

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Richter, Chair
Senator Legg, Vice Chair

MEETING DATE: Tuesday, March 24, 2015
TIME: 4:00 —6:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Richter, Chair; Senator Legg, Vice Chair; Senators Braynon, Clemens, Flores, Gaetz, Hays, Negrón, Smith, and Thompson

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated. (See attached documentation for Tabs 1-7.)			
Board of Trustees of North Florida Community College			
1	Haas, Sandra K. (McAlpin)	05/31/2018	Recommend Confirm Yeas 10 Nays 0
Board of Trustees of Pensacola State College			
2	White, Frank (Pensacola)	05/31/2018	Recommend Confirm Yeas 10 Nays 0
Board of Trustees of Polk State College			
3	Dorrell, Daniel F. (Lakeland)	05/31/2018	Recommend Confirm Yeas 10 Nays 0
Board of Trustees of South Florida State College			
4	Cullens, Tamela "Tami" C. (Sebring)	05/31/2018	Recommend Confirm Yeas 10 Nays 0
	Rider, Kris Y. (Lake Placid)	05/31/2018	Recommend Confirm Yeas 10 Nays 0
Board of Orthotists and Prosthetists			
5	Saunders, Brett R. (Orlando)	10/31/2018	Recommend Confirm Yeas 10 Nays 0
Board of Podiatric Medicine			
6	Sindone, Joseph (Jacksonville)	10/31/2018	Recommend Confirm Yeas 10 Nays 0
Florida Real Estate Commission			
7	Hornsleth, Poul (Gulfport)	10/31/2018	Recommend Confirm Yeas 10 Nays 0

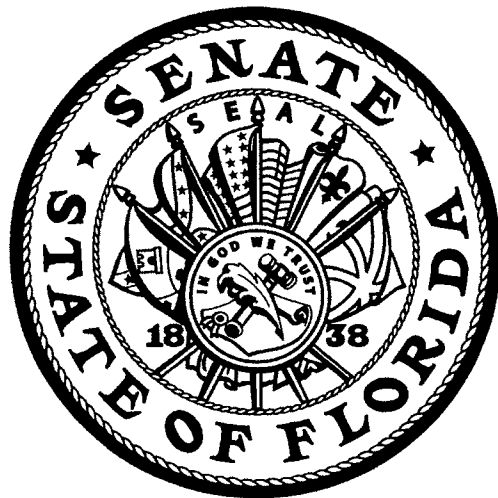
COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Tuesday, March 24, 2015, 4:00 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 984 Braynon (Identical H 599)	Exemption from Legislative Lobbying Requirements; Revising the definition of the term "expenditure"; specifying that the term does not include use of a public facility or public property that is made available by a governmental entity to a legislator for a public purpose, to exempt such use from legislative lobbying requirements, etc. EE 03/24/2015 Favorable GO RC	Favorable Yeas 10 Nays 0
9	SB 1372 Gaetz (Identical H 1063)	Government Accountability; Specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the Commissioner of Education may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements; revising reporting requirements applicable to the Florida Clerks of Court Operations Corporation; expanding the types of governmental entities that are subject to lobbyist registration requirements; revising the responsibilities of the governing board of a charter school to include the establishment and maintenance of internal controls, etc. EE 03/24/2015 Fav/CS CA RC	Fav/CS Yeas 10 Nays 0
Consideration of proposed bill:			
10	SPB 7064	Elections; Revising forms of acceptable identification for certain voter registration applicants; revising the time by which updates of voter signatures must be received by the supervisor of elections; authorizing cities to conduct certain elections by mail if approved by the governing body and supervisor of elections; revising the time by which the supervisor must make certain absentee ballot information available, etc.	Submitted as Committee Bill Yeas 10 Nays 0

Other Related Meeting Documents



Committee:
ETHICS AND ELECTIONS

Senator Richter, Chair
Senator Legg, Vice Chair

Meeting Packet
Tuesday, March 24, 2015
4:00—6:00 p.m.
Pat Thomas Committee Room, 412 Knott Building

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Board of Trustees of Pensacola State College			
2	White, Frank (Pensacola)	05/31/2018	
Board of Trustees of Polk State College			
3	Dorrell, Daniel F. (Lakeland)	05/31/2018	
Board of Trustees of South Florida State College			
4	Cullens, Tamela "Tami" C. (Sebring)	05/31/2018	
	Rider, Kris Y. (Lake Placid)	05/31/2018	
Board of Orthotists and Prosthetists			
5	Saunders, Brett R. (Orlando)	10/31/2018	
Board of Podiatric Medicine			
6	Sindone, Joseph (Jacksonville)	10/31/2018	
Florida Real Estate Commission			
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		EE 03/24/2015 GO RC	

COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Tuesday, March 24, 2015, 4:00 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Consideration of proposed bill:

10	SPB 7064	Elections; Revising forms of acceptable identification for certain voter registration applicants; revising the time by which updates of voter signatures must be received by the supervisor of elections; authorizing cities to conduct certain elections by mail if approved by the governing body and supervisor of elections; revising the time by which the supervisor must make certain absentee ballot information available, etc.	
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Other Related Meeting Documents

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Tuesday, March 24, 2015

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Haas, Sandra K.

Appointed: 02/02/2015

Term: 01/30/2015 – 05/31/2018

Prior Term:

City/County: McAlpin/Suwannee

Office: Board of Trustees of North Florida Community College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 2/15/15
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/15
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)	X		See Below
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Self Employed, Attorney

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

Requirements: Florida College System institution District Board of Trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal. Required to file Form 1 with the SOE's office.

Notes: Number 8 - Suwannee County Resident
Number 17 - Mrs. Haas serves on the North Central Florida Regional Planning Council, 1991-Present.
Number 18 - Mrs. Haas served on the Suwannee County School Board from 1979 to 1984 and the Suwannee County Housing Authority from 1998 to 2000. She also served on the North Florida Community College Board of Trustees from 1990 to 1998.
Number 19 - Mrs. Haas was the supervising attorney with the 3rd Circuit Guardian ad Litem Program, 2007-2010.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Tuesday, March 24, 2015

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

2

A370W

Recommendation for Senate Confirmation of Executive Appointment

Appointee: White, Frank

Appointed: 02/02/2015

Term: 01/28/2015 – 05/31/2018

Prior Term: 02/17/2014 - 05/31/2014

City/County: Pensacola/Escambia

Office: Board of Trustees of Pensacola State College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		See Below
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 2/20/15
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	
11. Adverse Ethics Commission Action		X	As of 3/5/15
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: General Counsel at Sandy Sansing Dealerships

Attendance: Attended 11 of 12 meetings (92%) from February 17, 2014 through March 2, 2015.

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

Requirements: Florida College System institution District Board of Trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal. Required to file Form 1 with the SOE's office.

Notes: Number 1 - Report 2015-124
Number 8 - Escambia County Resident

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Tuesday, March 24, 2015

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Dorrell, Daniel F.
 Term: 01/28/2015 – 05/31/2018

Appointed: 02/02/2015
 Prior Term: 04/23/2012 - 05/31/2014

City/County: Lakeland/Polk

Office: Board of Trustees of Polk State College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)	X		See Below
7. Financial Disclosure Filed	X		Form 1 filed as of 2/19/15
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 3/5/15
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: CPA at Cross, Fernandez & Riley

Attendance: Attended 27 of 28 meetings (96%) from April 23, 2012 through March 2, 2015.

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

Requirements: Florida College System institution District Board of Trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.

It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal. Required to file Form 1 with the SOE's office.

Notes: Number 6 - Mr. Dorrell served in the Florida National Guard from 1968 to 1974.

Number 8 - Polk County Resident

Number 10 - Report 2015-091

Number 18 - Mr. Dorrell served a 4-year term on the Sebring Utilities Commission, beginning in 1983.

In addition, beginning in 2000 Mr. Dorrell served a 3-year term on the Sebring Fireman's Pension Fund Board.

The Florida Senate
COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Tuesday, March 24, 2015

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Cullens, Tamela "Tami" C.

Appointed: 02/05/2015

Term: 02/04/2015 – 05/31/2018

Prior Term: 04/23/2012 - 05/31/2014

City/County: Sebring/Highlands

Office: Board of Trustees of South Florida State College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/9/14
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 3/4/15
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended			Not Applicable
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Director, Saxon Groves, Inc; H.R., Glisson Animal Supply; and Registration, Sebring International Raceway

Attendance: Attended 39 of 40 meetings (98%) from April 23, 2012 through March 4, 2015.

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

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Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.
It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal. Required to file Form 1 with the SOE's office.

Notes: Number 8 - Highlands County Resident
Number 10 - Report 2015-084
Number 18 - Mrs. Cullens has served on the South Florida State College Board of Trustees since 2006. Mrs. Cullens previously served on the Heartland Workforce Board.
Number 19 - Mrs. Cullens was a temporary county judicial assistant and was employed on an as needed basis from 1996-2000.

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Rider, Kris Y.

Appointed: 02/05/2015

Term: 02/04/2015 – 05/31/2018

Prior Term: 04/23/2012 - 05/31/2014

City/County: Lake Placid/Highlands

Office: Board of Trustees of South Florida State College, Member

Authority: 1001.61(1)(2), F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/6/14
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 3/5/15
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Bookkeeper for Michael A. Rider, P.A.

Attendance: Attended 40 of 40 meetings (100%) from April 23, 2012 through March 2, 2015.

Compensation: Reimbursed for expenses as provided in s. 112.061, F.S., including mileage to and from official board meetings.

Requirements: Florida College System institution District Board of Trustees shall be appointed by the Governor and comprised of:

Five members when a Florida College System institution district is confined to one school board district.

Seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elect.

Not more than nine members when the district contains two or more school board districts.

Additional Requirements: Trustees shall be appointed for four-year terms. Terms shall expire May 31 of the year of expiration or as soon thereafter as the successors shall be qualified to serve.

It is the duty of the chair to notify the Governor, in writing, when a board member fails to attend three consecutive regular board meetings in any one fiscal year; absences may be grounds for removal. Required to file Form 1 with the SOE's office.

Notes: Number 8 - Highlands County Resident

Number 10 - Report 2015-084

Number 19 - Mrs. Rider was the Assistant to Swim Instructor of the Highlands County School Board during the Summer of 1969.

The Florida Senate
COMMITTEE MEETING PACKET TAB

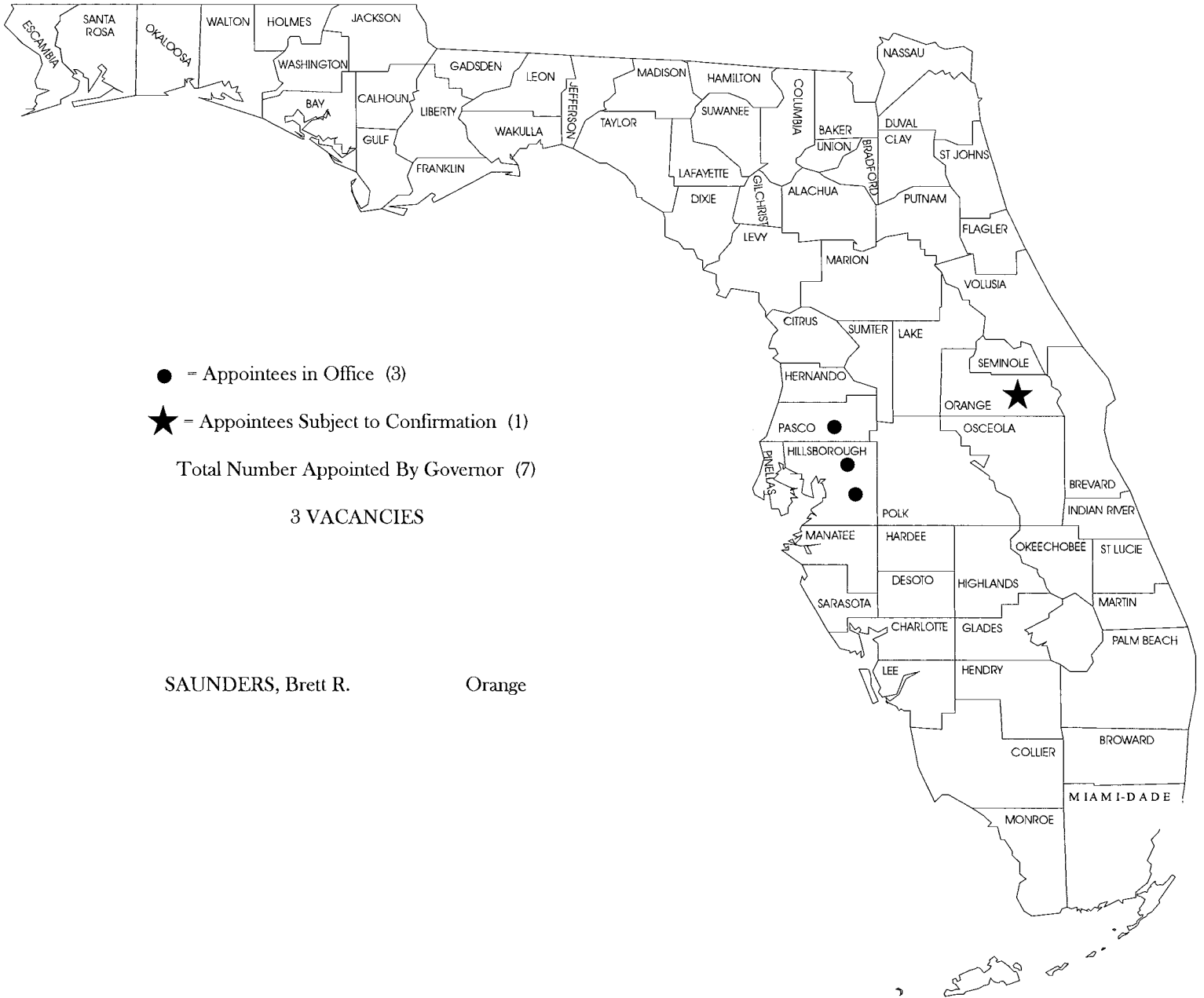
Ethics and Elections

MEETING DATE: Tuesday, March 24, 2015

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Board of Orthotists and Prosthetists



- = Appointees in Office (3)
- ★ = Appointees Subject to Confirmation (1)

Total Number Appointed By Governor (7)

3 VACANCIES

SAUNDERS, Brett R.

Orange

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Saunders, Brett R.

Appointed: 02/23/2015

Term: 02/23/2015 – 10/31/2018

Prior Term: 11/21/2013 - 10/31/2014

City/County: Orlando/Orange

Office: Board of Orthotists and Prosthetists, Member

Authority: 468.801, F.S. & 20.43(3)(g)19, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/16/14
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 3/9/15
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)	X		See Below
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Prosthetist/Orthotist with Saunders Prosthetics & Orthotics

Attendance: Attended 6 of 6 meetings (100%) from November 21, 2013 through March 9, 2015.

Compensation: Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

- Requirements:** The seven member board consists of residents of the state appointed as follows:
- Two members must be licensed practicing prosthetists, with a minimum of 3 years' clinical or practical experience, at least one of whom has attained a minimum of a bachelor's degree;
 - One member must be a licensed practicing orthotist with a minimum of 3 years' clinical or practical experience who has attained a minimum of a bachelor's degree;
 - Two members must be prosthetic or orthotic users, the parents, guardians, or spouses of prosthetic or orthotic users, or any combination of such users and nonusers who are not deriving economic benefit from the fitting or dispensing of orthotic or prosthetic devices and who have never been orthotists or prosthetists or members of a closely related profession;
 - One member must be a physician licensed under Chapter 458, Chapter 459, Chapter 460, or Chapter 461, F.S., who has extensive knowledge of orthotics or prosthetics; and
 - One member must be a licensed practicing orthotist, orthotic fitter, or pedorthist with a minimum of 3 years' clinical or practical experience.

Additional Terms are for four years.

Requirements: Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

- Notes:** Number 8 - Prosthetist
Number 15 - Mr. Saunders disclosed that his employer, Saunders Prosthetics & Orthotics Groups, is a contract provider of services funded by Medicaid.
Number 19 - Mr. Saunders worked as an EMT for both the City of Maitland in 1981 and the Reedy Creek Improvement District from 1981 to 1989.

The Florida Senate
COMMITTEE MEETING PACKET TAB

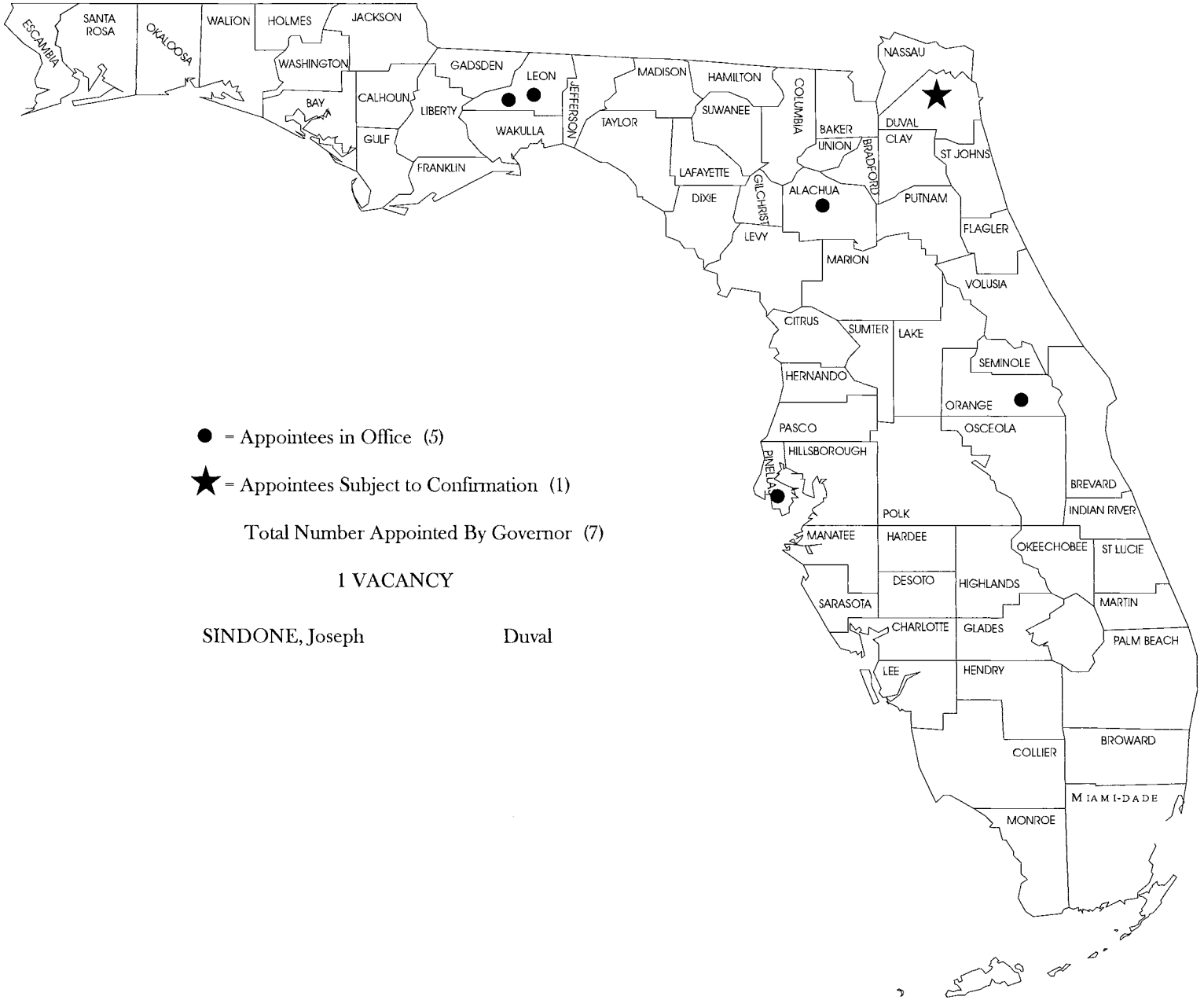
Ethics and Elections

MEETING DATE: Tuesday, March 24, 2015

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

Board of Podiatric Medicine



● - Appointees in Office (5)
 ★ - Appointees Subject to Confirmation (1)
 Total Number Appointed By Governor (7)
 1 VACANCY
 SINDONE, Joseph Duval

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Sindone, Joseph
 Term: 02/09/2015 – 10/31/2018

Appointed: 02/09/2015
 Prior Term:

City/County: Jacksonville/Duval
 Office: Board of Podiatric Medicine, Member
 Authority: 461.004(1), F.S. & 20.43(3)(g)5, F.S.
 Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 3/2/15
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 3/9/15
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

Occupation: Podiatric Physician at the University of Florida

Compensation: Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

Requirements: The seven member board consists of:

- Five members who are residents of the state who are licensed podiatric physicians and who have been engaged in the practice of podiatric medicine for at least four years;
- Two members who are residents of the state who are not and have never been licensed as podiatric physicians or members of any closely related profession; and
- At least one member who is sixty years of age or older.

Additional Requirements: Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Podiatric Physician
Number 18 - Dr. Sindone served on the Board of Podiatric Medicine from 1/2003 to 3/2010.
Number 19 - Dr. Sindone is an Associate Professor at the University of Florida.

COMMITTEE MEETING PACKET TAB

Ethics and Elections

MEETING DATE: Tuesday, March 24, 2015

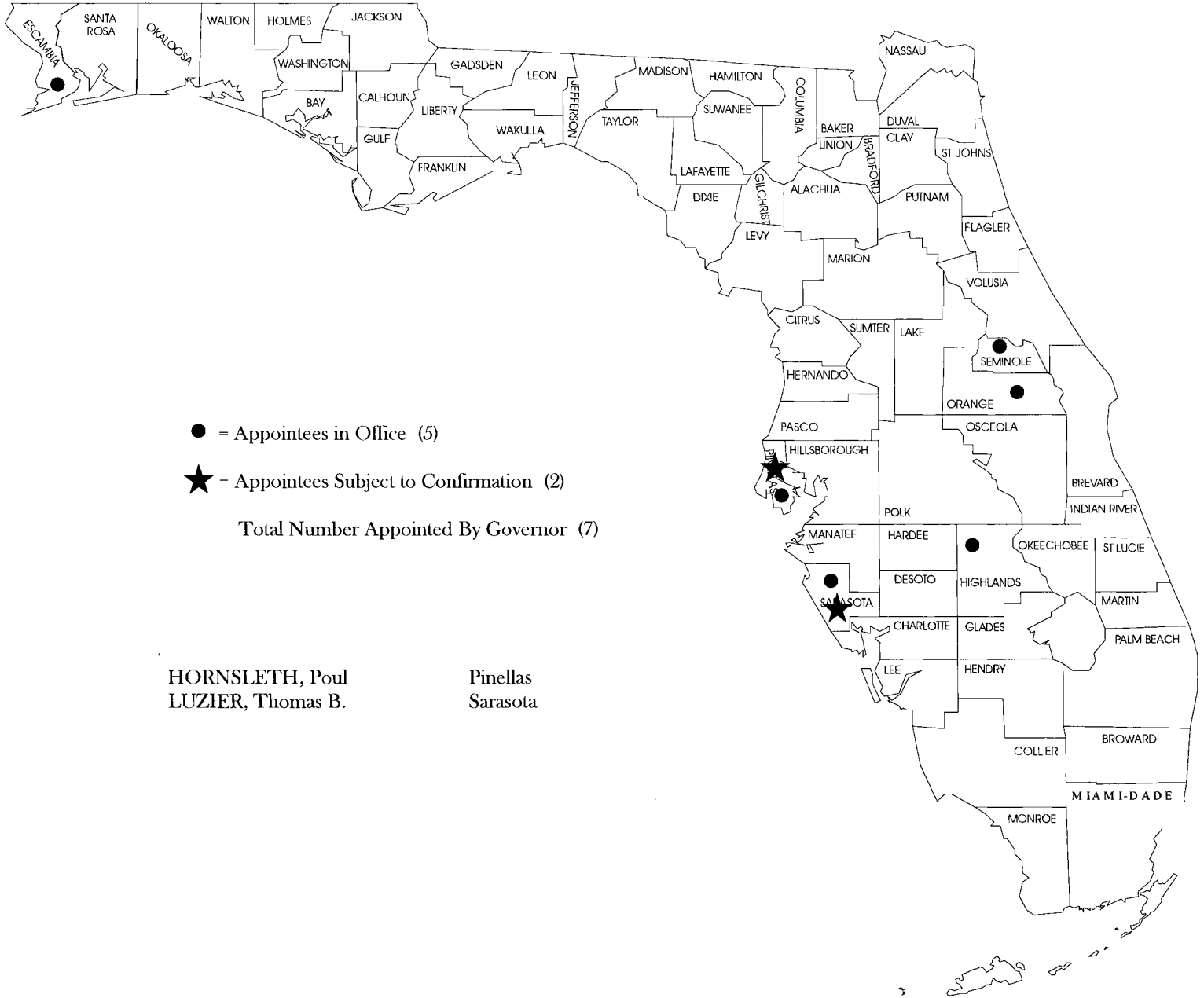
TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

7

A2080H

Florida Real Estate Commission



● = Appointees in Office (5)

★ = Appointees Subject to Confirmation (2)

Total Number Appointed By Governor (7)

HORNSLETH, Poul
LUZIER, Thomas B.

Pinellas
Sarasota

Recommendation for Senate Confirmation of Executive Appointment

Appointee: Hornsleth, Poul

Appointed: 01/21/2015

Term: 01/20/2015 – 10/31/2018

Prior Term: 04/23/2012 - 10/31/2014

City/County: Gulfport/Pinellas

Office: Florida Real Estate Commission, Member

Authority: 475.02, F.S. & 20.165(4)(b)2, F.S.

Reference(s): Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 2/13/15
8. Meets Requirements of Law	X		See Below
9. Conviction Record		X	
10. Adverse Auditor General Report			No Report
11. Adverse Ethics Commission Action		X	As of 3/5/15
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee		X	
20. Currently a Registered Lobbyist		X	

Occupation: President of R.W. Caldwell Realty, Inc.

Attendance: Attended 34 of 34 meetings (100%) from April 23, 2012 through March 2, 2015.

Compensation: Fifty dollars per day while attending to the business of the board; reimbursed for expenses pursuant to s. 112.061, F.S.

Requirements: The seven-member commission consists of:

- Four members who are licensed brokers who have held an active license for the five years preceding appointment;
- One member who is a licensed broker or a licensed sales associate who has held an active license for the two years preceding appointment; and
- Two members who are persons who are not and have never been brokers or salespersons.

At least one member of the commission must be 60 years of age or older. Notwithstanding s. 112.313, any member of the commission who is a licensed real estate broker or sales associate and who holds an active real estate school permit, chief administrator permit, school instructor permit, or any combination of such permits issued by the department, to the extent authorized pursuant to such permit, may offer, conduct, or teach any course prescribed or approved by the commission or the department.

Additional Requirements: Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

Notes: Number 8 - Licensed Broker
Number 18 - Mr. Hornsleth served on Florida Real Estate Commission from 2001 to 2009.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SB 984

INTRODUCER: Senator Braynon

SUBJECT: Exemption from Legislative Lobbying Requirements

DATE: March 19, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 984 clarifies that the use of a public facility or public property provided from a governmental entity to a legislator for a public purpose is not an expenditure for purposes of the “legislative expenditure ban” in s. 11.045, F.S., regardless of whether the governmental entity is a principal.

The effective date of the bill is July 1, 2015.

II. Present Situation:

Section 11.045, F.S., contains provisions requiring legislative lobbying registration and legislative lobbyist compensation reports, and it contains the “legislative expenditure ban.”

Section 11.045(4)(a), F.S., provides in pertinent part, that “no lobbyist or principal shall make, directly or indirectly, and no member or employee of the legislature shall knowingly accept, directly or indirectly, any expenditure . . .” A “principal” is defined as “the person, firm, corporation, or other entity which has employed or retained a lobbyist.”¹ This appears to include governmental entities such as municipalities, counties, water management districts, universities, and colleges.

For purposes of this statute, the term “expenditure” means:

A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term does not include contributions or expenditures reported pursuant to chapter 106 or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political

¹ Section 11.045(1)(i), F.S.

party or affiliated party committee, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).²

The term “lobbying” means “influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.”³

The following penalties can be imposed for violation of the legislative expenditure ban:

- A fine of not more than \$5,000;
- Reprimand;
- Censure;
- Probation; and/or
- Prohibition on lobbying for a period not to exceed 24 months.⁴

Section 11.045(5), F.S., requires each house of the legislature to provide by rule a procedure for determining the applicability and interpretation of this section. To that end, the Florida Senate has adopted Senate Rule 9.8.

The pertinent portion of that Rule for this legislation is contained in Senate Rule 9.8, Part 1, section one, exception 6. The text of the rule reads:

6. Government to Government Expenditures

Real property or a facility owned or operated by a state or local public agency or entity that is a lobbying principal and transportation to, from, and at the location provided by that agency or entity may, with the prior approval of the respective state legislative presiding officer or his or her designee, be used without payment, by a member, committee, or staff of the Legislature for a public legislative purpose. Such purposes include publicly noticed legislative committee meetings and site visits to operations conducted by the public agency or entity. Allowable free uses also specifically include legislative district offices and sub-offices and the normally attendant utilities, parking, janitorial services, building maintenance, and telecommunications equipment and services common to a government building in which the office is located. Allowable free use does not extend to sports or entertainment venues; does not include food, beverages, or entertainment; and does not include free parking privileges at any location other than a district office or sub-office. (Emphasis supplied.)

III. Effect of Proposed Changes:

SB 984 creates a statutory exception to the definition of “expenditure” for a “public-legislative use.” The exception provides that a “public-legislative use” is the “use of a public facility or public property that is made available by a governmental entity to a legislator for a public purpose, regardless of whether the governmental entity is required to register a person as a lobbyist.”

² Section 11.045(1)(c), F.S.

³ Section 11.045(1)(e), F.S.

⁴ Section 11.045(7), F.S.

The effective date of the bill is July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The “old” gifts law in Section 112.3148, F.S., which predates the “Legislative Expenditure Ban,” prohibits certain gifts in excess of \$100 to reporting individuals (anyone required to file financial disclosure, including legislators) and procurement employees. Section 112.3148, F.S., exempts gifts given by a state, county, and municipal governments (and certain other governmental organizations) valued at more than \$100 if a public purpose can be shown. Current law requires annual disclosure of such gifts on a CE Form 10. Because both s. 11.045, F.S., and s. 112.3148, F.S., apply to members of the Legislature, it is important to note that, if a member or employee were to accept use of a public facility or public property from a governmental entity as authorized by the bill, the member or employee would be required to disclose the gift on a CE Form 10.

VIII. Statutes Affected:

This bill substantially amends section 11.045 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Braynon

36-00239A-15

2015984__

1 A bill to be entitled
 2 An act relating to an exemption from legislative
 3 lobbying requirements; amending s. 11.045, F.S.;
 4 revising the definition of the term "expenditure";
 5 specifying that the term does not include use of a
 6 public facility or public property that is made
 7 available by a governmental entity to a legislator for
 8 a public purpose, to exempt such use from legislative
 9 lobbying requirements; providing an effective date.

10

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

12

13 Section 1. Paragraph (c) of subsection (1) of section
 14 11.045, Florida Statutes, is amended to read:

15

16 11.045 Lobbying before the Legislature; registration and
 reporting; exemptions; penalties.—

17

18 (1) As used in this section, unless the context otherwise
 requires:

19

20 (c) "Expenditure" means a payment, distribution, loan,
 advance, reimbursement, deposit, or anything of value made by a
 21 lobbyist or principal for the purpose of lobbying. The term does
 22 not include:

23

24 1. Contributions or expenditures reported pursuant to
 chapter 106 or federal election law, campaign-related personal
 25 services provided without compensation by individuals
 26 volunteering their time, any other contribution or expenditure
 27 made by or to a political party or affiliated party committee,
 28 or any other contribution or expenditure made by an organization
 29 that is exempt from taxation under 26 U.S.C. s. 527 or s.

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

36-00239A-15

2015984__

30 501(c) (4) .
 31 2. A public-legislative use, which is the use of a public
 32 facility or public property that is made available by a
 33 governmental entity to a legislator for a public purpose,
 34 regardless of whether the governmental entity is required to
 35 register a person as a lobbyist pursuant to this section.
 36 Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on General
Government, *Vice Chair*
Ethics and Elections
Health Policy
Higher Education
Regulated Industries
Transportation

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR OSCAR BRAYNON II

Democratic Leader Pro Tempore
36th District

March 10, 2015

Senator Garrett Richter, Chair
Ethics and Elections,
404 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Richter:

This letter is to request that **Senate Bill #984**, relating to *Exemption from Legislative Lobbying Requirements* be placed on the agenda of the next scheduled meeting of the committee.

SB 984 Exemption from Legislative Lobbying Requirements; Revising the definition of the term "expenditure"; specifying that the term does not include use of a public facility or public property that is made available by a governmental entity to a legislator for a public purpose, to exempt such use from legislative lobbying requirements, etc.

Thank you for consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Oscar Braynon II".

Senator Braynon
District 36

cc. *Dawn Roberts, Staff Director,*
Diane Vause, Committee Administrative Assistant, Room 420K

REPLY TO:

- 606 NW 183rd Street, Miami Gardens, Florida 33169 (305) 654-7150 FAX: (305) 654-7152
- 213 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 1372

INTRODUCER: Ethics and Elections Committee and Senator Gaetz

SUBJECT: Government Accountability

DATE: March 24, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Fav/CS
2.	_____	_____	CA	_____
3.	_____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1372 is an omnibus government accountability bill. The bill includes changes to Florida's governmental ethics policies including strengthening collection methods for unpaid financial disclosure fines, broadening the water management district lobbyist registration provisions to apply to many more special districts, and applying post-employment lobbying restrictions to certain individuals with Enterprise Florida, its divisions, and the Florida Development Finance Corporation.

The bill also requires local governmental entities to keep their final budgets, and any amendments thereto, on their website for a period of two years after adoption.

CS/SB 1372 requires various governmental entities to adopt internal controls to prevent and detect fraud, waste, and abuse.

The bill makes it a first degree misdemeanor to provide prohibited compensation. The bill requires governmental entities to investigate claims of unauthorized compensation and authorizes litigation to enforce the civil penalty and treble damages provisions. Finally, it provides a reward structure and extends Whistleblower's Protection Act coverage to those reporting prohibited compensation. The bill also makes compensation claims in violation of s. 215.425, F.S., a false claim against the state. Thus, the state would be authorized to sue to recover damages and civil penalties as provided in ss. 68.082 and 68.083, F.S. ("The False Claims Act"). Additionally, the Department of Financial Services is authorized to file suit under the False Claims Act.

The bill allows the Governor or Commissioner of Education to report that a local governmental entity has failed to comply with applicable auditing, financial reporting, bond issuance notification, bond verification provisions, or failed to disclose a financial emergency or provide information required during a financial emergency. It increases the Single Audit Act threshold from \$500,000 to \$750,000 and allows the Auditor General to review the threshold periodically and make appropriate recommendations to the Legislature. It makes changes to the financial reporting requirements and independent audit requirements. The bill specifies who can serve as members of the auditor selection committees for local governmental entities. It requires the Florida Virtual School to have an independent financial audit each year.

If an audit report of a school district, Florida College System institution, or other institution or agency under the supervision of the State Board of Education and state universities under the supervision of the Board of Governors includes a recommendation that was previously included in the preceding financial audit report, the entity must indicate its intent regarding corrective action within 60 days after the delivery of the audit report. This response must occur during a regularly scheduled public meeting.

The bill also requires the Florida Clerk of Courts Corporation to notify the Legislature quarterly of any clerk of court not meeting workload requirements and provide corrective action plans within 45 days of the end of the quarter.

