds that a person has  
1548 violated or is violating s. 68.082, the department may bring a  
1549 civil action under the Florida False Claims Act against the  
1550 person. The Department of Financial Services may bring a civil  
1551 action under this section if the action arises from an  
1552 investigation by that department and the Department of Legal  
1553 Affairs has not filed an action under this act. For a violation  
1554 of s. 68.082 regarding prohibited compensation paid from state  
1555 funds, the Department of Financial Services may bring a civil  
1556 action under this section if the action arises from an  
1557 investigation by that department concerning a violation of s.  
1558 215.425 by the state and the Department of Legal Affairs has not  
1559 filed an action under this act.

1560 Section 40. Subsection (5) of section 99.061, Florida  
1561 Statutes, is amended to read:

1562 99.061 Method of qualifying for nomination or election to  
1563 federal, state, county, or district office.-

1564 (5) At the time of qualifying for office, each candidate  
1565 for a constitutional office or an elected municipal office shall  
1566 file a full and public disclosure of financial interests

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1567 pursuant to s. 8, Art. II of the State Constitution, which must  
1568 be verified under oath or affirmation pursuant to s.  
1569 92.525(1) (a), and a candidate for any other office, ~~including~~  
1570 ~~local elective office,~~ shall file a statement of financial  
1571 interests pursuant to s. 112.3145.

1572 Section 41. Subsection (3) of section 218.503, Florida  
1573 Statutes, is amended to read:

1574 218.503 Determination of financial emergency.—

1575 (3) Upon notification that one or more of the conditions in  
1576 subsection (1) have occurred or will occur if action is not  
1577 taken to assist the local governmental entity or district school  
1578 board, the Governor or his or her designee shall contact the  
1579 local governmental entity or the Commissioner of Education or  
1580 his or her designee shall contact the district school board, as  
1581 appropriate, to determine what actions have been taken by the  
1582 local governmental entity or the district school board to  
1583 resolve or prevent the condition. The information requested must  
1584 be provided within 45 days after the date of the request. If the  
1585 local governmental entity or the district school board does not  
1586 comply with the request, the Governor or his or her designee or  
1587 the Commissioner of Education or his or her designee shall  
1588 notify ~~the members of~~ the Legislative Auditing Committee, which  
1589 ~~who~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The  
1590 Governor or the Commissioner of Education, as appropriate, shall  
1591 determine whether the local governmental entity or the district  
1592 school board needs state assistance to resolve or prevent the  
1593 condition. If state assistance is needed, the local governmental  
1594 entity or district school board is considered to be in a state  
1595 of financial emergency. The Governor or the Commissioner of

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1596 Education, as appropriate, has the authority to implement  
1597 measures as set forth in ss. 218.50-218.504 to assist the local  
1598 governmental entity or district school board in resolving the  
1599 financial emergency. Such measures may include, but are not  
1600 limited to:

1601 (a) Requiring approval of the local governmental entity's  
1602 budget by the Governor or approval of the district school  
1603 board's budget by the Commissioner of Education.

1604 (b) Authorizing a state loan to a local governmental entity  
1605 and providing for repayment of same.

1606 (c) Prohibiting a local governmental entity or district  
1607 school board from issuing bonds, notes, certificates of  
1608 indebtedness, or any other form of debt until such time as it is  
1609 no longer subject to this section.

1610 (d) Making such inspections and reviews of records,  
1611 information, reports, and assets of the local governmental  
1612 entity or district school board as are needed. The appropriate  
1613 local officials shall cooperate in such inspections and reviews.

1614 (e) Consulting with officials and auditors of the local  
1615 governmental entity or the district school board and the  
1616 appropriate state officials regarding any steps necessary to  
1617 bring the books of account, accounting systems, financial  
1618 procedures, and reports into compliance with state requirements.

1619 (f) Providing technical assistance to the local  
1620 governmental entity or the district school board.

1621 (g)1. Establishing a financial emergency board to oversee  
1622 the activities of the local governmental entity or the district  
1623 school board. If a financial emergency board is established for  
1624 a local governmental entity, the Governor shall appoint board



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1625 members and select a chair. If a financial emergency board is  
1626 established for a district school board, the State Board of  
1627 Education shall appoint board members and select a chair. The  
1628 financial emergency board shall adopt such rules as are  
1629 necessary for conducting board business. The board may:

1630       a. Make such reviews of records, reports, and assets of the  
1631 local governmental entity or the district school board as are  
1632 needed.

