

Tab 2	CS/SB 686 by EE, Gaetz ; (Compare to CS/1ST ENG/H 0479) Government Accountability						
933068	A	S	RS	GO, Ring	Delete everything after	02/10 08:12 AM	
637650	SD	S	RCS	GO, Ring	Delete everything after	02/10 08:12 AM	
214662	ASA	S L	RCS	GO, Latvala	Delete L.664 - 1444:	02/10 08:12 AM	

Tab 3	SB 1150 by Bean ; (Similar to CS/H 0953) Legislative Reauthorization of Agency Rulemaking Authority						
535736	A	S	FAV	GO, Hays	btw L.52 - 53:	02/10 08:43 AM	

Tab 4	SB 724 by Joyner ; (Identical to H 0857) Public Records						
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Tab 5	CS/SB 1364 by EP, Hays ; (Similar to CS/H 1153) Public Records/Personal Information Obtained in Connection with Licensure						
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Tab 6	CS/SB 1416 by BI, Simmons ; (Similar to CS/CS/H 1165) Public Records/Own-risk and Solvency Assessment/Corporate Governance Annual Disclosure						
894704	A	S	RCS	GO, Hays	Delete L.74 - 104:	02/09 12:20 PM	

Tab 7	CS/SB 754 by CM, Richter ; (Similar to H 0643) Public Records/Department of Agriculture and Consumer Services Criminal or Civil Intelligence or Investigative Information						
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Tab 8	CS/SB 1094 by BI, Flores ; (Similar to H 1385) Public Records/Limited Purpose International Trust Company						
187568	D	S L		GO, Ring	Delete everything after	02/09 09:14 AM	

Tab 9	SB 780 by Garcia ; (Compare to CS/H 0583) Provision of Pharmaceutical Services						
753432	D	S	RS	GO, Hays	Delete everything after	02/10 08:18 AM	
217188	SD	S	RCS	GO, Hays	Delete everything after	02/10 08:18 AM	

Tab 10	SB 1430 by Brandes ; (Compare to CS/H 1195) State Technology						
299626	A	S	RCS	GO, Hays	btw L.158 - 159:	02/09 12:20 PM	
573846	A	S	RCS	GO, Hays	Delete L.165:	02/09 12:20 PM	
237312	A	S	RCS	GO, Hays	Delete L.198 - 523.	02/09 12:20 PM	
951280	A	S	RCS	GO, Hays	Delete L.526:	02/09 12:20 PM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Senator Ring, Chair
Senator Hays, Vice Chair

MEETING DATE: Tuesday, February 9, 2016
TIME: 10:00 a.m.—12:00 noon
PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Ring, Chair; Senator Hays, Vice Chair; Senators Bullard, Latvala, and Legg

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

Investment Advisory Council

1	Wendt, Gary C. (Ft. Lauderdale)	12/12/2019	
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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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2	CS/SB 686 Ethics and Elections / Gaetz (Compare CS/H 479, CS/H 593, CS/H 651, CS/CS/H 669, H 7071, CS/S 582, S 956, CS/S 992)	Government Accountability; Citing this act as the "Florida Anti-Corruption Act of 2016"; requiring each house of the Legislature to provide by rule reporting requirements regarding lobbying firm's lobbying activities; specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the Commissioner of Education may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements; prohibiting a member of the Legislature from accepting employment with a private entity that directly receives state funds, etc. EE 01/12/2016 Fav/CS GO 02/01/2016 Not Considered GO 02/09/2016 CA AP	
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3	SB 1150 Bean (Similar CS/H 953)	Legislative Reauthorization of Agency Rulemaking Authority; Providing for suspension of certain rulemaking authority after a specified period, until reauthorized by general law; providing for expiration of such reauthorization after a specified period; providing for suspension of rulemaking authority upon expiration of its reauthorization, until reauthorized by general law; authorizing the Governor to delay suspension of rulemaking authority for a specified period upon declaration of a public necessity; providing exceptions, etc. GO 01/26/2016 Not Considered GO 02/01/2016 Temporarily Postponed GO 02/09/2016 AGG AP	
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COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Tuesday, February 9, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 724 Joyner (Identical H 857)	Public Records; Authorizing a court to hold a custodian of a public record personally liable for the reasonable costs of enforcement, including attorney fees, in a civil action to enforce ch, 119, F.S., if certain conditions exist, etc. GO 01/19/2016 Temporarily Postponed GO 02/01/2016 Not Considered GO 02/09/2016 ACJ AP	
5	CS/SB 1364 Environmental Preservation and Conservation / Hays (Similar CS/H 1153)	Public Records/Personal Information Obtained in Connection with Licensure; Defining the terms "commercial entity" and "personal information"; providing an exemption from public records requirements for personal information provided to the Fish and Wildlife Conservation Commission on applications for certain licenses, permits, and certifications; providing circumstances under which personal information may be disclosed; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. EP 01/27/2016 Fav/CS GO 02/09/2016 RC	
6	CS/SB 1416 Banking and Insurance / Simmons (Similar CS/H 1165, Compare CS/H 1163, Linked CS/S 1422)	Public Records/Own-risk and Solvency Assessment/Corporate Governance Annual Disclosure; Providing an exemption from public records requirements for certain reports and documents submitted to the Office of Insurance Regulation related to an own-risk and solvency assessment by an insurer or insurance group; providing an exemption from public records requirements for a corporate governance annual disclosure and supporting documents submitted to the office; providing for and revising future legislative review and repeal; providing a statement of public necessity, etc. BI 01/26/2016 Fav/CS GO 02/09/2016 RC	