The bill requires a water management district monthly financial report to be provided in the format required by the Department of Financial Services.

Finally, the Governor or the Commissioner of Education must notify the Legislative Auditing Committee of financial emergencies instead of notifying the members of the Legislative Auditing Committee.

This bill is effective October 1, 2015.

II. Present Situation:

For the purposes of this bill analysis, the Present Situation will be addressed in the Effect of Proposed Changes section below.

III. Effect of Proposed Changes:¹

Statement of Legislative Findings and Intent:

The bill explains that the intent of the bill is to prevent fraud, waste, and abuse, and to safeguard government resources. Specifically, Section 30 of the bill provides: “The Legislature finds that a proper and legitimate state purpose is served when internal controls are established to prevent and detect fraud, waste, and abuse and to safeguard and account for government funds and property. Therefore, the Legislature determines and declares that this act fulfills an important state interest.”

¹ If passed, all changes made by the bill would be effective October 1, 2015.

Governmental Ethics Laws

Collection Methods for Unpaid Financial Disclosure Fines:

Present Situation

Section 112.31455, F.S., authorizes the Florida Commission on Ethics to engage in common-law withholding of wages and to seek garnishment in order to collect unpaid financial disclosure fines. Prior to referring such a fine to the Department of Financial Services, the Florida Commission on Ethics must attempt to determine whether or not the filer is a current public officer or public employee.² If the person is currently a public officer or public employee, the Florida Commission on Ethics may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, or special district of the total amount of the fine owed to the Florida Commission on Ethics. After receipt and verification of the notice from the Florida Commission on Ethics, the appropriate governing body is required to begin withholding the lesser of 10 percent or the maximum amount allowed under federal law from any salary related payment. The withheld payments shall be remitted to the Florida Commission on Ethics until the fine is satisfied. Additionally, the Chief Financial Officer or appropriate governing body may retain an amount from each withheld payment to cover administrative costs incurred under s. 112.31455(1)(b), F.S. In the event that the Florida Commission on Ethics determines that the person is no longer a public officer, or is unable to make such a determination, the Florida Commission on Ethics must wait for six months. After that period of time, the Florida Commission on Ethics can seek garnishment pursuant to Chapter 77 of the Florida Statutes. Additionally, the Florida Commission on Ethics can refer the unpaid fine to a collection agency.³ The collection agency can use any legal tool it may possess to collect the unpaid fine. The statute of limitations for an unpaid financial disclosure fine is 20 years.⁴

Effect of Proposed Changes

CS/SB 1372 amends s. 112.31455, F.S., in two ways. First, it maintains the authorization to withhold public salary-related payments. That section has been strengthened by requiring the Chief Financial Officer or the appropriate governing body to withhold 25% of the amount of the fine from the filer's next public salary-related payment, plus any administrative costs incurred. The bill requires withholding the same percentage of each successive public salary-related payment until the fine and administrative costs are paid in full. However, if a current public officer or public employee demonstrates that the public salary is his or her primary source of income and that withholding 25% of any fine would present an undue hardship, the withheld amount may be reduced to not less than 10% of the public salary-related payment.

Secondly, the bill creates section 112.31456, F.S., and moves the authority to seek garnishment of wages to that section. None of those provisions are changed from existing law.

² Section 112.31455(1), F.S.

³ Section 112.31455(3), F.S.

⁴ Section 112.31455(4), F.S.

Lobbying Registration and Reporting Requirements for Certain Districts:**Present Situation**

Section 112.3261, F.S., requires a person who seeks to lobby a water management district to register as a lobbyist before he or she begins to lobby. The lobbyist must present a signed statement authorizing him or her to act on the principal's behalf. The statement must also state the principal's main business. Changes to this information must be reported within 15 days. Water management districts may create their own lobbyist registration forms or use a legislative or executive branch lobbyist registration form. Districts are required to be diligent in ascertaining whether lobbyists have properly registered and may not knowingly allow a lobbyist to lobby if he or she is not registered. The Florida Commission on Ethics is charged with investigating complaints alleging that a lobbyist has failed to register or provided false information in a report or registration. The Governor has the authority to enforce the Florida Commission on Ethics' findings and recommendation. The water management districts were granted rulemaking authority to adopt rules and establish procedures to govern lobbyist registration, including the adoption of forms and the establishment of a lobbyist registration fee not to exceed \$40.

Effect of Proposed Changes

The bill expands the scope of these lobbyist registration and reporting requirements to apply to hospital districts, a children's services district, expressway authorities, port authorities, or any independent special district with annual revenues of more than \$5 million which exercises ad valorem taxing authority.

Post Service Lobbying Restrictions:**Present Situation**

Section 288.92, F.S., authorizes Enterprise Florida to create and dissolve divisions as necessary to carry out its mission. That section also requires Enterprise Florida to have certain divisions. The law also provides hiring of officers and members of the divisions of Enterprise Florida and subjects certain officers and members to several standards of conduct in the Code of Ethics for Public Officers and Employees.⁵ The law currently does not contain any post-employment or post-service restrictions.

The Florida Development Finance Authority is created in s. 288.9604, F.S. That provision addresses appointment of members of the board of directors and powers of the corporation. It also subjects directors to several standards of conduct in the Code of Ethics for Public Officers and Employees.⁶ The law currently does not contain any post-employment or post-service restrictions.

Effect of Proposed Changes

CS/SB 1372 prohibits officers and members of the boards of directors of the divisions of Enterprise Florida, subsidiaries of Enterprise Florida, corporations created to carry out the missions of Enterprise Florida, and corporations with which a division is required by law to

⁵ Part III, Chapter 112, Florida Statutes.

⁶ Part III, Chapter 112, Florida Statutes.

contract with to carry out its missions, from representing another person or entity for compensation before Enterprise Florida, Inc., divisions of Enterprise Florida, subsidiaries of Enterprise Florida, corporations created to carry out the missions of Enterprise Florida, and corporations with which a division is required by law to contract with to carry out its missions, for a period of two years after retirement or termination of service to a division.

CS/SB 1372 also prohibits directors of the Florida Development Finance Authority from representing another person or entity for compensation before the corporation, for a period of two years after retirement or termination of service.

Online Posting of Governmental Budgets

Counties, Municipalities, and Special Districts:

Present Situation

Counties⁷, municipalities⁸, and special districts⁹ are required to post their tentative budgets on their websites 2 days prior to consideration of the budget. The final budget of a county, municipality or special district must be posted on the county's, municipality's, or special district's within 30 days after adoption. An amendment to a budget must be posted to the county's, municipality's, or special district's website within 5 days of adoption. Current law does not specify how long those items must remain available on the website.

Effect of Proposed Changes

The bill requires the tentative budget to remain on the county's, municipality's, or special district's website for at least 45 days. The bill also requires that the final adopted budget must remain on the county's, municipality's, or special district's website for at least two years. Finally, the bill requires an adopted amendment to the budget to remain on a county's, municipality's, or special district's website for at least two years.

Water Management Districts:

Present Situation

Chapter 373 governs Florida's water resource management. That chapter includes provisions authorizing the creation of water management districts and provides those districts with taxing authority. Section 373.536, F.S., governs water management districts' budget process. That section also requires financial audits, 5 year capital improvement plans, and 5 year water resource development work programs. All of these items must be submitted to the Department of Environmental Protection as specified in s. 373.536(6), F.S. The tentative budget is required to be posted on the water management district's website at least 2 days before the budget hearings are conducted. The law requires the final budget to be posted on the district's official website within 30 days of adoption.

⁷ Section 129.03, F.S.

⁸ Section 166.241, F.S.

⁹ Section 189.016, F.S.

Effect of Proposed Changes

The bill requires the tentative budget to remain on the district's website for at least 45 days. The bill requires the final budget to remain on the district's website for at least 2 years.

Internal Controls to Prevent and Detect Fraud, Waste, and Abuse**Present Situation**

State Agencies and the Judicial Branch: Section 215.86, F.S., provides:

Each state agency and the judicial branch as defined in s. 216.011 shall establish and maintain management systems and controls that promote and encourage compliance; economic, efficient, and effective operations; reliability of records and reports; and safeguarding of assets. Accounting systems and procedures shall be designed to fulfill the requirements of generally accepted accounting principles.

Local Governmental Entities: Section 218.33, F.S., requires each local governmental entity to begin its fiscal year on October 1 and end it on September 30. Section 218.33(2), F.S., requires each local governmental entity shall follow uniform accounting practices and procedures as provided by rule of the department to assure the use of proper accounting and fiscal management by such units. Such rules shall include a uniform classification of accounts.

Charter Schools: Section 1002.33, F.S., authorizes charter schools as part of Florida's state program of education. In addition to the creation of charter schools, that section also imposes certain requirements on charter schools. In pertinent part, the law requires that the governing body of a charter school is responsible for ensuring that the charter school has retained a certified public accountant to perform its annual audit; reviewing the audit report; establishing a corrective plan, if necessary; monitoring a financial recovery plan to ensure compliance; and, participating in governance training approved by the Department of Education. That governance training is required to address government in the sunshine, conflicts of interest, ethics, and financial responsibility.

School districts and Florida College System Institutions: The financial records and accounts of each school district, Florida College System institution, and other institution or agency under the supervision of the State Board of Education shall be prepared and maintained as prescribed by law and rules of the State Board of Education. The financial records and accounts of each state university under the supervision of the Board of Governors shall be prepared and maintained as prescribed by law and rules of the Board of Governors. Rules of the State Board of Education and rules of the Board of Governors shall incorporate the requirements of law and accounting principles generally accepted in the United States. Such rules shall include a uniform classification of accounts. Each state university shall annually file with the Board of Governors financial statements prepared in conformity with accounting principles generally accepted by the United States and the uniform classification of accounts prescribed by the Board of Governors. The Board of Governors' rules shall prescribe the filing deadline for the financial statements. Required financial accounts and reports shall include provisions that are unique to each of the following: K-12 school districts, Florida College System institutions, and state universities, and

shall provide for the data to be reported to the National Center of Educational Statistics and other governmental and professional educational data information services as appropriate.

Justice Administration Commission: The Justice Administration Commission is created in s. 43.16, F.S. Among its duties, the Commission is charged with maintaining a central state office for administrative services and assistance when possible to, and on behalf of, the state attorneys and public defenders of Florida, the capital collateral regional counsel of Florida, the criminal conflict and civil regional counsel, and the Guardian Ad Litem Program. Additionally, the Commission records and submits necessary budgets, vouchers that represent valid claims for reimbursement by the state for authorized expenses, and other things incidental to the proper administrative operation of the office, such as revenue transmittals to the Chief Financial Officer and automated systems plans that were created by the state attorney, public defender, and criminal conflict and civil regional counsel and the Guardian Ad Litem Program.

Effect of Proposed Changes

The bill requires each entity¹⁰ in the “Present Situation” section to maintain internal controls designed to: prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economic, efficient, and effective operations; ensure reliability of records and reports; and, safeguard assets.

Extra Compensation Claims and False Claims Act Changes

Extra Compensation Claims:

Present Situation

Section 215.425, F.S., prohibits extra compensation to any officer, agent, employee, or contractor after the service has been rendered or the contract made; nor shall any money be appropriated or paid on any claim the subject matter of which has not been provided for by preexisting laws, unless such compensation or claim is allowed by a law enacted by two-thirds of the members elected to each house of the Legislature. However, when adopting salary schedules for a fiscal year, a district school board or community college district board of trustees may apply the schedule for payment of all services rendered subsequent to July 1, of that fiscal year. That section also requires a contract or employment agreement, or renewal of a contract or employment agreement, containing a provision for severance pay to limit severance pay to 20 weeks and to prohibit severance pay when the individual is terminated for misconduct.

Effect of Proposed Changes

CS/SB 1372 defines “public funds” as:

any taxes, tuition, grants, fines, fees, or other charges or any other type of revenue collected by the state or any county, municipality, special district, school district, Florida College System institution, state university, or other separate unit of government created

¹⁰ This includes each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem program.

pursuant to law, including any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, or institution of such entities.

The bill clarifies that there can be no violation of s. 215.425, F.S., for payment of a bonus or severance pay that is paid from sources other than public funds.

The bill requires a unit of government that has made a prohibited compensation payment to investigate and take all actions necessary to recover the prohibited compensation. If the compensation was provided unintentionally, the unit of government must recover the prohibited compensation through its normal recovery methods. If the prohibited payment was willfully made, the unit of government must recover the payment from either the recipient or the person who authorized the prohibited payment. Willfully providing a prohibited payment would become a first degree misdemeanor under the bill. The bill provides for suspension and removal of officers as follows: An officer who exercises the powers and duties of a state or county office may be suspended by the Governor and removed by the Florida Senate. Any other officer may be suspended and removed by the Governor pursuant to s. 112.51, F.S.

A person who reports the making of a prohibited extra compensation payment is eligible for a reward of at least \$500, or the lesser of 10 percent of the funds recovered or \$10,000 per incident. There is an exception to the reward provision where the recovery of the prohibited compensation is based on disclosures of information relating to allegations or transactions in a criminal, civil, or administrative hearing; a legislative, administrative, inspector general, or other government report; auditor general report, hearing, audit, or investigation; or from the news media. If the person was involved in the authorization, or was convicted for his role in the unauthorized compensation, he or she is not eligible for the reward. Whistleblowers are granted full protection under the State's Whistleblower's Act.¹¹

If the unit of government fails to recover the prohibited extra compensation payment within 90 days, a lawsuit is authorized to recover those funds using the legal procedures in ss. 68.082, (governing false claims against the state) and 68.083, F.S., (governing civil actions for false claims). Litigation to recover such funds must be brought in the circuit court of the county in which the unit of local government is located.

False Claims Against the State:

Present Situation

Section 68.082, F.S., prohibits a person from:

- Knowingly presenting a false or fraudulent claim for payment or approval;
- Knowingly making or using a false record or statement material to a false or fraudulent claim;
- Conspiring to commit a violation of this subsection;
- Having possession, custody, or control of property or money used or to be used by the state and knowingly delivering less than all of that money or property;

¹¹ Section 112.3187, F.S.

- Making or delivering a document certifying receipt of property used or to be used by the state and, intending to defraud the state, making or delivering the receipt without knowing that the information on the receipt is true;
- Knowingly buying or receiving, as a pledge of an obligation or a debt, public property from an officer or employee of the state who may not sell or pledge the property; or
- Knowingly making or using a false record or statement material to an obligation to pay or transmit money or property to the state, or knowingly concealing or knowingly and improperly avoiding or decreasing an obligation to pay or transmit money or property to the state.

A person who does any of the foregoing is liable to the state for a civil penalty of not less than \$5,500 and not more than \$11,000 and for treble the amount of damages the state sustains.

Section 68.083, F.S., authorizes the Department of Legal Affairs to investigate an allegation of a false claim against the state. If the Department determines a violation has occurred, it is authorized to commence a civil action against the violator. Additionally, the Department of Financial Services may bring such a suit if the Department of Legal Affairs has not done so.

Effect of Proposed Changes

The bill makes it a “False Claim Against the State” for any person to knowingly authorize, approve, or receive payment of prohibited extra compensation in violation of s. 215.425, F.S. A person who authorizes, approves, or receives payment of prohibited extra compensation is subject to the civil penalty ranging from \$5,500 to \$11,000 and for treble the amount of damages that the state sustains as a result of the authorization, approval, or receipt of prohibited compensation.

The bill authorizes the Department of Financial Services to bring a civil action if the action arises from an investigation by that Department concerning a violation of the prohibited extra compensation claim and the Department of Legal Affairs has not filed an action to recover the civil penalty and damages.

Auditing

Joint Legislative Auditing Committee:

Present Situation

Section 11.40, F.S., provides:

Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7)¹², s. 218.32(1)¹³,

¹² Section 11.45, F.S., governs certain audits to be conducted by the Auditor General.

¹³ Section 218.32(1), F.S., requires annual financial reports from local governmental entities.

s. 218.38¹⁴, or s. 218.503(3)¹⁵, the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action.

Section 11.45, F.S., defines the types of audits that may be conducted. That section requires the Auditor General to conduct certain state and local governmental audits and specifies the frequency with which the audits must occur. Section 11.45, F.S., also allows the Auditor General to conduct other audits he or she determines to be appropriate. For purposes of s. 11.45, F.S., the term local governmental entity means “a county agency, municipality, or special district as defined in s. 189.012, but does not include any housing authority established under chapter 421.”

The Auditor General is required to transmit, by July 15, to the President of the Senate, the Speaker of the House of Representatives, and the Department of Financial Services a list of all school districts, charter schools, charter technical career centers, Florida College System institutions, state universities, and water management districts that have failed to comply with the transparency requirements as identified in the audit reports reviewed pursuant to paragraph (b) and those conducted pursuant to subsection (2).

Effect of Proposed Changes

CS/SB 1372 provides that the Governor or his or her designee, or the Commissioner of Education or his or her designee, may also notify the Joint Legislative Auditing Committee that a local governmental entity has failed to comply with applicable auditing, financial reporting, bond issuance notification, bond verification provisions, or failed to disclose a financial emergency or provide information required during a financial emergency.

CS/SB 1372 defines the terms “abuse,” “fraud,” and “waste” in s. 11.45, F.S., as follows:

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

“Fraud” means obtaining of something of value through willful misrepresentation, including, but not limited to, the intentional misstatements or omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity’s assets, bribery, or the use of one’s position for personal enrichment through the deliberate misuse or misapplication of an organization’s resources.

“Waste” means the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

The bill also redefines the term “Local governmental entity” for purposes of s. 11.45, F.S., to include tourist development councils and county tourism promotion agencies.

¹⁴ Section 218.38, F.S., requires notice of bond issuance and contains verification requirements.

¹⁵ Section 218.503(3), F.S., requires those entities to disclose a financial emergency and provide certain information concerning a financial emergency.

The bill exempts water management districts from being subject to audits pursuant to s. 11.45(2)(j), F.S. The bill allows the Auditor General to conduct audits or other engagements of tourist development councils and county tourism promotion agencies. The bill also conforms the Auditor General's reporting requirement to the President of the Senate, the Speaker of the House of Representatives, and the Department of Financial Services, by removing the obsolete reference to water management districts and replacing it with the phrase "local governmental entity."

Single Audit Act:

Present Situation

The Florida Single Audit Act (s. 215.97, F.S.) is designed to establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects; promote sound financial management, including effective internal controls, with respect to state financial assistance administered by nonstate entities; promote audit economy and efficiency by relying to the extent possible on already required audits of federal financial assistance provided to nonstate entities; provide for identification of state financial assistance transactions in the state accounting records and recipient organization records; promote improved coordination and cooperation within and between affected state agencies providing state financial assistance and nonstate entities receiving state assistance; and, ensure, to the maximum extent possible, that state agencies monitor, use, and follow-up on audits of state financial assistance provided to nonstate entities. Pursuant to the Single Audit Act, certain entities that exceed the "audit threshold" are subject to a state single audit or a project specific audit. Currently, the "audit threshold" is defined as:

the threshold amount used to determine when a state single audit or project-specific audit of a nonstate entity shall be conducted in accordance with this section. Each nonstate entity that expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such nonstate entity shall be required to have a state single audit, or a project-specific audit, for such fiscal year in accordance with the requirements of this section. Every 2 years the Auditor General, after consulting with the Executive Office of the Governor, the Department of Financial Services, and all state awarding agencies, shall review the threshold amount for requiring audits under this section and may adjust such threshold amount consistent with the purposes of this section. Section 215.97(2)(a), F.S.

Effect of Proposed Changes

The bill changes the audit threshold from \$500,000 to \$750,000. Additionally, the bill changes the requirement that the Auditor General review the threshold amount for requiring audits from every 2 years to "periodically." The term "periodically" is not defined in the bill. Finally, the bill authorizes the Auditor General to recommend to the Legislature a statutory change to revise the threshold amount in the annual report submitted pursuant to s. 11.45(7)(f), F.S.

Local Government Entity Annual Financial Reports:**Present Situation**

Section 218.32, F.S., requires certain local governmental entities to submit an annual financial report for the previous fiscal year. The annual financial report is required to be signed by the chair of the governing body and the chief financial officer of the local governmental entity. That section also specifies what information is required to be in the report.

Additionally, the Department of Financial Services is required to file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Accountability Program of the Department of Economic Opportunity showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report.¹⁶

Effect of Proposed Changes

CS/SB 1372 requires an independent certified public accountant completing an audit of a unit of local government pursuant to s. 218.39, F.S., to report, as part of the audit, whether or not the entity's annual financial report is in agreement with the audit report. The accountant's audit report must be supported by the same level of detail and required for the annual financial report. If the reports are not in agreement, the bill requires the audit to specify the differences that exist between the annual financial report and the audit report.

The bill also provides that, in preparing the verified report, the Department of Financial Services may request additional information from the local governmental entity. Any additional information requested must be provided within 45 days of the request. If the local governmental entity does not comply with the request, the Department of Financial Services must notify the Legislative Auditing Committee, which may take action pursuant to s. 11.40(2), F.S.

Annual Financial Audit Reports:**Present Situation**

If certain types of governmental entities are not notified by the first day of the fiscal year that they will be audited by the Auditor General, those entities must have an annual financial audit performed by an independent certified public accountant completed within 9 months.¹⁷ Section 218.39, F.S., lays out the minimum required information for the independent audits and provides for discussion between the governing body and the independent certified public accountant regarding certain specified conditions. If corrective action is required and has not been taken, the Legislative Auditing Committee can request a statement explaining why the corrective action has not been taken and provides for corrective steps including actions pursuant to s. 11.40(2), F.S.

¹⁶ Section 218.32(2), F.S.

¹⁷ Section 218.39, F.S.

Effect of Proposed Changes

CS/SB 1372 provides that if the audit report contains a recommendation from the preceding financial audit report, the governing body, within 60 days, must indicate its intent regarding corrective action, the corrective action to be taken, and when the corrective action will occur. If the governing body does not intend to take any corrective action, it shall explain why such action will not be taken at the regularly scheduled public meeting.

Auditor Selection Procedures:**Present Situation**

Section 218.391, F.S., lays out the process that specified governmental entities¹⁸ must follow in selecting its independent certified public accountant to act as an auditor. Noncharter counties are required to create a committee consisting of each of its elected county constitutional officers and one member of the board of county commissioners or its designee. Those entities must create an audit committee which must make a request for proposals. The law lays out what must be considered in selecting the firm and discusses negotiating for compensation.

Effect of Proposed Changes

The bill requires all counties to have an auditor selection committee consisting of each of its officers elected pursuant to the county charter or Florida Constitution. The bill requires municipalities, special districts, district school boards, charter schools, or charter technical career centers to create an audit committee with at least 3 members, one of which must be a member of the governing body of the entity. That member will serve as the committee's chair. Members of county, municipal, or special district audit committees may not exercise financial management responsibilities for the county, municipality, or special district. The bill provides that the contract period may not exceed five years. The bill creates a two year period of ineligibility for a firm to get a new contract after its five year contract has expired.

The audit report submitted pursuant to s. 218.39, F.S., must include an affidavit executed by the chair of the audit committee affirming that the committee complied with the auditor selection requirements. If the Auditor General determines that an entity failed to comply with the requirements in selecting an auditor, the entity shall select a replacement auditor to conduct audits for the remaining subsequent fiscal in the contract.

The Florida Virtual School:**Present Situation**

The Florida Virtual School is created to develop and deliver online and distance learning. The Commissioner of Education is charged with monitoring the Florida Virtual School. In pertinent part, the law requires the board of trustees to submit an annual report to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education. The report is required to address: operations and accomplishments of the Florida Virtual School within the state and those occurring outside the state as Florida Virtual School Global; marketing and

¹⁸ The entities are: the governing body of a charter county, municipality, special district, district school board, charter school, or charter technical career center.

operational plan for the Florida Virtual School and Florida Virtual School Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology; assets and liabilities of the Florida Virtual School and Florida Virtual School Global at the end of the fiscal year; a copy of an annual financial audit of the accounts and records of the Florida Virtual School and Florida Virtual School Global, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General; recommendations regarding the unit cost of providing services to students through the Florida Virtual School and Florida Virtual School Global; and, recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School and Florida Virtual School Global.¹⁹

The Auditor General is required to conduct an operational audit of the Florida Virtual School, including Florida Virtual School Global. The scope of the audit must include, but not be limited to, the administration of responsibilities relating to personnel; procurement and contracting; revenue production; school funds, including internal funds; student enrollment records; franchise agreements; information technology utilization, assets, and security; performance measures and standards; and accountability. The final report on the audit shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2014.

Effect of Proposed Changes

The bill eliminates the requirement that the Auditor General conduct an operation audit and report to the President of the Senate and the Speaker of the House of Representatives by January 31, 2014. That provision is replaced with requiring the Florida Virtual School to have an annual financial audit of its accounts and records completed by an independent auditor who is a licensed certified public accountant. The independent auditor must conduct the audit in accordance with the rules adopted by the Auditor General governing such audits. The audit report is required to include a written statement of the board of trustees describing corrective action to be taken in response to each of the independent auditor's recommendations. Upon completion of the audits, the independent auditor is required to submit an audit report to the board of trustees and the Auditor General no later than 9 months after the end of the prior fiscal year. The bill also makes conforming changes to the annual report provided to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education, by requiring a copy of the audit report be submitted with the annual statement. That audit report is to provide a written statement of the board of trustees describing corrective action to be taken in response to each finding of the independent auditor's recommendations included in the audit report.

Required Audits of Certain Educational Institutions:

Present Situation

School districts, Florida College System institutions, and other institutions and agencies under the supervision of the State Board of Education and state universities under the supervision of the Board of Governors are subject to the audit provisions of ss. 11.45 and 218.39, F.S. If an audit contains a significant finding, the district school board, the Florida College System

¹⁹ Section 1002.37(6), F.S.

institution board of trustees, or the university board of trustees shall conduct an audit overview during a public meeting.

Effect of Proposed Changes

If any audit report includes a recommendation that was previously included in the preceding financial audit report, the district school board, the Florida College System institution board of trustees, or the university board of trustees, must indicate its intent regarding corrective action, the corrective action to be taken, and when the corrective action will occur within 60 days after the delivery of the audit report. This response must occur during a regularly scheduled public meeting. If the district school board, Florida College System institution board of trustees, or university board of trustees does not intend to take corrective action, it shall explain why such action will not be taken at the regularly scheduled public meeting.

Other Provisions

Florida Clerk of Courts Corporation:

Present Situation

Currently, s. 28.35, F.S., requires the Florida Clerk of Courts Corporation to develop and certify a uniform system of workload measures and applicable workload standards for court-related functions as developed by the corporation and clerk workload performance in meeting the workload performance standards. These workload measures and workload performance standards must be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. The corporation shall develop the workload measures and workload performance standards in consultation with the Legislature. When the corporation finds a clerk has not met the workload performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. The corporation shall notify the Legislature of any clerk not meeting workload performance standards and provide a copy of any corrective action plans.

Effect of Proposed Changes

The bill requires the Florida Clerk of Courts Corporation to notify the Legislature of any clerk not meeting the workload performance standards and provide a copy of any corrective action plans within 45 days after the end of each quarter. For purposes of s. 28.35, F.S., the quarters end on the last day of March, June, September, and December of each year.

Transparency in Government Spending:

Present Situation

The Transparency Florida Act, located in s. 215.985, F.S., requires the Governor, in consultation with the appropriations committees of the House and Senate, to maintain a central website providing access to all other websites required to be linked under the Act. That law requires

certain budget information to be readily available online, certain contract information, and minimum functionality standards. In pertinent part, s. 215.985(11), F.S., requires:

Each water management district shall provide a monthly financial statement to its governing board and make such statement available for public access on its website.

Effect of Proposed Changes

The bill requires the monthly financial statement to be in the form and manner prescribed by the Department of Financial Services to the district's governing board and make such monthly financial statement available to the public on its website.

Financial Emergencies:

Present Situation

Local governmental entities, charter schools, charter technical career centers, and district school boards are subject to review and oversight by the Governor, the charter school sponsor, the charter technical career center sponsor, or the Commissioner of Education, as appropriate, under certain circumstances.²⁰ If a financial emergency occurs, the Governor or the Commissioner of Education must contact the entity to determine what steps have been taken to rectify, resolve, or prevent the financial emergency. Any information requested must be provided within 45 days. If the local governmental entity or the district school board does not comply with the request, the Governor or Commissioner of Education must notify the *members* of the Legislative Auditing Committee who may take action pursuant to s. 11.40, F.S. The Governor or the Commissioner of Education must then determine whether the entity needs state assistance. If so, the entity is considered to be in a state of financial emergency. The Governor or the Commissioner of Education then has the authority to take steps to resolve the financial emergency.²¹

Effect of Proposed Changes

The bill provides that the Governor, or his or her designee, or the Commissioner of Education, or his or her designee, must notify the Legislative Auditing Committee instead of notifying the members of the Legislative Auditing Committee.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²⁰ Section 218.503(1), F.S.

²¹ Section 218.503(3), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 112.31456 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 11.40, 11.45, 28.35, 43.16, 112.31455, 112.3261, 129.03, 129.06, 166.241, 189.016, 215.425, 215.86, 215.97, 215.985, 218.32, 218.33, 218.39, 218.391, 288.92, 288.9604, 373.536, 1002.33, 1002.37, 1010.01, 1010.30, 68.082, 68.083, and 218.503.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Ethics and Elections on March 24, 2015:

The committee substitute differs from the original bill in that it:

- Allows the Auditor General to conduct audits or other engagements of tourist development councils and county tourism promotion agencies;
- Requires a governing body to withhold 25% of the amount of the fine from the filer's next public salary-related payment, plus any administrative costs incurred;
- Requires withholding the same percentage of each successive public salary-related payment until the fine and administrative costs are paid in full;

- Defines “public funds” for purposes of the prohibited compensation statute in s. 215.425, F.S.;
- Clarifies that it is not prohibited compensation to pay a bonus or severance pay from sources other than public funds;
- Provides that state or county officers making or receiving prohibited compensation may be suspended by the Governor and removed by the Florida Senate;
- Allows the Governor to suspend and remove any other officer who makes or receives prohibited compensation pursuant to s. 112.51, F.S.;
- Requires the accountant’s audit to be supported by the same level of detail and required for the annual financial report;
- Provides that the contract period may not exceed five years;
- Creates a two year period of ineligibility for a firm to get a new contract after its five year contract has expired;
- Requires the audit report submitted pursuant to s. 218.39, F.S., to include an affidavit executed by the chair of the audit committee affirming that the committee complied with the auditor selection requirements;
- Provides that entities that fail to comply with the requirements in selecting an auditor must replace the auditor for the remaining term of the contract;
- Extends applicability of the two year post-service lobbying restriction to prohibit representation before a division of Enterprise Florida, subsidiary of Enterprise Florida, or the board of directors of corporations created to carry out the missions of Enterprise Florida, Inc., or with which a division is required by law to contract to carry out its missions;
- Requires Florida Virtual Schools to include a written statement describing corrective action to be taken in response to each of the independent auditor’s recommendations;
- Requires Florida Virtual Schools to submit its audit report in its annual report to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education; and
- Provides new effective date of October 1, 2015.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2015	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

11.40 Legislative Auditing Committee.—

(2) Following notification by the Auditor General, the
Department of Financial Services, ~~or~~ the Division of Bond
Finance of the State Board of Administration, the Governor or



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11 his or her designee, or the Commissioner of Education or his or
12 her designee of the failure of a local governmental entity,
13 district school board, charter school, or charter technical
14 career center to comply with the applicable provisions within s.
15 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
16 Legislative Auditing Committee may schedule a hearing to
17 determine if the entity should be subject to further state
18 action. If the committee determines that the entity should be
19 subject to further state action, the committee shall:

20 (a) In the case of a local governmental entity or district
21 school board, direct the Department of Revenue and the
22 Department of Financial Services to withhold any funds not
23 pledged for bond debt service satisfaction which are payable to
24 such entity until the entity complies with the law. The
25 committee shall specify the date such action shall begin, and
26 the directive must be received by the Department of Revenue and
27 the Department of Financial Services 30 days before the date of
28 the distribution mandated by law. The Department of Revenue and
29 the Department of Financial Services may implement the
30 provisions of this paragraph.

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

32 1. A special act, notify the President of the Senate, the
33 Speaker of the House of Representatives, the standing committees
34 of the Senate and the House of Representatives charged with
35 special district oversight as determined by the presiding
36 officers of each respective chamber, the legislators who
37 represent a portion of the geographical jurisdiction of the
38 special district pursuant to s. 189.034(2), and the Department
39 of Economic Opportunity that the special district has failed to



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40 comply with the law. Upon receipt of notification, the
41 Department of Economic Opportunity shall proceed pursuant to s.
42 189.062 or s. 189.067. If the special district remains in
43 noncompliance after the process set forth in s. 189.034(3), or
44 if a public hearing is not held, the Legislative Auditing
45 Committee may request the department to proceed pursuant to s.
46 189.067(3).

47 2. A local ordinance, notify the chair or equivalent of the
48 local general-purpose government pursuant to s. 189.035(2) and
49 the Department of Economic Opportunity that the special district
50 has failed to comply with the law. Upon receipt of notification,
51 the department shall proceed pursuant to s. 189.062 or s.
52 189.067. If the special district remains in noncompliance after
53 the process set forth in s. 189.034(3), or if a public hearing
54 is not held, the Legislative Auditing Committee may request the
55 department to proceed pursuant to s. 189.067(3).

56 3. Any manner other than a special act or local ordinance,
57 notify the Department of Economic Opportunity that the special
58 district has failed to comply with the law. Upon receipt of
59 notification, the department shall proceed pursuant to s.
60 189.062 or s. 189.067(3).

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

64 Section 2. Subsection (1), paragraph (j) of subsection (2),
65 paragraph (v) of subsection (3), and paragraph (i) of subsection
66 (7) of section 11.45, Florida Statutes, are amended, and
67 paragraph (y) is added to subsection (3) of that section, to
68 read:



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69 11.45 Definitions; duties; authorities; reports; rules.—

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

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

76 (b)~~(a)~~ "Audit" means a financial audit, operational audit,
77 or performance audit.

78 (c)~~(b)~~ "County agency" means a board of county
79 commissioners or other legislative and governing body of a
80 county, however styled, including that of a consolidated or
81 metropolitan government, a clerk of the circuit court, a
82 separate or ex officio clerk of the county court, a sheriff, a
83 property appraiser, a tax collector, a supervisor of elections,
84 or any other officer in whom any portion of the fiscal duties of
85 the above are under law separately placed.

86 (d)~~(e)~~ "Financial audit" means an examination of financial
87 statements in order to express an opinion on the fairness with
88 which they are presented in conformity with generally accepted
89 accounting principles and an examination to determine whether
90 operations are properly conducted in accordance with legal and
91 regulatory requirements. Financial audits must be conducted in
92 accordance with auditing standards generally accepted in the
93 United States and government auditing standards as adopted by
94 the Board of Accountancy. When applicable, the scope of
95 financial audits shall encompass the additional activities
96 necessary to establish compliance with the Single Audit Act
97 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other



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98 applicable federal law.

99 (e) "Fraud" means obtaining something of value through
100 willful misrepresentation, including, but not limited to, the
101 intentional misstatements or omissions of amounts or disclosures
102 in financial statements to deceive users of financial
103 statements, theft of an entity's assets, bribery, or the use of
104 one's position for personal enrichment through the deliberate
105 misuse or misapplication of an organization's resources.

