



1 A bill to be entitled
2 An act relating to government accountability; amending
3 s. 11.045, F.S.; providing definitions; requiring each
4 house of the Legislature to provide by rule reporting
5 requirements regarding a lobbying firm's lobbying
6 activities; specifying requirements regarding the
7 content of reports and filing deadlines; requiring
8 each house of the Legislature to establish procedures
9 applicable to untimely filing of reports by rule;
10 providing fines for late filing of reports; amending
11 s. 11.0455, F.S.; conforming a cross-reference;
12 amending s. 11.40, F.S.; specifying that the Governor,
13 the Commissioner of Education, or the designee of the
14 Governor or of the commissioner may notify the
15 Legislative Auditing Committee of an entity's failure
16 to comply with certain auditing and financial
17 reporting requirements; amending s. 11.45, F.S.;
18 defining the terms "abuse," "fraud," and "waste";
19 revising the definition of the term "local
20 governmental entity"; excluding water management
21 districts from certain audit requirements; removing a
22 cross-reference; authorizing the Auditor General to
23 conduct audits of tourist development councils and
24 county tourism promotion agencies; revising reporting
25 requirements applicable to the Auditor General;
26 creating s. 20.602, F.S.; specifying the applicability



27 | of certain provisions of the Code of Ethics for Public
28 | Officers and Employees to officers and board members
29 | of corporate entities associated with the Department
30 | of Economic Opportunity; prohibiting such officers and
31 | board members from representing a person or an entity
32 | for compensation before certain bodies for a specified
33 | timeframe; providing for construction; amending s.
34 | 28.35, F.S.; revising reporting requirements
35 | applicable to the Florida Clerks of Court Operations
36 | Corporation; amending s. 43.16, F.S.; revising the
37 | responsibilities of the Justice Administrative
38 | Commission, each state attorney, each public defender,
39 | a criminal conflict and civil regional counsel, a
40 | capital collateral regional counsel, and the Guardian
41 | Ad Litem Program, to include the establishment and
42 | maintenance of certain internal controls; creating s.
43 | 112.3126, F.S.; defining the term "private entity";
44 | prohibiting a member of the Legislature or a candidate
45 | for legislative office from accepting employment with
46 | a private entity that directly receives funding
47 | through state revenues under certain circumstances;
48 | authorizing employment with a private entity if
49 | certain conditions are met; amending s. 112.313, F.S.;
50 | specifying that prohibitions on conflicting employment
51 | or contractual relationships for public officers or
52 | employees of an agency apply to contractual



53 | relationships held by certain business entities;
54 | providing that specified contractual relationships are
55 | not prohibited or deemed a conflict of interest for
56 | certain purposes; amending s. 112.3144, F.S.;
57 | requiring certain elected municipal officers to file a
58 | full and public disclosure of financial interests,
59 | rather than a statement of financial interests;
60 | providing for applicability; amending s. 112.31455,
61 | F.S.; revising provisions governing collection methods
62 | for unpaid automatic fines for failure to timely file
63 | disclosure of financial interests to include school
64 | districts; amending s. 112.3215, F.S.; requiring a
65 | lobbying firm to file a report with the Commission on
66 | Ethics disclosing whether the firm lobbied the
67 | Governor to approve or veto a bill or an
68 | appropriation, beginning on a specified date;
69 | requiring the commission to establish procedures
70 | applicable to untimely filing of reports by rule;
71 | providing fines for late filing of reports; conforming
72 | provisions to changes made by the act; amending s.
73 | 112.3261, F.S.; revising terms to conform to changes
74 | made by the act; expanding the types of governmental
75 | entities that are subject to lobbyist registration
76 | requirements; requiring a governmental entity to
77 | create a lobbyist registration form; amending ss.
78 | 129.03, 129.06, 166.241, and 189.016, F.S.; requiring



79 | counties, municipalities, and special districts to
80 | maintain certain budget documents on the entities'
81 | websites for a specified period; amending s. 162.30,
82 | F.S.; authorizing a county or municipality to provide
83 | for the recovery of attorney fees and costs by a
84 | prevailing party in certain civil actions under
85 | specified conditions; providing applicability of
86 | certain codes and ordinances; amending s. 215.425,
87 | F.S.; defining the term "public funds"; revising
88 | exceptions to the prohibition on extra compensation
89 | claims; revising minimum requirements for any policy,
90 | ordinance, rule, or resolution designed to implement a
91 | bonus scheme; requiring certain contracts into which a
92 | unit of government or state university enters to
93 | contain certain provisions regarding severance pay;
94 | requiring a unit of government to investigate and take
95 | reasonable action to recover prohibited compensation;
96 | specifying methods of recovery for unintentional and
97 | willful violations; specifying applicability of
98 | procedures regarding suspension and removal of an
99 | officer who commits a willful violation; specifying
100 | circumstances under which an employee has a cause of
101 | action under the Whistle-blower's Act; providing for
102 | applicability; amending s. 215.86, F.S.; revising the
103 | purposes for which management systems and internal
104 | controls must be established and maintained by each



105 | state agency and the judicial branch; amending s.
106 | 215.97, F.S.; revising the definition of the term
107 | "audit threshold"; amending s. 215.985, F.S.; revising
108 | the requirements for a monthly financial statement
109 | provided by a water management district; amending s.
110 | 218.32, F.S.; revising the requirements of the annual
111 | financial audit report of a local governmental entity;
112 | authorizing the Department of Financial Services to
113 | request additional information from a local
114 | governmental entity; requiring a local governmental
115 | entity to respond to such requests within a specified
116 | timeframe; requiring the department to notify the
117 | Legislative Auditing Committee of noncompliance;
118 | amending s. 218.33, F.S.; requiring local governmental
119 | entities to establish and maintain internal controls
120 | to achieve specified purposes; amending s. 218.39,
121 | F.S.; requiring an audited entity to respond to audit
122 | recommendations under specified circumstances;
123 | amending s. 218.391, F.S.; revising the composition of
124 | an audit committee; prohibiting an audit committee
125 | member from being an employee, a chief executive
126 | officer, or a chief financial officer of the
127 | respective governmental entity; requiring the chair of
128 | an audit committee to sign and execute an affidavit
129 | affirming compliance with auditor selection
130 | procedures; prescribing procedures in the event of



131 noncompliance with auditor selection procedures;
132 amending s. 286.0114, F.S.; prohibiting a board or
133 commission from requiring an advance copy of testimony
134 or comments from a member of the public as a
135 precondition to being given the opportunity to be
136 heard at a public meeting; amending s. 288.92, F.S.;
137 prohibiting specified officers and board members of
138 Enterprise Florida, Inc., from representing a person
139 or entity for compensation before Enterprise Florida,
140 Inc., and associated entities thereof, for a specified
141 timeframe; revising the applicability of certain
142 provisions of the Code of Ethics for Public Officers
143 and Employees to certain officers and board members;
144 amending s. 288.9604, F.S.; prohibiting a director of
145 the Florida Development Finance Corporation from
146 representing a person or an entity for compensation
147 before the corporation for a specified timeframe;
148 amending s. 373.536, F.S.; deleting obsolete language;
149 requiring water management districts to maintain
150 certain budget documents on the districts' websites
151 for a specified period; amending s. 838.014, F.S.;
152 revising and providing definitions; amending s.
153 838.015, F.S.; revising the definition of the term
154 "bribery"; revising requirements for prosecution;
155 amending s. 838.016, F.S.; revising the prohibition
156 against unlawful compensation or reward for official



157 | behavior to conform to changes made by the act;
158 | amending s. 838.022, F.S.; revising the prohibition
159 | against official misconduct to conform to changes made
160 | by the act; revising applicability of the offense to
161 | include public contractors; amending s. 838.22, F.S.;
162 | revising the prohibition against bid tampering to
163 | conform to changes made by the act; revising
164 | applicability of the offense to include specified
165 | public contractors; amending s. 1001.42, F.S.;
166 | authorizing additional internal audits as directed by
167 | the district school board; specifying duties of the
168 | district school board regarding visitation of schools;
169 | amending s. 1002.33, F.S.; revising the
170 | responsibilities of the governing board of a charter
171 | school to include the establishment and maintenance of
172 | internal controls; amending s. 1002.37, F.S.;
173 | requiring completion of an annual financial audit of
174 | the Florida Virtual School; specifying audit
175 | requirements; requiring an audit report to be
176 | submitted to the board of trustees of the Florida
177 | Virtual School and the Auditor General; removing
178 | obsolete provisions; amending s. 1010.01, F.S.;
179 | requiring each school district, Florida College System
180 | institution, and state university to establish and
181 | maintain certain internal controls; amending s.
182 | 1010.30, F.S.; requiring a district school board,



183 Florida College System institution board of trustees,
184 or university board of trustees to respond to audit
185 recommendations under certain circumstances; amending
186 ss. 99.061, 218.503, and 1002.455, F.S.; conforming
187 provisions and cross-references to changes made by the
188 act; reenacting s. 112.534(2)(a), F.S., relating to
189 official misconduct, and s. 117.01(4)(d), F.S.,
190 relating to appointment, application, suspension,
191 revocation, application fee, bond, and oath of
192 notaries public, to incorporate the amendment made by
193 the act to s. 838.022, F.S., in references thereto;
194 reenacting s. 817.568(11), F.S., relating to criminal
195 use of personal identification information, to
196 incorporate the amendment made by the act to s.
197 838.014, F.S., in a reference thereto; reenacting s.
198 921.0022(3)(d) and (g), F.S., relating to the Criminal
199 Punishment Code offense severity ranking chart, to
200 incorporate the amendments made by the act to ss.
201 838.015, 838.016, 838.022, and 838.22, F.S., in
202 references thereto; providing for applicability;
203 repealing s. 110.181, F.S., which provides for the
204 creation and administration of the Florida State
205 Employees' Charitable Campaign; requiring the
206 Department of Management Services to provide a report
207 to the Governor and Legislature regarding the
208 establishment of a new single state employee



209 charitable campaign; providing report requirements;
210 declaring that the act fulfills an important state
211 interest; providing an effective date.
212

213 Be It Enacted by the Legislature of the State of Florida:
214

215 Section 1. Subsections (5) through (9) of section 11.045,
216 Florida Statutes, are renumbered as subsections (6) through
217 (10), respectively, a new subsection (5) is added to that
218 section, and present subsection (8) of that section is amended,
219 to read:

220 11.045 Lobbying before the Legislature; registration and
221 reporting; exemptions; penalties.—

222 (5) (a) For purposes of this subsection, the term:

223 1. "Lobbying activities" means any action designed to
224 support, oppose, or influence proposed legislation or proposed
225 legislative action. The term includes, but is not limited to,
226 any verbal, written, or electronic communication with any
227 legislator or legislative employee undertaken for the purpose of
228 directly or indirectly supporting, opposing, or influencing
229 legislation or requesting proposed legislation to be filed.

230 2. "Proposed legislation" includes, but is not limited to,
231 policies, ideas, issues, concepts, or statutory language that is
232 presently, or may at some future point be, reflected in or
233 impacted by a bill, a memorial, a resolution, a compact, or an
234 appropriation.



235 3. "Proposed legislative action" means any action by a
236 constituent entity of the Legislature, including, but not
237 limited to, the houses of the Legislature, a joint office, and a
238 joint committee.

239 (b) Each house of the Legislature shall provide reporting
240 requirements by rule requiring each lobbying firm to file a
241 monthly report with the office. The report must include:

242 1. The full name, business address, and telephone number
243 of the lobbying firm.

244 2. The name of each of the lobbying firm's lobbyists.

245 3. A list detailing the lobbying firm's lobbying
246 activities during the reporting period. The list must itemize:

247 a. The proposed legislation or proposed legislative action
248 that the lobbying firm has attempted to support, oppose, or
249 influence;

250 b. The entity lobbied;

251 c. Each principal on behalf of whom the lobbying firm has
252 acted; and

253 d. If the proposed legislation included an appropriation
254 or was an appropriation, the intended recipient of the
255 appropriation.

256 (c) For purposes of the reporting requirement provided in
257 this subsection, the reports must identify proposed legislation
258 by referencing any legislatively assigned identifying numbers,
259 including, but not limited to, bill numbers, amendment barcode
260 numbers, or specific appropriation numbers. If the proposed



261 legislation does not have an identifying number assigned, the
262 report must include a description of the subject matter of the
263 proposed legislation, whether the lobbying firm is supporting or
264 opposing the proposed legislation, and, if seeking to modify the
265 proposed legislation, how the lobbying firm's modification would
266 alter the proposal.

267 (d) The reports shall be filed with the office by
268 electronic means as provided in s. 11.0455 no later than the
269 10th day of each month. However, if the 10th day of the month
270 occurs on a Saturday, Sunday, or legal holiday, the report shall
271 be filed no later than the next following day that is not a
272 Saturday, Sunday, or legal holiday. The reports shall be
273 rendered in the identical form provided by the respective houses
274 and shall be open to public inspection.

275 (e) The reports shall be filed even if the reporting
276 lobbying firm did not engage in any lobbying activities
277 requiring disclosure, in which case the report shall be marked
278 "not applicable."

279 (f) Each house of the Legislature shall provide by rule,
280 or both houses may provide by joint rule, a procedure by which a
281 lobbying firm that fails to timely file a report is notified and
282 assessed fines. The rule must provide the following:

283 1. Upon determining that the report is late, the office
284 shall immediately notify the lobbying firm as to the failure to
285 timely file the report and that a fine is being assessed for
286 each late day. The fine shall be \$50 per day per report for each



287 late day, not to exceed \$5,000 per report.