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Tuesday, February 9, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 754 Commerce and Tourism / Richter (Similar H 643, Compare CS/CS/H 641, Linked CS/S 772)	Public Records/Department of Agriculture and Consumer Services Criminal or Civil Intelligence or Investigative Information; Providing an exemption from public records requirements for criminal or civil intelligence or investigative information or any other information held by the Department of Agriculture and Consumer Services as part of an examination or investigation with another state or federal regulatory, administrative, or criminal justice agency; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	CM 01/25/2016 Fav/CS GO 02/09/2016 RC
8	CS/SB 1094 Banking and Insurance / Flores (Similar H 1385, Compare CS/H 1383, Linked S 1106)	Public Records/Limited Purpose International Trust Company; Providing an exemption from public records requirements for certain information held by the Office of Financial Regulation relating to a limited purpose international trust company representative office; authorizing the release of certain confidential and exempt information by the office; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	BI 01/26/2016 Fav/CS GO 02/09/2016 RC
9	SB 780 Garcia (Compare CS/H 583)	Provision of Pharmaceutical Services; Providing that an insured living with a chronic illness may not be required to obtain pharmaceutical services exclusively from a mail order pharmacy; requiring health insurers to provide to an insured living with a chronic illness an explanation and comparison of payment methods and charges for pharmaceutical services from mail order pharmacies and other providers of pharmaceutical services; providing that a health maintenance organization subscriber living with a chronic illness may not be required to obtain pharmaceutical services exclusively from a mail order pharmacy, etc.	BI 02/01/2016 Favorable GO 02/09/2016 AP

COMMITTEE MEETING EXPANDED AGENDA

Governmental Oversight and Accountability

Tuesday, February 9, 2016, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 1430 Brandes (Compare CS/H 1195)	State Technology; Establishing a chief data officer within the Agency for State Technology who shall be appointed by the executive director; authorizing the Agency for State Technology to oversee the transition of various licenses and identification cards to an optional digital proof of the licenses and identification cards for a specified fee; requiring the Department of Highway Safety and Motor Vehicles, in coordination with the Agency for State Technology, to develop, rather than begin to review and prepare for the development of, a system for issuing an optional digital proof of driver license for a specified fee, subject to certain requirements, etc.	GO 02/09/2016 AGG AP

Other Related Meeting Documents

1280

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Gary C. Wendt

is duly appointed a member of the

Investment Advisory Council

for a term beginning on the
Thirteenth day of December, A.D., 2015,
until the Twelfth day of December, A.D., 2019
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Eighth day of January, A.D., 2016.*



Ken Detzner
Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Gary C. Wendt
Investment Advisory Council


NOTICE OF HEARING

TO: Mr. Gary C. Wendt

YOU ARE HEREBY NOTIFIED that the Committee on Governmental Oversight and Accountability of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, February 09, 2016, in the James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building, commencing at 10:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 4th day of February, 2016

Committee on Governmental Oversight and
Accountability



Senator Jeremy Ring
As Chair and by authority of the committee

cc: Members, Committee on Governmental Oversight and Accountability
Office of the Sergeant at Arms



STATE BOARD OF ADMINISTRATION
OF FLORIDA

1801 HERMITAGE BOULEVARD
TALLAHASSEE, FLORIDA 32308
(850) 488-4406

POST OFFICE BOX 13300
32317-3300

RICK SCOTT
GOVERNOR
AS CHAIRMAN
JEFF ATWATER
CHIEF FINANCIAL OFFICER

PAM BONDI
ATTORNEY GENERAL

ASH WILLIAMS
EXECUTIVE DIRECTOR & CIO

January 28, 2016

Ms. Inez Williams
Division of Elections
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399

RECEIVED
DEPARTMENT OF STATE
2016 JAN 28 AM 10:40
DIVISION OF ELECTIONS
TALLAHASSEE, FL

RE: Investment Advisory Council Reappointment – Gary Wendt

Dear Ms. Williams:

Mr. Gary Wendt has been reappointed by Governor Scott to serve on the Investment Advisory Council for the State Board of Administration and approved by the Cabinet at the January 21, 2016 meeting. Attached please find:

- Original Questionnaire for Senate Confirmation, along with the Oath of Office/Acceptance Forms.
- SBA Agenda for the January 21, 2016 Cabinet Meeting – please refer to Item 4. Mr. Wendt's reappointment was unanimously approved by the Cabinet. I will forward the transcript of the January 21, 2016 Cabinet Meeting reflecting Cabinet approval as soon as it is available.
- Bio for Mr. Gary Wendt.

Mr. Wendt's term will December 13, 2015 through December 12, 2019.

Please let me know if additional information is required.