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

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

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

116 (i)~~(g)~~ "Operational audit" means an audit whose purpose is
117 to evaluate management's performance in establishing and
118 maintaining internal controls, including controls designed to
119 prevent and detect fraud, waste, and abuse, and in administering
120 assigned responsibilities in accordance with applicable laws,
121 administrative rules, contracts, grant agreements, and other
122 guidelines. Operational audits must be conducted in accordance
123 with government auditing standards. Such audits examine internal
124 controls that are designed and placed in operation to promote
125 and encourage the achievement of management's control objectives
126 in the categories of compliance, economic and efficient



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127 operations, reliability of financial records and reports, and
128 safeguarding of assets, and identify weaknesses in those
129 internal controls.

130 (j)~~(h)~~ "Performance audit" means an examination of a
131 program, activity, or function of a governmental entity,
132 conducted in accordance with applicable government auditing
133 standards or auditing and evaluation standards of other
134 appropriate authoritative bodies. The term includes an
135 examination of issues related to:

136 1. Economy, efficiency, or effectiveness of the program.

137 2. Structure or design of the program to accomplish its
138 goals and objectives.

139 3. Adequacy of the program to meet the needs identified by
140 the Legislature or governing body.

141 4. Alternative methods of providing program services or
142 products.

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

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

147 7. Compliance of the program with appropriate policies,
148 rules, or laws.

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

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



156 institution, metropolitan government, municipality, office,
157 officer, public corporation, town, or village.

158 (1)~~(j)~~ "State agency" means a separate agency or unit of
159 state government created or established by law and includes, but
160 is not limited to, the following and the officers thereof:
161 authority, board, branch, bureau, commission, department,
162 division, institution, office, officer, or public corporation,
163 as the case may be, except any such agency or unit within the
164 legislative branch of state government other than the Florida
165 Public Service Commission.

166 (m) "Waste" means the act of using or expending resources
167 unreasonably, carelessly, extravagantly, or for no useful
168 purpose.

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

170 (j) Conduct audits of local governmental entities when
171 determined to be necessary by the Auditor General, when directed
172 by the Legislative Auditing Committee, or when otherwise
173 required by law. No later than 18 months after the release of
174 the audit report, the Auditor General shall perform such
175 appropriate followup procedures as he or she deems necessary to
176 determine the audited entity's progress in addressing the
177 findings and recommendations contained within the Auditor
178 General's previous report. The Auditor General shall notify each
179 member of the audited entity's governing body and the
180 Legislative Auditing Committee of the results of his or her
181 determination. For purposes of this paragraph, local
182 governmental entities do not include water management districts.

183
184 The Auditor General shall perform his or her duties



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185 independently but under the general policies established by the
186 Legislative Auditing Committee. This subsection does not limit
187 the Auditor General's discretionary authority to conduct other
188 audits or engagements of governmental entities as authorized in
189 subsection (3).

190 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
191 General may, pursuant to his or her own authority, or at the
192 direction of the Legislative Auditing Committee, conduct audits
193 or other engagements as determined appropriate by the Auditor
194 General of:

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

196 (y) Tourist development councils and county tourism
197 promotion agencies.

198 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

199 (i) The Auditor General shall annually transmit by July 15,
200 to the President of the Senate, the Speaker of the House of
201 Representatives, and the Department of Financial Services, a
202 list of all school districts, charter schools, charter technical
203 career centers, Florida College System institutions, state
204 universities, and local governmental entities ~~water management~~
205 ~~districts~~ that have failed to comply with the transparency
206 requirements as identified in the audit reports reviewed
207 pursuant to paragraph (b) and those conducted pursuant to
208 subsection (2).

209 Section 3. Paragraph (d) of subsection (2) of section
210 28.35, Florida Statutes, is amended to read:

211 28.35 Florida Clerks of Court Operations Corporation.—

212 (2) The duties of the corporation shall include the
213 following:



214 (d) Developing and certifying a uniform system of workload
215 measures and applicable workload standards for court-related
216 functions as developed by the corporation and clerk workload
217 performance in meeting the workload performance standards. These
218 workload measures and workload performance standards shall be
219 designed to facilitate an objective determination of the
220 performance of each clerk in accordance with minimum standards
221 for fiscal management, operational efficiency, and effective
222 collection of fines, fees, service charges, and court costs. The
223 corporation shall develop the workload measures and workload
224 performance standards in consultation with the Legislature. When
225 the corporation finds a clerk has not met the workload
226 performance standards, the corporation shall identify the nature
227 of each deficiency and any corrective action recommended and
228 taken by the affected clerk of the court. For quarterly periods
229 ending on the last day of March, June, September, and December
230 of each year, the corporation shall notify the Legislature of
231 any clerk not meeting workload performance standards and provide
232 a copy of any corrective action plans. Such notifications shall
233 be submitted no later than 45 days after the end of the
234 preceding quarterly period. As used in this subsection, the
235 term:

236 1. "Workload measures" means the measurement of the
237 activities and frequency of the work required for the clerk to
238 adequately perform the court-related duties of the office as
239 defined by the membership of the Florida Clerks of Court
240 Operations Corporation.

241 2. "Workload performance standards" means the standards
242 developed to measure the timeliness and effectiveness of the



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243 activities that are accomplished by the clerk in the performance
244 of the court-related duties of the office as defined by the
245 membership of the Florida Clerks of Court Operations
246 Corporation.

247 Section 4. Present subsections (6) and (7) of section
248 43.16, Florida Statutes, are redesignated as subsections (7) and
249 (8), respectively, and a new subsection (6) is added to that
250 section, to read:

251 43.16 Justice Administrative Commission; membership, powers
252 and duties.—

253 (6) The commission, each state attorney, each public
254 defender, the criminal conflict and civil regional counsel, the
255 capital collateral regional counsel, and the Guardian Ad Litem
256 Program shall establish and maintain internal controls designed
257 to:

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

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

261 (c) Support economical and efficient operations.

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

263 (e) Safeguard assets.

264 Section 5. Section 112.31455, Florida Statutes, is amended
265 to read:

266 112.31455 Withholding of public salary-related payments
267 ~~Collection methods~~ for unpaid automatic fines for failure to
268 timely file disclosure of financial interests.—

269 (1) Before referring any unpaid fine accrued pursuant to s.
270 112.3144(5) or s. 112.3145(7) ~~s. 112.3145(6)~~ to the Department
271 of Financial Services, the commission shall attempt to determine



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272 whether the individual owing such a fine is a current public
273 officer or current public employee. If so, the commission may
274 notify the Chief Financial Officer or the governing body of the
275 appropriate county, municipality, or special district of the
276 total amount of any fine owed to the commission by such
277 individual.

278 (a) After receipt and verification of the notice from the
279 commission, the Chief Financial Officer or the governing body of
280 the county, municipality, or special district shall withhold 25
281 percent of the entire amount of any fine owed, and any
282 administrative costs incurred, from the individual's next public
283 salary-related payment. The same percentage of each successive
284 public salary-related payment must be withheld until the fine
285 and administrative costs are paid in full ~~begin withholding the~~
286 ~~lesser of 10 percent or the maximum amount allowed under federal~~
287 ~~law from any salary-related payment.~~ The Chief Financial Officer
288 or the governing body of the county, municipality, or special
289 district may retain an amount of each withheld payment, as
290 provided in s. 77.0305, to cover the administrative costs
291 incurred under this section. The withheld payments shall be
292 remitted to the commission until the fine is satisfied.

293 (b) If a current public officer or current public employee
294 demonstrates to the Chief Financial Officer or the governing
295 body responsible for paying him or her that the public salary is
296 his or her primary source of income and that withholding 25
297 percent of the entire amount of any fine owed from a public
298 salary-related payment would present an undue hardship, the
299 withheld amount may be reduced but must be at least 10 percent
300 of the public salary-related payment ~~The Chief Financial Officer~~



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301 ~~or the governing body of the county, municipality, or special~~
302 ~~district may retain an amount of each withheld payment, as~~
303 ~~provided in s. 77.0305, to cover the administrative costs~~
304 ~~incurred under this section.~~

305 ~~(2) If the commission determines that the individual who is~~
306 ~~the subject of an unpaid fine accrued pursuant to s. 112.3144(5)~~
307 ~~or s. 112.3145(6) is no longer a public officer or public~~
308 ~~employee or if the commission is unable to determine whether the~~
309 ~~individual is a current public officer or public employee, the~~
310 ~~commission may, 6 months after the order becomes final, seek~~
311 ~~garnishment of any wages to satisfy the amount of the fine, or~~
312 ~~any unpaid portion thereof, pursuant to chapter 77. Upon~~
313 ~~recording the order imposing the fine with the clerk of the~~
314 ~~circuit court, the order shall be deemed a judgment for purposes~~
315 ~~of garnishment pursuant to chapter 77.~~

316 ~~(2)(3)~~ The commission may refer unpaid fines to the
317 appropriate collection agency, as directed by the Chief
318 Financial Officer, to use ~~utilize~~ any collection methods
319 provided by law. Except as expressly limited by this section,
320 any other collection methods authorized by law are allowed.

321 ~~(3)(4)~~ Action may be taken to collect any unpaid fine
322 imposed by ss. 112.3144 and 112.3145 within 20 years after the
323 date the final order is rendered.

324 Section 6. Section 112.31456, Florida Statutes, is created
325 to read:

326 112.31456 Garnishment of wages for unpaid automatic fines
327 for failure to timely file disclosure of financial interests.-

328 (1) Before referring any unpaid fine accrued pursuant to s.
329 112.3144(5) or s. 112.3145(7) to the Department of Financial



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330 Services, the commission shall attempt to determine whether the
331 individual owing such a fine is a current public officer or
332 current public employee. If the commission determines that an
333 individual who is the subject of an unpaid fine accrued pursuant
334 to s. 112.3144(5) or s. 112.3145(7) is no longer a public
335 officer or public employee or if the commission cannot determine
336 whether the individual is a current public officer or current
337 public employee, the commission may, 6 months after the order
338 becomes final, seek garnishment of any wages to satisfy the
339 amount of the fine, or any unpaid portion thereof, pursuant to
340 chapter 77. Upon recording the order imposing the fine with the
341 clerk of the circuit court, the order shall be deemed a judgment
342 for purposes of garnishment pursuant to chapter 77.

343 (2) The commission may refer unpaid fines to the
344 appropriate collection agency, as directed by the Chief
345 Financial Officer, to use any collection methods provided by
346 law. Except as expressly limited by this section, any other
347 collection method authorized by law is allowed.

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

351 Section 7. Section 112.3261, Florida Statutes, is amended
352 to read:

353 112.3261 Lobbying before governmental entities ~~water~~
354 ~~management districts~~; registration and reporting.-

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

356 (a) "Governmental entity" or "entity" "District" means a
357 water management district created in s. 373.069 and operating
358 under the authority of chapter 373, a hospital district, a



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359 children's services district, an expressway authority as the
360 term "authority" as defined in s. 348.0002, the term "port
361 authority" as defined in s. 315.02, or an independent special
362 district with annual revenues of more than \$5 million which
363 exercises ad valorem taxing authority.

364 (b) "Lobbies" means seeking, on behalf of another person,
365 to influence a governmental entity ~~district~~ with respect to a
366 decision of the entity ~~district~~ in an area of policy or
367 procurement or an attempt to obtain the goodwill of an a
368 ~~district~~ official or employee of a governmental entity. The term
369 "~~lobbies~~" shall be interpreted and applied consistently with the
370 rules of the commission implementing s. 112.3215.

371 (c) "Lobbyist" has the same meaning as provided in s.
372 112.3215.

373 (d) "Principal" has the same meaning as provided in s.
374 112.3215.

375 (2) A person may not lobby a governmental entity ~~district~~
376 until such person has registered as a lobbyist with that entity
377 ~~district~~. Such registration shall be due upon initially being
378 retained to lobby and is renewable on a calendar-year basis
379 thereafter. Upon registration, the person shall provide a
380 statement signed by the principal or principal's representative
381 stating that the registrant is authorized to represent the
382 principal. The principal shall also identify and designate its
383 main business on the statement authorizing that lobbyist
384 pursuant to a classification system approved by the governmental
385 entity ~~district~~. Any changes to the information required by this
386 section must be disclosed within 15 days by filing a new
387 registration form. The registration form shall require each



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388 lobbyist to disclose, under oath, the following:

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

390 (b) The name and business address of each principal
391 represented.

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

396 (d) In lieu of creating its own lobbyist registration
397 forms, a governmental entity ~~district~~ may accept a completed
398 legislative branch or executive branch lobbyist registration
399 form.

400 (3) A governmental entity ~~district~~ shall make lobbyist
401 registrations available to the public. If a governmental entity
402 ~~district~~ maintains a website, a database of currently registered
403 lobbyists and principals must be available on the entity's
404 ~~district's~~ website.

405 (4) A lobbyist shall promptly send a written statement to
406 the governmental entity ~~district~~ canceling the registration for
407 a principal upon termination of the lobbyist's representation of
408 that principal. A governmental entity ~~district~~ may remove the
409 name of a lobbyist from the list of registered lobbyists if the
410 principal notifies the entity ~~district~~ that a person is no
411 longer authorized to represent that principal.

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

416 (6) A governmental entity ~~district~~ shall be diligent to



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417 ascertain whether persons required to register pursuant to this
418 section have complied. A governmental entity ~~district~~ may not
419 knowingly authorize a person who is not registered pursuant to
420 this section to lobby the entity ~~district~~.

421 (7) Upon receipt of a sworn complaint alleging that a
422 lobbyist or principal has failed to register with a governmental
423 entity ~~district~~ or has knowingly submitted false information in
424 a report or registration required under this section, the
425 commission shall investigate a lobbyist or principal pursuant to
426 the procedures established under s. 112.324. The commission
427 shall provide the Governor with a report of its findings and
428 recommendations in any investigation conducted pursuant to this
429 subsection. The Governor is authorized to enforce the
430 commission's findings and recommendations.

431 (8) A governmental entity ~~Water management districts~~ may
432 adopt rules to establish procedures to govern the registration
433 of lobbyists, including the adoption of forms and the
434 establishment of a lobbyist registration fee.

435 Section 8. Paragraph (c) of subsection (3) of section
436 129.03, Florida Statutes, is amended to read:

437 129.03 Preparation and adoption of budget.—

438 (3) The county budget officer, after tentatively
439 ascertaining the proposed fiscal policies of the board for the
440 next fiscal year, shall prepare and present to the board a
441 tentative budget for the next fiscal year for each of the funds
442 provided in this chapter, including all estimated receipts,
443 taxes to be levied, and balances expected to be brought forward
444 and all estimated expenditures, reserves, and balances to be
445 carried over at the end of the year.



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446 (c) The board shall hold public hearings to adopt tentative
447 and final budgets pursuant to s. 200.065. The hearings shall be
448 primarily for the purpose of hearing requests and complaints
449 from the public regarding the budgets and the proposed tax
450 levies and for explaining the budget and any proposed or adopted
451 amendments. The tentative budget must be posted on the county's
452 official website at least 2 days before the public hearing to
453 consider such budget and must remain on the website for at least
454 45 days. The final budget must be posted on the website within
455 30 days after adoption and must remain on the website for at
456 least 2 years. The tentative budgets, adopted tentative budgets,
457 and final budgets shall be filed in the office of the county
458 auditor as a public record. Sufficient reference in words and
459 figures to identify the particular transactions shall be made in
460 the minutes of the board to record its actions with reference to
461 the budgets.

462 Section 9. Paragraph (f) of subsection (2) of section
463 129.06, Florida Statutes, is amended to read:

464 129.06 Execution and amendment of budget.-

465 (2) The board at any time within a fiscal year may amend a
466 budget for that year, and may within the first 60 days of a
467 fiscal year amend the budget for the prior fiscal year, as
468 follows:

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

474 1. The public hearing must be advertised at least 2 days,



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475 but not more than 5 days, before the date of the hearing. The
476 advertisement must appear in a newspaper of paid general
477 circulation and must identify the name of the taxing authority,
478 the date, place, and time of the hearing, and the purpose of the
479 hearing. The advertisement must also identify each budgetary
480 fund to be amended, the source of the funds, the use of the
481 funds, and the total amount of each fund's appropriations.

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

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

488 166.241 Fiscal years, budgets, and budget amendments.—

489 (3) The tentative budget must be posted on the
490 municipality's official website at least 2 days before the
491 budget hearing, held pursuant to s. 200.065 or other law, to
492 consider such budget, and must remain on the website for at
493 least 45 days. The final adopted budget must be posted on the
494 municipality's official website within 30 days after adoption
495 and must remain on the website for at least 2 years. If the
496 municipality does not operate an official website, the
497 municipality must, within a reasonable period of time as
498 established by the county or counties in which the municipality
499 is located, transmit the tentative budget and final budget to
500 the manager or administrator of such county or counties who
501 shall post the budgets on the county's website.

502 (5) If the governing body of a municipality amends the
503 budget pursuant to paragraph (4) (c), the adopted amendment must



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504 be posted on the official website of the municipality within 5
505 days after adoption and must remain on the website for at least
506 2 years. If the municipality does not operate an official
507 website, the municipality must, within a reasonable period of
508 time as established by the county or counties in which the
509 municipality is located, transmit the adopted amendment to the
510 manager or administrator of such county or counties who shall
511 post the adopted amendment on the county's website.

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

514 189.016 Reports; budgets; audits.—

515 (4) The tentative budget must be posted on the special
516 district's official website at least 2 days before the budget
517 hearing, held pursuant to s. 200.065 or other law, to consider
518 such budget, and must remain on the website for at least 45
519 days. The final adopted budget must be posted on the special
520 district's official website within 30 days after adoption and
521 must remain on the website for at least 2 years. If the special
522 district does not operate an official website, the special
523 district must, within a reasonable period of time as established
524 by the local general-purpose government or governments in which
525 the special district is located or the local governing authority
526 to which the district is dependent, transmit the tentative
527 budget or final budget to the manager or administrator of the
528 local general-purpose government or the local governing
529 authority. The manager or administrator shall post the tentative
530 budget or final budget on the website of the local general-
531 purpose government or governing authority. This subsection and
532 subsection (3) do not apply to water management districts as



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533 defined in s. 373.019.

534 (7) If the governing body of a special district amends the
535 budget pursuant to paragraph (6)(c), the adopted amendment must
536 be posted on the official website of the special district within
537 5 days after adoption and must remain on the website for at
538 least 2 years. If the special district does not operate an
539 official website, the special district must, within a reasonable
540 period of time as established by the local general-purpose
541 government or governments in which the special district is
542 located or the local governing authority to which the district
543 is dependent, transmit the adopted amendment to the manager or
544 administrator of the local general-purpose government or
545 governing authority. The manager or administrator shall post the
546 adopted amendment on the website of the local general-purpose
547 government or governing authority.

548 Section 12. Present subsections (1) through (5) of section
549 215.425, Florida Statutes, are redesignated as subsections (2)
550 through (6), respectively, present subsection (2) and paragraph
551 (a) of subsection (4) of that section are amended, and a new
552 subsection (1) and subsections (7) through (12) are added to
553 that section, to read:

554 215.425 Extra compensation claims prohibited; bonuses;
555 severance pay.—

556 (1) As used in this section, the term "public funds" means
557 any taxes, tuition, grants, fines, fees, or other charges or any
558 other type of revenue collected by the state or any county,
559 municipality, special district, school district, Florida College
560 System institution, state university, or other separate unit of
561 government created pursuant to law, including any office,



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562 department, agency, division, subdivision, political
563 subdivision, board, bureau, commission, authority, or
564 institution of such entities.

565 (3)(2) This section does not apply to:

566 ~~(a)~~ a bonus or severance pay that is paid from sources
567 other than public funds ~~wholly from nontax revenues and~~
568 ~~nonstate appropriated funds, the payment and receipt of which~~
569 ~~does not otherwise violate part III of chapter 112, and which is~~
570 ~~paid to an officer, agent, employee, or contractor of a public~~
571 ~~hospital that is operated by a county or a special district; or~~

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

574 (5) (a) (4) (a) ~~On or after July 1, 2011,~~ A unit of government
575 that enters into a contract or employment agreement, or renewal
576 or renegotiation of an existing contract or employment
577 agreement, that contains a provision for severance pay with an
578 officer, agent, employee, or contractor must include the
579 following provisions in the contract:

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

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

587 (7) Upon discovery or notification that a unit of
588 government has provided prohibited compensation to any officer,
589 agent, employee, or contractor in violation of this section,
590 such unit of government shall investigate and take all necessary



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591 action to recover the prohibited compensation.

592 (a) If the violation was unintentional, the unit of
593 government shall recover the prohibited compensation from the
594 individual receiving the prohibited compensation through normal
595 recovery methods for overpayments.

596 (b) If the violation was willful, the unit of government
597 shall recover the prohibited compensation from either the
598 individual receiving the prohibited compensation or the
599 individual or individuals responsible for approving the
600 prohibited compensation. Each individual determined to have
601 willfully violated this section is jointly and severally liable
602 for repayment of the prohibited compensation.

603 (8) A person who willfully violates this section commits a
604 misdemeanor of the first degree, punishable as provided in s.
605 775.082 or s. 775.083.

606 (9) An officer who exercises the powers and duties of a
607 state or county officer and willfully violates this section is
608 subject to the Governor's power under s. 7(a), Art. IV of the
609 State Constitution. An officer who exercises powers and duties
610 other than that of a state or county officer and willfully
611 violates this section is subject to the suspension and removal
612 procedures under s. 112.51.

613 (10) (a) A person who reports a violation of this section is
614 eligible for a reward of at least \$500, or the lesser of 10
615 percent of the funds recovered or \$10,000 per incident of a
616 prohibited compensation payment recovered by the unit of
617 government, depending upon the extent to which the person
618 substantially contributed to the discovery, notification, and
619 recovery of such prohibited payment.



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620 (b) In the event that the recovery of the prohibited
621 compensation is based primarily on disclosures of specific
622 information, other than information provided by such person,
623 relating to allegations or transactions in a criminal, civil, or
624 administrative hearing; a legislative, administrative, inspector
625 general, or other government report; auditor general report,
626 hearing, audit, or investigation; or from the news media, such
627 person is not eligible for a reward, or for an award of a
628 portion of the proceeds or payment of attorney fees and costs
629 pursuant to s. 68.085.

630 (c) If it is determined that the person who reported a
631 violation of this section was involved in the authorization,
632 approval, or receipt of the prohibited compensation or is
633 convicted of criminal conduct arising from his or her role in
634 the authorization, approval, or receipt of the prohibited
635 compensation, such person is not eligible for a reward, or for
636 an award of a portion of the proceeds or payment of attorney
637 fees and costs pursuant to s. 68.085.

638 (11) An employee who is discharged, demoted, suspended,
639 threatened, harassed, or in any manner discriminated against in
640 the terms and conditions of employment by his or her employer
641 because of lawful acts done by the employee on behalf of the
642 employee or others in furtherance of an action under this
643 section, including investigation for initiation of, testimony
644 for, or assistance in an action filed or to be filed under this
645 section, has a cause of action under s. 112.3187.

646 (12) If the unit of government fails to recover prohibited
647 compensation for a willful violation of this section upon
648 discovery and notification of such prohibited payment within 90



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649 days, a cause of action may be brought to:

650 (a) Recover state funds in accordance with ss. 68.082 and
651 68.083.

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

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

660 Section 13. Section 215.86, Florida Statutes, is amended to
661 read:

662 215.86 Management systems and controls.—Each state agency
663 and the judicial branch as defined in s. 216.011 shall establish
664 and maintain management systems and internal controls designed
665 to:

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

667 (2) Promote and encourage compliance with applicable laws,
668 rules, contracts, grant agreements, and best practices.†

669 (3) Support economical and ~~economic,~~ efficient, ~~and~~
670 effective operations.†

671 (4) Ensure reliability of financial records and reports.†

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

675 Section 14. Paragraph (a) of subsection (2) of section
676 215.97, Florida Statutes, is amended to read:

677 215.97 Florida Single Audit Act.—



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678 (2) Definitions; as used in this section, the term:
679 (a) "Audit threshold" means the threshold amount used to
680 determine when a state single audit or project-specific audit of
681 a nonstate entity shall be conducted in accordance with this
682 section. Each nonstate entity that expends a total amount of
683 state financial assistance equal to or in excess of \$750,000
684 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
685 required to have a state single audit, or a project-specific
686 audit, for such fiscal year in accordance with the requirements
687 of this section. Periodically, ~~Every 2 years~~ the Auditor
688 General, after consulting with the Executive Office of the
689 Governor, the Department of Financial Services, and all state
690 awarding agencies, shall review the threshold amount for
691 requiring audits under this section and, if appropriate, may
692 recommend to the Legislature a statutory change to revise the
693 threshold amount in the annual report submitted pursuant to s.
694 11.45(7)(h) may adjust such threshold amount consistent with the
695 ~~purposes of this section.~~

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

698 215.985 Transparency in government spending.—

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

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

706 218.32 Annual financial reports; local governmental



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707 entities.-

708 (1)

709 (d) Each local governmental entity that is required to
710 provide for an audit under s. 218.39(1) must submit a copy of
711 the audit report and annual financial report to the department
712 within 45 days after the completion of the audit report but no
713 later than 9 months after the end of the fiscal year. An
714 independent certified public accountant completing an audit of a
715 local governmental entity pursuant to s. 218.39 shall report, as
716 part of the audit, as to whether the entity's annual financial
717 report is in agreement with the audited financial statements.
718 The accountant's audit report must be supported by the same
719 level of detail as required for the annual financial report. If
720 the accountant's audit report is not in agreement with the
721 annual financial report, the accountant shall specify and
722 explain the significant differences that exist between the
723 annual financial report and the audit report.

724 (2) The department shall annually by December 1 file a
725 verified report with the Governor, the Legislature, the Auditor
726 General, and the Special District Accountability Program of the
727 Department of Economic Opportunity showing the revenues, both
728 locally derived and derived from intergovernmental transfers,
729 and the expenditures of each local governmental entity, regional
730 planning council, local government finance commission, and
731 municipal power corporation that is required to submit an annual
732 financial report. In preparing the verified report, the
733 department may request additional information from the local
734 governmental entity. The information requested must be provided
735 to the department within 45 days of the request. If the local



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

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

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

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

751 218.33 Local governmental entities; establishment of
752 uniform fiscal years and accounting practices and procedures.—

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

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

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

758 (c) Support economical and efficient operations.

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

760 (e) Safeguard assets.

761 Section 18. Present subsections (8) through (12) of section
762 218.39, Florida Statutes, are redesignated as subsections (9)
763 through (13), respectively, and a new subsection (8) is added to
764 that section, to read:



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765 218.39 Annual financial audit reports.-

766 (8) If the audit report includes a recommendation that was
767 previously included in the preceding financial audit report, the
768 governing body of the audited entity, within 60 days after the
769 delivery of the audit report to the governing body and during a
770 regularly scheduled public meeting, shall indicate its intent
771 regarding corrective action, the corrective action to be taken,
772 and when the corrective action will occur. If the governing body
773 does not intend to take corrective action, it shall explain why
774 such action will not be taken at the regularly scheduled public
775 meeting.

776 Section 19. Subsection (2) and paragraph (c) of subsection
777 (7) of section 218.391, Florida Statutes, are amended, and a new
778 subsection (9) is added to that section, to read:

779 218.391 Auditor selection procedures.-

780 (2) The governing body of a ~~charter~~ county, municipality,
781 special district, district school board, charter school, or
782 charter technical career center shall establish an audit
783 committee.

784 (a) For a county, the ~~Each noncharter county shall~~
785 establish an audit committee that, at a minimum, shall consist
786 of each of the county officers elected pursuant to the county
787 charter or s. 1(d), Art. VIII of the State Constitution, or a
788 designee, and one member of the board of county commissioners or
789 its designee.

790 (b) For a municipality, special district, district school
791 board, charter school, or charter technical career center, the
792 audit committee shall consist of at least three members. One
793 member of the audit committee must be a member of the governing



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794 body of an entity specified in this paragraph who shall also
795 serve as the chair of the committee.

796 (c) A member of the audit committee may not exercise
797 financial management responsibilities for the county,
798 municipality, special district, district school board, charter
799 school, or charter technical career center.

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

806 (7) Every procurement of audit services shall be evidenced
807 by a written contract embodying all provisions and conditions of
808 the procurement of such services. For purposes of this section,
809 an engagement letter signed and executed by both parties shall
810 constitute a written contract. The written contract shall, at a
811 minimum, include the following:

812 (c) A provision specifying the contract period, including
813 renewals, and conditions under which the contract may be
814 terminated or renewed. The contract period may not exceed 5
815 years. Upon conclusion of the contract, the contracting firm is
816 ineligible to conduct a financial audit of the entity pursuant
817 to s. 218.39 for a period of 2 years.

818 (9) An audit report submitted pursuant to s. 218.39 must
819 include an affidavit executed by the chair of the audit
820 committee affirming that the committee complied with the
821 requirements of subsections (3) through (6) in selecting an
822 auditor. If the Auditor General determines that an entity failed



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823 to comply with the requirements of subsections (3) through (6)
824 in selecting an auditor, the entity shall select a replacement
825 auditor in accordance with this section to conduct audits for
826 subsequent fiscal years if the original audit was performed
827 under a multiyear contract. If the replacement of an auditor
828 would preclude the entity from timely completing the annual
829 financial audit required by s. 218.39, the entity shall replace
830 an auditor in accordance with this section for the subsequent
831 annual financial audit. A multiyear contract between an entity
832 or an auditor may not prohibit or restrict an entity from
833 complying with this subsection.

834 Section 20. Paragraph (b) of subsection (2) of section
835 288.92, Florida Statutes, is amended to read:

836 288.92 Divisions of Enterprise Florida, Inc.—

837 (2)

838 (b)1. The following officers and board members are subject
839 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
840 112.3143(2):

841 a. Officers and members of the board of directors of the
842 divisions of Enterprise Florida, Inc.

843 b. Officers and members of the board of directors of
844 subsidiaries of Enterprise Florida, Inc.

845 c. Officers and members of the board of directors of
846 corporations created to carry out the missions of Enterprise
847 Florida, Inc.

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

851 2. The officers and board members specified in subparagraph



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852 1. may not represent another person or entity for compensation
853 before Enterprise Florida, Inc., or a division, subsidiary, or
854 the board of directors of corporations created to carry out the
855 missions of Enterprise Florida, Inc., or with which a division
856 is required by law to contract to carry out its missions, for a
857 period of 2 years after retirement from or termination of
858 service to a division.

859 ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),
860 (12), and (15); 112.3135; and 112.3143(2) to activities of the
861 officers and members of the board of directors specified in
862 subparagraph 1., those persons shall be considered public
863 officers or employees and the corporation shall be considered
864 their agency.

865 ~~4.3.~~ It is not a violation of s. 112.3143(2) or (4) for the
866 officers or members of the board of directors of the Florida
867 Tourism Industry Marketing Corporation to:

868 a. Vote on the 4-year marketing plan required under s.
869 288.923 or vote on any individual component of or amendment to
870 the plan.

871 b. Participate in the establishment or calculation of
872 payments related to the private match requirements of s.
873 288.904(3). The officer or member must file an annual disclosure
874 describing the nature of his or her interests or the interests
875 of his or her principals, including corporate parents and
876 subsidiaries of his or her principal, in the private match
877 requirements. This annual disclosure requirement satisfies the
878 disclosure requirement of s. 112.3143(4). This disclosure must
879 be placed either on the Florida Tourism Industry Marketing
880 Corporation's website or included in the minutes of each meeting



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881 of the Florida Tourism Industry Marketing Corporation's board of
882 directors at which the private match requirements are discussed
883 or voted upon.

884 Section 21. Paragraph (a) of subsection (3) of section
885 288.9604, Florida Statutes, is amended to read:

886 288.9604 Creation of the authority.—

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

892 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
893 and (15); 112.3135; and 112.3143(2). For purposes of applying
894 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
895 112.3143(2) to activities of directors, directors shall be
896 considered public officers and the corporation shall be
897 considered their agency.

898 3. A director of the board of directors of the corporation
899 may not represent another person or entity for compensation
900 before the corporation for a period of 2 years following his or
901 her service on the board of directors.

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

905 373.536 District budget and hearing thereon.—

906 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

907 (e) ~~By September 1, 2012,~~ Each district shall provide a
908 monthly financial statement in the form and manner prescribed by
909 the Department of Financial Services to the district's governing



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910 board and make such monthly financial statement available for
911 public access on its website.

912 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
913 APPROVAL.—

914 (d) Each district shall, by August 1 of each year, submit
915 for review a tentative budget and a description of any
916 significant changes from the preliminary budget submitted to the
917 Legislature pursuant to s. 373.535 to the Governor, the
918 President of the Senate, the Speaker of the House of
919 Representatives, the chairs of all legislative committees and
920 subcommittees having substantive or fiscal jurisdiction over
921 water management districts, as determined by the President of
922 the Senate or the Speaker of the House of Representatives, as
923 applicable, the secretary of the department, and the governing
924 body of each county in which the district has jurisdiction or
925 derives any funds for the operations of the district. The
926 tentative budget must be posted on the district's official
927 website at least 2 days before budget hearings held pursuant to
928 s. 200.065 or other law and must remain on the website for at
929 least 45 days.

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

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

935 Section 23. Paragraph (j) of subsection (9) of section
936 1002.33, Florida Statutes, is amended to read:

937 1002.33 Charter schools.—

938 (9) CHARTER SCHOOL REQUIREMENTS.—



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939 (j) The governing body of the charter school shall be
940 responsible for:
941 1. Establishing and maintaining internal controls designed
942 to:
943 a. Prevent and detect fraud, waste, and abuse.
944 b. Promote and encourage compliance with applicable laws,
945 rules, contracts, grant agreements, and best practices.
946 c. Support economical and efficient operations.
947 d. Ensure reliability of financial records and reports.
948 e. Safeguard assets.
949 ~~2.1.~~ Ensuring that the charter school has retained the
950 services of a certified public accountant or auditor for the
951 annual financial audit, pursuant to s. 1002.345(2), who shall
952 submit the report to the governing body.
953 ~~3.2.~~ Reviewing and approving the audit report, including
954 audit findings and recommendations for the financial recovery
955 plan.
956 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including
957 monitoring a corrective action plan.
958 b. Monitoring a financial recovery plan in order to ensure
959 compliance.
960 ~~5.4.~~ Participating in governance training approved by the
961 department which must include government in the sunshine,
962 conflicts of interest, ethics, and financial responsibility.
963 Section 24. Present subsections (6) through (10) of section
964 1002.37, Florida Statutes, are redesignated as subsections (7)
965 through (11), respectively, a new subsection (6) is added to
966 that section, and present subsections (6) and (11) of that
967 section are amended, to read:



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968 1002.37 The Florida Virtual School.—
969 (6) The Florida Virtual School shall have an annual
970 financial audit of its accounts and records completed by an
971 independent auditor who is a certified public accountant
972 licensed under chapter 473. The independent auditor shall
973 conduct the audit in accordance with rules adopted by the
974 Auditor General pursuant to s. 11.45 and, upon completion of the
975 audit, shall prepare an audit report in accordance with such
976 rules. The audit report must include a written statement of the
977 board of trustees describing corrective action to be taken in
978 response to each of the independent auditor's recommendations
979 included in the audit report. The independent auditor shall
980 submit the audit report to the board of trustees and the Auditor
981 General no later than 9 months after the end of the preceding
982 fiscal year.

983 (7)~~(6)~~ The board of trustees shall annually submit to the
984 Governor, the Legislature, the Commissioner of Education, and
985 the State Board of Education, the audit report prepared pursuant
986 to subsection (6) and a complete and detailed report setting
987 forth:

988 (a) The operations and accomplishments of the Florida
989 Virtual School within the state and those occurring outside the
990 state as Florida Virtual School Global.

991 (b) The marketing and operational plan for the Florida
992 Virtual School and Florida Virtual School Global, including
993 recommendations regarding methods for improving the delivery of
994 education through the Internet and other distance learning
995 technology.