288 2. Upon receipt of the report, the office shall determine
289 the amount of the fine due based upon when a report is actually
290 received by the office.

291 3. Such fine must be paid within 30 days after the notice
292 of payment due is transmitted by the office, unless appeal is
293 made to the office. The moneys shall be deposited into the
294 Legislative Lobbyist Registration Trust Fund.

295 4. A fine may not be assessed against a lobbying firm the
296 first time any reports for which the lobbying firm is
297 responsible are not timely filed. However, to receive the one-
298 time fine waiver, all reports for which the lobbying firm is
299 responsible must be filed within 30 days after notice of failure
300 to file is transmitted by the Lobbyist Registration Office. A
301 fine shall be assessed for any subsequent late-filed reports.

302 5. Any lobbying firm may appeal or dispute a fine, based
303 upon unusual circumstances surrounding the failure to file on
304 the designated due date, and may request and is entitled to a
305 hearing before the General Counsel of the Office of Legislative
306 Services, who shall recommend to the President of the Senate and
307 the Speaker of the House of Representatives, or their respective
308 designees, that the fine be waived in whole or in part for good
309 cause shown. The President of the Senate and the Speaker of the
310 House of Representatives, or their respective designees, may
311 concur in the recommendation and waive the fine in whole or in
312 part. Any such request must be made within 30 days after the



313 notice of payment due is transmitted by the office. In such
314 case, the lobbying firm shall, within the 30-day period, notify
315 the office in writing of its intention to request a hearing.

316 6. A lobbying firm may request that the filing of a report
317 be waived upon good cause shown, based on unusual circumstances.
318 The request must be filed with the General Counsel of the Office
319 of Legislative Services, who shall make a recommendation
320 concerning the waiver request to the President of the Senate and
321 the Speaker of the House of Representatives. The President of
322 the Senate and the Speaker of the House of Representatives may
323 grant or deny the request.

324 7. All lobbyist registrations for lobbyists who are
325 partners, owners, officers, or employees of a lobbying firm that
326 fails to timely pay a fine are automatically suspended until the
327 fine is paid or waived, and the office shall promptly notify all
328 affected principals of any suspension or reinstatement.

329 8. The person designated to review the timeliness of
330 reports shall notify the coordinator of the office of the
331 failure of a lobbying firm to file a report after notice or of
332 the failure of a lobbying firm to pay the fine imposed.

333 (9)-(8) Any person required to be registered or to provide
334 information pursuant to this section or pursuant to rules
335 established in conformity with this section who knowingly fails
336 to disclose any material fact required by this section or by
337 rules established in conformity with this section, or who
338 knowingly provides false information on any report required by



339 | this section or by rules established in conformity with this
340 | section, commits a noncriminal infraction, punishable by a fine
341 | not to exceed \$5,000. Such penalty shall be in addition to any
342 | other penalty assessed by a house of the Legislature pursuant to
343 | subsection (8) ~~(7)~~.

344 | Section 2. Subsection (4) of section 11.0455, Florida
345 | Statutes, is amended to read:

346 | 11.0455 Electronic filing of compensation reports and
347 | other information.—

348 | (4) Each report filed pursuant to this section is deemed
349 | to meet the certification requirements of s. 11.045(3)(a)4., and
350 | as such subjects the person responsible for filing and the
351 | lobbying firm to the provisions of s. 11.045(8) ~~11.045(7)~~ and
352 | (9) ~~(8)~~. Persons given a secure sign-on to the electronic filing
353 | system are responsible for protecting it from disclosure and are
354 | responsible for all filings using such credentials, unless they
355 | have notified the office that their credentials have been
356 | compromised.

357 | Section 3. Subsection (2) of section 11.40, Florida
358 | Statutes, is amended to read:

359 | 11.40 Legislative Auditing Committee.—

360 | (2) Following notification by the Auditor General, the
361 | Department of Financial Services, ~~or~~ the Division of Bond
362 | Finance of the State Board of Administration, the Governor or
363 | his or her designee, or the Commissioner of Education or his or
364 | her designee of the failure of a local governmental entity,



365 district school board, charter school, or charter technical
366 career center to comply with the applicable provisions within s.
367 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
368 Legislative Auditing Committee may schedule a hearing to
369 determine if the entity should be subject to further state
370 action. If the committee determines that the entity should be
371 subject to further state action, the committee shall:

372 (a) In the case of a local governmental entity or district
373 school board, direct the Department of Revenue and the
374 Department of Financial Services to withhold any funds not
375 pledged for bond debt service satisfaction which are payable to
376 such entity until the entity complies with the law. The
377 committee shall specify the date that such action must ~~shall~~
378 begin, and the directive must be received by the Department of
379 Revenue and the Department of Financial Services 30 days before
380 the date of the distribution mandated by law. The Department of
381 Revenue and the Department of Financial Services may implement
382 ~~the provisions of~~ this paragraph.

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

384 1. A special act, notify the President of the Senate, the
385 Speaker of the House of Representatives, the standing committees
386 of the Senate and the House of Representatives charged with
387 special district oversight as determined by the presiding
388 officers of each respective chamber, the legislators who
389 represent a portion of the geographical jurisdiction of the
390 special district pursuant to s. 189.034(2), and the Department



391 of Economic Opportunity that the special district has failed to
392 comply with the law. Upon receipt of notification, the
393 Department of Economic Opportunity shall proceed pursuant to s.
394 189.062 or s. 189.067. If the special district remains in
395 noncompliance after the process set forth in s. 189.034(3), or
396 if a public hearing is not held, the Legislative Auditing
397 Committee may request the department to proceed pursuant to s.
398 189.067(3).

399 2. A local ordinance, notify the chair or equivalent of
400 the local general-purpose government pursuant to s. 189.035(2)
401 and the Department of Economic Opportunity that the special
402 district has failed to comply with the law. Upon receipt of
403 notification, the department shall proceed pursuant to s.
404 189.062 or s. 189.067. If the special district remains in
405 noncompliance after the process set forth in s. 189.034(3), or
406 if a public hearing is not held, the Legislative Auditing
407 Committee may request the department to proceed pursuant to s.
408 189.067(3).

409 3. Any manner other than a special act or local ordinance,
410 notify the Department of Economic Opportunity that the special
411 district has failed to comply with the law. Upon receipt of
412 notification, the department shall proceed pursuant to s.
413 189.062 or s. 189.067(3).

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



417 Section 4. Subsection (1), paragraph (j) of subsection
418 (2), paragraph (u) of subsection (3), and paragraph (i) of
419 subsection (7) of section 11.45, Florida Statutes, are amended,
420 and paragraph (x) is added to subsection (3) of that section, to
421 read:

422 11.45 Definitions; duties; authorities; reports; rules.—

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

424 (a) "Abuse" means behavior that is deficient or improper
425 when compared with behavior that a prudent person would consider
426 a reasonable and necessary operational practice given the facts
427 and circumstances. The term includes the misuse of authority or
428 position for personal gain.

429 (b) ~~(a)~~ "Audit" means a financial audit, operational audit,
430 or performance audit.

431 (c) ~~(b)~~ "County agency" means a board of county
432 commissioners or other legislative and governing body of a
433 county, however styled, including that of a consolidated or
434 metropolitan government, a clerk of the circuit court, a
435 separate or ex officio clerk of the county court, a sheriff, a
436 property appraiser, a tax collector, a supervisor of elections,
437 or any other officer in whom any portion of the fiscal duties of
438 a body or officer expressly stated in this paragraph are ~~the~~
439 ~~above are under law~~ separately placed by law.

440 (d) ~~(c)~~ "Financial audit" means an examination of financial
441 statements in order to express an opinion on the fairness with
442 which they are presented in conformity with generally accepted



443 accounting principles and an examination to determine whether
444 operations are properly conducted in accordance with legal and
445 regulatory requirements. Financial audits must be conducted in
446 accordance with auditing standards generally accepted in the
447 United States and government auditing standards as adopted by
448 the Board of Accountancy. When applicable, the scope of
449 financial audits must ~~shall~~ encompass the additional activities
450 necessary to establish compliance with the Single Audit Act
451 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
452 applicable federal law.

453 (e) "Fraud" means obtaining something of value through
454 willful misrepresentation, including, but not limited to, the
455 intentional misstatements or omissions of amounts or disclosures
456 in financial statements to deceive users of financial
457 statements, theft of an entity's assets, bribery, or the use of
458 one's position for personal enrichment through the deliberate
459 misuse or misapplication of an organization's resources.

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

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



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

471 (i)~~(g)~~ "Operational audit" means an audit whose purpose is
472 to evaluate management's performance in establishing and
473 maintaining internal controls, including controls designed to
474 prevent and detect fraud, waste, and abuse, and in administering
475 assigned responsibilities in accordance with applicable laws,
476 administrative rules, contracts, grant agreements, and other
477 guidelines. Operational audits must be conducted in accordance
478 with government auditing standards. Such audits examine internal
479 controls that are designed and placed in operation to promote
480 and encourage the achievement of management's control objectives
481 in the categories of compliance, economic and efficient
482 operations, reliability of financial records and reports, and
483 safeguarding of assets, and identify weaknesses in those
484 internal controls.

485 (j)~~(h)~~ "Performance audit" means an examination of a
486 program, activity, or function of a governmental entity,
487 conducted in accordance with applicable government auditing
488 standards or auditing and evaluation standards of other
489 appropriate authoritative bodies. The term includes an
490 examination of issues related to:

- 491 1. Economy, efficiency, or effectiveness of the program.
- 492 2. Structure or design of the program to accomplish its
493 goals and objectives.
- 494 3. Adequacy of the program to meet the needs identified by



495 the Legislature or governing body.

496 4. Alternative methods of providing program services or
497 products.

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

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

502 7. Compliance of the program with appropriate policies,
503 rules, or laws.

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

506 (k)~~(i)~~ "Political subdivision" means a separate agency or
507 unit of local government created or established by law and
508 includes, but is not limited to, the following and the officers
509 thereof: authority, board, branch, bureau, city, commission,
510 consolidated government, county, department, district,
511 institution, metropolitan government, municipality, office,
512 officer, public corporation, town, or village.

513 (l)~~(j)~~ "State agency" means a separate agency or unit of
514 state government created or established by law and includes, but
515 is not limited to, the following and the officers thereof:
516 authority, board, branch, bureau, commission, department,
517 division, institution, office, officer, or public corporation,
518 as the case may be, except any such agency or unit within the
519 legislative branch of state government other than the Florida
520 Public Service Commission.



521 (m) "Waste" means the act of using or expending resources
522 unreasonably, carelessly, extravagantly, or for no useful
523 purpose.

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

525 (j) Conduct audits of local governmental entities when
526 determined to be necessary by the Auditor General, when directed
527 by the Legislative Auditing Committee, or when otherwise
528 required by law. No later than 18 months after the release of
529 the audit report, the Auditor General shall perform such
530 appropriate followup procedures as he or she deems necessary to
531 determine the audited entity's progress in addressing the
532 findings and recommendations contained within the Auditor
533 General's previous report. The Auditor General shall notify each
534 member of the audited entity's governing body and the
535 Legislative Auditing Committee of the results of his or her
536 determination. For purposes of this paragraph, local
537 governmental entities do not include water management districts.

538

539 The Auditor General shall perform his or her duties
540 independently but under the general policies established by the
541 Legislative Auditing Committee. This subsection does not limit
542 the Auditor General's discretionary authority to conduct other
543 audits or engagements of governmental entities as authorized in
544 subsection (3).

545 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
546 Auditor General may, pursuant to his or her own authority, or at



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547 the direction of the Legislative Auditing Committee, conduct
548 audits or other engagements as determined appropriate by the
549 Auditor General of:

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

551 (x) Tourist development councils and county tourism
552 promotion agencies.

553 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

554 (i) The Auditor General shall annually transmit by July
555 15, to the President of the Senate, the Speaker of the House of
556 Representatives, and the Department of Financial Services, a
557 list of all school districts, charter schools, charter technical
558 career centers, Florida College System institutions, state
559 universities, and local governmental entities ~~water management~~
560 ~~districts~~ that have failed to comply with the transparency
561 requirements as identified in the audit reports reviewed
562 pursuant to paragraph (b) and those conducted pursuant to
563 subsection (2).

564 Section 5. Section 20.602, Florida Statutes, is created to
565 read:

566 20.602 Standards of conduct; officers and board members of
567 Department of Economic Opportunity corporate entities.—

568 (1) The following officers and board members are subject
569 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
570 112.3143(2):

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

572 1. Any corporation created under chapter 288;



573 2. Space Florida;

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

576 4. The Florida Housing Finance Corporation; or

577 5. Any other corporation created by the Department of
578 Economic Opportunity in accordance with its powers and duties
579 under s. 20.60.

580 (b) Officers and members of the board of directors of a
581 corporate parent or subsidiary corporation of a corporation
582 described in paragraph (a).

583 (c) Officers and members of the board of directors of a
584 corporation created to carry out the missions of a corporation
585 described in paragraph (a).

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

589 (2) For purposes of applying ss. 112.313(1)-(8), (10),
590 (12), and (15); 112.3135; and 112.3143(2) to activities of the
591 officers and members of the board of directors specified in
592 subsection (1), those persons shall be considered public
593 officers or employees and the corporation shall be considered
594 their agency.