1633       b. Consult with officials and auditors of the local  
1634 governmental entity or the district school board and the  
1635 appropriate state officials regarding any steps necessary to  
1636 bring the books of account, accounting systems, financial  
1637 procedures, and reports of the local governmental entity or the  
1638 district school board into compliance with state requirements.

1639       c. Review the operations, management, efficiency,  
1640 productivity, and financing of functions and operations of the  
1641 local governmental entity or the district school board.

1642       d. Consult with other governmental entities for the  
1643 consolidation of all administrative direction and support  
1644 services, including, but not limited to, services for asset  
1645 sales, economic and community development, building inspections,  
1646 parks and recreation, facilities management, engineering and  
1647 construction, insurance coverage, risk management, planning and  
1648 zoning, information systems, fleet management, and purchasing.

1649       2. The recommendations and reports made by the financial  
1650 emergency board must be submitted to the Governor for local  
1651 governmental entities or to the Commissioner of Education and  
1652 the State Board of Education for district school boards for  
1653 appropriate action.

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1654 (h) Requiring and approving a plan, to be prepared by  
1655 officials of the local governmental entity or the district  
1656 school board in consultation with the appropriate state  
1657 officials, prescribing actions that will cause the local  
1658 governmental entity or district school board to no longer be  
1659 subject to this section. The plan must include, but need not be  
1660 limited to:

1661 1. Provision for payment in full of obligations outlined in  
1662 subsection (1), designated as priority items, which are  
1663 currently due or will come due.

1664 2. Establishment of priority budgeting or zero-based  
1665 budgeting in order to eliminate items that are not affordable.

1666 3. The prohibition of a level of operations which can be  
1667 sustained only with nonrecurring revenues.

1668 4. Provisions implementing the consolidation, sourcing, or  
1669 discontinuance of all administrative direction and support  
1670 services, including, but not limited to, services for asset  
1671 sales, economic and community development, building inspections,  
1672 parks and recreation, facilities management, engineering and  
1673 construction, insurance coverage, risk management, planning and  
1674 zoning, information systems, fleet management, and purchasing.

1675 Section 42. Subsection (2) of section 1002.455, Florida  
1676 Statutes, is amended to read:

1677 1002.455 Student eligibility for K-12 virtual instruction.—

1678 (2) A student is eligible to participate in virtual  
1679 instruction if:

1680 (a) The student spent the prior school year in attendance  
1681 at a public school in the state and was enrolled and reported by  
1682 the school district for funding during October and February for

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1683 purposes of the Florida Education Finance Program surveys;

1684 (b) The student is a dependent child of a member of the  
 1685 United States Armed Forces who was transferred within the last  
 1686 12 months to this state from another state or from a foreign  
 1687 country pursuant to a permanent change of station order;

1688 (c) The student was enrolled during the prior school year  
 1689 in a virtual instruction program under s. 1002.45 or a full-time  
 1690 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~  
 1691 ~~1002.37(8)(a)~~;

1692 (d) The student has a sibling who is currently enrolled in  
 1693 a virtual instruction program and the sibling was enrolled in  
 1694 that program at the end of the prior school year;

1695 (e) The student is eligible to enter kindergarten or first  
 1696 grade; or

1697 (f) The student is eligible to enter grades 2 through 5 and  
 1698 is enrolled full-time in a school district virtual instruction  
 1699 program, virtual charter school, or the Florida Virtual School.

1700 Section 43. For the purpose of incorporating the amendment  
 1701 made by this act to section 838.014, Florida Statutes, in a  
 1702 reference thereto, subsection (11) of section 817.568, Florida  
 1703 Statutes, is reenacted to read:

1704 817.568 Criminal use of personal identification  
 1705 information.—

1706 (11) A person who willfully and without authorization  
 1707 fraudulently uses personal identification information concerning  
 1708 an individual who is 60 years of age or older; a disabled adult  
 1709 as defined in s. 825.101; a public servant as defined in s.  
 1710 838.014; a veteran as defined in s. 1.01; a first responder as  
 1711 defined in s. 125.01045; an individual who is employed by the

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1712 State of Florida; or an individual who is employed by the  
1713 Federal Government without first obtaining the consent of that  
1714 individual commits a felony of the second degree, punishable as  
1715 provided in s. 775.082, s. 775.083, or s. 775.084.

1716 Section 44. The Legislature finds that a proper and  
1717 legitimate state purpose is served when internal controls are  
1718 established to prevent and detect fraud, waste, and abuse and to  
1719 safeguard and account for government funds and property.  
1720 Therefore, the Legislature determines and declares that this act  
1721 fulfills an important state interest.

1722 Section 45. This act shall take effect October 1, 2016.