996 (c) The assets and liabilities of the Florida Virtual



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997 School and Florida Virtual School Global at the end of the
998 fiscal year.

999 ~~(d) A copy of an annual financial audit of the accounts and~~
1000 ~~records of the Florida Virtual School and Florida Virtual School~~
1001 ~~Global, conducted by an independent certified public accountant~~
1002 ~~and performed in accordance with rules adopted by the Auditor~~
1003 ~~General.~~

1004 ~~(e)~~ Recommendations regarding the unit cost of providing
1005 services to students through the Florida Virtual School and
1006 Florida Virtual School Global. In order to most effectively
1007 develop public policy regarding any future funding of the
1008 Florida Virtual School, it is imperative that the cost of the
1009 program is accurately identified. The identified cost of the
1010 program must be based on reliable data.

1011 ~~(e)~~~~(f)~~ Recommendations regarding an accountability
1012 mechanism to assess the effectiveness of the services provided
1013 by the Florida Virtual School and Florida Virtual School Global.

1014 ~~(11) The Auditor General shall conduct an operational audit~~
1015 ~~of the Florida Virtual School, including Florida Virtual School~~
1016 ~~Global. The scope of the audit shall include, but not be limited~~
1017 ~~to, the administration of responsibilities relating to~~
1018 ~~personnel; procurement and contracting; revenue production;~~
1019 ~~school funds, including internal funds; student enrollment~~
1020 ~~records; franchise agreements; information technology~~
1021 ~~utilization, assets, and security; performance measures and~~
1022 ~~standards; and accountability. The final report on the audit~~
1023 ~~shall be submitted to the President of the Senate and the~~
1024 ~~Speaker of the House of Representatives no later than January~~
1025 ~~31, 2014.~~



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1026 Section 25. Subsection (5) is added to section 1010.01,
1027 Florida Statutes, to read:

1028 1010.01 Uniform records and accounts.—

1029 (5) Each school district, Florida College System
1030 institution, and state university shall establish and maintain
1031 internal controls designed to:

1032 (a) Prevent and detect fraud, waste, and abuse.

1033 (b) Promote and encourage compliance with applicable laws,
1034 rules, contracts, grant agreements, and best practices.

1035 (c) Support economical and efficient operations.

1036 (d) Ensure reliability of financial records and reports.

1037 (e) Safeguard assets.

1038 Section 26. Subsection (2) of section 1010.30, Florida
1039 Statutes, is amended to read:

1040 1010.30 Audits required.—

1041 (2) If a school district, Florida College System
1042 institution, or university audit report includes a
1043 recommendation that was previously included in the preceding
1044 financial audit report, ~~an audit contains a significant finding,~~
1045 the district school board, the Florida College System
1046 institution board of trustees, or the university board of
1047 trustees, within 60 days after the delivery of the audit report
1048 to the school district, Florida College System institution, or
1049 university and ~~shall conduct an audit overview~~ during a
1050 regularly scheduled public meeting, shall indicate its intent
1051 regarding corrective action, the corrective action to be taken,
1052 and when the corrective action will occur. If the district
1053 school board, Florida College System institution board of
1054 trustees, or university board of trustees does not intend to



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1055 take corrective action, it shall explain why such action will
1056 not be taken at the regularly scheduled public meeting.

1057 Section 27. Subsection (2) of section 68.082, Florida
1058 Statutes, is amended to read:

1059 68.082 False claims against the state; definitions;
1060 liability.—

1061 (2) Any person who:

1062 (a) Knowingly presents or causes to be presented a false or
1063 fraudulent claim for payment or approval;

1064 (b) Knowingly authorizes, approves, or receives payment of
1065 prohibited compensation in violation of s. 215.425;

1066 (c)~~(b)~~ Knowingly makes, uses, or causes to be made or used
1067 a false record or statement material to a false or fraudulent
1068 claim;

1069 (d)~~(e)~~ Conspires to commit a violation of this subsection;

1070 (e)~~(d)~~ Has possession, custody, or control of property or
1071 money used or to be used by the state and knowingly delivers or
1072 causes to be delivered less than all of that money or property;

1073 (f)~~(e)~~ Is authorized to make or deliver a document
1074 certifying receipt of property used or to be used by the state
1075 and, intending to defraud the state, makes or delivers the
1076 receipt without knowing that the information on the receipt is
1077 true;

1078 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an
1079 obligation or a debt, public property from an officer or
1080 employee of the state who may not sell or pledge the property;
1081 or

1082 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used
1083 a false record or statement material to an obligation to pay or



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1084 transmit money or property to the state, or knowingly conceals
1085 or knowingly and improperly avoids or decreases an obligation to
1086 pay or transmit money or property to the state

1087
1088 is liable to the state for a civil penalty of not less than
1089 \$5,500 and not more than \$11,000 and for treble the amount of
1090 damages the state sustains because of the act of that person.

1091 Section 28. Subsection (1) of section 68.083, Florida
1092 Statutes, is amended to read:

1093 68.083 Civil actions for false claims.—

1094 (1) The department may diligently investigate a violation
1095 under s. 68.082. If the department finds that a person has
1096 violated or is violating s. 68.082, the department may bring a
1097 civil action under the Florida False Claims Act against the
1098 person. The Department of Financial Services may bring a civil
1099 action under this section if the action arises from an
1100 investigation by that department and the Department of Legal
1101 Affairs has not filed an action under this act. For a violation
1102 of s. 68.082 regarding prohibited compensation paid from state
1103 funds, the Department of Financial Services may bring a civil
1104 action under this section if the action arises from an
1105 investigation by that department concerning a violation of s.
1106 215.425 by the state and the Department of Legal Affairs has not
1107 filed an action under this act.

1108 Section 29. Subsection (3) of section 218.503, Florida
1109 Statutes, is amended to read:

1110 218.503 Determination of financial emergency.—

1111 (3) Upon notification that one or more of the conditions in
1112 subsection (1) have occurred or will occur if action is not



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1113 taken to assist the local governmental entity or district school
1114 board, the Governor or his or her designee shall contact the
1115 local governmental entity or the Commissioner of Education or
1116 his or her designee shall contact the district school board to
1117 determine what actions have been taken by the local governmental
1118 entity or the district school board to resolve or prevent the
1119 condition. The information requested must be provided within 45
1120 days after the date of the request. If the local governmental
1121 entity or the district school board does not comply with the
1122 request, the Governor or his or her designee or the Commissioner
1123 of Education or his or her designee shall notify ~~the members of~~
1124 the Legislative Auditing Committee, which ~~who~~ may take action
1125 pursuant to s. 11.40(2) ~~s. 11.40~~. The Governor or the
1126 Commissioner of Education, as appropriate, shall determine
1127 whether the local governmental entity or the district school
1128 board needs state assistance to resolve or prevent the
1129 condition. If state assistance is needed, the local governmental
1130 entity or district school board is considered to be in a state
1131 of financial emergency. The Governor or the Commissioner of
1132 Education, as appropriate, has the authority to implement
1133 measures as set forth in ss. 218.50-218.504 to assist the local
1134 governmental entity or district school board in resolving the
1135 financial emergency. Such measures may include, but are not
1136 limited to:

1137 (a) Requiring approval of the local governmental entity's
1138 budget by the Governor or approval of the district school
1139 board's budget by the Commissioner of Education.

1140 (b) Authorizing a state loan to a local governmental entity
1141 and providing for repayment of same.



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1142 (c) Prohibiting a local governmental entity or district
1143 school board from issuing bonds, notes, certificates of
1144 indebtedness, or any other form of debt until such time as it is
1145 no longer subject to this section.

1146 (d) Making such inspections and reviews of records,
1147 information, reports, and assets of the local governmental
1148 entity or district school board as are needed. The appropriate
1149 local officials shall cooperate in such inspections and reviews.

1150 (e) Consulting with officials and auditors of the local
1151 governmental entity or the district school board and the
1152 appropriate state officials regarding any steps necessary to
1153 bring the books of account, accounting systems, financial
1154 procedures, and reports into compliance with state requirements.

1155 (f) Providing technical assistance to the local
1156 governmental entity or the district school board.

1157 (g)1. Establishing a financial emergency board to oversee
1158 the activities of the local governmental entity or the district
1159 school board. If a financial emergency board is established for
1160 a local governmental entity, the Governor shall appoint board
1161 members and select a chair. If a financial emergency board is
1162 established for a district school board, the State Board of
1163 Education shall appoint board members and select a chair. The
1164 financial emergency board shall adopt such rules as are
1165 necessary for conducting board business. The board may:

1166 a. Make such reviews of records, reports, and assets of the
1167 local governmental entity or the district school board as are
1168 needed.

1169 b. Consult with officials and auditors of the local
1170 governmental entity or the district school board and the



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1171 appropriate state officials regarding any steps necessary to
1172 bring the books of account, accounting systems, financial
1173 procedures, and reports of the local governmental entity or the
1174 district school board into compliance with state requirements.

1175 c. Review the operations, management, efficiency,
1176 productivity, and financing of functions and operations of the
1177 local governmental entity or the district school board.

1178 d. Consult with other governmental entities for the
1179 consolidation of all administrative direction and support
1180 services, including, but not limited to, services for asset
1181 sales, economic and community development, building inspections,
1182 parks and recreation, facilities management, engineering and
1183 construction, insurance coverage, risk management, planning and
1184 zoning, information systems, fleet management, and purchasing.

1185 2. The recommendations and reports made by the financial
1186 emergency board must be submitted to the Governor for local
1187 governmental entities or to the Commissioner of Education and
1188 the State Board of Education for district school boards for
1189 appropriate action.

1190 (h) Requiring and approving a plan, to be prepared by
1191 officials of the local governmental entity or the district
1192 school board in consultation with the appropriate state
1193 officials, prescribing actions that will cause the local
1194 governmental entity or district school board to no longer be
1195 subject to this section. The plan must include, but need not be
1196 limited to:

1197 1. Provision for payment in full of obligations outlined in
1198 subsection (1), designated as priority items, which are
1199 currently due or will come due.



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1200 2. Establishment of priority budgeting or zero-based
1201 budgeting in order to eliminate items that are not affordable.

1202 3. The prohibition of a level of operations which can be
1203 sustained only with nonrecurring revenues.

1204 4. Provisions implementing the consolidation, sourcing, or
1205 discontinuance of all administrative direction and support
1206 services, including, but not limited to, services for asset
1207 sales, economic and community development, building inspections,
1208 parks and recreation, facilities management, engineering and
1209 construction, insurance coverage, risk management, planning and
1210 zoning, information systems, fleet management, and purchasing.

1211 Section 30. The Legislature finds that a proper and
1212 legitimate state purpose is served when internal controls are
1213 established to prevent and detect fraud, waste, and abuse and to
1214 safeguard and account for government funds and property.
1215 Therefore, the Legislature determines and declares that this act
1216 fulfills an important state interest.

1217 Section 31. This act shall take effect October 1, 2015.

1218
1219 ===== T I T L E A M E N D M E N T =====

1220 And the title is amended as follows:

1221 Delete everything before the enacting clause
1222 and insert:

1223 A bill to be entitled
1224 An act relating to government accountability; amending
1225 s. 11.40, F.S.; specifying that the Governor, the
1226 Commissioner of Education, or the designee of the
1227 Governor or of the Commissioner of Education may
1228 notify the Legislative Auditing Committee of an



1229 entity's failure to comply with certain auditing and
1230 financial reporting requirements; amending s. 11.45,
1231 F.S.; defining the terms "abuse", "fraud", and
1232 "waste"; revising the definition of the term "local
1233 governmental entity"; excluding water management
1234 districts from certain audit requirements; removing a
1235 cross-reference; authorizing the Auditor General to
1236 conduct audits of tourist development councils and
1237 county tourism promotion agencies; revising reporting
1238 requirements applicable to the Auditor General;
1239 amending s. 28.35, F.S.; revising reporting
1240 requirements applicable to the Florida Clerks of Court
1241 Operations Corporation; amending s. 43.16, F.S.;
1242 revising the responsibilities of the Justice
1243 Administrative Commission, each state attorney, each
1244 public defender, a criminal conflict and civil
1245 regional counsel, a capital collateral regional
1246 counsel, and the Guardian Ad Litem Program, to include
1247 the establishment and maintenance of certain internal
1248 controls; amending s. 112.31455, F.S.; authorizing the
1249 Chief Financial Officer or a governing body to
1250 withhold an amount of a fine owed and related
1251 administrative costs from public salary-related
1252 payments of certain individuals; authorizing the Chief
1253 Financial Officer or a governing body to reduce the
1254 amount withheld if certain individuals demonstrate a
1255 hardship; transferring a provision relating to the
1256 garnishment of wages of specified individuals;
1257 creating s. 112.31456, F.S.; authorizing the



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1258 Commission on Ethics to seek wage garnishment of
1259 certain individuals to satisfy unpaid fines;
1260 authorizing the commission to refer unpaid fines to a
1261 collection agency; establishing a statute of
1262 limitations with respect to the collection of an
1263 unpaid fine; amending s. 112.3261, F.S.; revising
1264 terms to conform to changes made by the act; expanding
1265 the types of governmental entities that are subject to
1266 lobbyist registration requirements; amending ss.
1267 129.03, 129.06, 166.241, and 189.016, F.S.; requiring
1268 counties, municipalities, and special districts to
1269 maintain certain budget documents on the entities'
1270 websites for a specified period; amending s. 215.425,
1271 F.S.; defining the term "public funds"; requiring a
1272 unit of government to investigate and take necessary
1273 action to recover prohibited compensation; specifying
1274 methods of recovery and liability for unintentional
1275 and willful violations; providing a penalty;
1276 specifying applicability of procedures regarding
1277 suspension and removal of an officer who commits a
1278 willful violation; establishing eligibility criteria
1279 and amounts for rewards; specifying circumstances
1280 under which an employee has a cause of action under
1281 the Whistle-blower's Act; establishing causes of
1282 action if a unit of government fails to recover
1283 prohibited compensation within a certain timeframe;
1284 amending s. 215.86, F.S.; revising management systems
1285 and controls to be employed by each state agency and
1286 the judicial branch; amending s. 215.97, F.S.;



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1287 revising the definition of the term "audit threshold";
1288 amending s. 215.985, F.S.; revising the requirements
1289 for a monthly financial statement provided by a water
1290 management district; amending s. 218.32, F.S.;
1291 revising the requirements of the annual financial
1292 audit report of a local governmental entity;
1293 authorizing the Department of Financial Services to
1294 request additional information from a local
1295 governmental entity; requiring a local governmental
1296 entity to respond to such requests within a specified
1297 timeframe; requiring the department to notify the
1298 Legislative Auditing Committee of noncompliance;
1299 amending s. 218.33, F.S.; requiring local governmental
1300 entities to establish and maintain internal controls;
1301 amending s. 218.39, F.S.; requiring an audited entity
1302 to respond to audit recommendations under specified
1303 circumstances; amending s. 218.391, F.S.; revising the
1304 composition of an audit committee; prohibiting an
1305 audit committee member from exercising financial
1306 management duties on behalf of the governmental
1307 entity; restricting the length of a contract period;
1308 requiring the chair of an audit committee to sign and
1309 execute an affidavit affirming compliance with auditor
1310 selection procedures; prescribing procedures in the
1311 event of noncompliance with auditor selection
1312 procedures; amending s. 288.92, F.S.; prohibiting
1313 specified officers and board members of Enterprise
1314 Florida, Inc., from representing a person or entity
1315 for compensation before Enterprise Florida, Inc., and



1316 associated entities thereof, for a specified
1317 timeframe; amending s. 288.9604, F.S.; prohibiting a
1318 director of the board of directors of the Florida
1319 Development Finance Corporation from representing a
1320 person or entity for compensation before the
1321 corporation for a specified timeframe; amending s.
1322 373.536, F.S.; deleting obsolete language; requiring
1323 water management districts to maintain certain budget
1324 documents on the districts' websites for a specified
1325 period; amending s. 1002.33, F.S.; revising the
1326 responsibilities of the governing board of a charter
1327 school to include the establishment and maintenance of
1328 internal controls; amending s. 1002.37, F.S.;
1329 requiring completion of an annual financial audit of
1330 the Florida Virtual School; specifying audit
1331 requirements; requiring an audit report to be
1332 submitted to the board of trustees of the Florida
1333 Virtual School and the Auditor General; removing an
1334 obsolete provision; amending s. 1010.01, F.S.;
1335 requiring each school district, Florida College System
1336 institution, and state university to establish and
1337 maintain certain internal controls; amending s.
1338 1010.30, F.S.; requiring a district school board,
1339 Florida College System institution board of trustees,
1340 or university board of trustees to respond to audit
1341 recommendations under certain circumstances; amending
1342 ss. 68.082, 68.083, and 218.503, F.S.; conforming
1343 provisions and cross-references to changes made by the
1344 act; declaring that the act fulfills an important



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state interest; providing an effective date.

By Senator Gaetz

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

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30 hardship; transferring a provision relating to the
 31 garnishment of wages of specified individuals;
 32 creating s. 112.31456, F.S.; authorizing the
 33 Commission on Ethics to seek wage garnishment of
 34 certain individuals to satisfy unpaid fines;
 35 authorizing the commission to refer unpaid fines to a
 36 collection agency; establishing a statute of
 37 limitations with respect to the collection of an
 38 unpaid fine; amending s. 112.3261, F.S.; revising
 39 definitions to conform to changes made by the act;
 40 expanding the types of governmental entities that are
 41 subject to lobbyist registration requirements;
 42 amending ss. 129.03, 129.06, 166.241, and 189.016,
 43 F.S.; requiring counties, municipalities, and special
 44 districts to maintain certain budget documents on the
 45 entities' websites for a specified period; amending s.
 46 215.425, F.S.; requiring a unit of government to
 47 investigate and take necessary action to recover
 48 prohibited compensation; specifying methods of
 49 recovery and liability for unintentional and willful
 50 violations; providing a penalty; authorizing the
 51 Governor to suspend officers under specified
 52 circumstances; establishing eligibility criteria and
 53 amounts for rewards; specifying circumstances under
 54 which an employee has a cause of action under the
 55 Whistle-blower's Act; establishing causes of action if
 56 a unit of government fails to recover prohibited
 57 compensation within a certain timeframe; amending s.
 58 215.86, F.S.; revising management systems and controls

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59 to be employed by each state agency and the judicial
 60 branch; amending s. 215.97, F.S.; revising the
 61 definition of the term "audit threshold"; amending s.
 62 215.985, F.S.; revising the requirements for a monthly
 63 financial statement provided by a water management
 64 district; amending s. 218.32, F.S.; revising the
 65 requirements of the annual financial audit report of a
 66 local governmental entity; authorizing the Department
 67 of Financial Services to request additional
 68 information from a local governmental entity;
 69 requiring a local governmental entity to respond to
 70 such requests within a specified timeframe; requiring
 71 the department to notify the Legislative Auditing
 72 Committee of noncompliance; amending s. 218.33, F.S.;
 73 requiring local government entities to establish and
 74 maintain internal controls; amending s. 218.39, F.S.;
 75 requiring an audited entity to respond to audit
 76 recommendations under specified circumstances;
 77 amending s. 218.391, F.S.; revising the composition of
 78 an audit committee; restricting the length of a
 79 contract period; amending s. 288.92, F.S.; prohibiting
 80 specified officers and board members of Enterprise
 81 Florida, Inc., from representing a person or entity
 82 for compensation before Enterprise Florida, Inc., for
 83 a specified timeframe; amending s. 288.9604, F.S.;
 84 prohibiting a director of the board of directors of
 85 the Florida Development Finance Corporation from
 86 representing a person or entity for compensation
 87 before the corporation for a specified timeframe;

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88 amending s. 373.536, F.S.; deleting obsolete language;
 89 requiring water management districts to maintain
 90 certain budget documents on the districts' websites
 91 for a specified period; amending s. 1002.33, F.S.;
 92 revising the responsibilities of the governing board
 93 of a charter school to include the establishment and
 94 maintenance of internal controls; amending s. 1002.37,
 95 F.S.; requiring completion of an annual financial
 96 audit of the Florida Virtual School; specifying audit
 97 requirements; requiring an audit report to be
 98 submitted to the board of trustees of the Florida
 99 Virtual School and the Auditor General; removing an
 100 obsolete provision; amending s. 1010.01, F.S.;
 101 requiring each school district, Florida College System
 102 institution, and state university to establish and
 103 maintain certain internal controls; amending s.
 104 1010.30, F.S.; requiring a district school board,
 105 Florida College System board of trustees, or
 106 university board of trustees to respond to audit
 107 recommendations under certain circumstances; amending
 108 ss. 68.082, 68.083, and 218.503, F.S.; conforming
 109 provisions and cross-references to changes made by the
 110 act; declaring that the act fulfills an important
 111 state interest; providing an effective date.

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

114
 115 Section 1. Subsection (2) of section 11.40, Florida
 116 Statutes, is amended to read:

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117 11.40 Legislative Auditing Committee.-
 118 (2) Following notification by the Auditor General, the
 119 Department of Financial Services, ~~or~~ the Division of Bond
 120 Finance of the State Board of Administration, the Governor or
 121 his or her designee, or the Commissioner of Education or his or
 122 her designee of the failure of a local governmental entity,
 123 district school board, charter school, or charter technical
 124 career center to comply with the applicable provisions within s.
 125 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
 126 Legislative Auditing Committee may schedule a hearing to
 127 determine if the entity should be subject to further state
 128 action. If the committee determines that the entity should be
 129 subject to further state action, the committee shall:
 130 (a) In the case of a local governmental entity or district
 131 school board, direct the Department of Revenue and the
 132 Department of Financial Services to withhold any funds not
 133 pledged for bond debt service satisfaction which are payable to
 134 such entity until the entity complies with the law. The
 135 committee shall specify the date such action shall begin, and
 136 the directive must be received by the Department of Revenue and
 137 the Department of Financial Services 30 days before the date of
 138 the distribution mandated by law. The Department of Revenue and
 139 the Department of Financial Services may implement the
 140 provisions of this paragraph.
 141 (b) In the case of a special district created by:
 142 1. A special act, notify the President of the Senate, the
 143 Speaker of the House of Representatives, the standing committees
 144 of the Senate and the House of Representatives charged with
 145 special district oversight as determined by the presiding

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146 officers of each respective chamber, the legislators who
 147 represent a portion of the geographical jurisdiction of the
 148 special district pursuant to s. 189.034(2), and the Department
 149 of Economic Opportunity that the special district has failed to
 150 comply with the law. Upon receipt of notification, the
 151 Department of Economic Opportunity shall proceed pursuant to s.
 152 189.062 or s. 189.067. If the special district remains in
 153 noncompliance after the process set forth in s. 189.034(3), or
 154 if a public hearing is not held, the Legislative Auditing
 155 Committee may request the department to proceed pursuant to s.
 156 189.067(3).
 157 2. A local ordinance, notify the chair or equivalent of the
 158 local general-purpose government pursuant to s. 189.035(2) and
 159 the Department of Economic Opportunity that the special district
 160 has failed to comply with the law. Upon receipt of notification,
 161 the department shall proceed pursuant to s. 189.062 or s.
 162 189.067. If the special district remains in noncompliance after
 163 the process set forth in s. 189.034(3), or if a public hearing
 164 is not held, the Legislative Auditing Committee may request the
 165 department to proceed pursuant to s. 189.067(3).
 166 3. Any manner other than a special act or local ordinance,
 167 notify the Department of Economic Opportunity that the special
 168 district has failed to comply with the law. Upon receipt of
 169 notification, the department shall proceed pursuant to s.
 170 189.062 or s. 189.067(3).
 171 (c) In the case of a charter school or charter technical
 172 career center, notify the appropriate sponsoring entity, which
 173 may terminate the charter pursuant to ss. 1002.33 and 1002.34.
 174 Section 2. Subsection (1), paragraph (j) of subsection (2),

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175 and paragraph (i) of subsection (7) of section 11.45, Florida
176 Statutes, are amended to read:

177 11.45 Definitions; duties; authorities; reports; rules.—

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

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

184 (b)(a) "Audit" means a financial audit, operational audit,
185 or performance audit.

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

194 (d)(e) "Financial audit" means an examination of financial
195 statements in order to express an opinion on the fairness with
196 which they are presented in conformity with generally accepted
197 accounting principles and an examination to determine whether
198 operations are properly conducted in accordance with legal and
199 regulatory requirements. Financial audits must be conducted in
200 accordance with auditing standards generally accepted in the
201 United States and government auditing standards as adopted by
202 the Board of Accountancy. When applicable, the scope of
203 financial audits shall encompass the additional activities

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204 necessary to establish compliance with the Single Audit Act
205 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
206 applicable federal law.

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

214 (f)(d) "Governmental entity" means a state agency, a county
215 agency, or any other entity, however styled, that independently
216 exercises any type of state or local governmental function.

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

222 (h)(f) "Management letter" means a statement of the
223 auditor's comments and recommendations.

224 (i)(g) "Operational audit" means an audit whose purpose is
225 to evaluate management's performance in establishing and
226 maintaining internal controls, including controls designed to
227 prevent and detect fraud, waste, and abuse, and in administering
228 assigned responsibilities in accordance with applicable laws,
229 administrative rules, contracts, grant agreements, and other
230 guidelines. Operational audits must be conducted in accordance
231 with government auditing standards. Such audits examine internal
232 controls that are designed and placed in operation to promote

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233 and encourage the achievement of management's control objectives
 234 in the categories of compliance, economic and efficient
 235 operations, reliability of financial records and reports, and
 236 safeguarding of assets, and identify weaknesses in those
 237 internal controls.

238 ~~(j)(h)~~ "Performance audit" means an examination of a
 239 program, activity, or function of a governmental entity,
 240 conducted in accordance with applicable government auditing
 241 standards or auditing and evaluation standards of other
 242 appropriate authoritative bodies. The term includes an
 243 examination of issues related to:

- 244 1. Economy, efficiency, or effectiveness of the program.
- 245 2. Structure or design of the program to accomplish its
 246 goals and objectives.
- 247 3. Adequacy of the program to meet the needs identified by
 248 the Legislature or governing body.
- 249 4. Alternative methods of providing program services or
 250 products.
- 251 5. Goals, objectives, and performance measures used by the
 252 agency to monitor and report program accomplishments.
- 253 6. The accuracy or adequacy of public documents, reports,
 254 or requests prepared under the program by state agencies.
- 255 7. Compliance of the program with appropriate policies,
 256 rules, or laws.
- 257 8. Any other issues related to governmental entities as
 258 directed by the Legislative Auditing Committee.

259 ~~(k)(i)~~ "Political subdivision" means a separate agency or
 260 unit of local government created or established by law and
 261 includes, but is not limited to, the following and the officers

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262 thereof: authority, board, branch, bureau, city, commission,
 263 consolidated government, county, department, district,
 264 institution, metropolitan government, municipality, office,
 265 officer, public corporation, town, or village.

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

274 (m) "Waste" means the act of using or expending resources
 275 unreasonably, carelessly, extravagantly, or for no useful
 276 purpose.

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

278 (j) Conduct audits of local governmental entities when
 279 determined to be necessary by the Auditor General, when directed
 280 by the Legislative Auditing Committee, or when otherwise
 281 required by law. No later than 18 months after the release of
 282 the audit report, the Auditor General shall perform such
 283 appropriate followup procedures as he or she deems necessary to
 284 determine the audited entity's progress in addressing the
 285 findings and recommendations contained within the Auditor
 286 General's previous report. The Auditor General shall notify each
 287 member of the audited entity's governing body and the
 288 Legislative Auditing Committee of the results of his or her
 289 determination. For purposes of this paragraph, local
 290 governmental entities do not include water management districts.

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291
292 The Auditor General shall perform his or her duties
293 independently but under the general policies established by the
294 Legislative Auditing Committee. This subsection does not limit
295 the Auditor General's discretionary authority to conduct other
296 audits or engagements of governmental entities as authorized in
297 subsection (3).

298 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

299 (i) The Auditor General shall annually transmit by July 15,
300 to the President of the Senate, the Speaker of the House of
301 Representatives, and the Department of Financial Services, a
302 list of all school districts, charter schools, charter technical
303 career centers, Florida College System institutions, state
304 universities, and local governmental entities ~~water management~~
305 ~~districts~~ that have failed to comply with the transparency
306 requirements as identified in the audit reports reviewed
307 pursuant to paragraph (b) and those conducted pursuant to
308 subsection (2).

309 Section 3. Paragraph (d) of subsection (2) of section
310 28.35, Florida Statutes, is amended to read:

311 28.35 Florida Clerks of Court Operations Corporation.—

312 (2) The duties of the corporation shall include the
313 following:

314 (d) Developing and certifying a uniform system of workload
315 measures and applicable workload standards for court-related
316 functions as developed by the corporation and clerk workload
317 performance in meeting the workload performance standards. These
318 workload measures and workload performance standards shall be
319 designed to facilitate an objective determination of the

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320 performance of each clerk in accordance with minimum standards
321 for fiscal management, operational efficiency, and effective
322 collection of fines, fees, service charges, and court costs. The
323 corporation shall develop the workload measures and workload
324 performance standards in consultation with the Legislature. When
325 the corporation finds a clerk has not met the workload
326 performance standards, the corporation shall identify the nature
327 of each deficiency and any corrective action recommended and
328 taken by the affected clerk of the court. For quarterly periods
329 ending on the last day of March, June, September, and December
330 of each year, the corporation shall notify the Legislature of
331 any clerk not meeting workload performance standards and provide
332 a copy of any corrective action plans. Such notifications shall
333 be submitted no later than 45 days after the end of the
334 preceding quarterly period. As used in this subsection, the
335 term:

336 1. "Workload measures" means the measurement of the
337 activities and frequency of the work required for the clerk to
338 adequately perform the court-related duties of the office as
339 defined by the membership of the Florida Clerks of Court
340 Operations Corporation.

341 2. "Workload performance standards" means the standards
342 developed to measure the timeliness and effectiveness of the
343 activities that are accomplished by the clerk in the performance
344 of the court-related duties of the office as defined by the
345 membership of the Florida Clerks of Court Operations
346 Corporation.

347 Section 4. Present subsections (6) and (7) of section
348 43.16, Florida Statutes, are redesignated as subsections (7) and

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349 (8), respectively, and a new subsection (6) is added to that
350 section, to read:

351 43.16 Justice Administrative Commission; membership, powers
352 and duties.—

353 (6) The commission, each state attorney, each public
354 defender, the criminal conflict and civil regional counsel, the
355 capital collateral regional counsel, and the Guardian Ad Litem
356 Program shall establish and maintain internal controls designed
357 to:

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

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

361 (c) Support economic and efficient operations.

362 (d) Ensure reliability of records and reports.

363 (e) Safeguard assets.

364 Section 5. Section 112.31455, Florida Statutes, is amended
365 to read:

366 112.31455 Withholding of public salary-related payments
367 ~~Collection methods~~ for unpaid automatic fines for failure to
368 timely file disclosure of financial interests.—

369 (1) Before referring any unpaid fine accrued pursuant to s.
370 112.3144(5) or s. 112.3145(7) ~~s. 112.3145(6)~~ to the Department
371 of Financial Services, the commission shall attempt to determine
372 whether the individual owing such a fine is a current public
373 officer or current public employee. If so, the commission may
374 notify the Chief Financial Officer or the governing body of the
375 appropriate county, municipality, or special district of the
376 total amount of any fine owed to the commission by such
377 individual.

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378 (a) After receipt and verification of the notice from the
379 commission, the Chief Financial Officer or the governing body of
380 the county, municipality, or special district shall withhold the
381 entire amount of any fine owed, and any administrative costs
382 incurred, from the individual's next public salary-related
383 payment. If the fine exceeds the amount of the next public
384 salary-related payment, all public salary-related payments must
385 be withheld until the fine and administrative costs are paid in
386 full begin withholding the lesser of 10 percent or the maximum
387 amount allowed under federal law from any salary-related
388 payment. The Chief Financial Officer or the governing body of
389 the county, municipality, or special district may retain an
390 amount of each withheld payment, as provided in s. 77.0305, to
391 cover the administrative costs incurred under this section. The
392 withheld payments shall be remitted to the commission until the
393 fine is satisfied.

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

398 (b) If a current public officer or current public employee
399 demonstrates to the Chief Financial Officer or the governing
400 body responsible for paying him or her that the public salary is
401 his or her primary source of income and that withholding the
402 full amount of any fine owed from a public salary-related
403 payment would present an undue hardship, the withheld amount may
404 be reduced but must be at least 10 percent of the public salary-
405 related payment.

406 ~~(2) If the commission determines that the individual who is~~

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 407 ~~the subject of an unpaid fine accrued pursuant to s. 112.3144(5)~~
 408 ~~or s. 112.3145(6) is no longer a public officer or public~~
 409 ~~employee or if the commission is unable to determine whether the~~
 410 ~~individual is a current public officer or public employee, the~~
 411 ~~commission may, 6 months after the order becomes final, seek~~
 412 ~~garnishment of any wages to satisfy the amount of the fine, or~~
 413 ~~any unpaid portion thereof, pursuant to chapter 77. Upon~~
 414 ~~recording the order imposing the fine with the clerk of the~~
 415 ~~circuit court, the order shall be deemed a judgment for purposes~~
 416 ~~of garnishment pursuant to chapter 77.~~

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

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

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

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

(1) Before referring any unpaid fine accrued pursuant to s.
 112.3144(5) or s. 112.3145(7) to the Department of Financial
 Services, the commission shall attempt to determine whether the
 individual owing such a fine is a current public officer or
 current public employee. If the commission determines that an
 individual who is the subject of an unpaid fine accrued pursuant
 to s. 112.3144(5) or s. 112.3145(7) is no longer a public

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 436 officer or public employee or if the commission cannot determine
 437 whether the individual is a current public officer or current
 438 public employee, the commission may, 6 months after the order
 439 becomes final, seek garnishment of any wages to satisfy the
 440 amount of the fine, or any unpaid portion thereof, pursuant to
 441 chapter 77. Upon recording the order imposing the fine with the
 442 clerk of the circuit court, the order shall be deemed a judgment
 443 for purposes of garnishment pursuant to chapter 77.

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

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

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

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

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

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

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465 (b) "Lobbies" means seeking, on behalf of another person,
 466 to influence a governmental entity ~~district~~ with respect to a
 467 decision of the entity ~~district~~ in an area of policy or
 468 procurement or an attempt to obtain the goodwill of an a
 469 ~~district~~ official or employee of a governmental entity. The term
 470 "lobbies" shall be interpreted and applied consistently with the
 471 rules of the commission implementing s. 112.3215.

472 (c) "Lobbyist" has the same meaning as provided in s.
 473 112.3215.

474 (d) "Principal" has the same meaning as provided in s.
 475 112.3215.

476 (2) A person may not lobby a governmental entity ~~district~~
 477 until such person has registered as a lobbyist with that entity
 478 ~~district~~. Such registration shall be due upon initially being
 479 retained to lobby and is renewable on a calendar-year basis
 480 thereafter. Upon registration, the person shall provide a
 481 statement signed by the principal or principal's representative
 482 stating that the registrant is authorized to represent the
 483 principal. The principal shall also identify and designate its
 484 main business on the statement authorizing that lobbyist
 485 pursuant to a classification system approved by the governmental
 486 entity ~~district~~. Any changes to the information required by this
 487 section must be disclosed within 15 days by filing a new
 488 registration form. The registration form shall require each
 489 lobbyist to disclose, under oath, the following:

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

491 (b) The name and business address of each principal
 492 represented.

493 (c) The existence of any direct or indirect business

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494 association, partnership, or financial relationship with an
 495 official ~~any officer~~ or employee of a governmental entity
 496 ~~district~~ with which he or she lobbies or intends to lobby.