595 (3) For a period of 2 years after retirement from or
596 termination of service, or for a period of 10 years if removed
597 or terminated for cause or for misconduct, as defined in s.
598 443.036(29), an officer or a member of the board of directors



599 specified in subsection (1) may not represent another person or
600 entity for compensation before:

601 (a) His or her corporation;

602 (b) A division, a subsidiary, or the board of directors of
603 a corporation created to carry out the mission of his or her
604 corporation; or

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

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

611 Section 6. Paragraph (d) of subsection (2) of section
612 28.35, Florida Statutes, is amended to read:

613 28.35 Florida Clerks of Court Operations Corporation.—

614 (2) The duties of the corporation shall include the
615 following:

616 (d) Developing and certifying a uniform system of workload
617 measures and applicable workload standards for court-related
618 functions as developed by the corporation and clerk workload
619 performance in meeting the workload performance standards. These
620 workload measures and workload performance standards shall be
621 designed to facilitate an objective determination of the
622 performance of each clerk in accordance with minimum standards
623 for fiscal management, operational efficiency, and effective
624 collection of fines, fees, service charges, and court costs. The



625 corporation shall develop the workload measures and workload
626 performance standards in consultation with the Legislature. When
627 the corporation finds a clerk has not met the workload
628 performance standards, the corporation shall identify the nature
629 of each deficiency and any corrective action recommended and
630 taken by the affected clerk of the court. For quarterly periods
631 ending on the last day of March, June, September, and December
632 of each year, the corporation shall notify the Legislature of
633 any clerk not meeting workload performance standards and provide
634 a copy of any corrective action plans. Such notifications shall
635 be submitted no later than 45 days after the end of the
636 preceding quarterly period. As used in this subsection, the
637 term:

638 1. "Workload measures" means the measurement of the
639 activities and frequency of the work required for the clerk to
640 adequately perform the court-related duties of the office as
641 defined by the membership of the Florida Clerks of Court
642 Operations Corporation.

643 2. "Workload performance standards" means the standards
644 developed to measure the timeliness and effectiveness of the
645 activities that are accomplished by the clerk in the performance
646 of the court-related duties of the office as defined by the
647 membership of the Florida Clerks of Court Operations
648 Corporation.

649 Section 7. Subsections (6) and (7) of section 43.16,
650 Florida Statutes, are renumbered as subsections (7) and (8),



651 respectively, and a new subsection (6) is added to that section
652 to read:

653 43.16 Justice Administrative Commission; membership,
654 powers and duties.—

655 (6) The commission, each state attorney, each public
656 defender, the criminal conflict and civil regional counsel, the
657 capital collateral regional counsel, and the Guardian Ad Litem
658 Program shall establish and maintain internal controls designed
659 to:

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

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

663 (c) Support economical and efficient operations.

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

665 (e) Safeguard assets.

666 Section 8. Section 112.3126, Florida Statutes, is created
667 to read:

668 112.3126 Employment restrictions; legislators.—

669 (1) As used in this section, the term "private entity"
670 means any nongovernmental entity, such as a corporation,
671 partnership, company or nonprofit organization, any other legal
672 entity, or any natural person.

673 (2) (a) A member of, or candidate for, the Legislature may
674 not accept employment with a private entity that directly
675 receives funding through state revenues appropriated by the
676 General Appropriations Act if he or she knows, or with the



677 exercise of reasonable care should know, that the position is
678 being offered by the employer for the purpose of gaining
679 influence or other advantage based on the legislator's office or
680 candidacy. Any employment with a private entity that directly
681 receives funding through state revenues appropriated by the
682 General Appropriations Act accepted by a member or candidate
683 must meet all of the following conditions:

684 1. The position was already in existence or was created by
685 the employer without the knowledge or anticipation of the
686 legislator's interest in such position;

687 2. The position was open to other applicants;

688 3. The legislator was subject to the same application and
689 hiring process as other candidates for the position; and

690 4. The legislator meets or exceeds the required
691 qualifications for the position.

692 (b) A member of the Legislature who is employed by such
693 private entity before his or her legislative service begins may
694 continue his or her employment. However, he or she may not
695 accept promotion, advancement, additional compensation, or
696 anything of value that he or she knows, or with the exercise of
697 reasonable care should know, is provided or given to influence
698 or attempt to influence his or her legislative office, or that
699 is otherwise inconsistent with the promotion, advancement,
700 additional compensation, or anything of value provided or given
701 an employee who is similarly situated.

702 Section 9. Subsection (7) of section 112.313, Florida



703 Statutes, is amended to read:

704 112.313 Standards of conduct for public officers,
705 employees of agencies, and local government attorneys.—

706 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

707 (a) A ~~No~~ public officer or employee of an agency may not
708 ~~shall~~ have or hold any employment or contractual relationship
709 with any business entity or any agency that ~~which~~ is subject to
710 the regulation of, or is doing business with, an agency of which
711 he or she is an officer or employee, excluding those
712 organizations and their officers who, when acting in their
713 official capacity, enter into or negotiate a collective
714 bargaining contract with the state or any municipality, county,
715 or other political subdivision of the state; and ~~nor shall~~ an
716 officer or employee of an agency may not have or hold any
717 employment or contractual relationship that will create a
718 continuing or frequently recurring conflict between his or her
719 private interests and the performance of his or her public
720 duties or that would impede the full and faithful discharge of
721 his or her public duties. For purposes of this subsection, if a
722 public officer or employee of an agency holds a controlling
723 interest in a business entity or is an officer, a director, or a
724 member who manages such an entity, contractual relationships
725 held by the business entity are deemed to be held by the public
726 officer or employee.

727 1. When the agency referred to is a ~~that certain kind of~~
728 special tax district created by general or special law and is



729 limited specifically to constructing, maintaining, managing, and
 730 financing improvements in the land area over which the agency
 731 has jurisdiction, or when the agency has been organized pursuant
 732 to chapter 298, ~~then~~ employment with, or entering into a
 733 contractual relationship with, such a business entity by a
 734 public officer or employee of such an agency is ~~shall~~ not ~~be~~
 735 prohibited by this subsection or ~~be~~ deemed a conflict per se.
 736 However, conduct by such officer or employee that is prohibited
 737 by, or otherwise frustrates the intent of, this section must
 738 ~~shall~~ be deemed a conflict of interest in violation of the
 739 standards of conduct set forth by this section.

740 2. When the agency referred to is a legislative body and
 741 the regulatory power over the business entity resides in another
 742 agency, or when the regulatory power that ~~which~~ the legislative
 743 body exercises over the business entity or agency is strictly
 744 through the enactment of laws or ordinances, ~~then~~ employment or
 745 a contractual relationship with such a business entity by a
 746 public officer or employee of a legislative body is ~~shall~~ not ~~be~~
 747 prohibited by this subsection or ~~be~~ deemed a conflict.

748 (b) This subsection does ~~shall~~ not prohibit a public
 749 officer or employee from practicing in a particular profession
 750 or occupation when such practice by persons holding such public
 751 office or employment is required or permitted by law or
 752 ordinance.

753 (c) A contractual relationship between a business entity
 754 and the Florida Tourism Industry Marketing Corporation for an



755 entity to implement the 4-year marketing plan under s. 288.923
756 or participate in the private match requirements under s.
757 288.904(3) is not prohibited by this subsection or deemed a
758 conflict of interest.

759 Section 10. Subsections (1) and (2) of section 112.3144,
760 Florida Statutes, are amended to read:

761 112.3144 Full and public disclosure of financial
762 interests.—

763 (1) In addition to officers specified in s. 8, Art. II of
764 the State Constitution or other state law, all elected municipal
765 officers who receive any salary, payment, stipend, or other
766 financial remuneration, excluding retirement and health
767 insurance benefits, as a result of their service are required to
768 file a full and public disclosure of their financial interests.

769 ~~An officer who is required by s. 8, Art. II of the State~~
770 ~~Constitution~~ to file a full and public disclosure of ~~his or her~~
771 financial interests for any calendar or fiscal year shall file
772 that disclosure with the ~~Florida~~ Commission on Ethics.
773 ~~Additionally, beginning January 1, 2015,~~ An officer who is
774 required to complete annual ethics training pursuant to s.
775 112.3142 must certify on his or her full and public disclosure
776 of financial interests that he or she has completed the required
777 training.

778 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
779 ~~the State Constitution,~~ to file a full and public disclosure of
780 financial interests and who has filed a full and public



781 disclosure of financial interests for any calendar or fiscal
782 year is ~~shall~~ not ~~be~~ required to file a statement of financial
783 interests pursuant to s. 112.3145(2) and (3) for the same year
784 or for any part thereof notwithstanding any requirement of this
785 part. If an incumbent in an elective office has filed the full
786 and public disclosure of financial interests to qualify for
787 election to the same office or if a candidate for office holds
788 another office subject to the annual filing requirement, the
789 qualifying officer shall forward an electronic copy of the full
790 and public disclosure of financial interests to the commission
791 no later than July 1. The electronic copy of the full and public
792 disclosure of financial interests satisfies the annual
793 disclosure requirement of this section. A candidate who does not
794 qualify until after the annual full and public disclosure of
795 financial interests has been filed pursuant to this section
796 shall file a copy of his or her disclosure with the officer
797 before whom he or she qualifies.

798 Section 11. The amendment made to s. 112.3144, Florida
799 Statutes, by this act applies to disclosures filed for the 2016
800 calendar year and all subsequent calendar years.

801 Section 12. Subsection (1) of section 112.31455, Florida
802 Statutes, is amended to read:

803 112.31455 Collection methods for unpaid automatic fines
804 for failure to timely file disclosure of financial interests.—

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



807 Services, the commission shall attempt to determine whether the
808 individual owing such a fine is a current public officer or
809 current public employee. If so, the commission may notify the
810 Chief Financial Officer or the governing body of the appropriate
811 county, municipality, school district, or special district of
812 the total amount of any fine owed to the commission by such
813 individual.

814 (a) After receipt and verification of the notice from the
815 commission, the Chief Financial Officer or the governing body of
816 the county, municipality, school district, or special district
817 shall begin withholding the lesser of 10 percent or the maximum
818 amount allowed under federal law from any salary-related
819 payment. The withheld payments shall be remitted to the
820 commission until the fine is satisfied.

821 (b) The Chief Financial Officer or the governing body of
822 the county, municipality, school district, or special district
823 may retain an amount of each withheld payment, as provided in s.
824 77.0305, to cover the administrative costs incurred under this
825 section.

826 Section 13. Subsections (7) through (15) of section
827 112.3215, Florida Statutes, are renumbered as subsections (8)
828 through (16), respectively, a new subsection (7) is added to
829 that section, and paragraph (a) of present subsection (8) and
830 present subsection (11) of that section are amended, to read:

831 112.3215 Lobbying before the executive branch or the
832 Constitution Revision Commission; registration and reporting;



833 investigation by commission.—

834 (7) Effective January 1, 2017, if a lobbying firm lobbies
835 the Governor to approve or veto any bill passed by the
836 Legislature or a specific appropriation in the General
837 Appropriations Act, the lobbying firm must file a monthly report
838 disclosing such activity with the commission.

839 (a) The monthly report must contain the same information
840 required under s. 11.045(5) (b) and (c) and must be filed with
841 the commission by electronic means as provided in s. 112.32155
842 no later than the 10th day of each month. However, if the 10th
843 day of the month occurs on a Saturday, Sunday, or legal holiday,
844 the report must be filed no later than the next following day
845 that is not a Saturday, Sunday, or legal holiday. A lobbying
846 firm may satisfy the filing requirements of this subsection by
847 using the form used under s. 11.045(5).

848 (b) The reports shall be filed even if the reporting
849 lobbying firm did not engage in any lobbying activities
850 requiring disclosure, in which case the report shall be marked
851 "not applicable."

852 (c) The commission shall provide by rule the grounds for
853 waiving a fine, the procedures by which a lobbying firm that
854 fails to timely file a report shall be notified and assessed
855 fines, and the procedure for appealing the fines. The rule shall
856 provide for the following:

857 1. Upon determining that the report is late, the person
858 designated to review the timeliness of reports shall immediately



859 notify the lobbying firm as to the failure to timely file the
860 report and that a fine is being assessed for each late day. The
861 fine shall be \$50 per day per report for each late day, up to a
862 maximum of \$5,000 per late report.

863 2. Upon receipt of the report, the person designated to
864 review the timeliness of reports shall determine the amount of
865 the fine due based upon when a report is actually received by
866 the commission.

867 3. Such fine shall be paid within 30 days after the notice
868 of payment due is transmitted by the commission, unless appeal
869 is made to the commission. The moneys shall be deposited into
870 the Executive Branch Lobby Registration Trust Fund.

871 4. A fine may not be assessed against a lobbying firm the
872 first time any reports for which the lobbying firm is
873 responsible are not timely filed. However, to receive the one-
874 time fine waiver, all reports for which the lobbying firm is
875 responsible must be filed within 30 days after the notice that
876 any reports have not been timely filed is transmitted by the
877 commission. A fine shall be assessed for any subsequent late-
878 filed reports.

879 5. Any lobbying firm may appeal or dispute a fine, based
880 upon unusual circumstances surrounding the failure to file on
881 the designated due date, and may request and shall be entitled
882 to a hearing before the commission, which shall have the
883 authority to waive the fine in whole or in part for good cause
884 shown. Any such request shall be made within 30 days after the



885 notice of payment due is transmitted by the commission. In such
886 case, the lobbying firm shall, within the 30-day period, notify
887 the person designated to review the timeliness of reports in
888 writing of its intention to bring the matter before the
889 commission.