497 (d) In lieu of creating its own lobbyist registration
 498 forms, a governmental entity ~~district~~ may accept a completed
 499 legislative branch or executive branch lobbyist registration
 500 form.

501 (3) A governmental entity ~~district~~ shall make lobbyist
 502 registrations available to the public. If a governmental entity
 503 ~~district~~ maintains a website, a database of currently registered
 504 lobbyists and principals must be available on the entity's
 505 ~~district's~~ website.

506 (4) A lobbyist shall promptly send a written statement to
 507 the governmental entity ~~district~~ canceling the registration for
 508 a principal upon termination of the lobbyist's representation of
 509 that principal. A governmental entity ~~district~~ may remove the
 510 name of a lobbyist from the list of registered lobbyists if the
 511 principal notifies the entity ~~district~~ that a person is no
 512 longer authorized to represent that principal.

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

517 (6) A governmental entity ~~district~~ shall be diligent to
 518 ascertain whether persons required to register pursuant to this
 519 section have complied. A governmental entity ~~district~~ may not
 520 knowingly authorize a person who is not registered pursuant to
 521 this section to lobby the entity ~~district~~.

522 (7) Upon receipt of a sworn complaint alleging that a

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523 lobbyist or principal has failed to register with a governmental
 524 entity district or has knowingly submitted false information in
 525 a report or registration required under this section, the
 526 commission shall investigate a lobbyist or principal pursuant to
 527 the procedures established under s. 112.324. The commission
 528 shall provide the Governor with a report of its findings and
 529 recommendations in any investigation conducted pursuant to this
 530 subsection. The Governor is authorized to enforce the
 531 commission's findings and recommendations.

532 (8) A governmental entity ~~Water management districts~~ may
 533 adopt rules to establish procedures to govern the registration
 534 of lobbyists, including the adoption of forms and the
 535 establishment of a lobbyist registration fee.

536 Section 8. Paragraph (c) of subsection (3) of section
 537 129.03, Florida Statutes, is amended to read:

538 129.03 Preparation and adoption of budget.—

539 (3) The county budget officer, after tentatively
 540 ascertaining the proposed fiscal policies of the board for the
 541 next fiscal year, shall prepare and present to the board a
 542 tentative budget for the next fiscal year for each of the funds
 543 provided in this chapter, including all estimated receipts,
 544 taxes to be levied, and balances expected to be brought forward
 545 and all estimated expenditures, reserves, and balances to be
 546 carried over at the end of the year.

547 (c) The board shall hold public hearings to adopt tentative
 548 and final budgets pursuant to s. 200.065. The hearings shall be
 549 primarily for the purpose of hearing requests and complaints
 550 from the public regarding the budgets and the proposed tax
 551 levies and for explaining the budget and any proposed or adopted

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552 amendments. The tentative budget must be posted on the county's
 553 official website at least 2 days before the public hearing to
 554 consider such budget and must remain on the website for at least
 555 45 days. The final budget must be posted on the website within
 556 30 days after adoption and must remain on the website for at
 557 least 2 years. The tentative budgets, adopted tentative budgets,
 558 and final budgets shall be filed in the office of the county
 559 auditor as a public record. Sufficient reference in words and
 560 figures to identify the particular transactions shall be made in
 561 the minutes of the board to record its actions with reference to
 562 the budgets.

563 Section 9. Paragraph (f) of subsection (2) of section
 564 129.06, Florida Statutes, is amended to read:

565 129.06 Execution and amendment of budget.—

566 (2) The board at any time within a fiscal year may amend a
 567 budget for that year, and may within the first 60 days of a
 568 fiscal year amend the budget for the prior fiscal year, as
 569 follows:

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

575 1. The public hearing must be advertised at least 2 days,
 576 but not more than 5 days, before the date of the hearing. The
 577 advertisement must appear in a newspaper of paid general
 578 circulation and must identify the name of the taxing authority,
 579 the date, place, and time of the hearing, and the purpose of the
 580 hearing. The advertisement must also identify each budgetary

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581 fund to be amended, the source of the funds, the use of the
582 funds, and the total amount of each fund's appropriations.

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

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

589 166.241 Fiscal years, budgets, and budget amendments.—

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

603 (5) If the governing body of a municipality amends the
604 budget pursuant to paragraph (4)(c), the adopted amendment must
605 be posted on the official website of the municipality within 5
606 days after adoption and must remain on the website for at least
607 2 years. If the municipality does not operate an official
608 website, the municipality must, within a reasonable period of
609 time as established by the county or counties in which the

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

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

615 189.016 Reports; budgets; audits.—

616 (4) The tentative budget must be posted on the special
617 district's official website at least 2 days before the budget
618 hearing, held pursuant to s. 200.065 or other law, to consider
619 such budget, and must remain on the website for at least 45
620 days. The final adopted budget must be posted on the special
621 district's official website within 30 days after adoption and
622 must remain on the website for at least 2 years. If the special
623 district does not operate an official website, the special
624 district must, within a reasonable period of time as established
625 by the local general-purpose government or governments in which
626 the special district is located or the local governing authority
627 to which the district is dependent, transmit the tentative
628 budget or final budget to the manager or administrator of the
629 local general-purpose government or the local governing
630 authority. The manager or administrator shall post the tentative
631 budget or final budget on the website of the local general-
632 purpose government or governing authority. This subsection and
633 subsection (3) do not apply to water management districts as
634 defined in s. 373.019.

635 (7) If the governing body of a special district amends the
636 budget pursuant to paragraph (6)(c), the adopted amendment must
637 be posted on the official website of the special district within
638 5 days after adoption and must remain on the website for at

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639 least 2 years. If the special district does not operate an
 640 official website, the special district must, within a reasonable
 641 period of time as established by the local general-purpose
 642 government or governments in which the special district is
 643 located or the local governing authority to which the district
 644 is dependent, transmit the adopted amendment to the manager or
 645 administrator of the local general-purpose government or
 646 governing authority. The manager or administrator shall post the
 647 adopted amendment on the website of the local general-purpose
 648 government or governing authority.

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

651 215.425 Extra compensation claims prohibited; bonuses;
 652 severance pay.—

653 (6) Upon discovery or notification that a unit of
 654 government has provided prohibited compensation to any officer,
 655 agent, employee, or contractor in violation of this section,
 656 such unit of government shall investigate and take all necessary
 657 action to recover the prohibited compensation.

658 (a) If the violation was unintentional, the unit of
 659 government shall recover the prohibited compensation from the
 660 individual receiving the prohibited compensation through normal
 661 recovery methods for overpayments.

662 (b) If the violation was willful, the unit of government
 663 shall recover the prohibited compensation from either the
 664 individual receiving the prohibited compensation or the
 665 individual or individuals responsible for approving the
 666 prohibited compensation. Each individual determined to have
 667 willfully violated this section is jointly and severally liable

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668 for repayment of the prohibited compensation.

669 (7) A person who willfully violates this section commits a
 670 misdemeanor of the first degree, punishable as provided in s.
 671 775.082 or s. 775.083. The Governor may suspend an officer who
 672 willfully violates this section.

673 (8) (a) A person who reports a violation of this section is
 674 eligible for a reward of at least \$500, or the lesser of 10
 675 percent of the funds recovered or \$10,000 per incident of a
 676 prohibited compensation payment recovered by the unit of
 677 government, depending upon the extent to which the person
 678 substantially contributed to the discovery, notification, and
 679 recovery of such prohibited payment.

680 (b) In the event that the recovery of the prohibited
 681 compensation is based primarily on disclosures of specific
 682 information, other than information provided by such person,
 683 relating to allegations or transactions in a criminal, civil, or
 684 administrative hearing; a legislative, administrative, inspector
 685 general, or other government report; auditor general report,
 686 hearing, audit, or investigation; or from the news media, such
 687 person is not eligible for a reward, or for an award of a
 688 portion of the proceeds or payment of attorney fees and costs
 689 pursuant to s. 68.085.

690 (c) If it is determined that the person who reported a
 691 violation of this section was involved in the authorization,
 692 approval, or receipt of the prohibited compensation or is
 693 convicted of criminal conduct arising from his or her role in
 694 the authorization, approval, or receipt of the prohibited
 695 compensation, such person is not eligible for a reward, or for
 696 an award of a portion of the proceeds or payment of attorney

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697 fees and costs pursuant to s. 68.085.

698 (9) An employee who is discharged, demoted, suspended,
 699 threatened, harassed, or in any manner discriminated against in
 700 the terms and conditions of employment by his or her employer
 701 because of lawful acts done by the employee on behalf of the
 702 employee or others in furtherance of an action under this
 703 section, including investigation for initiation of, testimony
 704 for, or assistance in an action filed or to be filed under this
 705 section, has a cause of action under s. 112.3187.

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

710 (a) Recover state funds in accordance with ss. 68.082 and
 711 68.083.

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

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

720 Section 13. Section 215.86, Florida Statutes, is amended to
 721 read:

722 215.86 Management systems and controls.—Each state agency
 723 and the judicial branch as defined in s. 216.011 shall establish
 724 and maintain management systems and internal controls designed
 725 to:

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

727 (2) Promote and encourage compliance with applicable laws,
 728 rules, contracts, grant agreements, and best practices.†

729 (3) Support economic, efficient, and effective operations.†

730 (4) Ensure reliability of records and reports.†

731 (5) Safeguard and safeguarding of assets. Accounting
 732 systems and procedures shall be designed to fulfill the
 733 requirements of generally accepted accounting principles.

734 Section 14. Paragraph (a) of subsection (2) of section
 735 215.97, Florida Statutes, is amended to read:

736 215.97 Florida Single Audit Act.—

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

738 (a) "Audit threshold" means the threshold amount used to
 739 determine when a state single audit or project-specific audit of
 740 a nonstate entity shall be conducted in accordance with this
 741 section. Each nonstate entity that expends a total amount of
 742 state financial assistance equal to or in excess of \$750,000
 743 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
 744 required to have a state single audit, or a project-specific
 745 audit, for such fiscal year in accordance with the requirements
 746 of this section. Periodically, Every 2 years the Auditor
 747 General, after consulting with the Executive Office of the
 748 Governor, the Department of Financial Services, and all state
 749 awarding agencies, shall review the threshold amount for
 750 requiring audits under this section and, if appropriate, may
 751 recommend to the Legislature a statutory change to revise the
 752 threshold amount in the annual report submitted pursuant to s.
 753 11.45(7)(f) may adjust such threshold amount consistent with the
 754 purposes of this section.

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

757 215.985 Transparency in government spending.—

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

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

765 218.32 Annual financial reports; local governmental
766 entities.—

767 (1)

768 (d) Each local governmental entity that is required to
769 provide for an audit under s. 218.39(1) must submit a copy of
770 the audit report and annual financial report to the department
771 within 45 days after the completion of the audit report but no
772 later than 9 months after the end of the fiscal year. An
773 independent certified public accountant completing an audit of a
774 local governmental entity pursuant to s. 218.39 shall report, as
775 part of the audit, whether or not the entity's annual financial
776 report is in agreement with the audit report, and, if the report
777 is not in agreement, shall specify the significant differences
778 that exist between the annual financial report and the audit
779 report.

780 (2) The department shall annually by December 1 file a
781 verified report with the Governor, the Legislature, the Auditor
782 General, and the Special District Accountability Program of the
783 Department of Economic Opportunity showing the revenues, both

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784 locally derived and derived from intergovernmental transfers,
785 and the expenditures of each local governmental entity, regional
786 planning council, local government finance commission, and
787 municipal power corporation that is required to submit an annual
788 financial report. In preparing the verified report, the
789 department may request additional information from the local
790 governmental entity. The information requested must be provided
791 to the department within 45 days of the request. If the local
792 governmental entity does not comply with the request, the
793 department shall notify the Legislative Auditing Committee,
794 which may take action pursuant to s. 11.40(2). The report must
795 include, but is not limited to:

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

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

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

807 218.33 Local governmental entities; establishment of
808 uniform fiscal years and accounting practices and procedures.—

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

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

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

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

814 (c) Support economic and efficient operations.

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

816 (e) Safeguard assets.

817 Section 18. Present subsections (8) through (12) of section
818 218.39, Florida Statutes, are redesignated as subsections (9)
819 through (13), respectively, and a new subsection (8) is added to
820 that section, to read:

821 218.39 Annual financial audit reports.—

822 (8) If the audit report includes a recommendation that was
823 previously included in the preceding financial audit report, the
824 governing body of the audited entity, within 60 days after the
825 delivery of the audit report to the governing body and during a
826 regularly scheduled public meeting, shall indicate its intent
827 regarding corrective action, the corrective action to be taken,
828 and when the corrective action will occur. If the governing body
829 does not intend to take corrective action, it shall explain why
830 such action will not be taken at the regularly scheduled public
831 meeting.

832 Section 19. Subsection (2) and paragraph (c) of subsection
833 (7) of section 218.391, Florida Statutes, are amended to read:

834 218.391 Auditor selection procedures.—

835 (2) The governing body of a ~~charter~~ county, municipality,
836 special district, district school board, charter school, or
837 charter technical career center shall establish an audit
838 committee. For a county, the ~~Each noncharter county shall~~
839 ~~establish an~~ audit committee ~~that~~, at a minimum, shall consist
840 of each of the county officers elected pursuant to the county
841 charter or s. 1(d), Art. VIII of the State Constitution, or a

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842 designee, and one member of the board of county commissioners or
843 its designee. For a municipality or a special district, the
844 audit committee shall consist of at least three members, who
845 must be members of the governing body of the municipality or the
846 special district, respectively. For a county, municipality, or
847 special district, a member of the audit committee may not
848 exercise financial management responsibilities for the county,
849 municipality, or special district. The primary purpose of the
850 audit committee is to assist the governing body in selecting an
851 auditor to conduct the annual financial audit required in s.
852 218.39; however, the audit committee may serve other audit
853 oversight purposes as determined by the entity's governing body.
854 The public ~~may~~ shall not be excluded from the proceedings under
855 this section.

856 (7) Every procurement of audit services shall be evidenced
857 by a written contract embodying all provisions and conditions of
858 the procurement of such services. For purposes of this section,
859 an engagement letter signed and executed by both parties shall
860 constitute a written contract. The written contract shall, at a
861 minimum, include the following:

862 (c) A provision specifying the contract period, including
863 renewals, and conditions under which the contract may be
864 terminated or renewed. The contract period, including renewals,
865 may not exceed 2 years.

866 Section 20. Paragraph (b) of subsection (2) of section
867 288.92, Florida Statutes, is amended to read:

868 288.92 Divisions of Enterprise Florida, Inc.—

869 (2)

870 (b)1. The following officers and board members are subject

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871 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 872 112.3143(2):

873 a. Officers and members of the board of directors of the
 874 divisions of Enterprise Florida, Inc.

875 b. Officers and members of the board of directors of
 876 subsidiaries of Enterprise Florida, Inc.

877 c. Officers and members of the board of directors of
 878 corporations created to carry out the missions of Enterprise
 879 Florida, Inc.

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

883 2. The officers and members of the board of directors
 884 specified in subparagraph 1. may not represent another person or
 885 entity for compensation before Enterprise Florida, Inc., for a
 886 period of 2 years after retirement from or termination of
 887 service to a division.

888 ~~3.2~~ For purposes of applying ss. 112.313(1)-(8), (10),
 889 (12), and (15); 112.3135; and 112.3143(2) to activities of the
 890 officers and members of the board of directors specified in
 891 subparagraph 1., those persons shall be considered public
 892 officers or employees and the corporation shall be considered
 893 their agency.

894 ~~4.3~~ It is not a violation of s. 112.3143(2) or (4) for the
 895 officers or members of the board of directors of the Florida
 896 Tourism Industry Marketing Corporation to:

897 a. Vote on the 4-year marketing plan required under s.
 898 288.923 or vote on any individual component of or amendment to
 899 the plan.

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900 b. Participate in the establishment or calculation of
 901 payments related to the private match requirements of s.
 902 288.904(3). The officer or member must file an annual disclosure
 903 describing the nature of his or her interests or the interests
 904 of his or her principals, including corporate parents and
 905 subsidiaries of his or her principal, in the private match
 906 requirements. This annual disclosure requirement satisfies the
 907 disclosure requirement of s. 112.3143(4). This disclosure must
 908 be placed either on the Florida Tourism Industry Marketing
 909 Corporation's website or included in the minutes of each meeting
 910 of the Florida Tourism Industry Marketing Corporation's board of
 911 directors at which the private match requirements are discussed
 912 or voted upon.

913 Section 21. Paragraph (a) of subsection (3) of section
 914 288.9604, Florida Statutes, is amended to read:

915 288.9604 Creation of the authority.—

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

921 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
 922 and (15); 112.3135; and 112.3143(2). For purposes of applying
 923 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 924 112.3143(2) to activities of directors, directors shall be
 925 considered public officers and the corporation shall be
 926 considered their agency.

927 3. A director of the board of directors of the corporation
 928 may not represent another person or entity for compensation

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929 before the corporation for a period of 2 years following his or
 930 her service on the board of directors.

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

934 373.536 District budget and hearing thereon.—

935 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

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

941 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
 942 APPROVAL.—

943 (d) Each district shall, by August 1 of each year, submit
 944 for review a tentative budget and a description of any
 945 significant changes from the preliminary budget submitted to the
 946 Legislature pursuant to s. 373.535 to the Governor, the
 947 President of the Senate, the Speaker of the House of
 948 Representatives, the chairs of all legislative committees and
 949 subcommittees having substantive or fiscal jurisdiction over
 950 water management districts, as determined by the President of
 951 the Senate or the Speaker of the House of Representatives, as
 952 applicable, the secretary of the department, and the governing
 953 body of each county in which the district has jurisdiction or
 954 derives any funds for the operations of the district. The
 955 tentative budget must be posted on the district's official
 956 website at least 2 days before budget hearings held pursuant to
 957 s. 200.065 or other law and must remain on the website for at

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958 least 45 days.

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

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

964 Section 23. Paragraph (j) of subsection (9) of section
 965 1002.33, Florida Statutes, is amended to read:

966 1002.33 Charter schools.—

967 (9) CHARTER SCHOOL REQUIREMENTS.—

968 (j) The governing body of the charter school shall be
 969 responsible for:

970 1. Establishing and maintaining internal controls designed
 971 to:

972 a. Prevent and detect fraud, waste, and abuse.
 973 b. Promote and encourage compliance with applicable laws,
 974 rules, contracts, grant agreements, and best practices.
 975 c. Support economic and efficient operations.
 976 d. Ensure reliability of financial records and reports.
 977 e. Safeguard assets.

978 ~~2.1-~~ Ensuring that the charter school has retained the
 979 services of a certified public accountant or auditor for the
 980 annual financial audit, pursuant to s. 1002.345(2), who shall
 981 submit the report to the governing body.

982 ~~3.2-~~ Reviewing and approving the audit report, including
 983 audit findings and recommendations for the financial recovery
 984 plan.

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

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987 b. Monitoring a financial recovery plan in order to ensure
988 compliance.

989 ~~5.4-~~ Participating in governance training approved by the
990 department which must include government in the sunshine,
991 conflicts of interest, ethics, and financial responsibility.

992 Section 24. Present subsections (6) through (10) of section
993 1002.37, Florida Statutes, are redesignated as subsections (7)
994 through (11), respectively, a new subsection (6) is added to
995 that section, and present subsections (6) and (11) of that
996 section are amended, to read:

997 1002.37 The Florida Virtual School.—

998 (6) The Florida Virtual School shall have an annual
999 financial audit of its accounts and records completed by an
1000 independent auditor who is a certified public accountant
1001 licensed under chapter 473. The independent auditor shall
1002 conduct the audit in accordance with rules adopted by the
1003 Auditor General pursuant to s. 11.45 and, upon completion of the
1004 audit, shall prepare an audit report in accordance with such
1005 rules. The independent auditor shall submit the audit report to
1006 the board of trustees and the Auditor General no later than 9
1007 months after the end of the preceding fiscal year.

1008 ~~(7)-(6)~~ The board of trustees shall annually submit to the
1009 Governor, the Legislature, the Commissioner of Education, and
1010 the State Board of Education a complete and detailed report
1011 setting forth:

1012 (a) The operations and accomplishments of the Florida
1013 Virtual School within the state and those occurring outside the
1014 state as Florida Virtual School Global.

1015 (b) The marketing and operational plan for the Florida

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1016 Virtual School and Florida Virtual School Global, including
1017 recommendations regarding methods for improving the delivery of
1018 education through the Internet and other distance learning
1019 technology.

1020 (c) The assets and liabilities of the Florida Virtual
1021 School and Florida Virtual School Global at the end of the
1022 fiscal year.

1023 (d) A copy of the an annual financial audit report
1024 completed pursuant to subsection (6), and a written statement of
1025 the board of trustees describing corrective action to be taken
1026 in response to each of the independent auditor's recommendations
1027 included in the audit report. of the accounts and records of the
1028 Florida Virtual School and Florida Virtual School Global,
1029 conducted by an independent certified public accountant and
1030 performed in accordance with rules adopted by the Auditor
1031 General.

1032 (e) Recommendations regarding the unit cost of providing
1033 services to students through the Florida Virtual School and
1034 Florida Virtual School Global. In order to most effectively
1035 develop public policy regarding any future funding of the
1036 Florida Virtual School, it is imperative that the cost of the
1037 program is accurately identified. The identified cost of the
1038 program must be based on reliable data.

1039 (f) Recommendations regarding an accountability mechanism
1040 to assess the effectiveness of the services provided by the
1041 Florida Virtual School and Florida Virtual School Global.

1042 ~~(11) The Auditor General shall conduct an operational audit~~
1043 ~~of the Florida Virtual School, including Florida Virtual School~~
1044 ~~Global. The scope of the audit shall include, but not be limited~~

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1045 ~~to, the administration of responsibilities relating to~~
 1046 ~~personnel, procurement and contracting, revenue production,~~
 1047 ~~school funds, including internal funds, student enrollment~~
 1048 ~~records, franchise agreements, information technology~~
 1049 ~~utilization, assets, and security, performance measures and~~
 1050 ~~standards, and accountability. The final report on the audit~~
 1051 ~~shall be submitted to the President of the Senate and the~~
 1052 ~~Speaker of the House of Representatives no later than January~~
 1053 ~~31, 2014.~~

1054 Section 25. Subsection (5) is added to section 1010.01,
 1055 Florida Statutes, to read:

1056 1010.01 Uniform records and accounts.—

1057 (5) Each school district, Florida College System
 1058 institution, and state university shall establish and maintain
 1059 internal controls designed to:

1060 (a) Prevent and detect fraud, waste, and abuse.
 1061 (b) Promote and encourage compliance with applicable laws,
 1062 rules, contracts, grant agreements, and best practices.
 1063 (c) Support economic and efficient operations.
 1064 (d) Ensure reliability of financial records and reports.
 1065 (e) Safeguard assets.

1066 Section 26. Subsection (2) of section 1010.30, Florida
 1067 Statutes, is amended to read:

1068 1010.30 Audits required.—

1069 (2) If a school district, Florida College System
 1070 institution, or university audit report includes a
 1071 recommendation that was previously included in the preceding
 1072 financial audit report, an audit contains a significant finding,
 1073 the district school board, the Florida College System

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1074 institution board of trustees, or the university board of
 1075 trustees, within 60 days after the delivery of the audit report
 1076 to the school district, Florida College System institution, or
 1077 university and shall conduct an audit overview during a
 1078 regularly scheduled public meeting, shall indicate its intent
 1079 regarding corrective action, the corrective action to be taken,
 1080 and when the corrective action will occur. If the district
 1081 school board, Florida College System institution board of
 1082 trustees, or university board of trustees does not intend to
 1083 take corrective action, it shall explain why such action will
 1084 not be taken at the regularly scheduled public meeting.

1085 Section 27. Subsection (2) of section 68.082, Florida
 1086 Statutes, is amended to read:

1087 68.082 False claims against the state; definitions;
 1088 liability.—

1089 (2) Any person who:

1090 (a) Knowingly presents or causes to be presented a false or
 1091 fraudulent claim for payment or approval;
 1092 (b) Knowingly authorizes, approves, or receives payment of
 1093 prohibited compensation in violation of s. 215.425;
 1094 (c) ~~(b)~~ Knowingly makes, uses, or causes to be made or used
 1095 a false record or statement material to a false or fraudulent
 1096 claim;
 1097 (d) ~~(e)~~ Conspires to commit a violation of this subsection;
 1098 (e) ~~(d)~~ Has possession, custody, or control of property or
 1099 money used or to be used by the state and knowingly delivers or
 1100 causes to be delivered less than all of that money or property;
 1101 (f) ~~(e)~~ Is authorized to make or deliver a document
 1102 certifying receipt of property used or to be used by the state

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1103 and, intending to defraud the state, makes or delivers the
 1104 receipt without knowing that the information on the receipt is
 1105 true;

1106 ~~(g)(f)~~ Knowingly buys or receives, as a pledge of an
 1107 obligation or a debt, public property from an officer or
 1108 employee of the state who may not sell or pledge the property;
 1109 or

1110 ~~(h)(g)~~ Knowingly makes, uses, or causes to be made or used
 1111 a false record or statement material to an obligation to pay or
 1112 transmit money or property to the state, or knowingly conceals
 1113 or knowingly and improperly avoids or decreases an obligation to
 1114 pay or transmit money or property to the state

1115
 1116 is liable to the state for a civil penalty of not less than
 1117 \$5,500 and not more than \$11,000 and for treble the amount of
 1118 damages the state sustains because of the act of that person.

1119 Section 28. Subsection (1) of section 68.083, Florida
 1120 Statutes, is amended to read:

1121 68.083 Civil actions for false claims.—

1122 (1) The department may diligently investigate a violation
 1123 under s. 68.082. If the department finds that a person has
 1124 violated or is violating s. 68.082, the department may bring a
 1125 civil action under the Florida False Claims Act against the
 1126 person. The Department of Financial Services may bring a civil
 1127 action under this section if the action arises from an
 1128 investigation by that department and the Department of Legal
 1129 Affairs has not filed an action under this act. For a violation
 1130 of s. 68.082 regarding prohibited compensation paid from state
 1131 funds, the Department of Financial Services may bring a civil

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1132 action under this section if the action arises from an
 1133 investigation by that department concerning a violation of s.
 1134 215.425 by the state and the Department of Legal Affairs has not
 1135 filed an action under this act.

1136 Section 29. Subsection (3) of section 218.503, Florida
 1137 Statutes, is amended to read:

1138 218.503 Determination of financial emergency.—

1139 (3) Upon notification that one or more of the conditions in
 1140 subsection (1) have occurred or will occur if action is not
 1141 taken to assist the local governmental entity or district school
 1142 board, the Governor or his or her designee shall contact the
 1143 local governmental entity or the Commissioner of Education or
 1144 his or her designee shall contact the district school board to
 1145 determine what actions have been taken by the local governmental
 1146 entity or the district school board to resolve or prevent the
 1147 condition. The information requested must be provided within 45
 1148 days after the date of the request. If the local governmental
 1149 entity or the district school board does not comply with the
 1150 request, the Governor or his or her designee or the Commissioner
 1151 of Education or his or her designee shall notify ~~the members of~~
 1152 the Legislative Auditing Committee, which ~~who~~ may take action
 1153 pursuant to s. 11.40(2) ~~s. 11.40~~. The Governor or the
 1154 Commissioner of Education, as appropriate, shall determine
 1155 whether the local governmental entity or the district school
 1156 board needs state assistance to resolve or prevent the
 1157 condition. If state assistance is needed, the local governmental
 1158 entity or district school board is considered to be in a state
 1159 of financial emergency. The Governor or the Commissioner of
 1160 Education, as appropriate, has the authority to implement

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1161 measures as set forth in ss. 218.50-218.504 to assist the local
 1162 governmental entity or district school board in resolving the
 1163 financial emergency. Such measures may include, but are not
 1164 limited to:

1165 (a) Requiring approval of the local governmental entity's
 1166 budget by the Governor or approval of the district school
 1167 board's budget by the Commissioner of Education.

1168 (b) Authorizing a state loan to a local governmental entity
 1169 and providing for repayment of same.

1170 (c) Prohibiting a local governmental entity or district
 1171 school board from issuing bonds, notes, certificates of
 1172 indebtedness, or any other form of debt until such time as it is
 1173 no longer subject to this section.

1174 (d) Making such inspections and reviews of records,
 1175 information, reports, and assets of the local governmental
 1176 entity or district school board as are needed. The appropriate
 1177 local officials shall cooperate in such inspections and reviews.

1178 (e) Consulting with officials and auditors of the local
 1179 governmental entity or the district school board and the
 1180 appropriate state officials regarding any steps necessary to
 1181 bring the books of account, accounting systems, financial
 1182 procedures, and reports into compliance with state requirements.

1183 (f) Providing technical assistance to the local
 1184 governmental entity or the district school board.

1185 (g)1. Establishing a financial emergency board to oversee
 1186 the activities of the local governmental entity or the district
 1187 school board. If a financial emergency board is established for
 1188 a local governmental entity, the Governor shall appoint board
 1189 members and select a chair. If a financial emergency board is

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1190 established for a district school board, the State Board of
 1191 Education shall appoint board members and select a chair. The
 1192 financial emergency board shall adopt such rules as are
 1193 necessary for conducting board business. The board may:

1194 a. Make such reviews of records, reports, and assets of the
 1195 local governmental entity or the district school board as are
 1196 needed.

1197 b. Consult with officials and auditors of the local
 1198 governmental entity or the district school board and the
 1199 appropriate state officials regarding any steps necessary to
 1200 bring the books of account, accounting systems, financial
 1201 procedures, and reports of the local governmental entity or the
 1202 district school board into compliance with state requirements.

1203 c. Review the operations, management, efficiency,
 1204 productivity, and financing of functions and operations of the
 1205 local governmental entity or the district school board.

1206 d. Consult with other governmental entities for the
 1207 consolidation of all administrative direction and support
 1208 services, including, but not limited to, services for asset
 1209 sales, economic and community development, building inspections,
 1210 parks and recreation, facilities management, engineering and
 1211 construction, insurance coverage, risk management, planning and
 1212 zoning, information systems, fleet management, and purchasing.

1213 2. The recommendations and reports made by the financial
 1214 emergency board must be submitted to the Governor for local
 1215 governmental entities or to the Commissioner of Education and
 1216 the State Board of Education for district school boards for
 1217 appropriate action.

1218 (h) Requiring and approving a plan, to be prepared by

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1219 officials of the local governmental entity or the district
1220 school board in consultation with the appropriate state
1221 officials, prescribing actions that will cause the local
1222 governmental entity or district school board to no longer be
1223 subject to this section. The plan must include, but need not be
1224 limited to:

1225 1. Provision for payment in full of obligations outlined in
1226 subsection (1), designated as priority items, which are
1227 currently due or will come due.

1228 2. Establishment of priority budgeting or zero-based
1229 budgeting in order to eliminate items that are not affordable.

1230 3. The prohibition of a level of operations which can be
1231 sustained only with nonrecurring revenues.

1232 4. Provisions implementing the consolidation, sourcing, or
1233 discontinuance of all administrative direction and support
1234 services, including, but not limited to, services for asset
1235 sales, economic and community development, building inspections,
1236 parks and recreation, facilities management, engineering and
1237 construction, insurance coverage, risk management, planning and
1238 zoning, information systems, fleet management, and purchasing.

1239 Section 30. The Legislature finds that a proper and
1240 legitimate state purpose is served when internal controls are
1241 established to prevent and detect fraud, waste, and abuse and to
1242 safeguard and account for government funds and property.
1243 Therefore, the Legislature determines and declares that this act
1244 fulfills an important state interest.

1245 Section 31. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)



1372
Bill Number (if applicable)
497420
Amendment Barcode (if applicable)

Meeting Date _____

Topic Government Accountability

Name Jeff Barbacci

Job Title shareholder Assurance Services

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Theresa Howell Ferguson

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

APPEARANCE RECORD

Tab #9 ✓

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-24-15

Meeting Date

1372

Bill Number (if applicable)

Topic Gov. Accountability

Amendment Barcode (if applicable)

Name Amber Hughes

Job Title Legislative Advocate

Address PO Box 1757

Phone 701 - 3621

Street

Tall

City

FL

State

32302

Zip

Email ahughes@florties.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24
Meeting Date

1372
Bill Number (if applicable)

Topic Government accountability

Amendment Barcode (if applicable)

Name Ben Wilcox

Job Title _____

Address 1719 Old Fort Rd
Street

Phone 544-4448

Tall FL 32301
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SPB 7064

INTRODUCER: Ethics and Elections Committee

SUBJECT: Elections

DATE: March 24, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Fox	Roberts		EE Submitted as Committee Bill

I. Summary:

SPB 7064 is an elections administration bill that makes a number of substantive changes to the Florida Election Code, including:

- **Online Voter Registration:** Mandates the creation of an Online Voter Registration system for most applicants, beginning October 2017;
- **Voter Signature Updates:** Allows voters to update their signatures until 5 p.m. on the day before the election, for the purpose of canvassing absentee and provisional ballots;
- **Voter IDs:** Expands the list of permissible voter IDs to include U.S. passport *cards*, federal veterans health ID cards, and Florida concealed weapons/firearms licenses;
- **Mail-Ballot-Only Elections:** Authorizes *candidate* mail-ballot-only elections in certain municipalities;
- **Absentee Ballot Information:** Extends the daily deadline for supervisors to upload absentee ballot information to the Division of Elections during an election cycle, from 8 a.m. to noon; and,
- **Voting Precincts:** Beginning in 2021, requires voting precincts to conform to U.S. Census block boundaries, except in certain cases involving changed county, incorporated municipality, or other political subdivision boundaries.

The bill also makes technical and conforming changes to the election code, including modifying the requirements for sample ballot publication, correcting an erroneous deadline on Absentee Ballot Affidavits used to “cure” missing voter signatures, and modifying the timing requirements for designating early voting sites in special elections.

Except as otherwise indicated, the bill takes effect on July 1, 2015.

II. Present Situation:

Most of the issues in the bill are part of the 2015 legislative package of the Florida State Association of Supervisors of Elections (“FSASE”). Because the election administration issues

presented are wide-ranging and discrete, this analysis will incorporate the Present Situation into the section-by-section analysis below (see, **Part III., Effect of Proposed Changes**).

III. Effect of Proposed Changes:

SPB 7064 makes the following changes, most of which are included in the 2015 FSASE legislative package:

Section 1. Online Voter Registration. Creates s. 97.0525, F.S., directing the Division of Elections to develop a secure, online voter registration (“OVR”) system to become operation on October 1, 2017. This section contains the substance of CS/SB 228 (2015), by the Ethics and Elections Committee and Senators Clemens and Richter.

According to the National Conference of State Legislatures (“NCSL”), 20 states currently offer OVR.¹ An additional four states have adopted legislation authorizing OVR but have yet to implement it, including Hawaii (2012) and West Virginia (2013). And three states — Michigan, New Mexico, and Ohio — offer some form of “limited online registration.”²

Florida was not included among these states, though it does have an electronic system for submitting voter registration applications from Department of Highway Safety & Motor Vehicles (“DHSMV”) offices — which includes a voter’s digital signature.³ Floridians not registering electronically at a DHSMV office must fill out a paper voter registration application and return it to their local county supervisor of elections, or to any of the following entities: any supervisor of elections’ office in the state, or to a voter registration agency — including an armed forces recruitment office, a public library, or the Division of Elections.⁴ The division’s website and most (if not all) county supervisor’s websites contain an electronic version of the official Florida Voter Registration Application which can be printed out, sworn, and affirmed by the applicant’s signature, and mailed.⁵

¹ National Conference of State Legislatures, Online Voter Registration, Overview (Dec. 10, 2014), available at <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx> (last accessed 3.9.2014).