890 6. The person designated to review the timeliness of
891 reports shall notify the commission of the failure of a lobbying
892 firm to file a report after notice or of the failure of a
893 lobbying firm to pay the fine imposed. All lobbyist
894 registrations for lobbyists who are partners, owners, officers,
895 or employees of a lobbying firm that fails to timely pay a fine
896 are automatically suspended until the fine is paid or waived,
897 and the commission shall promptly notify all affected principals
898 of each suspension and each reinstatement.

899 7. Notwithstanding any provision of chapter 120, any fine
900 imposed under this subsection that is not waived by final order
901 of the commission and that remains unpaid more than 60 days
902 after the notice of payment due or more than 60 days after the
903 commission renders a final order on the lobbying firm's appeal
904 shall be collected by the Department of Financial Services as a
905 claim, debt, or other obligation owed to the state, and the
906 department may assign the collection of such fine to a
907 collection agent as provided in s. 17.20.

908 (9) (a) ~~(8) (a)~~ The commission shall investigate every sworn
909 complaint that is filed with it alleging that a person covered
910 by this section has failed to register, has failed to submit a



911 compensation report, has made a prohibited expenditure, has
912 failed to file a report required by subsection (7), or has
913 knowingly submitted false information in any report or
914 registration required in this section.

915 (12)~~(11)~~ Any person who is required to be registered or to
916 provide information under this section or under rules adopted
917 pursuant to this section and who knowingly fails to disclose any
918 material fact that is required by this section or by rules
919 adopted pursuant to this section, or who knowingly provides
920 false information on any report required by this section or by
921 rules adopted pursuant to this section, commits a noncriminal
922 infraction, punishable by a fine not to exceed \$5,000. Such
923 penalty is in addition to any other penalty assessed by the
924 Governor and Cabinet pursuant to subsection (11) ~~(10)~~.

925 Section 14. Section 112.3261, Florida Statutes, is amended
926 to read:

927 112.3261 Lobbying before governmental entities ~~water~~
928 ~~management districts~~; registration and reporting.—

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

930 (a) "Governmental entity" or "entity" ~~"District"~~ means a
931 water management district created in s. 373.069 and operating
932 under the authority of chapter 373, a hospital district, a
933 children's services district, an expressway authority as the
934 term "authority" is defined in s. 348.0002, a port authority as
935 defined in s. 315.02, a county or municipality that has not
936 adopted lobbyist registration and reporting requirements, or an



937 independent special district with annual revenues of more than
938 \$5 million which exercises ad valorem taxing authority.

939 (b) "Lobbies" means seeking, on behalf of another person,
940 to influence a governmental entity ~~district~~ with respect to a
941 decision of the entity ~~district~~ in an area of policy or
942 procurement or an attempt to obtain the goodwill of an a
943 ~~district~~ official or employee of a governmental entity. The term
944 "~~lobbies~~" shall be interpreted and applied consistently with the
945 rules of the commission implementing s. 112.3215.

946 (c) "Lobbyist" has the same meaning as provided in s.
947 112.3215.

948 (d) "Principal" has the same meaning as provided in s.
949 112.3215.

950 (2) A person may not lobby a governmental entity ~~district~~
951 until such person has registered as a lobbyist with that entity
952 ~~district~~. Such registration shall be due upon initially being
953 retained to lobby and is renewable on a calendar-year basis
954 thereafter. Upon registration, the person shall provide a
955 statement signed by the principal or principal's representative
956 stating that the registrant is authorized to represent the
957 principal. The principal shall also identify and designate its
958 main business on the statement authorizing that lobbyist
959 pursuant to a classification system approved by the governmental
960 entity ~~district~~. Any changes to the information required by this
961 section must be disclosed within 15 days by filing a new
962 registration form. The registration form must ~~shall~~ require each



963 lobbyist to disclose, under oath, the following:

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

965 (b) The name and business address of each principal
966 represented.

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

971 (d) A governmental entity shall create a lobbyist
972 registration form modeled after the ~~In lieu of creating its own~~
973 ~~lobbyist registration forms, a district may accept a completed~~
974 legislative branch or executive branch lobbyist registration
975 form, which must be returned to the governmental entity.

976 (3) A governmental entity ~~district~~ shall make lobbyist
977 registrations available to the public. If a governmental entity
978 ~~district~~ maintains a website, a database of currently registered
979 lobbyists and principals must be available on the entity's
980 ~~district's~~ website.

981 (4) A lobbyist shall promptly send a written statement to
982 the governmental entity ~~district~~ canceling the registration for
983 a principal upon termination of the lobbyist's representation of
984 that principal. A governmental entity ~~district~~ may remove the
985 name of a lobbyist from the list of registered lobbyists if the
986 principal notifies the entity ~~district~~ that a person is no
987 longer authorized to represent that principal.

988 (5) A governmental entity ~~district~~ may establish an annual



989 lobbyist registration fee, not to exceed \$40, for each principal
 990 represented. The governmental entity ~~district~~ may use
 991 registration fees only to administer this section.

992 (6) A governmental entity ~~district~~ shall be diligent to
 993 ascertain whether persons required to register pursuant to this
 994 section have complied. A governmental entity ~~district~~ may not
 995 knowingly authorize a person who is not registered pursuant to
 996 this section to lobby the entity ~~district~~.

997 (7) Upon receipt of a sworn complaint alleging that a
 998 lobbyist or principal has failed to register with a governmental
 999 entity ~~district~~ or has knowingly submitted false information in
 1000 a report or registration required under this section, the
 1001 commission shall investigate a lobbyist or principal pursuant to
 1002 the procedures established under s. 112.324. The commission
 1003 shall provide the Governor with a report of its findings and
 1004 recommendations in any investigation conducted pursuant to this
 1005 subsection. The Governor is authorized to enforce the
 1006 commission's findings and recommendations.

1007 (8) A governmental entity ~~Water management districts~~ may
 1008 adopt rules to establish procedures to govern the registration
 1009 of lobbyists, including the adoption of forms and the
 1010 establishment of a lobbyist registration fee.

1011 Section 15. Paragraph (c) of subsection (3) of section
 1012 129.03, Florida Statutes, is amended to read:

1013 129.03 Preparation and adoption of budget.—

1014 (3) The county budget officer, after tentatively



1015 | ascertaining the proposed fiscal policies of the board for the
1016 | next fiscal year, shall prepare and present to the board a
1017 | tentative budget for the next fiscal year for each of the funds
1018 | provided in this chapter, including all estimated receipts,
1019 | taxes to be levied, and balances expected to be brought forward
1020 | and all estimated expenditures, reserves, and balances to be
1021 | carried over at the end of the year.

1022 | (c) The board shall hold public hearings to adopt
1023 | tentative and final budgets pursuant to s. 200.065. The hearings
1024 | shall be primarily for the purpose of hearing requests and
1025 | complaints from the public regarding the budgets and the
1026 | proposed tax levies and for explaining the budget and any
1027 | proposed or adopted amendments. The tentative budget must be
1028 | posted on the county's official website at least 2 days before
1029 | the public hearing to consider such budget and must remain on
1030 | the website for at least 45 days. The final budget must be
1031 | posted on the website within 30 days after adoption and must
1032 | remain on the website for at least 2 years. The tentative
1033 | budgets, adopted tentative budgets, and final budgets shall be
1034 | filed in the office of the county auditor as a public record.
1035 | Sufficient reference in words and figures to identify the
1036 | particular transactions must ~~shall~~ be made in the minutes of the
1037 | board to record its actions with reference to the budgets.

1038 | Section 16. Paragraph (f) of subsection (2) of section
1039 | 129.06, Florida Statutes, is amended to read:

1040 | 129.06 Execution and amendment of budget.—



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1041 (2) The board at any time within a fiscal year may amend a
1042 budget for that year, and may within the first 60 days of a
1043 fiscal year amend the budget for the prior fiscal year, as
1044 follows:

1045 (f) Unless otherwise prohibited by law, if an amendment to
1046 a budget is required for a purpose not specifically authorized
1047 in paragraphs (a)-(e), the amendment may be authorized by
1048 resolution or ordinance of the board of county commissioners
1049 adopted following a public hearing.

1050 1. The public hearing must be advertised at least 2 days,
1051 but not more than 5 days, before the date of the hearing. The
1052 advertisement must appear in a newspaper of paid general
1053 circulation and must identify the name of the taxing authority,
1054 the date, place, and time of the hearing, and the purpose of the
1055 hearing. The advertisement must also identify each budgetary
1056 fund to be amended, the source of the funds, the use of the
1057 funds, and the total amount of each fund's appropriations.

1058 2. If the board amends the budget pursuant to this
1059 paragraph, the adopted amendment must be posted on the county's
1060 official website within 5 days after adoption and must remain on
1061 the website for at least 2 years.

1062 Section 17. Section 162.30, Florida Statutes, is amended
1063 to read:

1064 162.30 Civil actions to enforce county and municipal
1065 ordinances; award of attorney fees and costs.—

1066 (1) In addition to other provisions of law authorizing the



1067 enforcement of county and municipal codes and ordinances, a
1068 county or municipality may enforce any violation of a county or
1069 municipal code or ordinance by filing a civil action in the same
1070 manner as instituting a civil action. The action shall be
1071 brought in county or circuit court, whichever is appropriate
1072 depending upon the relief sought. Counties and municipalities
1073 are authorized and required to pay any counsel appointed by the
1074 court to represent a private party in such action if the
1075 provision of counsel at public expense is required by the
1076 Constitution of the United States or the Constitution of the
1077 State of Florida and if the party is indigent as established
1078 pursuant to s. 27.52. The county or municipality shall bear all
1079 court fees and costs of any such action, and may, if it
1080 prevails, recover the court fees and costs and expense of the
1081 court-appointed counsel as part of its judgment. The state shall
1082 bear no expense of actions brought under this section except
1083 those that it would bear in an ordinary civil action between
1084 private parties in county court.

1085 (2) A county or municipality may provide by code or
1086 ordinance for the recovery of attorney fees and costs by a
1087 prevailing party in a civil action brought under this part. Any
1088 existing code or ordinance that only provides for the recovery
1089 of attorney fees and costs by the county or municipality shall
1090 be construed to provide for the recovery of attorney fees and
1091 costs by a prevailing party other than the county or
1092 municipality.



1093 Section 18. Subsections (3) and (5) of section 166.241,
1094 Florida Statutes, are amended to read:

1095 166.241 Fiscal years, budgets, and budget amendments.—

1096 (3) The tentative budget must be posted on the
1097 municipality's official website at least 2 days before the
1098 budget hearing, held pursuant to s. 200.065 or other law, to
1099 consider such budget and must remain on the website for at least
1100 45 days. The final adopted budget must be posted on the
1101 municipality's official website within 30 days after adoption
1102 and must remain on the website for at least 2 years. If the
1103 municipality does not operate an official website, the
1104 municipality must, within a reasonable period of time as
1105 established by the county or counties in which the municipality
1106 is located, transmit the tentative budget and final budget to
1107 the manager or administrator of such county or counties who
1108 shall post the budgets on the county's website.

1109 (5) If the governing body of a municipality amends the
1110 budget pursuant to paragraph (4)(c), the adopted amendment must
1111 be posted on the official website of the municipality within 5
1112 days after adoption and must remain on the website for at least
1113 2 years. If the municipality does not operate an official
1114 website, the municipality must, within a reasonable period of
1115 time as established by the county or counties in which the
1116 municipality is located, transmit the adopted amendment to the
1117 manager or administrator of such county or counties who shall
1118 post the adopted amendment on the county's website.



1119 Section 19. Subsections (4) and (7) of section 189.016,
1120 Florida Statutes, are amended to read:
1121 189.016 Reports; budgets; audits.—
1122 (4) The tentative budget must be posted on the special
1123 district's official website at least 2 days before the budget
1124 hearing, held pursuant to s. 200.065 or other law, to consider
1125 such budget and must remain on the website for at least 45 days.
1126 The final adopted budget must be posted on the special
1127 district's official website within 30 days after adoption and
1128 must remain on the website for at least 2 years. If the special
1129 district does not operate an official website, the special
1130 district must, within a reasonable period of time as established
1131 by the local general-purpose government or governments in which
1132 the special district is located or the local governing authority
1133 to which the district is dependent, transmit the tentative
1134 budget or final budget to the manager or administrator of the
1135 local general-purpose government or the local governing
1136 authority. The manager or administrator shall post the tentative
1137 budget or final budget on the website of the local general-
1138 purpose government or governing authority. This subsection and
1139 subsection (3) do not apply to water management districts as
1140 defined in s. 373.019.
1141 (7) If the governing body of a special district amends the
1142 budget pursuant to paragraph (6)(c), the adopted amendment must
1143 be posted on the official website of the special district within
1144 5 days after adoption and must remain on the website for at



1145 | least 2 years. If the special district does not operate an
1146 | official website, the special district must, within a reasonable
1147 | period of time as established by the local general-purpose
1148 | government or governments in which the special district is
1149 | located or the local governing authority to which the district
1150 | is dependent, transmit the adopted amendment to the manager or
1151 | administrator of the local general-purpose government or
1152 | governing authority. The manager or administrator shall post the
1153 | adopted amendment on the website of the local general-purpose
1154 | government or governing authority.