² *Id.*

³ DHSMV’s staff analysis on a similar OVR bill from last year’s session provides:

Currently, driver license examiners ask driver license or identification card applicants if the applicant would like to apply to register to vote or update his or her current voter registration information during the credential process. If so, an electronic voter registration application is completed, with a digital signature, and the voter oath is administered. The voter registration application includes data specific to the voter registration process, such as whether the person is a convicted felon, party affiliation, military status, whether the person needs voting assistance and previous voter registration data. The voter application also requires the examiner to re-key the customer’s address in order to verify it against a Department of State database, as required by law. The customer receives a printed application for his or her review. At the close of business, the day’s voter registration applications, changes, and declinations are submitted electronically to the Department of State.

DHSMV’s 2014 Agency Legislative Bill Analysis, *SB 784*, at p.2 (January 31, 2014) (Section 2.1., Present Situation), available at, <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=3210> (last visited 3.9.2015).

⁴ Florida Department of State website, <http://election.dos.state.fl.us/voter-registration/voter-reg.shtml> (last accessed 2.7.2014).

⁵ Florida Voter Registration Application Form, available at the Division of Elections website, <http://election.dos.state.fl.us/pdf/webappform.pdf> (last visited 3.9.2015).

Beginning October 1, 2017, the bill creates an online voter registration system for registering first-time voters and updating existing voter registrations. The division is tasked with establishing the secure Internet website and developing security measures to prevent unauthorized tampering with a voter's registration information, including the use of a unique identifier for each applicant. The system must also comply with certain federal laws to ensure equal access to voters with disabilities.

Upon submission of a completed online voter registration application, the website must generate an immediate electronic confirmation that the supervisor has received it and will provide the applicant instruction with respect to checking the status of the application.

Specifically, the new online voting system will:

- Compare an applicant's driver's license number or Florida ID number with DHSMV records to confirm the name and birth date of the applicant.
- *If the applicant's name and birth date are consistent*, electronically transmit the application to the appropriate supervisor of elections along with the applicant's digital signature (if he or she has on file with DHSMV), in which case the application process can proceed electronically.
- *If an otherwise eligible applicant's name and birth cannot be verified, or if the applicant has no driver's license or Florida ID card*, the system must populate the form and direct the applicant to print, sign and date the application and deliver it to the appropriate Supervisor of Elections for disposition pursuant to s. 97.073, F.S.⁶

Section 2. OVR Implementation Schedule. Creates an unnumbered section of Florida Statutes, requiring the Division of Elections, by January 1, 2016, to provide a written report to the Legislature summarizing progress to date in implementing OVR, expected implementation timeframes, and any further necessary legislative proposals, if any.

Section 3. Voter Registration IDs/Absentee Registrants. Amends s. 97.0535, F.S., authorizing the use of the following types of voter IDs for a very narrow class of mail-in, voter registration applicants (who are required to produce additional identification in addition to a voter registration application):⁷

- U.S. Passport cards⁸ (as opposed to U.S. Passport books);
- U.S. Dept. of Veterans Affairs veteran health ID cards; and,
- Florida concealed carry weapons/firearms licenses.

⁶ Section 97.073, F.S., requires a Supervisor of Elections to request any required information missing from the voter registration application

⁷ This expansion applies to applicants who: 1) Register to vote by mail; 2) Have never previously voted in Florida; and, 3) Have NOT been issued a current and valid Florida driver license, Florida ID card, or social security number. Section 97.0535, F.S. Some exemptions to the additional ID requirements apply. *Id.*

⁸ The U.S. State Department began producing the U.S. Passport Card on July 14, 2008; as of September 2013, more than 7,000,000 Passport Cards were issued to U.S. citizens. U.S. Dept. of State, Bureau of Consular Affairs web site, U.S. Passport Card, History, available at <http://travel.state.gov/content/passports/english/passports/information/card.html> (last accessed 3.9.2015) The card is intended as a less expensive, wallet-size alternative to a passport book for those who travel frequently by land or sea (not air) to Canada, Mexico, the Caribbean or the Bahamas. From a security standpoint, applicants must produce the same documents and are subject to the same standards of identity as those applying for a passport book. U.S. Dept. of State, Bureau of Consular Affairs web site, Passports, Frequently Asked Questions, U.S. Passport Card, available at <http://travel.state.gov/content/passports/english/passports/FAQs.html> (last accessed 3.9.2015).

Florida law currently allows the following forms of ID for these special absentee applicants: U.S. Passport; debit or credit card; military ID; student ID; retirement center ID; neighborhood association ID; public assistance ID.

Section 4. Voter Signature Updates. Amends s. 98.077, F.S., allowing voters to update their signatures up until *5 p.m. on the day before an election*, for purposes of verifying absentee and provisional ballots. Currently, a voter may change their signature up until the canvassing board begins canvassing absentee ballots, which can start as early as 15 days before an election.⁹

Section 5. Voting Precincts/Polling Place Boundaries. Amends s. 101.001, F.S., providing that beginning after the 2020 U.S. Decennial Census, supervisors may only use U.S. Census block boundaries to create or alter voting precincts. In cases where the Census block boundaries split or conflict with the boundary of a county, incorporated municipality, or other political subdivision, such boundaries may be used (provided they meet the Census criteria for block boundaries).¹⁰ Currently, supervisors have additional options for establishing precinct boundaries.¹¹

Section 6. Voter ID at the Polls. Amends s. 101.043, F.S., adding the following types of acceptable voter IDs at the polls to the nine (9) currently authorized¹² — the same new IDs as the bill authorizes for certain first-time, voter registration applicants:

- U.S. Passport *cards* (as opposed to U.S. Passport books);
- U.S. Dept. of Veterans Affairs veteran health ID cards; and,
- Florida concealed carry weapons/firearms licenses.

⁹ Sections 98.077(4), 101.68(2)(a), F.S. This change correlates with the current deadline for “curing” an absentee ballot that is *missing* a voter’s signature, a new process authorized in statute at the request of the FSASE in 2013. Section 101.68(4), F.S.; Ch. 2013-57, s. 15, LAWS OF FLA. Prior to that time, once a ballot was received by a supervisor it was deemed “cast” — meaning in “final” form — for purposes of making changes or additions. *Id.* As such, the change in this section represents a wholesale expansion of the concept of “curing” defective ballots post-submission/post-receipt by a supervisor.

¹⁰ This exemption is meant to account for post-Census political boundary changes, such as when a municipality annexes a parcel of land; the Decennial Census represents only a “snapshot” in time, with 10 years between “photos.”

¹¹ Current law provides that U.S. Census block boundaries must be used to draw precincts, unless there’s a census block boundary split or those boundaries conflict with the following:

- Governmental unit boundaries reported in the most recent U.S. Census Boundary and Annexation Survey;
- Visible features that are readily distinguishable on the ground (i.e., streets, railroads, tracks, streams, lakes), and that are indicated on certain maps;
- Boundaries of public parks, public school grounds, or churches; or,
- Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the U.S. Census Bureau for block boundaries.

Section 101.001(3)(e), F.S.

¹² The following forms of voter IDs are currently acceptable at the polls:

1. Florida driver license;
2. Florida ID card;
3. U.S. passport;
4. Debit or credit card;
5. Military identification;
6. Student identification;
7. Retirement center ID;
8. Neighborhood association ID; or,
9. Public assistance ID.

Section 101.043(1)(a), F.S.

Section 7. Sample Ballot Publication. Amends s. 101.20, F.S., allowing supervisors to either publish a sample ballot in a local newspaper before an election **or** send a registered voter a sample ballot by U.S. mail/e-mail.

Prior to the passage of the 2013 Paper Reduction Act,¹³ supervisors of elections had the option to *either* publish a sample ballot in a newspaper of general circulation in the county or mail one by U.S. Mail to registered voters. The Act authorized sending sample ballots by e-mail, but also set-up the *double requirement* of publishing **and** sending a sample ballot.

Section 8. All-Mail-Ballot Elections; *municipal candidates*. Amends s. 101.6102, F.S., allowing cities to conduct *candidate* elections exclusively by mail, if approved by the governing body of the municipality and the supervisor of elections. Currently, only local *referenda* elections may be conducted with all-mail balloting.¹⁴

Section 9. Absentee Ballot Information; *daily data updates*. Amends s. 101.62, F.S., delaying until **noon** the supervisor's daily reporting of absentee ballot progress information.¹⁵

Beginning 60 days before the primary until 15 days after the general election, the county supervisors currently must provide the absentee ballot progress information at *8 a.m. every day, including weekends*, in electronic format. They must contemporaneously provide this information to the Division of Elections. The information is made available to the voter requesting the absentee ballot, election officials, political parties, qualified candidates with opposition in an upcoming election, and registered political committees for political purposes only.¹⁶

The identified purpose of delaying the daily data update is to coincide with the noontime early voting data upload that supervisors must provide to the division for 8 to 14 days preceding the primary and general elections.¹⁷ That adds up to just about one month of early voting uploads, assuming a county chooses the maximum 14 days of early voting for each election; the absentee ballot data upload occurs for about 5 months — give or take.

Section 10. Conforming. Amends s. 101.65, F.S., modifying the absentee ballot voter instructions to incorporate the new deadline created by the bill for updating signatures on file with the supervisor of elections (5 p.m. on the day before the election, instead of when absentee ballot canvassing begins [up to 15 days before an election]).

¹³ 2013-192, LAWS OF FLA.

¹⁴ Section 101.6102, F.S.

¹⁵ Information reported includes each request for an absentee ballot, the date the request was made, the date the absentee ballot was delivered to the voter, a designee, or the post office, the date the ballot was received back by the supervisor, and the absence of the voter's signature on the absentee ballot certificate (if applicable). Section 101.62(3), F.S.

¹⁶ It is unclear whether, and, if so, to what extent, this 4-hour delay might adversely impact the ability of candidates, parties, and political committees to coordinate their absentee ballot get-out-the-vote ("GOTV") drives.

¹⁷ Florida State Assn. of Supervisors of Elections, [2015 FSASE Legislative Priorities](http://myfloridaelections.com/ew_pages/2015_fsase_legislative_priorities_12815.pdf) at p. 2 (undated), available at http://myfloridaelections.com/ew_pages/2015_fsase_legislative_priorities_12815.pdf (last accessed 3.10.2015); *see* also s. 101.657, F.S. (discussing the timing of early voting and the daily data upload requirement).

Section 11. Early Voting Sites; *special elections*. Amends s. 101.657, F.S., granting supervisors discretion to designate early voting sites in special elections “as necessary” instead of 30 days before an election; time frames are often tighter than in a primary or general election. This change should impact only designation of the *timing*, not the types, of early voting sites.

Sections 12 and 13. Conforming/Technical. Amends ss. 101.68 and 101.6923, F.S., modifying instructions for absentee ballot affidavits and the voter’s certificate for first-time absentee voters to incorporate various changes made in other sections of bill; also, corrects an erroneous deadline on the Absentee Ballot Affidavit with respect to “curing” an absentee ballot without a signature.

Section 14. Effective Date. The bill takes effect on July 1, 2015, except as otherwise provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sample Ballot Publication

Revenue; recurring

Local newspapers may well lose some revenue in the form of fees for publishing sample ballots, as supervisors of elections are increasingly moving to mailing (or e-mailing, as of the last election cycle) sample ballots to voters’ residences. The overall amount of revenue lost will depend on how many supervisors choose to mail/e-mail sample ballots in lieu of publication.

C. Government Sector Impact:**Sample Ballot Publication*****Expenditures; recurring***

Supervisors of elections will save money each election by either foregoing newspaper publication or the mailing/e-mailing of sample ballots to voters. The amount saved will depend on the number of registered voters in the county and the cost of the particular method of distribution/publication.

Online Voter Registration***Expenditures; nonrecurring (DHSMV)***

In its agency bill analysis on SB 784 (2014), which was nearly identical to Section 1 of this bill, the Department of Highway Safety and Motor Vehicles estimated that it will take about 270 nonrecurring programming hours at a cost of \$20,400 to provide verification for the name, date of birth, Fla. Driver's license number, or Florida identification card number after voter registration applications are submitted online. The DHSMV has not yet provided an agency bill analysis CS/SB 228 (2015), the Committee's stand-alone OVR bill.

Expenditures; recurring/nonrecurring (DOS)

The Florida Division of Elections did not complete an agency analysis of last year's OVR bill and has yet to complete one this year or provide any fiscal estimate on CS/SB 228, the Committee's stand-alone OVR bill. As such, the nonrecurring costs to develop the system and the recurring costs to maintain and operate it are indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.0535, 98.077, 101.001, 101.043, 101.20, 101.6102, 101.62, 101.65, 101.657, 101.68, and 101.6923.

This bill creates an unnumbered section of the Florida Statutes and amends s. 97.0525.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



505112

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/25/2015	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete lines 367 - 437

and insert:

Section 12. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2015.

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

And the title is amended as follows:

Delete lines 27 - 30



11 and insert:
12 changes made by the act; providing effective dates.



571584

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/25/2015	.	
	.	
	.	
	.	

The Committee on Ethics and Elections (Clemens) recommended the following:

Senate Amendment (with title amendment)

Before line 35

insert:

Section 1. Section 97.0525, Florida Statutes, is created to read:

97.0525 Online voter registration.-

(1) Beginning October 1, 2017, an applicant may submit an online voter registration application using the procedures set forth in this section.



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11 (2) The division shall establish a secure Internet website
12 to permit an applicant to:

13 (a) Submit a voter registration application, including
14 first-time voter registration applications and updates to
15 existing voter registration records.

16 (b) Submit information necessary to establish an
17 applicant's eligibility to vote, pursuant to s. 97.041, which
18 must include the information required for the uniform statewide
19 voter registration application pursuant to s. 97.052(2).

20 (c) Swear to the oath required pursuant to s. 97.051.

21 (3) The division shall establish appropriate technological
22 security measures, including use of a unique identifier for each
23 applicant, to prevent unauthorized persons from altering a
24 voter's registration information.

25 (4) (a) The online voter registration system shall compare
26 the Florida driver license number or Florida identification
27 number submitted pursuant to s. 97.052(2)(n) with information
28 maintained by the Department of Highway Safety and Motor
29 Vehicles to confirm that the name and date of birth on the
30 application are consistent with the records of the Department of
31 Highway Safety and Motor Vehicles.

32 (b) If the applicant's name and date of birth are
33 consistent with the records of the Department of Highway Safety
34 and Motor Vehicles, the online voter registration system shall
35 transmit, using the statewide voter registration system
36 maintained pursuant to s. 98.035, the applicant's registration
37 application, along with the digital signature of the applicant
38 on file with the Department of Highway Safety and Motor
39 Vehicles, to the supervisor of elections. The applicant's



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40 digital signature satisfies the signature requirement of s.
41 97.052(2)(q).

42 (c) If the applicant's name and date of birth cannot be
43 verified by the records of the Department of Highway Safety and
44 Motor Vehicles, or if the applicant indicated that he or she has
45 not been issued a Florida driver license or Florida
46 identification card, the online voter registration system shall
47 populate the applicant's information into a printable voter
48 registration application pursuant to s. 97.052(2) and direct the
49 applicant to print, sign, and date the application and deliver
50 the application to the supervisor of elections for disposition
51 pursuant to s. 97.073.

52 (5) Upon submission of a completed online voter
53 registration application, the website must generate an immediate
54 electronic confirmation that the supervisor of elections has
55 received the application and provide instructions regarding the
56 ability of a registrant to check the status of the application
57 thereafter.

58 (6) Except as otherwise provided in this section, the
59 supervisor of elections shall process the application pursuant
60 to s. 97.053.

61 (7) The online voter registration system must conform to
62 nationally accepted standards for accessibility for individuals
63 with disabilities, including s. 508 of the Rehabilitation Act of
64 1973, s. 255 of the Telecommunications Act of 1996, and the Web
65 Content Accessibility Guidelines of the World Wide Web
66 Consortium, to ensure equal access for voters with disabilities.

67 (8) A legal distinction may not be made between online
68 voter registration under this section and voter registration in



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69 person, by mail, or by other methods provided by general law.

70 Section 2. No later than January 1, 2016, the Division of
71 Elections shall submit a report to the President of the Senate
72 and the Speaker of the House of Representatives regarding the
73 implementation of online voter registration. In the report, the
74 division shall summarize progress to date in implementing online
75 voter registration and expected implementation timeframes, and
76 shall propose any further legislation needed to facilitate
77 online voter registration.

78

79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete line 2

82 and insert:

83 An act relating to elections; creating s. 97.0525,
84 F.S.; requiring the Division of Elections of the
85 Department of State to develop an online voter
86 registration system; providing application and
87 security requirements; requiring the system to compare
88 information submitted online with Department of
89 Highway Safety and Motor Vehicles records; providing
90 for the disposition of voter registration
91 applications; requiring system compliance with federal
92 accessibility provisions; providing for construction;
93 requiring the division to report to the Legislature
94 regarding online voter registration implementation by
95 a specified date; amending s. 97.0535,



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2015	.	
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	.	

The Committee on Ethics and Elections (Thompson) recommended the following:

Senate Amendment (with title amendment)

Between lines 435 and 436

insert:

Section 14. Subsection (13) of section 97.012, Florida Statutes, is amended to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(13) Designate an office within the department to be



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11 responsible for providing information regarding voter
12 registration procedures and vote-by-mail ~~absentee~~ ballot
13 procedures to absent uniformed services voters and overseas
14 voters.

15 Section 15. Subsections (1) and (13) of section 97.021,
16 Florida Statutes, are amended to read:

17 97.021 Definitions.—For the purposes of this code, except
18 where the context clearly indicates otherwise, the term:

19 (1) "Absent elector" means any registered and qualified
20 voter who casts a vote-by-mail ~~an absentee~~ ballot.

21 (13) "Election costs" shall include, but not be limited to,
22 expenditures for all paper supplies such as envelopes,
23 instructions to voters, affidavits, reports, ballot cards,
24 ballot booklets for vote-by-mail ~~absentee~~ voters, postage,
25 notices to voters; advertisements for registration book
26 closings, testing of voting equipment, sample ballots, and
27 polling places; forms used to qualify candidates; polling site
28 rental and equipment delivery and pickup; data processing time
29 and supplies; election records retention; and labor costs,
30 including those costs uniquely associated with vote-by-mail
31 ~~absentee~~ ballot preparation, poll workers, and election night
32 canvass.

33 Section 16. Section 97.026, Florida Statutes, is amended to
34 read:

35 97.026 Forms to be available in alternative formats and via
36 the Internet.—It is the intent of the Legislature that all forms
37 required to be used in chapters 97-106 shall be made available
38 upon request, in alternative formats. Such forms shall include
39 vote-by-mail ~~absentee~~ ballots as alternative formats for such



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40 ballots become available and the Division of Elections is able
41 to certify systems that provide them. Whenever possible, such
42 forms, with the exception of vote-by-mail ~~absentee~~ ballots,
43 shall be made available by the Department of State via the
44 Internet. Sections that contain such forms include, but are not
45 limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583,
46 97.071, 97.073, 97.1031, 98.075, 99.021, 100.361, 100.371,
47 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65,
48 101.657, 105.031, 106.023, and 106.087.

49 Section 17. Paragraph (c) of subsection (4) of section
50 98.065, Florida Statutes, is amended to read:

51 98.065 Registration list maintenance programs.—

52 (4)

53 (c) The supervisor must designate as inactive all voters
54 who have been sent an address confirmation final notice and who
55 have not returned the postage prepaid, preaddressed return form
56 within 30 days or for which the final notice has been returned
57 as undeliverable. Names on the inactive list may not be used to
58 calculate the number of signatures needed on any petition. A
59 voter on the inactive list may be restored to the active list of
60 voters upon the voter updating his or her registration,
61 requesting a vote-by-mail ~~an absentee~~ ballot, or appearing to
62 vote. However, if the voter does not update his or her voter
63 registration information, request a vote-by-mail ~~an absentee~~
64 ballot, or vote by the second general election after being
65 placed on the inactive list, the voter's name shall be removed
66 from the statewide voter registration system and the voter shall
67 be required to reregister to have his or her name restored to
68 the statewide voter registration system.



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69 Section 18. Subsection (4) of section 98.077, Florida
70 Statutes, is amended to read:

71 98.077 Update of voter signature.—

72 (4) All signature updates for use in verifying vote-by-mail
73 ~~absentee~~ and provisional ballots must be received by the
74 appropriate supervisor of elections no later than the start of
75 the canvassing of vote-by-mail ~~absentee~~ ballots by the
76 canvassing board. The signature on file at the start of the
77 canvass of the vote-by-mail ~~absentee~~ ballots is the signature
78 that shall be used in verifying the signature on the vote-by-
79 mail ~~absentee~~ and provisional ballot certificates.

80 Section 19. Paragraphs (b) and (d) of subsection (1) and
81 paragraph (a) of subsection (2) of section 98.0981, Florida
82 Statutes, are amended to read:

83 98.0981 Reports; voting history; statewide voter
84 registration system information; precinct-level election
85 results; book closing statistics.—

86 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
87 INFORMATION.—

88 (b) After receipt of the information in paragraph (a), the
89 department shall prepare a report in electronic format which
90 contains the following information, separately compiled for the
91 primary and general election for all voters qualified to vote in
92 either election:

93 1. The unique identifier assigned to each qualified voter
94 within the statewide voter registration system;

95 2. All information provided by each qualified voter on his
96 or her voter registration application pursuant to s. 97.052(2),
97 except that which is confidential or exempt from public records



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98 requirements;

99 3. Each qualified voter's date of registration;

100 4. Each qualified voter's current state representative
101 district, state senatorial district, and congressional district,
102 assigned by the supervisor of elections;

103 5. Each qualified voter's current precinct; and

104 6. Voting history as transmitted under paragraph (a) to
105 include whether the qualified voter voted at a precinct
106 location, voted during the early voting period, voted by vote-
107 by-mail ~~absentee~~ ballot, attempted to vote by vote-by-mail
108 ~~absentee~~ ballot that was not counted, attempted to vote by
109 provisional ballot that was not counted, or did not vote.

110 (d) File specifications are as follows:

111 1. The file shall contain records designated by the
112 categories below for all qualified voters who, regardless of the
113 voter's county of residence or active or inactive registration
114 status at the book closing for the corresponding election that
115 the file is being created for:

116 a. Voted a regular ballot at a precinct location.

117 b. Voted at a precinct location using a provisional ballot
118 that was subsequently counted.

119 c. Voted a regular ballot during the early voting period.

120 d. Voted during the early voting period using a provisional
121 ballot that was subsequently counted.

122 e. Voted by vote-by-mail ~~absentee~~ ballot.

123 f. Attempted to vote by vote-by-mail ~~absentee~~ ballot, but
124 the ballot was not counted.

125 g. Attempted to vote by provisional ballot, but the ballot
126 was not counted in that election.



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127 2. Each file shall be created or converted into a tab-
128 delimited format.

129 3. File names shall adhere to the following convention:

130 a. Three-character county identifier as established by the
131 department followed by an underscore.

132 b. Followed by four-character file type identifier of
133 'VH03' followed by an underscore.

134 c. Followed by FVRS election ID followed by an underscore.

135 d. Followed by Date Created followed by an underscore.

136 e. Date format is YYYYMMDD.

137 f. Followed by Time Created - HHMMSS.

138 g. Followed by ".txt".

139 4. Each record shall contain the following columns: Record
140 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
141 Date, Vote History Code, Precinct, Congressional District, House
142 District, Senate District, County Commission District, and
143 School Board District.

144 (2) PRECINCT-LEVEL ELECTION RESULTS.-

145 (a) Within 30 days after certification by the Elections
146 Canvassing Commission of a presidential preference primary
147 election, special election, primary election, or general
148 election, the supervisors of elections shall collect and submit
149 to the department precinct-level election results for the
150 election in a uniform electronic format specified by paragraph
151 (c). The precinct-level election results shall be compiled
152 separately for the primary or special primary election that
153 preceded the general or special general election, respectively.
154 The results shall specifically include for each precinct the
155 total of all ballots cast for each candidate or nominee to fill



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156 a national, state, county, or district office or proposed
157 constitutional amendment, with subtotals for each candidate and
158 ballot type, unless fewer than 10 voters voted a ballot type.
159 "All ballots cast" means ballots cast by voters who cast a
160 ballot whether at a precinct location, by vote-by-mail ~~absentee~~
161 ballot including overseas vote-by-mail ~~absentee~~ ballots, during
162 the early voting period, or by provisional ballot.

163 Section 20. Paragraph (b) of subsection (1) of section
164 98.255, Florida Statutes, is amended to read:

165 98.255 Voter education programs.—

166 (1) The Department of State shall adopt rules prescribing
167 minimum standards for nonpartisan voter education. The standards
168 shall, at a minimum, address:

169 (a) Voter registration;

170 (b) Balloting procedures, by mail ~~absentee~~ and polling
171 place;

172 (c) Voter rights and responsibilities;

173 (d) Distribution of sample ballots; and

174 (e) Public service announcements.

175 Section 21. Subsection (3) of section 101.051, Florida
176 Statutes, is amended to read:

177 101.051 Electors seeking assistance in casting ballots;
178 oath to be executed; forms to be furnished.—

179 (3) Any elector applying to cast a vote-by-mail ~~an absentee~~
180 ballot in the office of the supervisor, in any election, who
181 requires assistance to vote by reason of blindness, disability,
182 or inability to read or write may request the assistance of some
183 person of his or her own choice, other than the elector's
184 employer, an agent of the employer, or an officer or agent of



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185 his or her union, in casting his or her vote-by-mail ~~absentee~~
186 ballot.

187 Section 22. Paragraph (b) of subsection (1) of section
188 101.151, Florida Statutes, is amended to read:

189 101.151 Specifications for ballots.—

190 (1)

191 (b) Early voting sites may employ a ballot-on-demand
192 production system to print individual marksense ballots,
193 including provisional ballots, for eligible electors pursuant to
194 s. 101.657. Ballot-on-demand technology may be used to produce
195 marksense vote-by-mail ~~absentee~~ and election-day ballots.

196 Section 23. Subsection (3) of section 101.5612, Florida
197 Statutes, is amended to read:

198 101.5612 Testing of tabulating equipment.—

199 (3) For electronic or electromechanical voting systems
200 configured to tabulate vote-by-mail ~~absentee~~ ballots at a
201 central or regional site, the public testing shall be conducted
202 by processing a preaudited group of ballots so produced as to
203 record a predetermined number of valid votes for each candidate
204 and on each measure and to include one or more ballots for each
205 office which have activated voting positions in excess of the
206 number allowed by law in order to test the ability of the
207 automatic tabulating equipment to reject such votes. If any
208 error is detected, the cause therefor shall be corrected and an
209 errorless count shall be made before the automatic tabulating
210 equipment is approved. The test shall be repeated and errorless
211 results achieved immediately before the start of the official
212 count of the ballots and again after the completion of the
213 official count. The programs and ballots used for testing shall



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214 be sealed and retained under the custody of the county
215 canvassing board.

216 Section 24. Paragraph (a) of subsection (5) and subsections
217 (7) and (8) of section 101.5614, Florida Statutes, are amended
218 to read:

219 101.5614 Canvass of returns.—

220 (5) (a) If any vote-by-mail ~~absentee~~ ballot is physically
221 damaged so that it cannot properly be counted by the automatic
222 tabulating equipment, a true duplicate copy shall be made of the
223 damaged ballot in the presence of witnesses and substituted for
224 the damaged ballot. Likewise, a duplicate ballot shall be made
225 of a vote-by-mail ~~an absentee~~ ballot containing an overvoted
226 race or a marked vote-by-mail ~~absentee~~ ballot in which every
227 race is undervoted which shall include all valid votes as
228 determined by the canvassing board based on rules adopted by the
229 division pursuant to s. 102.166(4). All duplicate ballots shall
230 be clearly labeled "duplicate," bear a serial number which shall
231 be recorded on the defective ballot, and be counted in lieu of
232 the defective ballot. After a ballot has been duplicated, the
233 defective ballot shall be placed in an envelope provided for
234 that purpose, and the duplicate ballot shall be tallied with the
235 other ballots for that precinct.

236 (7) Vote-by-mail ~~Absentee~~ ballots may be counted by
237 automatic tabulating equipment if they have been marked in a
238 manner which will enable them to be properly counted by such
239 equipment.

240 (8) The return printed by the automatic tabulating
241 equipment, to which has been added the return of write-in, vote-
242 by-mail ~~absentee~~, and manually counted votes and votes from



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243 provisional ballots, shall constitute the official return of the
244 election upon certification by the canvassing board. Upon
245 completion of the count, the returns shall be open to the
246 public. A copy of the returns may be posted at the central
247 counting place or at the office of the supervisor of elections
248 in lieu of the posting of returns at individual precincts.

249 Section 25. Section 101.572, Florida Statutes, is amended
250 to read:

251 101.572 Public inspection of ballots.—The official ballots
252 and ballot cards received from election boards and removed from
253 vote-by-mail absentee ballot mailing envelopes shall be open for
254 public inspection or examination while in the custody of the
255 supervisor of elections or the county canvassing board at any
256 reasonable time, under reasonable conditions; however, no
257 persons other than the supervisor of elections or his or her
258 employees or the county canvassing board shall handle any
259 official ballot or ballot card. If the ballots are being
260 examined prior to the end of the contest period in s. 102.168,
261 the supervisor of elections shall make a reasonable effort to
262 notify all candidates whose names appear on such ballots or
263 ballot cards by telephone or otherwise of the time and place of
264 the inspection or examination. All such candidates, or their
265 representatives, shall be allowed to be present during the
266 inspection or examination.

267 Section 26. Paragraphs (a) and (b) of subsection (2) of
268 section 101.591, Florida Statutes, are amended to read:

269 101.591 Voting system audit.—

270 (2)(a) A manual audit shall consist of a public manual
271 tally of the votes cast in one randomly selected race that



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272 appears on the ballot. The tally sheet shall include election-
273 day, vote-by-mail absentee, early voting, provisional, and
274 overseas ballots, in at least 1 percent but no more than 2
275 percent of the precincts chosen at random by the county
276 canvassing board or the local board responsible for certifying
277 the election. If 1 percent of the precincts is less than one
278 entire precinct, the audit shall be conducted using at least one
279 precinct chosen at random by the county canvassing board or the
280 local board responsible for certifying the election. Such
281 precincts shall be selected at a publicly noticed canvassing
282 board meeting.

283 (b) An automated audit shall consist of a public automated
284 tally of the votes cast across every race that appears on the
285 ballot. The tally sheet shall include election day, vote-by-mail
286 absentee, early voting, provisional, and overseas ballots in at
287 least 20 percent of the precincts chosen at random by the county
288 canvassing board or the local board responsible for certifying
289 the election. Such precincts shall be selected at a publicly
290 noticed canvassing board meeting.

291 Section 27. Section 101.6105, Florida Statutes, is amended
292 to read:

293 101.6105 Vote-by-mail Absentee voting.—The provisions of
294 the election code relating to vote-by-mail absentee voting and
295 vote-by-mail absentee ballots shall apply to elections under ss.
296 101.6101-101.6107 only insofar as they do not conflict with the
297 provisions of ss. 101.6101-101.6107.

298 Section 28. Section 101.62, Florida Statutes, is amended to
299 read:

300 101.62 Request for vote-by-mail absentee ballots.—



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301 (1) (a) The supervisor shall accept a request for a vote-by-
302 mail ~~an absentee~~ ballot from an elector in person or in writing.
303 One request shall be deemed sufficient to receive a vote-by-mail
304 ~~an absentee~~ ballot for all elections through the end of the
305 calendar year of the second ensuing regularly scheduled general
306 election, unless the elector or the elector's designee indicates
307 at the time the request is made the elections for which the
308 elector desires to receive a vote-by-mail ~~an absentee~~ ballot.
309 Such request may be considered canceled when any first-class
310 mail sent by the supervisor to the elector is returned as
311 undeliverable.

312 (b) The supervisor may accept a written or telephonic
313 request for a vote-by-mail ~~an absentee~~ ballot to be mailed to an
314 elector's address on file in the Florida Voter Registration
315 System from the elector, or, if directly instructed by the
316 elector, a member of the elector's immediate family, or the
317 elector's legal guardian; if the ballot is requested to be
318 mailed to an address other than the elector's address on file in
319 the Florida Voter Registration System, the request must be made
320 in writing and signed by the elector. However, an absent
321 uniformed service voter or an overseas voter seeking a vote-by-
322 mail ~~an absentee~~ ballot is not required to submit a signed,
323 written request for a vote-by-mail ~~an absentee~~ ballot that is
324 being mailed to an address other than the elector's address on
325 file in the Florida Voter Registration System. For purposes of
326 this section, the term "immediate family" has the same meaning
327 as specified in paragraph (4) (c). The person making the request
328 must disclose:

329 1. The name of the elector for whom the ballot is



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330 requested.

331 2. The elector's address.

332 3. The elector's date of birth.

333 4. The requester's name.

334 5. The requester's address.

335 6. The requester's driver license number, if available.

336 7. The requester's relationship to the elector.

337 8. The requester's signature (written requests only).

338 (c) Upon receiving a request for a vote-by-mail ~~an absentee~~
339 ballot from an absent voter, the supervisor of elections shall
340 notify the voter of the free access system that has been
341 designated by the department for determining the status of his
342 or her vote-by-mail ~~absentee~~ ballot.

343 (2) A request for a vote-by-mail ~~an absentee~~ ballot to be
344 mailed to a voter must be received no later than 5 p.m. on the
345 sixth day before the election by the supervisor of elections.
346 The supervisor of elections shall mail vote-by-mail ~~absentee~~
347 ballots to voters requesting ballots by such deadline no later
348 than 4 days before the election.

349 (3) For each request for a vote-by-mail ~~an absentee~~ ballot
350 received, the supervisor shall record the date the request was
351 made, the date the vote-by-mail ~~absentee~~ ballot was delivered to
352 the voter or the voter's designee or the date the vote-by-mail
353 ~~absentee~~ ballot was delivered to the post office or other
354 carrier, the date the ballot was received by the supervisor, the
355 absence of the voter's signature on the voter's certificate, if
356 applicable, and such other information he or she may deem
357 necessary. This information shall be provided in electronic
358 format as provided by rule adopted by the division. The



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359 information shall be updated and made available no later than 8
360 a.m. of each day, including weekends, beginning 60 days before
361 the primary until 15 days after the general election and shall
362 be contemporaneously provided to the division. This information
363 shall be confidential and exempt from s. 119.07(1) and shall be
364 made available to or reproduced only for the voter requesting
365 the ballot, a canvassing board, an election official, a
366 political party or official thereof, a candidate who has filed
367 qualification papers and is opposed in an upcoming election, and
368 registered political committees for political purposes only.

369 (4) (a) No later than 45 days before each presidential
370 preference primary election, primary election, and general
371 election, the supervisor of elections shall send a vote-by-mail
372 ~~an absentee~~ ballot as provided in subparagraph (c)2. to each
373 absent uniformed services voter and to each overseas voter who
374 has requested a vote-by-mail ~~an absentee~~ ballot.

375 (b) The supervisor of elections shall mail a vote-by-mail
376 ~~an absentee~~ ballot to each absent qualified voter, other than
377 those listed in paragraph (a), who has requested such a ballot,
378 between the 35th and 28th days before the presidential
379 preference primary election, primary election, and general
380 election. Except as otherwise provided in subsection (2) and
381 after the period described in this paragraph, the supervisor
382 shall mail vote-by-mail ~~absentee~~ ballots within 2 business days
383 after receiving a request for such a ballot.

384 (c) The supervisor shall provide a vote-by-mail ~~an absentee~~
385 ballot to each elector by whom a request for that ballot has
386 been made by one of the following means:

387 1. By nonforwardable, return-if-undeliverable mail to the



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388 elector's current mailing address on file with the supervisor or
389 any other address the elector specifies in the request.

390 2. By forwardable mail, e-mail, or facsimile machine
391 transmission to absent uniformed services voters and overseas
392 voters. The absent uniformed services voter or overseas voter
393 may designate in the vote-by-mail absentee ballot request the
394 preferred method of transmission. If the voter does not
395 designate the method of transmission, the vote-by-mail absentee
396 ballot shall be mailed.

397 3. By personal delivery before 7 p.m. on election day to
398 the elector, upon presentation of the identification required in
399 s. 101.043.

400 4. By delivery to a designee on election day or up to 5
401 days prior to the day of an election. Any elector may designate
402 in writing a person to pick up the ballot for the elector;
403 however, the person designated may not pick up more than two
404 vote-by-mail absentee ballots per election, other than the
405 designee's own ballot, except that additional ballots may be
406 picked up for members of the designee's immediate family. For
407 purposes of this section, "immediate family" means the
408 designee's spouse or the parent, child, grandparent, or sibling
409 of the designee or of the designee's spouse. The designee shall
410 provide to the supervisor the written authorization by the
411 elector and a picture identification of the designee and must
412 complete an affidavit. The designee shall state in the affidavit
413 that the designee is authorized by the elector to pick up that
414 ballot and shall indicate if the elector is a member of the
415 designee's immediate family and, if so, the relationship. The
416 department shall prescribe the form of the affidavit. If the



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417 supervisor is satisfied that the designee is authorized to pick
418 up the ballot and that the signature of the elector on the
419 written authorization matches the signature of the elector on
420 file, the supervisor shall give the ballot to that designee for
421 delivery to the elector.

422 5. Except as provided in s. 101.655, the supervisor may not
423 deliver a vote-by-mail ~~an absentee~~ ballot to an elector or an
424 elector's immediate family member on the day of the election
425 unless there is an emergency, to the extent that the elector
426 will be unable to go to his or her assigned polling place. If a
427 vote-by-mail ~~an absentee~~ ballot is delivered, the elector or his
428 or her designee shall execute an affidavit affirming to the
429 facts which allow for delivery of the vote-by-mail ~~absentee~~
430 ballot. The department shall adopt a rule providing for the form
431 of the affidavit.

432 (5) If the department is unable to certify candidates for
433 an election in time to comply with paragraph (4) (a), the
434 Department of State is authorized to prescribe rules for a
435 ballot to be sent to absent uniformed services voters and
436 overseas voters.

437 (6) Nothing other than the materials necessary to vote by
438 mail ~~absentee~~ shall be mailed or delivered with any vote-by-mail
439 ~~absentee~~ ballot.

440 Section 29. Subsections (1) and (4) of section 101.64,
441 Florida Statutes, are amended to read:

442 101.64 Delivery of vote-by-mail ~~absentee~~ ballots;
443 envelopes; form.—

444 (1) The supervisor shall enclose with each vote-by-mail
445 ~~absentee~~ ballot two envelopes: a secrecy envelope, into which



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446 the absent elector shall enclose his or her marked ballot; and a
447 mailing envelope, into which the absent elector shall then place
448 the secrecy envelope, which shall be addressed to the supervisor
449 and also bear on the back side a certificate in substantially
450 the following form:

451

452 Note: Please Read Instructions Carefully Before
453 Marking Ballot and Completing Voter's Certificate.

454

455 VOTER'S CERTIFICATE

456 I,, do solemnly swear or affirm that I am a qualified
457 and registered voter of County, Florida, and that I have
458 not and will not vote more than one ballot in this election. I
459 understand that if I commit or attempt to commit any fraud in
460 connection with voting, vote a fraudulent ballot, or vote more
461 than once in an election, I can be convicted of a felony of the
462 third degree and fined up to \$5,000 and/or imprisoned for up to
463 5 years. I also understand that failure to sign this certificate
464 will invalidate my ballot.

465

466 ...(Date)... (Voter's Signature)...

467

468 (4) The supervisor shall mark, code, indicate on, or
469 otherwise track the precinct of the absent elector for each
470 vote-by-mail absentee ballot.

471 Section 30. Section 101.65, Florida Statutes, is amended to
472 read:

473 101.65 Instructions to absent electors.—The supervisor
474 shall enclose with each vote-by-mail absentee ballot separate



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475 printed instructions in substantially the following form:

476

477 READ THESE INSTRUCTIONS CAREFULLY

478 BEFORE MARKING BALLOT.

479 1. VERY IMPORTANT. In order to ensure that your vote-by-
480 mail absentee ballot will be counted, it should be completed and
481 returned as soon as possible so that it can reach the supervisor
482 of elections of the county in which your precinct is located no
483 later than 7 p.m. on the day of the election. However, if you
484 are an overseas voter casting a ballot in a presidential
485 preference primary or general election, your vote-by-mail
486 absentee ballot must be postmarked or dated no later than the
487 date of the election and received by the supervisor of elections
488 of the county in which you are registered to vote no later than
489 10 days after the date of the election.

490 2. Mark your ballot in secret as instructed on the ballot.
491 You must mark your own ballot unless you are unable to do so
492 because of blindness, disability, or inability to read or write.

493 3. Mark only the number of candidates or issue choices for
494 a race as indicated on the ballot. If you are allowed to "Vote
495 for One" candidate and you vote for more than one candidate,
496 your vote in that race will not be counted.

497 4. Place your marked ballot in the enclosed secrecy
498 envelope.

499 5. Insert the secrecy envelope into the enclosed mailing
500 envelope which is addressed to the supervisor.

501 6. Seal the mailing envelope and completely fill out the
502 Voter's Certificate on the back of the mailing envelope.

503 7. VERY IMPORTANT. In order for your vote-by-mail absentee



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504 ballot to be counted, you must sign your name on the line above
505 (Voter's Signature). A vote-by-mail ~~An absentee~~ ballot will be
506 considered illegal and not be counted if the signature on the
507 voter's certificate does not match the signature on record. The
508 signature on file at the start of the canvass of the vote-by-
509 mail ~~absentee~~ ballots is the signature that will be used to
510 verify your signature on the voter's certificate. If you need to
511 update your signature for this election, send your signature
512 update on a voter registration application to your supervisor of
513 elections so that it is received no later than the start of the
514 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no
515 earlier than the 15th day before election day.

516 8. VERY IMPORTANT. If you are an overseas voter, you must
517 include the date you signed the Voter's Certificate on the line
518 above (Date) or your ballot may not be counted.

519 9. Mail, deliver, or have delivered the completed mailing
520 envelope. Be sure there is sufficient postage if mailed.

521 10. FELONY NOTICE. It is a felony under Florida law to
522 accept any gift, payment, or gratuity in exchange for your vote
523 for a candidate. It is also a felony under Florida law to vote
524 in an election using a false identity or false address, or under
525 any other circumstances making your ballot false or fraudulent.

526 Section 31. Subsections (1) and (2) of section 101.655,
527 Florida Statutes, are amended to read:

528 101.655 Supervised voting by absent electors in certain
529 facilities.—

530 (1) The supervisor of elections of a county shall provide
531 supervised voting for absent electors residing in any assisted
532 living facility, as defined in s. 429.02, or nursing home



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533 facility, as defined in s. 400.021, within that county at the
534 request of any administrator of such a facility. Such request
535 for supervised voting in the facility shall be made by
536 submitting a written request to the supervisor of elections no
537 later than 21 days prior to the election for which that request
538 is submitted. The request shall specify the name and address of
539 the facility and the name of the electors who wish to vote by
540 mail absentee in that election. If the request contains the
541 names of fewer than five voters, the supervisor of elections is
542 not required to provide supervised voting.

543 (2) The supervisor of elections may, in the absence of a
544 request from the administrator of a facility, provide for
545 supervised voting in the facility for those persons who have
546 requested vote-by-mail absentee ballots. The supervisor of
547 elections shall notify the administrator of the facility that
548 supervised voting will occur.

549 Section 32. Section 101.661, Florida Statutes, is amended
550 to read:

551 101.661 Voting vote-by-mail absentee ballots.—All electors
552 must personally mark or designate their choices on the vote-by-
553 mail absentee ballot, except:

554 (1) Electors who require assistance to vote because of
555 blindness, disability, or inability to read or write, who may
556 have some person of the elector's choice, other than the
557 elector's employer, an agent of the employer, or an officer or
558 agent of the elector's union, mark the elector's choices or
559 assist the elector in marking his or her choices on the ballot.

560 (2) As otherwise provided in s. 101.051 or s. 101.655.

561 Section 33. Section 101.662, Florida Statutes, is amended



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562 to read:

563 101.662 Accessibility of vote-by-mail ~~absentee~~ ballots.—It
564 is the intent of the Legislature that voting by vote-by-mail
565 ~~absentee~~ ballot be by methods that are fully accessible to all
566 voters, including voters having a disability. The Department of
567 State shall work with the supervisors of elections and the
568 disability community to develop and implement procedures and
569 technologies, as possible, which will include procedures for
570 providing vote-by-mail ~~absentee~~ ballots, upon request, in
571 alternative formats that will allow all voters to cast a secret,
572 independent, and verifiable vote-by-mail ~~absentee~~ ballot without
573 the assistance of another person.

574 Section 34. Section 101.67, Florida Statutes, is amended to
575 read:

576 101.67 Safekeeping of mailed ballots; deadline for
577 receiving vote-by-mail ~~absentee~~ ballots.—

578 (1) The supervisor of elections shall safely keep in his or
579 her office any envelopes received containing marked ballots of
580 absent electors, and he or she shall, before the canvassing of
581 the election returns, deliver the envelopes to the county
582 canvassing board along with his or her file or list kept
583 regarding said ballots.

584 (2) Except as provided in s. 101.6952(5), all marked absent
585 electors' ballots to be counted must be received by the
586 supervisor by 7 p.m. the day of the election. All ballots
587 received thereafter shall be marked with the time and date of
588 receipt and filed in the supervisor's office.

589 Section 35. Section 101.68, Florida Statutes, is amended to
590 read:



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591 101.68 Canvassing of vote-by-mail ~~absentee~~ ballot.-

592 (1) The supervisor of the county where the absent elector
593 resides shall receive the voted ballot, at which time the
594 supervisor shall compare the signature of the elector on the
595 voter's certificate with the signature of the elector in the
596 registration books or the precinct register to determine whether
597 the elector is duly registered in the county and may record on
598 the elector's registration certificate that the elector has
599 voted. However, effective July 1, 2005, an elector who dies
600 after casting a vote-by-mail ~~an absentee~~ ballot but on or before
601 election day shall remain listed in the registration books until
602 the results have been certified for the election in which the
603 ballot was cast. The supervisor shall safely keep the ballot
604 unopened in his or her office until the county canvassing board
605 canvasses the vote. Except as provided in subsection (4), after
606 a vote-by-mail ~~an absentee~~ ballot is received by the supervisor,
607 the ballot is deemed to have been cast, and changes or additions
608 may not be made to the voter's certificate.

609 (2) (a) The county canvassing board may begin the canvassing
610 of vote-by-mail ~~absentee~~ ballots at 7 a.m. on the 15th day
611 before the election, but not later than noon on the day
612 following the election. In addition, for any county using
613 electronic tabulating equipment, the processing of vote-by-mail
614 ~~absentee~~ ballots through such tabulating equipment may begin at
615 7 a.m. on the 15th day before the election. However,
616 notwithstanding any such authorization to begin canvassing or
617 otherwise processing vote-by-mail ~~absentee~~ ballots early, no
618 result shall be released until after the closing of the polls in
619 that county on election day. Any supervisor of elections, deputy



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620 supervisor of elections, canvassing board member, election board
621 member, or election employee who releases the results of a
622 canvassing or processing of vote-by-mail ~~absentee~~ ballots prior
623 to the closing of the polls in that county on election day
624 commits a felony of the third degree, punishable as provided in
625 s. 775.082, s. 775.083, or s. 775.084.

626 (b) To ensure that all vote-by-mail ~~absentee~~ ballots to be
627 counted by the canvassing board are accounted for, the
628 canvassing board shall compare the number of ballots in its
629 possession with the number of requests for ballots received to
630 be counted according to the supervisor's file or list.

631 (c)1. The canvassing board shall, if the supervisor has not
632 already done so, compare the signature of the elector on the
633 voter's certificate or on the vote-by-mail ~~absentee~~ ballot
634 affidavit as provided in subsection (4) with the signature of
635 the elector in the registration books or the precinct register
636 to see that the elector is duly registered in the county and to
637 determine the legality of that vote-by-mail ~~absentee~~ ballot. The
638 ballot of an elector who casts a vote-by-mail ~~an absentee~~ ballot
639 shall be counted even if the elector dies on or before election
640 day, as long as, prior to the death of the voter, the ballot was
641 postmarked by the United States Postal Service, date-stamped
642 with a verifiable tracking number by a common carrier, or
643 already in the possession of the supervisor of elections. A
644 vote-by-mail ~~An absentee~~ ballot shall be considered illegal if
645 the voter's certificate or vote-by-mail ~~absentee~~ ballot
646 affidavit does not include the signature of the elector, as
647 shown by the registration records or the precinct register.
648 However, a vote-by-mail ~~an absentee~~ ballot is not considered



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649 illegal if the signature of the elector does not cross the seal
650 of the mailing envelope. If the canvassing board determines that
651 any ballot is illegal, a member of the board shall, without
652 opening the envelope, mark across the face of the envelope:
653 "rejected as illegal." The vote-by-mail ~~absentee~~ ballot
654 affidavit, if applicable, the envelope, and the ballot contained
655 therein shall be preserved in the manner that official ballots
656 voted are preserved.

657 2. If any elector or candidate present believes that a
658 vote-by-mail ~~an absentee~~ ballot is illegal due to a defect
659 apparent on the voter's certificate or the vote-by-mail ~~absentee~~
660 ballot affidavit, he or she may, at any time before the ballot
661 is removed from the envelope, file with the canvassing board a
662 protest against the canvass of that ballot, specifying the
663 precinct, the ballot, and the reason he or she believes the
664 ballot to be illegal. A challenge based upon a defect in the
665 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit
666 may not be accepted after the ballot has been removed from the
667 mailing envelope.

668 (d) The canvassing board shall record the ballot upon the
669 proper record, unless the ballot has been previously recorded by
670 the supervisor. The mailing envelopes shall be opened and the
671 secrecy envelopes shall be mixed so as to make it impossible to
672 determine which secrecy envelope came out of which signed
673 mailing envelope; however, in any county in which an electronic
674 or electromechanical voting system is used, the ballots may be
675 sorted by ballot styles and the mailing envelopes may be opened
676 and the secrecy envelopes mixed separately for each ballot
677 style. The votes on vote-by-mail ~~absentee~~ ballots shall be



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678 included in the total vote of the county.

679 (3) The supervisor or the chair of the county canvassing
680 board shall, after the board convenes, have custody of the vote-
681 by-mail ~~absentee~~ ballots until a final proclamation is made as
682 to the total vote received by each candidate.

683 (4) (a) The supervisor of elections shall, on behalf of the
684 county canvassing board, notify each elector whose ballot was
685 rejected as illegal and provide the specific reason the ballot
686 was rejected. The supervisor shall mail a voter registration
687 application to the elector to be completed indicating the
688 elector's current signature if the elector's ballot was rejected
689 due to a difference between the elector's signature on the
690 voter's certificate or vote-by-mail ~~absentee~~ ballot affidavit
691 and the elector's signature in the registration books or
692 precinct register. This section does not prohibit the supervisor
693 from providing additional methods for updating an elector's
694 signature.

695 (b) Until 5 p.m. on the day before an election, the
696 supervisor shall allow an elector who has returned a vote-by-
697 mail ~~an absentee~~ ballot that does not include the elector's
698 signature to complete and submit an affidavit in order to cure
699 the unsigned vote-by-mail ~~absentee~~ ballot.

700 (c) The elector shall provide identification to the
701 supervisor and must complete a vote-by-mail ~~an absentee~~ ballot
702 affidavit in substantially the following form:

703
704 VOTE-BY-MAIL ~~ABSENTEE~~ BALLOT AFFIDAVIT

705 I,, am a qualified voter in this election and
706 registered voter of County, Florida. I do solemnly swear or



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707 affirm that I requested and returned the vote-by-mail absentee
708 ballot and that I have not and will not vote more than one
709 ballot in this election. I understand that if I commit or
710 attempt any fraud in connection with voting, vote a fraudulent
711 ballot, or vote more than once in an election, I may be
712 convicted of a felony of the third degree and fined up to \$5,000
713 and imprisoned for up to 5 years. I understand that my failure
714 to sign this affidavit means that my vote-by-mail absentee
715 ballot will be invalidated.

716
717 ... (Voter's Signature) ...

718
719 ... (Address) ...

720
721 (d) Instructions must accompany the vote-by-mail absentee
722 ballot affidavit in substantially the following form:

723
724 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
725 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
726 BALLOT NOT TO COUNT.

727
728 1. In order to ensure that your vote-by-mail absentee
729 ballot will be counted, your affidavit should be completed and
730 returned as soon as possible so that it can reach the supervisor
731 of elections of the county in which your precinct is located no
732 later than 5 p.m. on the 2nd day before the election.

733 2. You must sign your name on the line above (Voter's
734 Signature).

735 3. You must make a copy of one of the following forms of



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736 identification:

737 a. Identification that includes your name and photograph:
738 United States passport; debit or credit card; military
739 identification; student identification; retirement center
740 identification; neighborhood association identification; or
741 public assistance identification; or

742 b. Identification that shows your name and current
743 residence address: current utility bill, bank statement,
744 government check, paycheck, or government document (excluding
745 voter identification card).

746 4. Place the envelope bearing the affidavit into a mailing
747 envelope addressed to the supervisor. Insert a copy of your
748 identification in the mailing envelope. Mail, deliver, or have
749 delivered the completed affidavit along with the copy of your
750 identification to your county supervisor of elections. Be sure
751 there is sufficient postage if mailed and that the supervisor's
752 address is correct.

753 5. Alternatively, you may fax or e-mail your completed
754 affidavit and a copy of your identification to the supervisor of
755 elections. If e-mailing, please provide these documents as
756 attachments.

757 (e) The department and each supervisor shall include the
758 affidavit and instructions on their respective websites. The
759 supervisor must include his or her office's mailing address, e-
760 mail address, and fax number on the page containing the
761 affidavit instructions; the department's instruction page must
762 include the office mailing addresses, e-mail addresses, and fax
763 numbers of all supervisors of elections or provide a conspicuous
764 link to such addresses.



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765 (f) The supervisor shall attach each affidavit received to
766 the appropriate vote-by-mail ~~absentee~~ ballot mailing envelope.

767 Section 36. Section 101.69, Florida Statutes, is amended to
768 read:

769 101.69 Voting in person; return of vote-by-mail ~~absentee~~
770 ballot.—The provisions of this code shall not be construed to
771 prohibit any elector from voting in person at the elector's
772 precinct on the day of an election or at an early voting site,
773 notwithstanding that the elector has requested a vote-by-mail ~~an~~
774 ~~absentee~~ ballot for that election. An elector who has returned a
775 voted vote-by-mail ~~absentee~~ ballot to the supervisor, however,
776 is deemed to have cast his or her ballot and is not entitled to
777 vote another ballot or to have a provisional ballot counted by
778 the county canvassing board. An elector who has received a vote-
779 by-mail ~~an absentee~~ ballot and has not returned the voted ballot
780 to the supervisor, but desires to vote in person, shall return
781 the ballot, whether voted or not, to the election board in the
782 elector's precinct or to an early voting site. The returned
783 ballot shall be marked "canceled" by the board and placed with
784 other canceled ballots. However, if the elector does not return
785 the ballot and the election official:

786 (1) Confirms that the supervisor has received the elector's
787 vote-by-mail ~~absentee~~ ballot, the elector shall not be allowed
788 to vote in person. If the elector maintains that he or she has
789 not returned the vote-by-mail ~~absentee~~ ballot or remains
790 eligible to vote, the elector shall be provided a provisional
791 ballot as provided in s. 101.048.

792 (2) Confirms that the supervisor has not received the
793 elector's vote-by-mail ~~absentee~~ ballot, the elector shall be



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794 allowed to vote in person as provided in this code. The
795 elector's vote-by-mail ~~absentee~~ ballot, if subsequently
796 received, shall not be counted and shall remain in the mailing
797 envelope, and the envelope shall be marked "Rejected as
798 Illegal."

799 (3) Cannot determine whether the supervisor has received
800 the elector's vote-by-mail ~~absentee~~ ballot, the elector may vote
801 a provisional ballot as provided in s. 101.048.

802 Section 37. Subsections (1) and (2) of section 101.6921,
803 Florida Statutes, are amended to read:

804 101.6921 Delivery of special vote-by-mail ~~absentee~~ ballot
805 to certain first-time voters.—

806 (1) The provisions of this section apply to voters who are
807 subject to the provisions of s. 97.0535 and who have not
808 provided the identification or certification required by s.
809 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

810 (2) The supervisor shall enclose with each vote-by-mail
811 ~~absentee~~ ballot three envelopes: a secrecy envelope, into which
812 the absent elector will enclose his or her marked ballot; an
813 envelope containing the Voter's Certificate, into which the
814 absent elector shall place the secrecy envelope; and a mailing
815 envelope, which shall be addressed to the supervisor and into
816 which the absent elector will place the envelope containing the
817 Voter's Certificate and a copy of the required identification.

818 Section 38. Section 101.6923, Florida Statutes, is amended
819 to read:

820 101.6923 Special vote-by-mail ~~absentee~~ ballot instructions
821 for certain first-time voters.—

822 (1) The provisions of this section apply to voters who are



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823 subject to the provisions of s. 97.0535 and who have not
824 provided the identification or information required by s.
825 97.0535 by the time the vote-by-mail ~~absentee~~ ballot is mailed.

826 (2) A voter covered by this section shall be provided with
827 printed instructions with his or her vote-by-mail ~~absentee~~
828 ballot in substantially the following form:

829

830 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
831 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
832 YOUR BALLOT NOT TO COUNT.

833

834 1. In order to ensure that your vote-by-mail ~~absentee~~
835 ballot will be counted, it should be completed and returned as
836 soon as possible so that it can reach the supervisor of
837 elections of the county in which your precinct is located no
838 later than 7 p.m. on the date of the election. However, if you
839 are an overseas voter casting a ballot in a presidential
840 preference primary or general election, your vote-by-mail
841 ~~absentee~~ ballot must be postmarked or dated no later than the
842 date of the election and received by the supervisor of elections
843 of the county in which you are registered to vote no later than
844 10 days after the date of the election.

845 2. Mark your ballot in secret as instructed on the ballot.
846 You must mark your own ballot unless you are unable to do so
847 because of blindness, disability, or inability to read or write.

848 3. Mark only the number of candidates or issue choices for
849 a race as indicated on the ballot. If you are allowed to "Vote
850 for One" candidate and you vote for more than one, your vote in
851 that race will not be counted.



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- 852 4. Place your marked ballot in the enclosed secrecy
853 envelope and seal the envelope.
- 854 5. Insert the secrecy envelope into the enclosed envelope
855 bearing the Voter's Certificate. Seal the envelope and
856 completely fill out the Voter's Certificate on the back of the
857 envelope.
- 858 a. You must sign your name on the line above (Voter's
859 Signature).
- 860 b. If you are an overseas voter, you must include the date
861 you signed the Voter's Certificate on the line above (Date) or
862 your ballot may not be counted.
- 863 c. A vote-by-mail ~~An absentee~~ ballot will be considered
864 illegal and will not be counted if the signature on the Voter's
865 Certificate does not match the signature on record. The
866 signature on file at the start of the canvass of the vote-by-
867 mail ~~absentee~~ ballots is the signature that will be used to
868 verify your signature on the Voter's Certificate. If you need to
869 update your signature for this election, send your signature
870 update on a voter registration application to your supervisor of
871 elections so that it is received no later than the start of
872 canvassing of vote-by-mail ~~absentee~~ ballots, which occurs no
873 earlier than the 15th day before election day.
- 874 6. Unless you meet one of the exemptions in Item 7., you
875 must make a copy of one of the following forms of
876 identification:
- 877 a. Identification which must include your name and
878 photograph: United States passport; debit or credit card;
879 military identification; student identification; retirement
880 center identification; neighborhood association identification;



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881 or public assistance identification; or

882 b. Identification which shows your name and current
883 residence address: current utility bill, bank statement,
884 government check, paycheck, or government document (excluding
885 voter identification card).

886 7. The identification requirements of Item 6. do not apply
887 if you meet one of the following requirements:

888 a. You are 65 years of age or older.

889 b. You have a temporary or permanent physical disability.

890 c. You are a member of a uniformed service on active duty
891 who, by reason of such active duty, will be absent from the
892 county on election day.

893 d. You are a member of the Merchant Marine who, by reason
894 of service in the Merchant Marine, will be absent from the
895 county on election day.

896 e. You are the spouse or dependent of a member referred to
897 in paragraph c. or paragraph d. who, by reason of the active
898 duty or service of the member, will be absent from the county on
899 election day.

900 f. You are currently residing outside the United States.

901 8. Place the envelope bearing the Voter's Certificate into
902 the mailing envelope addressed to the supervisor. Insert a copy
903 of your identification in the mailing envelope. DO NOT PUT YOUR
904 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
905 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
906 BALLOT WILL NOT COUNT.

907 9. Mail, deliver, or have delivered the completed mailing
908 envelope. Be sure there is sufficient postage if mailed.

909 10. FELONY NOTICE. It is a felony under Florida law to



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910 accept any gift, payment, or gratuity in exchange for your vote
911 for a candidate. It is also a felony under Florida law to vote
912 in an election using a false identity or false address, or under
913 any other circumstances making your ballot false or fraudulent.

914 Section 39. Subsections (1) and (2) of section 101.6925,
915 Florida Statutes, are amended to read:

916 101.6925 Canvassing special vote-by-mail ~~absentee~~ ballots.-

917 (1) The supervisor of the county where the absent elector
918 resides shall receive the voted special vote-by-mail ~~absentee~~
919 ballot, at which time the mailing envelope shall be opened to
920 determine if the voter has enclosed the identification required
921 or has indicated on the Voter's Certificate that he or she is
922 exempt from the identification requirements.

923 (2) If the identification is enclosed or the voter has
924 indicated that he or she is exempt from the identification
925 requirements, the supervisor shall make the note on the
926 registration records of the voter and proceed to canvass the
927 vote-by-mail ~~absentee~~ ballot as provided in s. 101.68.

928 Section 40. Section 101.694, Florida Statutes, is amended
929 to read:

930 101.694 Mailing of ballots upon receipt of federal postcard
931 application.-

932 (1) Upon receipt of a federal postcard application for a
933 vote-by-mail ~~an absentee~~ ballot executed by a person whose
934 registration is in order or whose application is sufficient to
935 register or update the registration of that person, the
936 supervisor shall send the ballot in accordance with s.
937 101.62(4).

938 (2) Upon receipt of a federal postcard application for a



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939 vote-by-mail ~~an absentee~~ ballot executed by a person whose
940 registration is not in order and whose application is
941 insufficient to register or update the registration of that
942 person, the supervisor shall follow the procedure set forth in
943 s. 97.073.

944 (3) Vote-by-mail ~~Absentee~~ envelopes printed for voters
945 entitled to vote by mail ~~absentee~~ under the Uniformed and
946 Overseas Citizens Absentee Voting Act shall meet the
947 specifications as determined by the Federal Voting Assistance
948 Program of the United States Department of Defense and the
949 United States Postal Service.

950 (4) Cognizance shall be taken of the fact that vote-by-mail
951 ~~absentee~~ ballots and other materials such as instructions and
952 envelopes are to be carried via air mail, and, to the maximum
953 extent possible, such ballots and materials shall be reduced in
954 size and weight of paper. The same ballot shall be used,
955 however, as is used by other vote-by-mail ~~absentee~~ voters.

956 Section 41. Subsections (1) and (4) of section 101.6951,
957 Florida Statutes, are amended to read:

958 101.6951 State write-in vote-by-mail ballot.—

959 (1) An overseas voter may request, not earlier than 180
960 days before a general election, a state write-in vote-by-mail
961 ~~absentee~~ ballot from the supervisor of elections in the county
962 of registration. In order to receive a state write-in ballot,
963 the voter shall state that due to military or other
964 contingencies that preclude normal mail delivery, the voter
965 cannot vote a vote-by-mail ~~an absentee~~ ballot during the normal
966 vote-by-mail ~~absentee~~ voting period. State write-in vote-by-mail
967 ~~absentee~~ ballots shall be made available to voters 90 to 180



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968 days prior to a general election. The Department of State shall
969 prescribe by rule the form of the state write-in vote-by-mail
970 ballot.

971 (4) The state write-in vote-by-mail ballot shall contain
972 all offices, federal, state, and local, for which the voter
973 would otherwise be entitled to vote.

974 Section 42. Section 101.6952, Florida Statutes, is amended
975 to read:

976 101.6952 Vote-by-mail ~~Absentee~~ ballots for absent uniformed
977 services and overseas voters.—

978 (1) If an absent uniformed services voter's or an overseas
979 voter's request for an official vote-by-mail ~~absentee~~ ballot
980 pursuant to s. 101.62 includes an e-mail address, the supervisor
981 of elections shall:

982 (a) Record the voter's e-mail address in the vote-by-mail
983 ~~absentee~~ ballot record;

984 (b) Confirm by e-mail that the vote-by-mail ~~absentee~~ ballot
985 request was received and include in that e-mail the estimated
986 date the vote-by-mail ~~absentee~~ ballot will be sent to the voter;
987 and

988 (c) Notify the voter by e-mail when the voted vote-by-mail
989 ~~absentee~~ ballot is received by the supervisor of elections.

990 (2) (a) An absent uniformed services voter or an overseas
991 voter who makes timely application for but does not receive an
992 official vote-by-mail ~~absentee~~ ballot may use the federal write-
993 in absentee ballot to vote in any federal election and any state
994 or local election involving two or more candidates.

995 (b)1. In an election for federal office, an elector may
996 designate a candidate by writing the name of a candidate on the



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997 ballot. Except for a primary or special primary election, the
998 elector may alternatively designate a candidate by writing the
999 name of a political party on the ballot. A written designation
1000 of the political party shall be counted as a vote for the
1001 candidate of that party if there is such a party candidate in
1002 the race.

1003 2. In an election for a state or local office, an elector
1004 may vote in the section of the federal write-in absentee ballot
1005 designated for nonfederal races by writing on the ballot the
1006 title of each office and by writing on the ballot the name of
1007 the candidate for whom the elector is voting. Except for a
1008 primary, special primary, or nonpartisan election, the elector
1009 may alternatively designate a candidate by writing the name of a
1010 political party on the ballot. A written designation of the
1011 political party shall be counted as a vote for the candidate of
1012 that party if there is such a party candidate in the race.

1013 (c) In the case of a joint candidacy, such as for the
1014 offices of President/Vice President or Governor/Lieutenant
1015 Governor, a valid vote for one or both qualified candidates on
1016 the same ticket shall constitute a vote for the joint candidacy.

1017 (d) For purposes of this subsection and except where the
1018 context clearly indicates otherwise, such as where a candidate
1019 in the election is affiliated with a political party whose name
1020 includes the word "Independent," "Independence," or similar
1021 term, a voter designation of "No Party Affiliation" or
1022 "Independent," or any minor variation, misspelling, or
1023 abbreviation thereof, shall be considered a designation for the
1024 candidate, other than a write-in candidate, who qualified to run
1025 in the race with no party affiliation. If more than one



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1026 candidate qualifies to run as a candidate with no party
1027 affiliation, the designation shall not count for any candidate
1028 unless there is a valid, additional designation of the
1029 candidate's name.

1030 (e) Any abbreviation, misspelling, or other minor variation
1031 in the form of the name of an office, the name of a candidate,
1032 or the name of a political party must be disregarded in
1033 determining the validity of the ballot.

1034 (3) (a) An absent uniformed services voter or an overseas
1035 voter who submits a federal write-in absentee ballot and later
1036 receives an official vote-by-mail ~~absentee~~ ballot may submit the
1037 official vote-by-mail ~~absentee~~ ballot. An elector who submits a
1038 federal write-in absentee ballot and later receives and submits
1039 an official vote-by-mail ~~absentee~~ ballot should make every
1040 reasonable effort to inform the appropriate supervisor of
1041 elections that the elector has submitted more than one ballot.

1042 (b) A federal write-in absentee ballot may not be canvassed
1043 until 7 p.m. on the day of the election. Each federal write-in
1044 absentee ballot received by 7 p.m. on the day of the election
1045 shall be canvassed pursuant to ss. 101.5614(5) and 101.68,
1046 unless the elector's official vote-by-mail ~~absentee~~ ballot is
1047 received by 7 p.m. on election day. If the elector's official
1048 vote-by-mail ~~absentee~~ ballot is received by 7 p.m. on election
1049 day, the federal write-in absentee ballot is invalid and the
1050 official vote-by-mail ~~absentee~~ ballot shall be canvassed. The
1051 time shall be regulated by the customary time in standard use in
1052 the county seat of the locality.

1053 (4) For vote-by-mail ~~absentee~~ ballots received from absent
1054 uniformed services voters or overseas voters, there is a



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1055 presumption that the envelope was mailed on the date stated on
1056 the outside of the return envelope, regardless of the absence of
1057 a postmark on the mailed envelope or the existence of a postmark
1058 date that is later than the date of the election.

1059 (5) A vote-by-mail ~~An absentee~~ ballot from an overseas
1060 voter in any presidential preference primary or general election
1061 which is postmarked or dated no later than the date of the
1062 election and is received by the supervisor of elections of the
1063 county in which the overseas voter is registered no later than
1064 10 days after the date of the election shall be counted as long
1065 as the vote-by-mail ~~absentee~~ ballot is otherwise proper.

1066 Section 43. Section 101.697, Florida Statutes, is amended
1067 to read:

1068 101.697 Electronic transmission of election materials.—The
1069 Department of State shall determine whether secure electronic
1070 means can be established for receiving ballots from overseas
1071 voters. If such security can be established, the department
1072 shall adopt rules to authorize a supervisor of elections to
1073 accept from an overseas voter a request for a vote-by-mail ~~an~~
1074 ~~absentee~~ ballot or a voted vote-by-mail ~~absentee~~ ballot by
1075 secure facsimile machine transmission or other secure electronic
1076 means. The rules must provide that in order to accept a voted
1077 ballot, the verification of the voter must be established, the
1078 security of the transmission must be established, and each
1079 ballot received must be recorded.

1080 Section 44. Paragraph (a) of subsection (4) of section
1081 102.031, Florida Statutes, is amended to read:

1082 102.031 Maintenance of good order at polls; authorities;
1083 persons allowed in polling rooms and early voting areas;



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1084 unlawful solicitation of voters.-

1085 (4) (a) No person, political committee, or other group or
1086 organization may solicit voters inside the polling place or
1087 within 100 feet of the entrance to any polling place, a polling
1088 room where the polling place is also a polling room, an early
1089 voting site, or an office of the supervisor of elections where
1090 vote-by-mail ~~absentee~~ ballots are requested and printed on
1091 demand for the convenience of electors who appear in person to
1092 request them. Before the opening of the polling place or early
1093 voting site, the clerk or supervisor shall designate the no-
1094 solicitation zone and mark the boundaries.