1155 | Section 20. Section 215.425, Florida Statutes, is amended
1156 | to read:

1157 | 215.425 Extra compensation claims prohibited; bonuses;
1158 | severance pay.—

1159 | (1) As used in this section, the term "public funds" means
1160 | any taxes, tuition, state grants, fines, fees, or other charges
1161 | or any other type of revenue collected by the state or any
1162 | county, municipality, special district, school district, Florida
1163 | College System institution, state university, or other separate
1164 | unit of government created pursuant to law, including any
1165 | office, department, agency, division, subdivision, political
1166 | subdivision, board, bureau, or commission of such entities.
1167 | However, if the payment and receipt do not otherwise violate
1168 | part III of chapter 112, the following are not considered public
1169 | funds:

1170 | (a) Revenues received by the Board of Governors or state



1171 universities through or from faculty practice plans; health
 1172 services support organizations; hospitals with which state
 1173 universities are affiliated; direct-support organizations; or
 1174 federal, auxiliary, or private sources, except for tuition.

1175 (b) Revenues received by Florida College System
 1176 institutions through or from faculty practice plans; health
 1177 services support organizations; direct-support organizations; or
 1178 federal, auxiliary, or private sources, except for tuition.

1179 (c) Revenues that are received by a hospital licensed
 1180 under chapter 395 which has entered into a Medicaid provider
 1181 contract and that:

1182 1. Are not derived from the levy of an ad valorem tax;

1183 2. Are not derived from patient services paid through the
 1184 Medicaid or Medicare program;

1185 3. Are derived from patient services pursuant to contracts
 1186 with private insurers or private managed care entities or paid
 1187 by the patient or private entities; or

1188 4. Are not appropriated by the Legislature or by any
 1189 county, municipality, special district, school district, Florida
 1190 College System institution, state university, or other separate
 1191 unit of government created pursuant to law, including any
 1192 office, department, agency, division, subdivision, political
 1193 subdivision, board, bureau, commission, authority, or
 1194 institution of such entities, except for revenues otherwise
 1195 authorized to be used pursuant to subparagraphs 2. and 3.

1196 (d) A clothing and maintenance allowance given to



1197 plainclothes deputies pursuant to s. 30.49.

1198 (e) Revenues or fees received by a seaport or airport from

1199 sources other than through the levy of a tax, or funds

1200 appropriated by any county or municipality or the Legislature.

1201 (2)-(1) Except as provided in subsections (3) and (4), no

1202 extra compensation shall be made from public funds to any

1203 officer, agent, employee, or contractor after the service has

1204 been rendered or the contract made; nor shall any public funds

1205 money be appropriated or paid on any claim the subject matter of

1206 which has not been provided for by preexisting laws, unless such

1207 compensation or claim is allowed by a law enacted by two-thirds

1208 of the members elected to each house of the Legislature.

1209 However, when adopting salary schedules for a fiscal year, a

1210 district school board or community college district board of

1211 trustees may apply the schedule for payment of all services

1212 rendered subsequent to July 1 of that fiscal year.

1213 ~~(2) This section does not apply to:~~

1214 ~~(a) A bonus or severance pay that is paid wholly from~~

1215 ~~nontax revenues and nonstate-appropriated funds, the payment and~~

1216 ~~receipt of which does not otherwise violate part III of chapter~~

1217 ~~112, and which is paid to an officer, agent, employee, or~~

1218 ~~contractor of a public hospital that is operated by a county or~~

1219 ~~a special district; or~~

1220 ~~(b) A clothing and maintenance allowance given to~~

1221 ~~plainclothes deputies pursuant to s. 30.49.~~

1222 (3) Any policy, ordinance, rule, or resolution designed to



1223 | implement a bonus scheme must:

1224 | (a) Base the award of a bonus on work performance;

1225 | (b) Describe the performance standards and evaluation

1226 | process by which a bonus will be awarded;

1227 | (c) Notify all employees who meet the prescribed criteria

1228 | for a particular bonus scheme of the policy, ordinance, rule, or

1229 | resolution before the beginning of the evaluation period on

1230 | which a bonus will be based; and

1231 | (d) Consider all employees who meet the prescribed

1232 | criteria for a particular bonus scheme for the bonus.

1233 | (4) (a) ~~On or after July 1, 2011,~~ A unit of government, on

1234 | or after July 1, 2011, or a state university, on or after July

1235 | 1, 2012, which ~~that~~ enters into a contract or employment

1236 | agreement, or a renewal or renegotiation of an existing contract

1237 | or employment agreement, which ~~that~~ contains a provision for

1238 | severance pay with an officer, agent, employee, or contractor

1239 | must include the following provisions in the contract:

1240 | 1. A requirement that severance pay paid from public funds

1241 | ~~provided~~ may not exceed an amount greater than 20 weeks of

1242 | compensation.

1243 | 2. A prohibition of provision of severance pay paid from

1244 | public funds when the officer, agent, employee, or contractor

1245 | has been fired for misconduct, as defined in s. 443.036(29), by

1246 | the unit of government. However, the existence of a contract

1247 | that includes a provision providing for severance pay does not

1248 | limit the application of paragraph (b) to the settlement of a



1249 dispute.

1250 (b) On or after July 1, 2011, an officer, agent, employee,
1251 or contractor may receive severance pay that is not provided for
1252 in a contract or employment agreement if the severance pay
1253 represents the settlement of an employment dispute. In
1254 determining the amount of severance pay that may be paid in
1255 accordance with this section, the unit of government or the
1256 state university shall consider the nature of the claim, the
1257 circumstances giving rise to the dispute, and the potential cost
1258 of resolving the dispute ~~Such severance pay may not exceed an~~
1259 ~~amount greater than 6 weeks of compensation.~~ The settlement may
1260 not include provisions that limit the ability of any party to
1261 the settlement to discuss the dispute or settlement.

1262 (5) Any agreement or contract, ~~7~~ executed on or after July
1263 1, 2011, which involves extra compensation between a unit of
1264 government and an officer, agent, employee, or contractor may
1265 not include provisions that limit the ability of any party to
1266 the agreement or contract to discuss the agreement or contract.

1267 (6) Upon discovery or notification that a unit of
1268 government has provided prohibited compensation to any officer,
1269 agent, employee, or contractor in violation of this section,
1270 such unit of government shall investigate and take all
1271 reasonable action to recover the prohibited compensation.

1272 (a) If the violation was unintentional, the unit of
1273 government shall take all reasonable action to recover the
1274 prohibited compensation from the individual receiving the



1275 prohibited compensation through normal recovery methods for
1276 overpayments.

1277 (b) If the violation was willful, the unit of government
1278 shall take all reasonable action to recover the prohibited
1279 compensation from the individual receiving the prohibited
1280 compensation or the employee or employees of the unit of
1281 government who willfully violated this section. Each individual
1282 determined to have willfully violated this section is jointly
1283 and severally liable for repayment of the prohibited
1284 compensation.

1285 (7) An officer who exercises the powers and duties of a
1286 state or county officer and willfully violates this section is
1287 subject to the Governor's power under s. 7(a), Art. IV of the
1288 State Constitution. An officer who exercises powers and duties
1289 other than those of a state or county officer and willfully
1290 violates this section is subject to the suspension and removal
1291 procedures under s. 112.51.

1292 (8) An employee who is discharged, demoted, suspended,
1293 threatened, harassed, or in any manner discriminated against in
1294 the terms and conditions of employment by his or her employer
1295 because of lawful acts done by the employee on behalf of the
1296 employee or others in furtherance of an action under this
1297 section, including investigation for initiation of, testimony
1298 for, or assistance in an action filed or to be filed under this
1299 section, has a cause of action under s. 112.3187.

1300 (9) Subsections (6), (7), and (8) apply prospectively to



1301 contracts and employment agreements, and the renewal or
 1302 renegotiation of an existing contract or employment agreement,
 1303 effective on or after October 1, 2016.

1304 Section 21. Section 215.86, Florida Statutes, is amended
 1305 to read:

1306 215.86 Management systems and controls.—Each state agency
 1307 and the judicial branch as defined in s. 216.011 shall establish
 1308 and maintain management systems and internal controls designed
 1309 to:

1310 (1) Prevent and detect fraud, waste, and abuse. ~~that~~

1311 (2) Promote and encourage compliance with applicable laws,
 1312 rules, contracts, and grant agreements.†

1313 (3) Support economical and ~~economic,~~ efficient, ~~and~~
 1314 effective operations.†

1315 (4) Ensure reliability of financial records and reports.†

1316 (5) Safeguard and ~~safeguarding of~~ assets. ~~Accounting~~
 1317 ~~systems and procedures shall be designed to fulfill the~~
 1318 ~~requirements of generally accepted accounting principles.~~

1319 Section 22. Paragraph (a) of subsection (2) of section
 1320 215.97, Florida Statutes, is amended to read:

1321 215.97 Florida Single Audit Act.—

1322 (2) Definitions; as used in this section, the term:

1323 (a) "Audit threshold" means the threshold amount used to
 1324 determine when a state single audit or project-specific audit of
 1325 a nonstate entity shall be conducted in accordance with this
 1326 section. Each nonstate entity that expends a total amount of



1327 state financial assistance equal to or in excess of \$750,000
 1328 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
 1329 required to have a state single audit~~,~~ or a project-specific
 1330 audit~~,~~ for such fiscal year in accordance with the requirements
 1331 of this section. ~~Every 2 years the Auditor General,~~ After
 1332 consulting with the Executive Office of the Governor, the
 1333 Department of Financial Services, and all state awarding
 1334 agencies, the Auditor General shall periodically review the
 1335 threshold amount for requiring audits under this section and may
 1336 recommend any appropriate statutory change to revise the
 1337 threshold amount in the annual report submitted pursuant to s.
 1338 11.45(7)(h) to the Legislature ~~adjust such threshold amount~~
 1339 ~~consistent with the purposes of this section.~~

1340 Section 23. Subsection (11) of section 215.985, Florida
 1341 Statutes, is amended to read:

1342 215.985 Transparency in government spending.—

1343 (11) Each water management district shall provide a
 1344 monthly financial statement in the form and manner prescribed by
 1345 the Department of Financial Services to the district's ~~its~~
 1346 governing board and make such monthly financial statement
 1347 available for public access on its website.

1348 Section 24. Paragraph (d) of subsection (1) and subsection
 1349 (2) of section 218.32, Florida Statutes, are amended to read:

1350 218.32 Annual financial reports; local governmental
 1351 entities.—

1352 (1)



1353 (d) Each local governmental entity that is required to
1354 provide for an audit under s. 218.39(1) must submit a copy of
1355 the audit report and annual financial report to the department
1356 within 45 days after the completion of the audit report but no
1357 later than 9 months after the end of the fiscal year. In
1358 conducting an audit of a local governmental entity pursuant to
1359 s. 218.39, an independent certified public accountant shall
1360 determine whether the entity's annual financial report is in
1361 agreement with the audited financial statements. The
1362 accountant's audit report must be supported by the same level of
1363 detail as required for the annual financial report. If the
1364 accountant's audit report is not in agreement with the annual
1365 financial report, the accountant shall specify and explain the
1366 significant differences that exist between the annual financial
1367 report and the audit report.

1368 (2) The department shall annually by December 1 file a
1369 verified report with the Governor, the Legislature, the Auditor
1370 General, and the Special District Accountability Program of the
1371 Department of Economic Opportunity showing the revenues, both
1372 locally derived and derived from intergovernmental transfers,
1373 and the expenditures of each local governmental entity, regional
1374 planning council, local government finance commission, and
1375 municipal power corporation that is required to submit an annual
1376 financial report. In preparing the verified report, the
1377 department may request additional information from the local
1378 governmental entity. The information requested must be provided



1379 to the department within 45 days after the request. If the local
1380 governmental entity does not comply with the request, the
1381 department shall notify the Legislative Auditing Committee,
1382 which may take action pursuant to s. 11.40(2). The report must
1383 include, but is not limited to:

1384 (a) The total revenues and expenditures of each local
1385 governmental entity that is a component unit included in the
1386 annual financial report of the reporting entity.

1387 (b) The amount of outstanding long-term debt by each local
1388 governmental entity. For purposes of this paragraph, the term
1389 "long-term debt" means any agreement or series of agreements to
1390 pay money, which, at inception, contemplate terms of payment
1391 exceeding 1 year in duration.

1392 Section 25. Subsection (3) of section 218.33, Florida
1393 Statutes, is renumbered as subsection (4), and a new subsection
1394 (3) is added to that section to read:

1395 218.33 Local governmental entities; establishment of
1396 uniform fiscal years and accounting practices and procedures.—

1397 (3) Each local governmental entity shall establish and
1398 maintain internal controls designed to:

1399 (a) Prevent and detect fraud, waste, and abuse.

1400 (b) Promote and encourage compliance with applicable laws,
1401 rules, contracts, grant agreements, and best practices.

1402 (c) Support economical and efficient operations.

1403 (d) Ensure reliability of financial records and reports.

1404 (e) Safeguard assets.



1405 Section 26. Subsections (8) through (12) of section
1406 218.39, Florida Statutes, are renumbered as subsections (9)
1407 through (13), respectively, and a new subsection (8) is added to
1408 that section to read:

1409 218.39 Annual financial audit reports.—

1410 (8) If the audit report includes a recommendation that was
1411 included in the preceding financial audit report but remains
1412 unaddressed, the governing body of the audited entity, within 60
1413 days after the delivery of the audit report to the governing
1414 body, shall indicate during a regularly scheduled public meeting
1415 whether it intends to take corrective action, the intended
1416 corrective action, and the timeframe for the corrective action.
1417 If the governing body indicates that it does not intend to take
1418 corrective action, it shall explain its decision at the public
1419 meeting.

1420 Section 27. Subsection (2) of section 218.391, Florida
1421 Statutes, is amended, and subsection (9) is added to that
1422 section, to read:

1423 218.391 Auditor selection procedures.—

1424 (2) The governing body of a ~~charter~~ county, municipality,
1425 special district, district school board, charter school, or
1426 charter technical career center shall establish an audit
1427 committee.

1428 (a) The audit committee for a county ~~Each noncharter~~
1429 ~~county shall establish an audit committee that,~~ at a minimum,
1430 shall consist of each of the county officers elected pursuant to



1431 the county charter or s. 1(d), Art. VIII of the State
1432 Constitution, ~~or their respective designees a designee,~~ and one
1433 member of the board of county commissioners or its designee.

1434 (b) The audit committee for a municipality, special
1435 district, district school board, charter school, or charter
1436 technical career center shall consist of at least three members.
1437 One member of the audit committee must be a member of the
1438 governing body of an entity specified in this paragraph, who
1439 shall also serve as the chair of the committee.

1440 (c) An employee, chief executive officer, or chief
1441 financial officer of the county, municipality, special district,
1442 district school board, charter school, or charter technical
1443 career center may not serve as a member of an audit committee
1444 established under this subsection.

1445 (d) The primary purpose of the audit committee is to
1446 assist the governing body in selecting an auditor to conduct the
1447 annual financial audit required in s. 218.39; however, the audit
1448 committee may serve other audit oversight purposes as determined
1449 by the entity's governing body. The public may ~~shall~~ not be
1450 excluded from the proceedings under this section.

1451 (9) An audit report submitted pursuant to s. 218.39 must
1452 include an affidavit executed by the chair of the audit
1453 committee affirming that the committee complied with the
1454 requirements of subsections (3)-(6) in selecting an auditor. If
1455 the Auditor General determines that an entity failed to comply
1456 with the requirements of subsections (3)-(6) in selecting an



1457 auditor, the entity shall select a replacement auditor in
1458 accordance with this section to conduct audits for subsequent
1459 fiscal years if the original audit was performed under a
1460 multiyear contract. If the replacement of an auditor would
1461 preclude the entity from timely completing the annual financial
1462 audit required by s. 218.39, the entity shall replace an auditor
1463 in accordance with this section for the subsequent annual
1464 financial audit. A multiyear contract between an entity and an
1465 auditor may not prohibit or restrict an entity from complying
1466 with this subsection.

1467 Section 28. Subsection (2) of section 286.0114, Florida
1468 Statutes, is amended to read:

1469 286.0114 Public meetings; reasonable opportunity to be
1470 heard; attorney fees.—

1471 (2) Members of the public shall be given a reasonable
1472 opportunity to be heard on a proposition before a board or
1473 commission. The opportunity to be heard need not occur at the
1474 same meeting at which the board or commission takes official
1475 action on the proposition if the opportunity occurs at a meeting
1476 that is during the decisionmaking process and is within
1477 reasonable proximity in time before the meeting at which the
1478 board or commission takes the official action. A board or
1479 commission may not require a member of the public to provide an
1480 advance written copy of his or her testimony or comments as a
1481 condition of being given the opportunity to be heard at a
1482 meeting. This section does not prohibit a board or commission



1483 from maintaining orderly conduct or proper decorum in a public
1484 meeting. The opportunity to be heard is subject to rules or
1485 policies adopted by the board or commission, as provided in
1486 subsection (4).

1487 Section 29. Paragraph (b) of subsection (2) of section
1488 288.92, Florida Statutes, is amended to read:

1489 288.92 Divisions of Enterprise Florida, Inc.—

1490 (2)

1491 (b)1. The following officers and board members are subject
1492 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1493 112.3143(2):

1494 a. Officers and members of the board of directors of the
1495 divisions of Enterprise Florida, Inc.

1496 b. Officers and members of the board of directors of
1497 subsidiaries of Enterprise Florida, Inc.

1498 c. Officers and members of the board of directors of
1499 corporations created to carry out the missions of Enterprise
1500 Florida, Inc.

1501 d. Officers and members of the board of directors of
1502 corporations with which a division is required by law to
1503 contract to carry out its missions.

1504 2. For a period of 2 years after retirement from or
1505 termination of service to a division, or for a period of 10
1506 years if removed or terminated for cause or for misconduct, as
1507 defined in s. 443.036(29), the officers and board members
1508 specified in subparagraph 1. may not represent another person or



1509 entity for compensation before:

1510 a. Enterprise Florida, Inc.;

1511 b. A division, a subsidiary, or the board of directors of
1512 corporations created to carry out the missions of Enterprise
1513 Florida, Inc.; or

1514 c. A division with which Enterprise Florida, Inc., is
1515 required by law to contract to carry out its missions.

1516 ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),
1517 (12), and (15); 112.3135; and 112.3143(2) to activities of the
1518 officers and members of the board of directors specified in
1519 subparagraph 1., those persons shall be considered public
1520 officers or employees and the corporation shall be considered
1521 their agency.

1522 ~~4.3.~~ It is not a violation of s. 112.313(7) or s.
1523 112.3143(2) or (4) for persons designated by sub-subparagraph
1524 1.d. and subparagraph 2. ~~the officers or members of the board of~~
1525 ~~directors of the Florida Tourism Industry Marketing Corporation~~
1526 to:

1527 a. Vote on the 4-year marketing plan required under s.
1528 288.923 or vote on any individual component of or amendment to
1529 the plan.

1530 b. Participate in the establishment or calculation of
1531 payments related to the private match requirements of s.
1532 288.904(3). The officer, member, or former member must file an
1533 annual disclosure describing the nature of his or her interests
1534 or the interests of his or her principals, including corporate



1535 parents and subsidiaries of his or her principal, in the private
1536 match requirements. This annual disclosure requirement satisfies
1537 the disclosure requirement of s. 112.3143(4). This disclosure
1538 must be placed ~~either~~ on the Florida Tourism Industry Marketing
1539 Corporation's website or included in the minutes of each meeting
1540 of the Florida Tourism Industry Marketing Corporation's board of
1541 directors at which the private match requirements are discussed
1542 or voted upon.

1543 Section 30. Paragraph (a) of subsection (3) of section
1544 288.9604, Florida Statutes, is amended to read:

1545 288.9604 Creation of the authority.—

1546 (3)(a)1. A director may not receive compensation for his
1547 or her services, but is entitled to necessary expenses,
1548 including travel expenses, incurred in the discharge of his or
1549 her duties. Each director shall hold office until his or her
1550 successor has been appointed.

1551 2. Directors are subject to ss. 112.313(1)-(8), (10),
1552 (12), and (15); 112.3135; and 112.3143(2). For purposes of
1553 applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1554 112.3143(2) to activities of directors, directors shall be
1555 considered public officers and the corporation shall be
1556 considered their agency.

1557 3. A director of the corporation may not represent another
1558 person or entity for compensation before the corporation for a
1559 period of 2 years following his or her service on the board of
1560 directors.



1561 Section 31. Paragraph (e) of subsection (4), paragraph (d)
1562 of subsection (5), and paragraph (d) of subsection (6) of
1563 section 373.536, Florida Statutes, are amended to read:

1564 373.536 District budget and hearing thereon.—

1565 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1566 (e) ~~By September 1, 2012,~~ Each district shall provide a
1567 monthly financial statement in the form and manner prescribed by
1568 the Department of Financial Services to the district's governing
1569 board and make such monthly financial statement available for
1570 public access on its website.

1571 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
1572 APPROVAL.—

1573 (d) Each district shall, by August 1 of each year, submit
1574 for review a tentative budget and a description of any
1575 significant changes from the preliminary budget submitted to the
1576 Legislature pursuant to s. 373.535 to the Governor, the
1577 President of the Senate, the Speaker of the House of
1578 Representatives, the chairs of all legislative committees and
1579 subcommittees having substantive or fiscal jurisdiction over
1580 water management districts, as determined by the President of
1581 the Senate or the Speaker of the House of Representatives, as
1582 applicable, the secretary of the department, and the governing
1583 body of each county in which the district has jurisdiction or
1584 derives any funds for the operations of the district. The
1585 tentative budget must be posted on the district's official
1586 website at least 2 days before budget hearings held pursuant to



1587 s. 200.065 or other law and must remain on the website for at
1588 least 45 days.

1589 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1590 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1591 (d) The final adopted budget must be posted on the water
1592 management district's official website within 30 days after
1593 adoption and must remain on the website for at least 2 years.

1594 Section 32. Subsection (7) of section 838.014, Florida
1595 Statutes, is renumbered as subsection (8), present subsections
1596 (4) and (6) are amended, and a new subsection (6) is added to
1597 that section, to read:

1598 838.014 Definitions.—As used in this chapter, the term:

1599 (4) "Governmental entity" means an agency or entity of the
1600 state, a county, municipality, or special district, or any other
1601 public entity created or authorized by law ~~"Corruptly" or "with~~
1602 ~~corrupt intent" means acting knowingly and dishonestly for a~~
1603 ~~wrongful purpose.~~

1604 (6) "Public contractor" means, for purposes of ss. 838.022
1605 and 838.22 only:

1606 (a) Any person, as defined in s. 1.01(3), who has entered
1607 into a contract with a governmental entity; or

1608 (b) Any officer or employee of a person, as defined in s.
1609 1.01(3), who has entered into a contract with a governmental
1610 entity.

1611 ~~(7)(6)~~ "Public servant" means:

1612 (a) Any officer or employee of a governmental ~~state,~~



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1613 ~~county, municipal, or special district agency or entity,~~
1614 ~~including;~~

1615 ~~(b)~~ any executive, legislative, or judicial branch officer
1616 or employee;

1617 ~~(b)(e)~~ Any person, except a witness, who acts as a general
1618 or special magistrate, receiver, auditor, arbitrator, umpire,
1619 referee, consultant, or hearing officer while performing a
1620 governmental function; or

1621 ~~(c)(d)~~ A candidate for election or appointment to any of
1622 the officer positions listed in this subsection, or an
1623 individual who has been elected to, but has yet to officially
1624 assume the responsibilities of, public office.

1625 Section 33. Subsection (1) of section 838.015, Florida
1626 Statutes, is amended to read:

1627 838.015 Bribery.—

1628 (1) "Bribery" means ~~corruptly~~ to knowingly and
1629 intentionally give, offer, or promise to any public servant, or,
1630 if a public servant, ~~corruptly~~ to knowingly and intentionally
1631 request, solicit, accept, or agree to accept for himself or
1632 herself or another, any pecuniary or other benefit not
1633 authorized by law with an intent or purpose to influence the
1634 performance of any act or omission which the person believes to
1635 be, or the public servant represents as being, within the
1636 official discretion of a public servant, in violation of a
1637 public duty, or in performance of a public duty.

1638 Section 34. Subsections (1) and (2) of section 838.016,



1639 Florida Statutes, are amended to read:

1640 838.016 Unlawful compensation or reward for official
 1641 behavior.—

1642 (1) It is unlawful for any person ~~corruptly~~ to knowingly
 1643 and intentionally give, offer, or promise to any public servant,
 1644 or, if a public servant, ~~corruptly~~ to knowingly and
 1645 intentionally request, solicit, accept, or agree to accept, any
 1646 pecuniary or other benefit not authorized by law, for the past,
 1647 present, or future performance, nonperformance, or violation of
 1648 any act or omission which the person believes to have been, or
 1649 the public servant represents as having been, either within the
 1650 official discretion of the public servant, in violation of a
 1651 public duty, or in performance of a public duty. This section
 1652 does not ~~Nothing herein shall be construed to~~ preclude a public
 1653 servant from accepting rewards for services performed in
 1654 apprehending any criminal.

1655 (2) It is unlawful for any person ~~corruptly~~ to knowingly
 1656 and intentionally give, offer, or promise to any public servant,
 1657 or, if a public servant, ~~corruptly~~ to knowingly and
 1658 intentionally request, solicit, accept, or agree to accept, any
 1659 pecuniary or other benefit not authorized by law for the past,
 1660 present, or future exertion of any influence upon or with any
 1661 other public servant regarding any act or omission which the
 1662 person believes to have been, or which is represented to him or
 1663 her as having been, either within the official discretion of the
 1664 other public servant, in violation of a public duty, or in



1665 performance of a public duty.

1666 Section 35. Subsection (1) of section 838.022, Florida
 1667 Statutes, is amended, and subsection (2) of that section is
 1668 republished, to read:

1669 838.022 Official misconduct.—

1670 (1) It is unlawful for a public servant or public
 1671 contractor, ~~with corrupt intent~~ to knowingly and intentionally
 1672 obtain a benefit for any person or to cause unlawful harm to
 1673 another ~~by, to~~:

1674 (a) Falsifying ~~Falsify~~, or causing ~~cause~~ another person to
 1675 falsify, any official record or official document;

1676 (b) Concealing, covering up, destroying, mutilating, or
 1677 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
 1678 official record or official document, except as authorized by
 1679 law or contract, or causing ~~cause~~ another person to perform such
 1680 an act; or

1681 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~
 1682 ~~or prevent~~ the communication of information relating to the
 1683 commission of a felony that directly involves or affects the
 1684 governmental public agency or public entity served by the public
 1685 servant or public contractor.

1686 (2) For the purposes of this section:

1687 (a) The term "public servant" does not include a candidate
 1688 who does not otherwise qualify as a public servant.

1689 (b) An official record or official document includes only
 1690 public records.