1095 Section 45. Subsections (2), (3), and (4) of section
1096 102.141, Florida Statutes, are amended to read:

1097 102.141 County canvassing board; duties.-

1098 (2) The county canvassing board shall meet in a building
1099 accessible to the public in the county where the election
1100 occurred at a time and place to be designated by the supervisor
1101 of elections to publicly canvass the absent ~~absentee~~ electors'
1102 ballots as provided for in s. 101.68 and provisional ballots as
1103 provided by ss. 101.048, 101.049, and 101.6925. Provisional
1104 ballots cast pursuant to s. 101.049 shall be canvassed in a
1105 manner that votes for candidates and issues on those ballots can
1106 be segregated from other votes. Public notice of the time and
1107 place at which the county canvassing board shall meet to canvass
1108 the absent ~~absentee~~ electors' ballots and provisional ballots
1109 shall be given at least 48 hours prior thereto by publication on
1110 the supervisor of elections' website and once in one or more
1111 newspapers of general circulation in the county or, if there is
1112 no newspaper of general circulation in the county, by posting



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1113 such notice in at least four conspicuous places in the county.
1114 As soon as the absent ~~absentee~~ electors' ballots and the
1115 provisional ballots are canvassed, the board shall proceed to
1116 publicly canvass the vote given each candidate, nominee,
1117 constitutional amendment, or other measure submitted to the
1118 electorate of the county, as shown by the returns then on file
1119 in the office of the supervisor of elections.

1120 (3) The canvass, except the canvass of absent ~~absentee~~
1121 electors' returns and the canvass of provisional ballots, shall
1122 be made from the returns and certificates of the inspectors as
1123 signed and filed by them with the supervisor, and the county
1124 canvassing board shall not change the number of votes cast for a
1125 candidate, nominee, constitutional amendment, or other measure
1126 submitted to the electorate of the county, respectively, in any
1127 polling place, as shown by the returns. All returns shall be
1128 made to the board on or before 2 a.m. of the day following any
1129 primary, general, or other election. If the returns from any
1130 precinct are missing, if there are any omissions on the returns
1131 from any precinct, or if there is an obvious error on any such
1132 returns, the canvassing board shall order a retabulation of the
1133 returns from such precinct. Before canvassing such returns, the
1134 canvassing board shall examine the tabulation of the ballots
1135 cast in such precinct and determine whether the returns
1136 correctly reflect the votes cast. If there is a discrepancy
1137 between the returns and the tabulation of the ballots cast, the
1138 tabulation of the ballots cast shall be presumed correct and
1139 such votes shall be canvassed accordingly.

1140 (4) (a) The supervisor of elections shall upload into the
1141 county's election management system by 7 p.m. on the day before



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1142 the election the results of all early voting and vote-by-mail
1143 ~~absentee~~ ballots that have been canvassed and tabulated by the
1144 end of the early voting period. Pursuant to ss. 101.5614(9),
1145 101.657, and 101.68(2), the tabulation of votes cast or the
1146 results of such uploads may not be made public before the close
1147 of the polls on election day.

1148 (b) The canvassing board shall report all early voting and
1149 all tabulated vote-by-mail ~~absentee~~ results to the Department of
1150 State within 30 minutes after the polls close. Thereafter, the
1151 canvassing board shall report, with the exception of provisional
1152 ballot results, updated precinct election results to the
1153 department at least every 45 minutes until all results are
1154 completely reported. The supervisor of elections shall notify
1155 the department immediately of any circumstances that do not
1156 permit periodic updates as required. Results shall be submitted
1157 in a format prescribed by the department.

1158 Section 46. Subsection (8) of section 102.168, Florida
1159 Statutes, is amended to read:

1160 102.168 Contest of election.—

1161 (8) In any contest that requires a review of the canvassing
1162 board's decision on the legality of a vote-by-mail ~~an absentee~~
1163 ballot pursuant to s. 101.68 based upon a comparison of the
1164 signature on the voter's certificate and the signature of the
1165 elector in the registration records, the circuit court may not
1166 review or consider any evidence other than the signature on the
1167 voter's certificate and the signature of the elector in the
1168 registration records. The court's review of such issue shall be
1169 to determine only if the canvassing board abused its discretion
1170 in making its decision.



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1171 Section 47. Subsection (1) of section 104.047, Florida
1172 Statutes, is amended to read:

1173 104.047 Vote-by-mail ~~Absentee~~ ballots and voting;
1174 violations.—

1175 (1) Except as provided in s. 101.62 or s. 101.655, any
1176 person who requests a vote-by-mail ~~an absentee~~ ballot on behalf
1177 of an elector is guilty of a felony of the third degree,
1178 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1179 Section 48. Paragraph (b) of subsection (2) of section
1180 104.0515, Florida Statutes, is amended to read:

1181 104.0515 Voting rights; deprivation of, or interference
1182 with, prohibited; penalty.—

1183 (2) No person acting under color of law shall:

1184 (b) Deny the right of any individual to vote in any
1185 election because of an error or omission on any record or paper
1186 relating to any application, registration, or other act
1187 requisite to voting, if such error or omission is not material
1188 in determining whether such individual is qualified under law to
1189 vote in such election. This paragraph shall apply to vote-by-
1190 mail ~~absentee~~ ballots only if there is a pattern or history of
1191 discrimination on the basis of race, color, or previous
1192 condition of servitude in regard to vote-by-mail ~~absentee~~
1193 ballots.

1194 Section 49. Section 104.0616, Florida Statutes, is amended
1195 to read:

1196 104.0616 Vote-by-mail ~~Absentee~~ ballots and voting;
1197 violations.—

1198 (1) For purposes of this section, the term "immediate
1199 family" means a person's spouse or the parent, child,



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1200 grandparent, or sibling of the person or the person's spouse.

1201 (2) Any person who provides or offers to provide, and any
1202 person who accepts, a pecuniary or other benefit in exchange for
1203 distributing, ordering, requesting, collecting, delivering, or
1204 otherwise physically possessing more than two vote-by-mail
1205 ~~absentee~~ ballots per election in addition to his or her own
1206 ballot or a ballot belonging to an immediate family member,
1207 except as provided in ss. 101.6105-101.694, commits a
1208 misdemeanor of the first degree, punishable as provided in s.
1209 775.082, s. 775.083, or s. 775.084.

1210 Section 50. Section 104.17, Florida Statutes, is amended to
1211 read:

1212 104.17 Voting in person after casting vote-by-mail ~~absentee~~
1213 ballot.—Any person who willfully votes or attempts to vote both
1214 in person and by vote-by-mail ~~absentee~~ ballot at any election is
1215 guilty of a felony of the third degree, punishable as provided
1216 in s. 775.082, s. 775.083, or s. 775.084.

1217 Section 51. Paragraph (b) of subsection (2) of section
1218 117.05, Florida Statutes, is amended to read:

1219 117.05 Use of notary commission; unlawful use; notary fee;
1220 seal; duties; employer liability; name change; advertising;
1221 photocopies; penalties.—

1222 (2)

1223 (b) A notary public may not charge a fee for witnessing a
1224 vote-by-mail ~~an absentee~~ ballot in an election, and must witness
1225 such a ballot upon the request of an elector, provided the
1226 notarial act is in accordance with the provisions of this
1227 chapter.

1228 Section 52. Subsection (7) of section 394.459, Florida



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1229 Statutes, is amended to read:

1230 394.459 Rights of patients.—

1231 (7) VOTING IN PUBLIC ELECTIONS.—A patient who is eligible
1232 to vote according to the laws of the state has the right to vote
1233 in the primary and general elections. The department shall
1234 establish rules to enable patients to obtain voter registration
1235 forms, applications for vote-by-mail absentee ballots, and vote-
1236 by-mail absentee ballots.

1237 Section 53. Section 741.406, Florida Statutes, is amended
1238 to read:

1239 741.406 Voting by program participant; use of designated
1240 address by supervisor of elections.—A program participant who is
1241 otherwise qualified to vote may request a vote-by-mail an
1242 absentee ballot pursuant to s. 101.62. The program participant
1243 shall automatically receive vote-by-mail absentee ballots for
1244 all elections in the jurisdictions in which that individual
1245 resides in the same manner as vote-by-mail absentee voters. The
1246 supervisor of elections shall transmit the vote-by-mail absentee
1247 ballot to the program participant at the address designated by
1248 the participant in his or her application as a vote-by-mail an
1249 absentee voter. The name, address, and telephone number of a
1250 program participant may not be included in any list of
1251 registered voters available to the public.

1252 Section 54. Subsection (7) of section 916.107, Florida
1253 Statutes, is amended to read:

1254 916.107 Rights of forensic clients.—

1255 (7) VOTING IN PUBLIC ELECTIONS.—A forensic client who is
1256 eligible to vote according to the laws of the state has the
1257 right to vote in the primary and general elections. The



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1258 department and agency shall establish rules to enable clients to
1259 obtain voter registration forms, applications for vote-by-mail
1260 ~~absentee~~ ballots, and vote-by-mail ~~absentee~~ ballots.

1261
1262 ===== T I T L E A M E N D M E N T =====

1263 And the title is amended as follows:

1264 Delete line 30

1265 and insert:

1266 a primary election; amending ss. 97.012, 97.021,
1267 97.026, 98.065, 98.077, 98.0981, 98.255, 101.051,
1268 101.151, 101.5612, 101.5614, 101.572, 101.591,
1269 101.6105, 101.62, 101.64, 101.65, 101.655, 101.661,
1270 101.662, 101.67, 101.68, 101.69, 101.6921, 101.6923,
1271 101.6925, 101.694, 101.6951, 101.6952, 101.697,
1272 102.031, 102.141, 102.168, 104.047, 104.0515 104.0616,
1273 104.17, 117.05, 394.459, 741.406, and 916.107, F.S.;
1274 revising references of "absentee ballot" to "vote-by-
1275 mail ballot"; conforming terminology to changes made
1276 by the act; providing effective dates.

FOR CONSIDERATION By the Committee on Ethics and Elections

582-01692F-15

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1 A bill to be entitled
 2 An act relating to elections; amending s. 97.0535,
 3 F.S.; revising forms of acceptable identification for
 4 certain voter registration applicants; amending s.
 5 98.077, F.S.; revising the time by which updates of
 6 voter signatures must be received by the supervisor of
 7 elections; removing the requirement that a voter
 8 signature on file at the start of the canvassing of
 9 absentee ballots be used for signature verification on
 10 absentee and provisional ballot certificates; amending
 11 s. 101.001, F.S.; revising requirements for precinct
 12 boundaries as of a specified date; amending s.
 13 101.043, F.S.; revising authorized methods for
 14 identifying an elector at a polling place; amending s.
 15 101.20, F.S.; authorizing a sample ballot to be mailed
 16 to certain electors in lieu of publication; amending
 17 s. 101.6102, F.S.; authorizing cities to conduct
 18 certain elections by mail if approved by the governing
 19 body and supervisor of elections; amending s. 101.62,
 20 F.S.; revising the time by which the supervisor must
 21 make certain absentee ballot information available;
 22 amending s. 101.65, F.S.; conforming a provision to
 23 changes made by the act; amending s. 101.657, F.S.;
 24 requiring the supervisor to designate early voting
 25 sites in certain special elections; amending ss.
 26 101.68 and 101.6923, F.S.; conforming provisions to
 27 changes made by the act; amending ss. 189.04 and
 28 190.006, F.S.; requiring certain special district and
 29 community development district elections to be held at

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30 a primary election; providing effective dates.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34
 35 Section 1. Paragraph (a) of subsection (3) of section
 36 97.0535, Florida Statutes, is amended to read:
 37 97.0535 Special requirements for certain applicants.—
 38 (3) (a) The following forms of identification shall be
 39 considered current and valid if they contain the name and
 40 photograph of the applicant and have not expired:
 41 1. United States passport or passport card.
 42 2. Debit or credit card.
 43 3. Military identification.
 44 4. Student identification.
 45 5. Retirement center identification.
 46 6. Neighborhood association identification.
 47 7. Public assistance identification.
 48 8. United States Department of Veterans Affairs veteran
 49 health identification card.
 50 9. A license to carry a concealed weapon or firearm issued
 51 pursuant to s. 790.06.
 52 Section 2. Subsection (4) of section 98.077, Florida
 53 Statutes, is amended to read:
 54 98.077 Update of voter signature.—
 55 (4) All signature updates for use in verifying absentee and
 56 provisional ballots must be received by the appropriate
 57 supervisor of elections no later than 5 p.m. on the day before
 58 an election ~~the start of the canvassing of absentee ballots by~~

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59 ~~the canvassing board. The signature on file at the start of the~~
 60 ~~canvass of the absentee ballots is the signature that shall be~~
 61 ~~used in verifying the signature on the absentee and provisional~~
 62 ~~ballot certificates.~~

63 Section 3. Effective January 1, 2021, paragraph (e) of
 64 subsection (3) of section 101.001, Florida Statutes, is amended
 65 to read:

66 101.001 Precincts and polling places; boundaries.—

67 (3)

68 (e) A Any precinct established or altered under the
 69 ~~provisions of this section shall consist of areas bounded on all~~
 70 ~~sides only by census block boundaries from the most recent~~
 71 ~~United States Census. If the census block boundaries split or~~
 72 ~~conflict with the another political boundary listed below, the~~
 73 ~~boundary listed below may be used:~~

74 ~~1. Governmental unit boundaries reported in the most recent~~
 75 ~~Boundary and Annexation Survey published by the United States~~
 76 ~~Census Bureau;~~

77 ~~2. Visible features that are readily distinguishable upon~~
 78 ~~the ground, such as streets, railroads, tracks, streams, and~~
 79 ~~lakes, and that are indicated upon current census maps, official~~
 80 ~~Department of Transportation maps, official municipal maps,~~
 81 ~~official county maps, or a combination of such maps;~~

82 ~~3. Boundaries of public parks, public school grounds, or~~
 83 ~~churches; or~~

84 ~~4. boundaries of counties, incorporated municipalities, or~~
 85 ~~other political subdivisions, such boundaries may be used~~
 86 ~~provided that they meet criteria established by the United~~
 87 ~~States Census Bureau for block boundaries.~~

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88 Section 4. Paragraph (a) of subsection (1) of section
 89 101.043, Florida Statutes, is amended to read:

90 101.043 Identification required at polls.—

91 (1) (a) The precinct register, as prescribed in s. 98.461,
 92 shall be used at the polls for the purpose of identifying the
 93 elector at the polls before allowing him or her to vote. The
 94 clerk or inspector shall require each elector, upon entering the
 95 polling place, to present one of the following current and valid
 96 picture identifications:

97 1. Florida driver license.

98 2. Florida identification card issued by the Department of
 99 Highway Safety and Motor Vehicles.

100 3. United States passport or passport card.

101 4. Debit or credit card.

102 5. Military identification.

103 6. Student identification.

104 7. Retirement center identification.

105 8. Neighborhood association identification.

106 9. Public assistance identification.

107 10. United States Department of Veterans Affairs veteran
 108 health identification card.

109 11. A license to carry a concealed weapon or firearm issued
 110 pursuant to s. 790.06.

111 Section 5. Subsection (2) of section 101.20, Florida
 112 Statutes, is amended to read:

113 101.20 Publication of ballot form; sample ballots.—

114 (2) Upon completion of the list of qualified candidates, a
 115 sample ballot shall be published by the supervisor of elections
 116 in a newspaper of general circulation in the county, before the

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117 day of election. A supervisor may send a sample ballot to each
 118 registered elector by e-mail at least 7 days before an election
 119 if an e-mail address has been provided and the elector has opted
 120 to receive a sample ballot by electronic delivery. If an e-mail
 121 address has not been provided, or if the elector has not opted
 122 for electronic delivery, a sample ballot may be mailed to each
 123 registered elector or to each household in which there is a
 124 registered elector in lieu of publication at least 7 days before
 125 an election.

126 Section 6. Paragraph (c) is added to subsection (1) of
 127 section 101.6102, Florida Statutes, to read:

128 101.6102 Mail ballot elections; limitations.-

129 (1)

130 (c) Notwithstanding subsection (2), cities may conduct
 131 candidate elections by mail if approved by the governing body
 132 and the supervisor of elections.

133 Section 7. Subsection (3) of section 101.62, Florida
 134 Statutes, is amended to read:

135 101.62 Request for absentee ballots.-

136 (3) For each request for an absentee ballot received, the
 137 supervisor shall record the date the request was made, the date
 138 the absentee ballot was delivered to the voter or the voter's
 139 designee or the date the absentee ballot was delivered to the
 140 post office or other carrier, the date the ballot was received
 141 by the supervisor, the absence of the voter's signature on the
 142 voter's certificate, if applicable, and such other information
 143 he or she may deem necessary. This information shall be provided
 144 in electronic format as provided by rule adopted by the
 145 division. The information shall be updated and made available no

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146 later than noon ~~8 a.m.~~ of each day, including weekends,
 147 beginning 60 days before the primary until 15 days after the
 148 general election and shall be contemporaneously provided to the
 149 division. This information shall be confidential and exempt from
 150 s. 119.07(1) and shall be made available to or reproduced only
 151 for the voter requesting the ballot, a canvassing board, an
 152 election official, a political party or official thereof, a
 153 candidate who has filed qualification papers and is opposed in
 154 an upcoming election, and registered political committees for
 155 political purposes only.

156 Section 8. Section 101.65, Florida Statutes, is amended to
 157 read:

158 101.65 Instructions to absent electors.-The supervisor
 159 shall enclose with each absentee ballot separate printed
 160 instructions in substantially the following form:

161 READ THESE INSTRUCTIONS CAREFULLY

162 BEFORE MARKING BALLOT.

163 1. VERY IMPORTANT. In order to ensure that your absentee
 164 ballot will be counted, it should be completed and returned as
 165 soon as possible so that it can reach the supervisor of
 166 elections of the county in which your precinct is located no
 167 later than 7 p.m. on the day of the election. However, if you
 168 are an overseas voter casting a ballot in a presidential
 169 preference primary or general election, your absentee ballot
 170 must be postmarked or dated no later than the date of the
 171 election and received by the supervisor of elections of the
 172 county in which you are registered to vote no later than 10 days
 173 after the date of the election.
 174

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- 175 2. Mark your ballot in secret as instructed on the ballot.
 176 You must mark your own ballot unless you are unable to do so
 177 because of blindness, disability, or inability to read or write.
- 178 3. Mark only the number of candidates or issue choices for
 179 a race as indicated on the ballot. If you are allowed to "Vote
 180 for One" candidate and you vote for more than one candidate,
 181 your vote in that race will not be counted.
- 182 4. Place your marked ballot in the enclosed secrecy
 183 envelope.
- 184 5. Insert the secrecy envelope into the enclosed mailing
 185 envelope which is addressed to the supervisor.
- 186 6. Seal the mailing envelope and completely fill out the
 187 Voter's Certificate on the back of the mailing envelope.
- 188 7. VERY IMPORTANT. In order for your absentee ballot to be
 189 counted, you must sign your name on the line above (Voter's
 190 Signature). An absentee ballot will be considered illegal and
 191 not be counted if the signature on the voter's certificate does
 192 not match the signature on record. The signature on file at the
 193 start of the canvass of the absentee ballots is the signature
 194 that will be used to verify your signature on the voter's
 195 certificate. If you need to update your signature for this
 196 election, send your signature update on a voter registration
 197 application to your supervisor of elections so that it is
 198 received no later than 5 p.m. on the day before an election ~~the~~
 199 ~~start of the canvassing of absentee ballots, which occurs no~~
 200 ~~earlier than the 15th day before election day.~~
- 201 8. VERY IMPORTANT. If you are an overseas voter, you must
 202 include the date you signed the Voter's Certificate on the line
 203 above (Date) or your ballot may not be counted.

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- 204 9. Mail, deliver, or have delivered the completed mailing
 205 envelope. Be sure there is sufficient postage if mailed.
- 206 10. FELONY NOTICE. It is a felony under Florida law to
 207 accept any gift, payment, or gratuity in exchange for your vote
 208 for a candidate. It is also a felony under Florida law to vote
 209 in an election using a false identity or false address, or under
 210 any other circumstances making your ballot false or fraudulent.
- 211 Section 9. Paragraph (b) of subsection (1) of section
 212 101.657, Florida Statutes, is amended to read:
 213 101.657 Early voting.-
 214 (1)
 215 (b) The supervisor shall designate each early voting site
 216 by no later than the 30th day before ~~prior to~~ an election and
 217 shall designate an early voting area, as defined in s. 97.021,
 218 at each early voting site. The supervisor shall designate, as
 219 necessary, the early voting sites in a special election held in
 220 a county. The supervisor shall provide to the division no later
 221 than the 30th day before an election the address of each early
 222 voting site and the hours that early voting will occur at each
 223 site.
- 224 Section 10. Paragraph (d) of subsection (4) of section
 225 101.68, Florida Statutes, is amended, and subsection (5) is
 226 added to that section, to read:
 227 101.68 Canvassing of absentee ballot.-
 228 (4)
 229 (d) Instructions must accompany the absentee ballot
 230 affidavit in substantially the following form:
 231
 232 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE

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233 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
234 BALLOT NOT TO COUNT.

235
236 1. In order to ensure that your absentee ballot will be
237 counted, your affidavit should be completed and returned as soon
238 as possible so that it can reach the supervisor of elections of
239 the county in which your precinct is located no later than 5
240 p.m. on the ~~2nd~~ day before the election.

241 2. You must sign your name on the line above (Voter's
242 Signature).

243 3. You must make a copy of one of the following forms of
244 identification:

245 a. Identification that includes your name and photograph:
246 United States passport or passport card; debit or credit card;
247 military identification; student identification; retirement
248 center identification; neighborhood association identification;
249 ~~or~~ public assistance identification; United States Department of
250 Veterans Affairs veteran health identification card; or license
251 to carry a concealed weapon or firearm issued pursuant to s.
252 790.06; or

253 b. Identification that shows your name and current
254 residence address: current utility bill, bank statement,
255 government check, paycheck, or government document (excluding
256 voter identification card).

257 4. Place the envelope bearing the affidavit into a mailing
258 envelope addressed to the supervisor. Insert a copy of your
259 identification in the mailing envelope. Mail, deliver, or have
260 delivered the completed affidavit along with the copy of your
261 identification to your county supervisor of elections. Be sure

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262 there is sufficient postage if mailed and that the supervisor's
263 address is correct.

264 5. Alternatively, you may fax or e-mail your completed
265 affidavit and a copy of your identification to the supervisor of
266 elections. If e-mailing, please provide these documents as
267 attachments.

268 (5) The supervisor shall allow an elector who has submitted
269 an absentee ballot to update his or her signature until 5 p.m.
270 on the day before an election if the ballot has not been
271 canvassed by the canvassing board.

272 Section 11. Subsection (2) of section 101.6923, Florida
273 Statutes, is amended to read:

274 101.6923 Special absentee ballot instructions for certain
275 first-time voters.—

276 (2) A voter covered by this section shall be provided with
277 printed instructions with his or her absentee ballot in
278 substantially the following form:

279
280 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
281 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
282 TO COUNT.

283
284 1. In order to ensure that your absentee ballot will be
285 counted, it should be completed and returned as soon as possible
286 so that it can reach the supervisor of elections of the county
287 in which your precinct is located no later than 7 p.m. on the
288 date of the election. However, if you are an overseas voter
289 casting a ballot in a presidential preference primary or general
290 election, your absentee ballot must be postmarked or dated no

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291 later than the date of the election and received by the
 292 supervisor of elections of the county in which you are
 293 registered to vote no later than 10 days after the date of the
 294 election.

295 2. Mark your ballot in secret as instructed on the ballot.
 296 You must mark your own ballot unless you are unable to do so
 297 because of blindness, disability, or inability to read or write.

298 3. Mark only the number of candidates or issue choices for
 299 a race as indicated on the ballot. If you are allowed to "Vote
 300 for One" candidate and you vote for more than one, your vote in
 301 that race will not be counted.

302 4. Place your marked ballot in the enclosed secrecy
 303 envelope and seal the envelope.

304 5. Insert the secrecy envelope into the enclosed envelope
 305 bearing the Voter's Certificate. Seal the envelope and
 306 completely fill out the Voter's Certificate on the back of the
 307 envelope.

308 a. You must sign your name on the line above (Voter's
 309 Signature).

310 b. If you are an overseas voter, you must include the date
 311 you signed the Voter's Certificate on the line above (Date) or
 312 your ballot may not be counted.

313 c. An absentee ballot will be considered illegal and will
 314 not be counted if the signature on the Voter's Certificate does
 315 not match the signature on record. The signature on file at the
 316 start of the canvass of the absentee ballots is the signature
 317 that will be used to verify your signature on the Voter's
 318 Certificate. If you need to update your signature for this
 319 election, send your signature update on a voter registration

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320 application to your supervisor of elections so that it is
 321 received no later than 5 p.m. on the day before an election ~~the~~
 322 ~~start of canvassing of absentee ballots, which occurs no earlier~~
 323 ~~than the 15th day before election day.~~

324 6. Unless you meet one of the exemptions in Item 7., you
 325 must make a copy of one of the following forms of
 326 identification:

327 a. Identification which must include your name and
 328 photograph: United States passport or passport card; debit or
 329 credit card; military identification; student identification;
 330 retirement center identification; neighborhood association
 331 identification; ~~or~~ public assistance identification; United
 332 States Department of Veterans Affairs veteran health
 333 identification card; or license to carry a concealed weapon or
 334 firearm issued pursuant to s. 790.06; or

335 b. Identification that ~~which~~ shows your name and current
 336 residence address: current utility bill, bank statement,
 337 government check, paycheck, or government document (excluding
 338 voter identification card).

339 7. The identification requirements of Item 6. do not apply
 340 if you meet one of the following requirements:

341 a. You are 65 years of age or older.

342 b. You have a temporary or permanent physical disability.

343 c. You are a member of a uniformed service on active duty
 344 who, by reason of such active duty, will be absent from the
 345 county on election day.

346 d. You are a member of the Merchant Marine who, by reason
 347 of service in the Merchant Marine, will be absent from the
 348 county on election day.

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349 e. You are the spouse or dependent of a member referred to
350 in paragraph c. or paragraph d. who, by reason of the active
351 duty or service of the member, will be absent from the county on
352 election day.

353 f. You are currently residing outside the United States.

354 8. Place the envelope bearing the Voter's Certificate into
355 the mailing envelope addressed to the supervisor. Insert a copy
356 of your identification in the mailing envelope. DO NOT PUT YOUR
357 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
358 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
359 BALLOT WILL NOT COUNT.

360 9. Mail, deliver, or have delivered the completed mailing
361 envelope. Be sure there is sufficient postage if mailed.

362 10. FELONY NOTICE. It is a felony under Florida law to
363 accept any gift, payment, or gratuity in exchange for your vote
364 for a candidate. It is also a felony under Florida law to vote
365 in an election using a false identity or false address, or under
366 any other circumstances making your ballot false or fraudulent.

367 Section 12. Present subsection (6) of section 189.04,
368 Florida Statutes, is redesignated as subsection (7), and a new
369 subsection (6) is added to that section, to read:

370 189.04 Elections; general requirements and procedures.-

371 (6) Candidates for an election conducted in accordance with
372 the Florida Election Code pursuant to this section must appear
373 on the ballot at the primary election conducted by the
374 supervisor or supervisors of elections of the county or counties
375 in which the district is located.

376 Section 13. Paragraph (a) of subsection (3) of section
377 190.006, Florida Statutes, is amended to read:

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378 190.006 Board of supervisors; members and meetings.-

379 (3)(a)1. If the board proposes to exercise the ad valorem
380 taxing power authorized by s. 190.021, the district board shall
381 call an election at which the members of the board of
382 supervisors will be elected. Such election shall be held in
383 conjunction with a primary ~~or general~~ election unless the
384 district bears the cost of a special election. Each member shall
385 be elected by the qualified electors of the district for a term
386 of 4 years, except that, at the first such election, three
387 members shall be elected for a period of 4 years and two members
388 shall be elected for a period of 2 years. All elected board
389 members must be qualified electors of the district.

390 2.a. Regardless of whether a district has proposed to levy
391 ad valorem taxes, commencing 6 years after the initial
392 appointment of members or, for a district exceeding 5,000 acres
393 in area or for a compact, urban, mixed-use district, 10 years
394 after the initial appointment of members, the position of each
395 member whose term has expired shall be filled by a qualified
396 elector of the district, elected by the qualified electors of
397 the district. However, for those districts established after
398 June 21, 1991, and for those existing districts established
399 after December 31, 1983, which have less than 50 qualified
400 electors on June 21, 1991, sub-subparagraphs b. and d. shall
401 apply. If, in the 6th year after the initial appointment of
402 members, or 10 years after such initial appointment for
403 districts exceeding 5,000 acres in area or for a compact, urban,
404 mixed-use district, there are not at least 250 qualified
405 electors in the district, or for a district exceeding 5,000
406 acres or for a compact, urban, mixed-use district, there are not

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407 at least 500 qualified electors, members of the board shall
 408 continue to be elected by landowners.

409 b. After the 6th or 10th year, once a district reaches 250
 410 or 500 qualified electors, respectively, then the positions of
 411 two board members whose terms are expiring shall be filled by
 412 qualified electors of the district, elected by the qualified
 413 electors of the district for 4-year terms. The remaining board
 414 member whose term is expiring shall be elected for a 4-year term
 415 by the landowners and is not required to be a qualified elector.
 416 Thereafter, as terms expire, board members shall be qualified
 417 electors elected by qualified electors of the district for a
 418 term of 4 years.

419 c. Once a district qualifies to have any of its board
 420 members elected by the qualified electors of the district, the
 421 initial and all subsequent elections by the qualified electors
 422 of the district shall be held at the primary election preceding
 423 the general election in November. The board shall adopt a
 424 resolution if necessary to implement this requirement when the
 425 board determines the number of qualified electors as required by
 426 sub-subparagraph d., to extend or reduce the terms of current
 427 board members.

428 d. On or before June 1 of each year, the board shall
 429 determine the number of qualified electors in the district as of
 430 the immediately preceding April 15. The board shall use and rely
 431 upon the official records maintained by the supervisor of
 432 elections and property appraiser or tax collector in each county
 433 in making this determination. Such determination shall be made
 434 at a properly noticed meeting of the board and shall become a
 435 part of the official minutes of the district.

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436 Section 14. Except as otherwise expressly provided in this
 437 act, this act shall take effect July 1, 2015.

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THE FLORIDA SENATE
APPEARANCE RECORD

Tab # 10

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24
Meeting Date

7064
Bill Number (if applicable)

Topic Election

Amendment Barcode (if applicable)

Name Ben Wilton

Job Title _____

Address 1719 Old Fort

Phone 544-4448

Tall FL 32301
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Common Cause FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

Tab # 10

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15

Meeting Date

SPB 7064

Bill Number (if applicable)

J ALL AMENDMENTS

Amendment Barcode (if applicable)

Topic SPB 7064

Name BRIAN Corley

Job Title SUPERVISOR OF ELECTIONS - PASCO COUNTY

Address PO BOX 300

Phone 352-521-4323

Street

DADE CITY, FL 33526

City

State

Zip

Email bcorley@pascovotes.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA STATE ASSOC OF SUPERVISORS OF ELECTIONS (FSASE)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

Tab # 10

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/24/15

Meeting Date

7064

Bill Number (if applicable)

921176

Amendment Barcode (if applicable)

Topic Vote by Mail

Name Ted Parsons

Job Title N/A Retired

Address 221 Maplecrest Cir

Street

Jupiter

City

FL

State

33458

Zip

Phone 561-346-5241

Email ted@cybercoast.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: KN 412

Case:

Type:
Judge:

Caption: Senate Ethics and Elections Committee

Started: 3/24/2015 4:02:28 PM

Ends: 3/24/2015 4:36:53 PM

Length: 00:34:26

4:02:32 PM Chair, Sen. Richter
4:02:40 PM Roll Call
4:02:43 PM Quorum Present
4:03:00 PM Chair
4:03:04 PM TABS 1-7: Senate Confirmation Hearing
4:03:33 PM Motion by Sen. Gaetz to Recommend Confirmation on Tabs 1-7
4:03:46 PM Roll Call
4:04:10 PM Appointees recommended favorably
4:04:15 PM TAB 8: SB 984 by Braynon; Exemption from Legislative Lobbying Requirements
4:04:20 PM Sen. Braynon
4:04:53 PM Chair
4:05:08 PM Roll Call
4:05:12 PM SB 984 reported favorably
4:05:31 PM TAB 9: SB 1372 by Gaetz; Government Accountability
4:05:39 PM Sen. Gaetz
4:05:42 PM Strike All AM497420
4:07:13 PM Chair
4:07:20 PM Sen. Smith
4:07:28 PM Sen. Gaetz responds
4:08:10 PM Sen. Smith
4:08:13 PM Sen. Gaetz responds
4:08:24 PM Chair
4:08:27 PM Sen. Clemens
4:08:31 PM Sen. Gaetz responds
4:09:52 PM Sen. Clemens
4:10:57 PM Sen. Gaetz responds
4:12:32 PM Sen. Clemens
4:13:20 PM Sen. Gaetz responds
4:15:07 PM Sen. Smith
4:16:14 PM Sen. Gaetz responds
4:17:17 PM Sen. Braynon
4:17:21 PM Sen. Gaetz responds
4:18:03 PM Chair
4:18:15 PM Sen. Smith
4:18:24 PM Chair
4:18:40 PM Jeff Barbacci, Shareholder Assurance Services, representing Thomas Howell Ferguson, speaks in opposition of the amendment
4:22:10 PM Chair
4:22:28 PM AM 497420 is adopted
4:22:30 PM Back on bill as amended
4:22:33 PM Amber Hughes, Legislative Advocate, Florida League of Cities, speaks in opposition of bill
4:25:33 PM Chair
4:25:39 PM Ben Wilcox, Common Cause FL, waives in support
4:25:51 PM Debate on bill
4:25:54 PM Sen. Clemens
4:26:55 PM Chair
4:27:02 PM Sen. Gaetz recognized to close on bill
4:27:28 PM Chair
4:27:36 PM Roll Call on CS for SB 1372
4:27:45 PM Motion by Sen. Gaetz to report as Comm. Sub. and CS for SB 1372 reported favorably
4:28:01 PM Chair turned over to Vice Chair Legg
4:28:18 PM Sen. Legg (As Chair)

4:28:21 PM TAB 10: SPB 7064 by EE; Elections
4:28:22 PM Sen. Richter
4:30:10 PM Sen. Legg (As Chair)
4:30:15 PM Sen. Clemens
4:30:33 PM Sen. Richter responds
4:30:42 PM Dawn Roberts, Staff Director
4:31:29 PM Sen. Clemens
4:31:34 PM Sen. Legg (As Chair)
4:31:47 PM AM 571584 by Sen. Clemens
4:31:56 PM Sen. Clemens
4:32:09 PM Sen. Legg (As Chair)
4:32:17 PM AM 571584 is adopted
4:32:31 PM AM 505112 by Sen. Hays
4:32:37 PM Sen. Hays
4:33:04 PM Sen.. Legg (As Chair)
4:33:17 PM Sen. Richter
4:33:20 PM AM 505112 is adopted
4:33:33 PM AM 921176 by Sen. Thompson
4:33:43 PM Sen. Thompson withdraws AM 921176
4:33:54 PM Brian Corley, Supervisor of Elections-Pasco Co., Representing FSASE, waives in support
4:34:13 PM Sen. Clemens
4:34:23 PM Brain Corley responds
4:34:48 PM Sen. Legg (As Chair)
4:34:50 PM Ben Wilcox, Common Cause FL, waives in support
4:35:08 PM Sen. Richter waives close
4:35:14 PM Sen. Flores moves SPB 7064 be submitted as a CS
4:35:40 PM Roll Call on CS for SPB 7064
4:35:45 PM CS for SPB 7064 reported favorably
4:36:08 PM Sen. Flores requests to be shown in affirmative on TABS 1-7 and SB 984
4:36:26 PM Sen. Negron requests to be shown iin affirmative on TABS 1-7 and SB 984
4:36:42 PM Sen. Thompson moves to rise
4:36:46 PM Meeting Adjourned