1691 Section 36. Section 838.22, Florida Statutes, is amended
1692 to read:

1693 838.22 Bid tampering.—

1694 (1) It is unlawful for a public servant or a public
1695 contractor who has contracted with a governmental entity to
1696 assist in a competitive procurement, ~~with corrupt intent~~ to
1697 knowingly and intentionally influence or attempt to influence
1698 the competitive solicitation ~~bidding process~~ undertaken by any
1699 governmental state, county, municipal, or special district
1700 agency, or any other public entity, for the procurement of
1701 commodities or services by, ~~to:~~

1702 (a) Disclosing, except as authorized by law, Disclose
1703 material information concerning a vendor's response, any
1704 evaluation results, bid or other aspects of the competitive
1705 solicitation ~~bidding process~~ when such information is not
1706 publicly disclosed.

1707 (b) Altering or amending ~~Alter or amend~~ a submitted
1708 response bid, documents or other materials supporting a
1709 submitted response bid, or any evaluation bid results relating
1710 to the competitive solicitation for the purpose of intentionally
1711 providing a competitive advantage to any person who submits a
1712 response bid.

1713 (2) It is unlawful for a public servant or a public
1714 contractor who has contracted with a governmental entity to
1715 assist in a competitive procurement, ~~with corrupt intent~~ to
1716 knowingly and intentionally obtain a benefit for any person or



1717 to cause unlawful harm to another by circumventing, ~~to~~
1718 ~~circumvent~~ a competitive solicitation bidding process required
1719 by law or rule through the use of ~~by using~~ a sole-source
1720 contract for commodities or services.

1721 (3) It is unlawful for any person to knowingly agree,
1722 conspire, combine, or confederate, directly or indirectly, with
1723 a public servant or a public contractor who has contracted with
1724 a governmental entity to assist in a competitive procurement to
1725 violate subsection (1) or subsection (2).

1726 (4) It is unlawful for any person to knowingly enter into
1727 a contract for commodities or services which was secured by a
1728 public servant or a public contractor who has contracted with a
1729 governmental entity to assist in a competitive procurement
1730 acting in violation of subsection (1) or subsection (2).

1731 (5) Any person who violates this section commits a felony
1732 of the second degree, punishable as provided in s. 775.082, s.
1733 775.083, or s. 775.084.

1734 Section 37. Subsection (27) of section 1001.42, Florida
1735 Statutes, is renumbered as subsection (28), a new subsection
1736 (27) is added to that section, and paragraph (1) of subsection
1737 (12) of that section is amended, to read:

1738 1001.42 Powers and duties of district school board.—The
1739 district school board, acting as a board, shall exercise all
1740 powers and perform all duties listed below:

1741 (12) FINANCE.—Take steps to assure students adequate
1742 educational facilities through the financial procedure



1743 authorized in chapters 1010 and 1011 and as prescribed below:

1744 (1) *Internal auditor.*—May employ an internal auditor to
1745 perform ongoing financial verification of the financial records
1746 of the school district and such other audits and reviews as the
1747 district school board directs for the purpose of determining:

1748 1. The adequacy of internal controls designed to prevent
1749 and detect fraud, waste, and abuse.

1750 2. Compliance with applicable laws, rules, contracts,
1751 grant agreements, district school board-approved policies, and
1752 best practices.

1753 3. The efficiency of operations.

1754 4. The reliability of financial records and reports.

1755 5. The safeguarding of assets.

1756

1757 The internal auditor shall report directly to the district
1758 school board or its designee.

1759 (27) VISITATION OF SCHOOLS.—Visit each school, observe the
1760 management and instruction, give suggestions for improvement,
1761 and advise citizens with the view of promoting interest in
1762 education and improving the school.

1763 Section 38. Paragraph (j) of subsection (9) of section
1764 1002.33, Florida Statutes, is amended to read:

1765 1002.33 Charter schools.—

1766 (9) CHARTER SCHOOL REQUIREMENTS.—

1767 (j) The governing body of the charter school shall be
1768 responsible for:



1769 | 1. Establishing and maintaining internal controls designed
1770 | to:
1771 | a. Prevent and detect fraud, waste, and abuse.
1772 | b. Promote and encourage compliance with applicable laws,
1773 | rules, contracts, grant agreements, and best practices.
1774 | c. Support economical and efficient operations.
1775 | d. Ensure reliability of financial records and reports.
1776 | e. Safeguard assets.
1777 | ~~2.1-~~ Ensuring that the charter school has retained the
1778 | services of a certified public accountant or auditor for the
1779 | annual financial audit, pursuant to s. 1002.345(2), who shall
1780 | submit the report to the governing body.
1781 | ~~3.2-~~ Reviewing and approving the audit report, including
1782 | audit findings and recommendations for the financial recovery
1783 | plan.
1784 | ~~4.a.3.a-~~ Performing the duties in s. 1002.345, including
1785 | monitoring a corrective action plan.
1786 | b. Monitoring a financial recovery plan in order to ensure
1787 | compliance.
1788 | ~~5.4-~~ Participating in governance training approved by the
1789 | department which must include government in the sunshine,
1790 | conflicts of interest, ethics, and financial responsibility.
1791 | Section 39. Subsections (6) through (10) of section
1792 | 1002.37, Florida Statutes, are renumbered as subsections (7)
1793 | through (11), respectively, a new subsection (6) is added to
1794 | that section, and present subsections (6) and (11) of that



1795 section are amended, to read:

1796 1002.37 The Florida Virtual School.—

1797 (6) The Florida Virtual School shall have an annual
1798 financial audit of its accounts and records conducted by an
1799 independent auditor who is a certified public accountant
1800 licensed under chapter 473. The independent auditor shall
1801 conduct the audit in accordance with rules adopted by the
1802 Auditor General pursuant to s. 11.45 and, upon completion of the
1803 audit, shall prepare an audit report in accordance with such
1804 rules. The audit report must include a written statement by the
1805 board of trustees describing corrective action to be taken in
1806 response to each of the recommendations of the independent
1807 auditor included in the audit report. The independent auditor
1808 shall submit the audit report to the board of trustees and the
1809 Auditor General no later than 9 months after the end of the
1810 preceding fiscal year.

1811 (7)~~(6)~~ The board of trustees shall annually submit to the
1812 Governor, the Legislature, the Commissioner of Education, and
1813 the State Board of Education the audit report prepared pursuant
1814 to subsection (6) and a complete and detailed report setting
1815 forth:

1816 (a) The operations and accomplishments of the Florida
1817 Virtual School within the state and those occurring outside the
1818 state as Florida Virtual School Global.

1819 (b) The marketing and operational plan for the Florida
1820 Virtual School and Florida Virtual School Global, including



1821 recommendations regarding methods for improving the delivery of
1822 education through the Internet and other distance learning
1823 technology.

1824 (c) The assets and liabilities of the Florida Virtual
1825 School and Florida Virtual School Global at the end of the
1826 fiscal year.

1827 ~~(d) A copy of an annual financial audit of the accounts~~
1828 ~~and records of the Florida Virtual School and Florida Virtual~~
1829 ~~School Global, conducted by an independent certified public~~
1830 ~~accountant and performed in accordance with rules adopted by the~~
1831 ~~Auditor General.~~

1832 (d)(e) Recommendations regarding the unit cost of
1833 providing services to students through the Florida Virtual
1834 School and Florida Virtual School Global. In order to most
1835 effectively develop public policy regarding any future funding
1836 of the Florida Virtual School, it is imperative that the cost of
1837 the program is accurately identified. The identified cost of the
1838 program must be based on reliable data.

1839 (e)(f) Recommendations regarding an accountability
1840 mechanism to assess the effectiveness of the services provided
1841 by the Florida Virtual School and Florida Virtual School Global.

1842 ~~(11) The Auditor General shall conduct an operational~~
1843 ~~audit of the Florida Virtual School, including Florida Virtual~~
1844 ~~School Global. The scope of the audit shall include, but not be~~
1845 ~~limited to, the administration of responsibilities relating to~~
1846 ~~personnel; procurement and contracting; revenue production;~~



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1847 ~~school funds, including internal funds; student enrollment~~
1848 ~~records; franchise agreements; information technology~~
1849 ~~utilization, assets, and security; performance measures and~~
1850 ~~standards; and accountability. The final report on the audit~~
1851 ~~shall be submitted to the President of the Senate and the~~
1852 ~~Speaker of the House of Representatives no later than January~~
1853 ~~31, 2014.~~

1854 Section 40. Subsection (5) is added to section 1010.01,
1855 Florida Statutes, to read:

1856 1010.01 Uniform records and accounts.—

1857 (5) Each school district, Florida College System
1858 institution, and state university shall establish and maintain
1859 internal controls designed to:

1860 (a) Prevent and detect fraud, waste, and abuse.

1861 (b) Promote and encourage compliance with applicable laws,
1862 rules, contracts, grant agreements, and best practices.

1863 (c) Support economical and efficient operations.

1864 (d) Ensure reliability of financial records and reports.

1865 (e) Safeguard assets.

1866 Section 41. Subsection (2) of section 1010.30, Florida
1867 Statutes, is amended to read:

1868 1010.30 Audits required.—

1869 (2) If a school district, Florida College System
1870 institution, or university audit report includes a
1871 recommendation that was included in the preceding financial
1872 audit report but remains unaddressed ~~an audit contains a~~



1873 ~~significant finding~~, the district school board, the Florida
1874 College System institution board of trustees, or the university
1875 board of trustees, within 60 days after the delivery of the
1876 audit report to the school district, Florida College System
1877 institution, or university, shall indicate ~~conduct an audit~~
1878 ~~overview~~ during a regularly scheduled public meeting whether it
1879 intends to take corrective action, the intended corrective
1880 action, and the timeframe for the corrective action. If the
1881 district school board, Florida College System institution board
1882 of trustees, or university board of trustees indicates that it
1883 does not intend to take corrective action, it shall explain its
1884 decision at the public meeting.

1885 Section 42. Subsection (5) of section 99.061, Florida
1886 Statutes, is amended to read:

1887 99.061 Method of qualifying for nomination or election to
1888 federal, state, county, or district office.—

1889 (5) At the time of qualifying for office, each candidate
1890 for an elected municipal office that offers any salary, payment,
1891 stipend, or other financial remuneration, excluding retirement
1892 and health insurance benefits, or a constitutional office shall
1893 file a full and public disclosure of financial interests
1894 pursuant to s. 8, Art. II of the State Constitution, which must
1895 be verified under oath or affirmation pursuant to s.
1896 92.525(1)(a), and a candidate for any other office, ~~including~~
1897 ~~local elective office,~~ shall file a statement of financial
1898 interests pursuant to s. 112.3145.



1899 Section 43. Subsection (3) of section 218.503, Florida
1900 Statutes, is amended to read:
1901 218.503 Determination of financial emergency.—
1902 (3) Upon notification that one or more of the conditions
1903 in subsection (1) have occurred or will occur if action is not
1904 taken to assist the local governmental entity or district school
1905 board, the Governor or his or her designee shall contact the
1906 local governmental entity or the Commissioner of Education or
1907 his or her designee shall contact the district school board, as
1908 appropriate, to determine what actions have been taken by the
1909 local governmental entity or the district school board to
1910 resolve or prevent the condition. The information requested must
1911 be provided within 45 days after the date of the request. If the
1912 local governmental entity or the district school board does not
1913 comply with the request, the Governor or his or her designee or
1914 the Commissioner of Education or his or her designee shall
1915 notify ~~the members of~~ the Legislative Auditing Committee, which
1916 ~~who~~ may take action pursuant to s. 11.40(2) ~~11.40~~. The Governor
1917 or the Commissioner of Education, as appropriate, shall
1918 determine whether the local governmental entity or the district
1919 school board needs state assistance to resolve or prevent the
1920 condition. If state assistance is needed, the local governmental
1921 entity or district school board is considered to be in a state
1922 of financial emergency. The Governor or the Commissioner of
1923 Education, as appropriate, has the authority to implement
1924 measures as set forth in ss. 218.50-218.504 to assist the local



1925 governmental entity or district school board in resolving the
1926 financial emergency. Such measures may include, but are not
1927 limited to:

1928 (a) Requiring approval of the local governmental entity's
1929 budget by the Governor or approval of the district school
1930 board's budget by the Commissioner of Education.

1931 (b) Authorizing a state loan to a local governmental
1932 entity and providing for repayment of same.

1933 (c) Prohibiting a local governmental entity or district
1934 school board from issuing bonds, notes, certificates of
1935 indebtedness, or any other form of debt until such time as it is
1936 no longer subject to this section.

1937 (d) Making such inspections and reviews of records,
1938 information, reports, and assets of the local governmental
1939 entity or district school board as are needed. The appropriate
1940 local officials shall cooperate in such inspections and reviews.

1941 (e) Consulting with officials and auditors of the local
1942 governmental entity or the district school board and the
1943 appropriate state officials regarding any steps necessary to
1944 bring the books of account, accounting systems, financial
1945 procedures, and reports into compliance with state requirements.

1946 (f) Providing technical assistance to the local
1947 governmental entity or the district school board.

1948 (g)1. Establishing a financial emergency board to oversee
1949 the activities of the local governmental entity or the district
1950 school board. If a financial emergency board is established for



1951 a local governmental entity, the Governor shall appoint board
1952 members and select a chair. If a financial emergency board is
1953 established for a district school board, the State Board of
1954 Education shall appoint board members and select a chair. The
1955 financial emergency board shall adopt such rules as are
1956 necessary for conducting board business. The board may:

1957 a. Make such reviews of records, reports, and assets of
1958 the local governmental entity or the district school board as
1959 are needed.

1960 b. Consult with officials and auditors of the local
1961 governmental entity or the district school board and the
1962 appropriate state officials regarding any steps necessary to
1963 bring the books of account, accounting systems, financial
1964 procedures, and reports of the local governmental entity or the
1965 district school board into compliance with state requirements.

1966 c. Review the operations, management, efficiency,
1967 productivity, and financing of functions and operations of the
1968 local governmental entity or the district school board.

1969 d. Consult with other governmental entities for the
1970 consolidation of all administrative direction and support
1971 services, including, but not limited to, services for asset
1972 sales, economic and community development, building inspections,
1973 parks and recreation, facilities management, engineering and
1974 construction, insurance coverage, risk management, planning and
1975 zoning, information systems, fleet management, and purchasing.

1976 2. The recommendations and reports made by the financial



1977 emergency board must be submitted to the Governor for local
 1978 governmental entities or to the Commissioner of Education and
 1979 the State Board of Education for district school boards for
 1980 appropriate action.

1981 (h) Requiring and approving a plan, to be prepared by
 1982 officials of the local governmental entity or the district
 1983 school board in consultation with the appropriate state
 1984 officials, prescribing actions that will cause the local
 1985 governmental entity or district school board to no longer be
 1986 subject to this section. The plan must include, but need not be
 1987 limited to:

1988 1. Provision for payment in full of obligations outlined
 1989 in subsection (1), designated as priority items, which are
 1990 currently due or will come due.

1991 2. Establishment of priority budgeting or zero-based
 1992 budgeting in order to eliminate items that are not affordable.

1993 3. The prohibition of a level of operations which can be
 1994 sustained only with nonrecurring revenues.

1995 4. Provisions implementing the consolidation, sourcing, or
 1996 discontinuance of all administrative direction and support
 1997 services, including, but not limited to, services for asset
 1998 sales, economic and community development, building inspections,
 1999 parks and recreation, facilities management, engineering and
 2000 construction, insurance coverage, risk management, planning and
 2001 zoning, information systems, fleet management, and purchasing.

2002 Section 44. Subsection (2) of section 1002.455, Florida



2003 Statutes, is amended to read:

2004 1002.455 Student eligibility for K-12 virtual
2005 instruction.-

2006 (2) A student is eligible to participate in virtual
2007 instruction if:

2008 (a) The student spent the prior school year in attendance
2009 at a public school in the state and was enrolled and reported by
2010 the school district for funding during October and February for
2011 purposes of the Florida Education Finance Program surveys;

2012 (b) The student is a dependent child of a member of the
2013 United States Armed Forces who was transferred within the last
2014 12 months to this state from another state or from a foreign
2015 country pursuant to a permanent change of station order;

2016 (c) The student was enrolled during the prior school year
2017 in a virtual instruction program under s. 1002.45 or a full-time
2018 Florida Virtual School program under s. 1002.37(9)(a)
2019 ~~1002.37(8)(a)~~;

2020 (d) The student has a sibling who is currently enrolled in
2021 a virtual instruction program and the sibling was enrolled in
2022 that program at the end of the prior school year;

2023 (e) The student is eligible to enter kindergarten or first
2024 grade; or

2025 (f) The student is eligible to enter grades 2 through 5
2026 and is enrolled full-time in a school district virtual
2027 instruction program, virtual charter school, or the Florida
2028 Virtual School.



2029 Section 45. For the purpose of incorporating the amendment
 2030 made by this act to section 838.022, Florida Statutes, in a
 2031 reference thereto, paragraph (a) of subsection (2) of section
 2032 112.534, Florida Statutes, is reenacted to read:

2033 112.534 Failure to comply; official misconduct.—

2034 (2) (a) All the provisions of s. 838.022 shall apply to
 2035 this part.

2036 Section 46. For the purpose of incorporating the amendment
 2037 made by this act to section 838.022, Florida Statutes, in a
 2038 reference thereto, paragraph (d) of subsection (4) of section
 2039 117.01, Florida Statutes, is reenacted to read:

2040 117.01 Appointment, application, suspension, revocation,
 2041 application fee, bond, and oath.—

2042 (4) The Governor may suspend a notary public for any of
 2043 the grounds provided in s. 7, Art. IV of the State Constitution.
 2044 Grounds constituting malfeasance, misfeasance, or neglect of
 2045 duty include, but are not limited to, the following:

2046 (d) Official misconduct as defined in s. 838.022.

2047 Section 47. For the purpose of incorporating the amendment
 2048 made by this act to section 838.014, Florida Statutes, in a
 2049 reference thereto, subsection (11) of section 817.568, Florida
 2050 Statutes, is reenacted to read:

2051 817.568 Criminal use of personal identification
 2052 information.—

2053 (11) A person who willfully and without authorization
 2054 fraudulently uses personal identification information concerning



2055 | an individual who is 60 years of age or older; a disabled adult
 2056 | as defined in s. 825.101; a public servant as defined in s.
 2057 | 838.014; a veteran as defined in s. 1.01; a first responder as
 2058 | defined in s. 125.01045; an individual who is employed by the
 2059 | State of Florida; or an individual who is employed by the
 2060 | Federal Government without first obtaining the consent of that
 2061 | individual commits a felony of the second degree, punishable as
 2062 | provided in s. 775.082, s. 775.083, or s. 775.084.

2063 | Section 48. For the purpose of incorporating the
 2064 | amendments made by this act to sections 838.015, 838.016, and
 2065 | 838.22, Florida Statutes, in references thereto, paragraph (g)
 2066 | of subsection (3) of section 921.0022, Florida Statutes, is
 2067 | reenacted to read:

2068 | 921.0022 Criminal Punishment Code; offense severity
 2069 | ranking chart.—

2070 | (3) OFFENSE SEVERITY RANKING CHART

2071 | (g) LEVEL 7

2072

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.

2073

2074



2075	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2076	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
2077	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2078	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
2079	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2080			



2081	456.065 (2)	3rd	Practicing a health care profession without a license.
2082	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2083	458.327 (1)	3rd	Practicing medicine without a license.
2084	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
2085	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2086	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2087	462.17	3rd	Practicing naturopathy without a license.
2088	463.015 (1)	3rd	Practicing optometry without a license.



2089	464.016 (1)	3rd	Practicing nursing without a license.
2090	465.015 (2)	3rd	Practicing pharmacy without a license.
2091	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2092	467.201	3rd	Practicing midwifery without a license.
2093	468.366	3rd	Delivering respiratory care services without a license.
2094	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
2095	483.901 (9)	3rd	Practicing medical physics without a license.
2096	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
	484.053	3rd	Dispensing hearing aids without



2097			a license.
	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2098			
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
2099			
	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
2100			
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
2101			
	775.21 (10) (a)	3rd	Sexual predator; failure to



2102	775.21(10)(b)	3rd	register; failure to renew driver license or identification card; other registration violations.
2103	775.21(10)(g)	3rd	Sexual predator working where children regularly congregate.
2104	782.051(3)	2nd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
2105	782.07(1)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
2106	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
			Killing of a human being or unborn child by the operation



2107			of a motor vehicle in a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2108			
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
2109			
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
2110			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2111			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2112			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2113			
	784.07 (2) (d)	1st	Aggravated battery on law



			enforcement officer.
2114	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2115	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2116	784.081 (1)	1st	Aggravated battery on specified official or employee.
2117	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
2118	784.083 (1)	1st	Aggravated battery on code inspector.
2119	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
2120	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of



			an adult from outside Florida to within the state.
2121	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
2122	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
2123	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2124	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2125	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2126	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction



2127			while committing or attempting to commit a felony.
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2128			
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
2129			
	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
2130			
	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
2131			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2132			



2133	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
2134	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
2135	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
2136	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2137	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.



2138	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
2139	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
2140	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2141	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
2142	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
2143	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.



2144	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2145	812.131(2)(a)	2nd	Robbery by sudden snatching.
2146	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2147	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
2148	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2149	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2150	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
2151	817.2341	1st	Making false entries of



	(2) (b) & (3) (b)		material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
2152	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
2153	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2154	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
2155	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2156	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21



			years of age or older.
2157	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2158	838.015	2nd	Bribery.
2159	838.016	2nd	Unlawful compensation or reward for official behavior.
2160	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2161	838.22	2nd	Bid tampering.
2162	843.0855 (2)	3rd	Impersonation of a public officer or employee.
2163	843.0855 (3)	3rd	Unlawful simulation of legal process.
2164	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2165	847.0135 (3)	3rd	Solicitation of a child, via a



2166	847.0135(4)	2nd	computer service, to commit an unlawful sex act.
2167	872.06	2nd	Traveling to meet a minor to commit an unlawful sex act.
2168	874.05(2)(b)	1st	Abuse of a dead human body.
2169	874.10	1st,PBL	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2170	893.13(1)(c)1.	1st	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
			Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal



2171	893.13(1)(e)1.	1st	park or publicly owned recreational facility or community center. Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
2172	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
2173	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
2174	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
2175			



2176	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
2177	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
2178	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
2179	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
2180	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
2181	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than



2182			5 kilograms.
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
2183			
	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2184			
	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2185			
	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
2186			
	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
2187			
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.



2188	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
2189	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
2190	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
2191	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
2192	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
2193	943.0435(13)	3rd	Failure to report or providing



2194	943.0435 (14)	3rd	false information about a sexual offender; harbor or conceal a sexual offender. Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2195	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
2196	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2197	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2198	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address



2199	985.4815(10)	3rd	verification; providing false registration information.
2200	985.4815(12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2201	985.4815(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2202			
2203			Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2204			
2205			Section 49. For the purpose of incorporating the amendment
2206			made by this act to section 838.022, Florida Statutes, in a
2207			reference thereto, paragraph (d) of subsection (3) of section
2208			921.0022, Florida Statutes, is reenacted to read:
2209			921.0022 Criminal Punishment Code; offense severity
2210			ranking chart.—
			(3) OFFENSE SEVERITY RANKING CHART
			(d) LEVEL 4



2211	Florida Statute	Felony Degree	Description
2212	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2213	499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
2214	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
2215	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
2216	517.07 (1)	3rd	Failure to register securities.
2217	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.



2218	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
2219	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
2220	784.075	3rd	Battery on detention or commitment facility staff.
2221	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
2222	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
2223	784.081 (3)	3rd	Battery on specified official or employee.
2224	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
2225	784.083 (3)	3rd	Battery on code inspector.
2226	784.085	3rd	Battery of child by throwing,



			tossing, projecting, or expelling certain fluids or materials.
2227	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
2228	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
2229	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
2230	787.07	3rd	Human smuggling.
2231	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
2232	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or



			other weapon on school property.
2233	790.115 (2) (c)	3rd	Possessing firearm on school property.
2234	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
2235	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
2236	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
2237	810.06	3rd	Burglary; possession of tools.
2238	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
2239	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000



2240	812.014 (2) (c) 4.-10.	3rd	or more but less than \$20,000. Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
2241	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
2242	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
2243	817.568(2) (a)	3rd	Fraudulent use of personal identification information.
2244	817.625(2) (a)	3rd	Fraudulent use of scanning device or reencoder.
2245	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

2246



2247	837.02 (1)	3rd	Perjury in official proceedings.
2248	837.021 (1)	3rd	Make contradictory statements in official proceedings.
2249	838.022	3rd	Official misconduct.
2250	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
2251	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
2252	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
2253	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
	843.15 (1) (a)	3rd	Failure to appear while on bail



			for felony (bond estreature or bond jumping).
2254	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
2255	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
2256	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
2257	914.14(2)	3rd	Witnesses accepting bribes.
2258	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
2259	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
2260	918.12	3rd	Tampering with jurors.



2261

934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

2262

2263 Section 50. As provided in s. 112.322(3), Florida
2264 Statutes, the Commission on Ethics shall render advisory
2265 opinions to any public officer, candidate for public office, or
2266 public employee regarding the application of part III of chapter
2267 112, Florida Statutes, including the amendments made by sections
2268 1 through 49 of this act.

2269 Section 51. Section 110.181, Florida Statutes, is
2270 repealed.

2271 Section 52. (1) The Department of Management Services
2272 shall, by November 1, 2016, submit a report to the Governor, the
2273 President of the Senate, and the Speaker of the House of
2274 Representatives regarding the establishment of a new single
2275 state employee charitable campaign. The report must contain
2276 recommendations for creating a new charitable campaign that:

2277 (a) Provides funds to charitable organizations providing
2278 services and benefits for Florida citizens.

2279 (b) Minimizes disruption in the workplace.

2280 (c) Ensures the voluntary nature of employee
2281 participation.

2282 (d) Is structured in a manner that ensures transparency
2283 and accountability.



2284 (2) (a) The report must contain recommendations regarding
2285 the management of the campaign that include, at a minimum:

2286 1. A process that would require the department to
2287 administer the campaign.

2288 2. A process that would require the campaign to be
2289 administered by a provider selected through the competitive
2290 solicitation process.

2291 (b) The processes in paragraph (a) must ensure that the
2292 campaign administrative costs do not exceed 10 percent of the
2293 gross pledges provided to the campaign.

2294 (3) The report must include recommendations for a process
2295 for selecting and approving nonprofit charitable organizations
2296 to participate in the campaign, including recommendations for
2297 the types of services such organizations must provide in order
2298 to be considered for participation in the campaign.

2299 Section 53. The Legislature finds that a proper and
2300 legitimate state purpose is served when internal controls are
2301 established to prevent and detect fraud, waste, and abuse and to
2302 safeguard and account for government funds and property.

2303 Therefore, the Legislature determines and declares that this act
2304 fulfills an important state interest.

2305 Section 54. This act shall take effect October 1, 2016.