Sincerely,

A handwritten signature in cursive script that reads "Diane Bruce".

Diane Bruce
Executive Assistant

Attachments

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2016 JAN 28 AM 10:41
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Investment Advisory Council - State Board of Administration

(Title of Office)

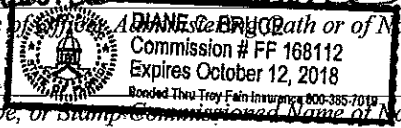
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

G C Wendt
Signature

Sworn to and subscribed before me this 7th day of December, 2015.

Diana C. Bruce
Signature of Notary Public



Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

3055 Harbor Drive
Street or Post Office Box
Ft. Lauderdale, FL 33316
City, State, Zip Code

Gary C. Wendt
Print name as you desire commission issued
G C Wendt
Signature

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/CS/SB 686

INTRODUCER: Governmental Oversight and Accountability Committee, Ethics and Elections Committee and Senator Gaetz

SUBJECT: Government Accountability

DATE: February 11, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Fav/CS
2.	Peacock	McVaney	GO	Fav/CS
3.			CA	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 686 is an omnibus government accountability bill. The bill;

- Prohibits legislators from accepting employment with private entities that directly receive funding through state revenues appropriated by the General Appropriations Act. A member who is employed by such an entity may keep his or her employment, however, there are limitations on advancement, promotions, additional compensation, or anything of value that is given because of his or her legislative position. Additionally, such advancement, promotion, additional compensation, or thing of value may not be inconsistent with that given to any other similarly situated employee. For acceptance of future employment by legislators with such entity, several criteria must be met, including the position must already exist or be created without the knowledge or anticipation of the legislator’s interest in the position and the position must be open to other candidates.
- Includes changes to Florida’s governmental ethics policies including broadening the water management district lobbyist registration provisions to apply to many more special districts, and applying post-employment lobbying restrictions to certain individuals with Enterprise Florida, its divisions, and the Florida Development Finance Corporation.
- Applies certain ethics standards and post-employment lobbying restrictions to corporations created or housed within the Department of Economic Opportunity that are not currently covered by ethical standards.

- Extends the conflicting contractual relationship ban in s. 112.313(7)(a), F.S., to include contracts held by a business entity in which a public officer or public employee holds a controlling interest in a business entity or are an officer, director, or a member who manages such an entity.
- Requires that, beginning in 2016, all elected municipal officers must file the more detailed CE Form 6 financial disclosure with their qualifying papers and for each year that they hold office.
- Amends Florida's criminal provisions relating to Bribery, Misuse of Public Office, Unlawful Compensation or Reward for Official Behavior, Official Misconduct, Bid Tampering to replace the corrupt intent mens rea requirement with the knowingly and intentionally mens rea requirement. The bill also applies the crimes of Official Misconduct and Bid Tampering to "public contractors."
- Requires local governmental entities to keep their final budgets, and any amendments thereto, on their website for a period of 2 years after adoption.
- Requires various governmental entities to adopt internal controls to prevent and detect fraud, waste, and abuse.
- The bill requires governmental entities to investigate claims of unauthorized compensation.
- Allows the Governor or Commissioner of Education, or their designees, to report that a local governmental entity has failed to comply with applicable auditing, financial reporting, bond issuance notification, bond verification provisions, or failed to disclose a financial emergency or provide information required during a financial emergency. It increases the Single Audit Act threshold from \$500,000 to \$750,000 and allows the Auditor General to review the threshold periodically and make appropriate recommendations to the Legislature. It makes changes to the financial reporting requirements and independent audit requirements. The bill specifies who can serve as members of the auditor selection committees for local governmental entities. It requires the Florida Virtual School to have an independent financial audit each year.
- Requires the Florida Clerk of Courts Corporation to notify the Legislature quarterly of any clerk of court not meeting workload requirements and provide corrective action plans within 45 days of the end of the quarter.
- Requires a water management district monthly financial report to be provided in the format required by the Department of Financial Services.
- Requires the Governor or the Commissioner of Education must notify the Legislative Auditing Committee of financial emergencies instead of notifying the members of the Legislative Auditing Committee.
- Clarifies that members of the public are not required to provide an advance written copy of his or her testimony or comments as a precondition to being given the opportunity to be heard.

The bill is effective October 1, 2016.

II. Present Situation:

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

III. Effect of Proposed Changes:

DISCUSSION

Governmental Ethics Laws

Employment of Members of the Legislature

Present Situation: Article II, Section 8(e) of the State Constitution prohibits members of the legislature from personally representing another person or entity for compensation before any state agency other than judicial tribunals. Additionally, s. 112.3125, F.S., prohibits legislators (as well as other public officers) from being employed by the state or any of its political subdivisions if he or she knows, or with the exercise of reasonable care should know, that the position is being offered for the purpose of gaining influence or other advantage based upon his or her service as a legislator. A legislator may accept public employment if: the position was already in existence or was created before the entity knew the legislator was interested in the position; the position was publicly advertised; the legislator was subject to the same application and hiring process as other candidates for the position; and, the legislator meets or exceeds the qualifications for the position.

The standards of conduct in the Code of Ethics for Public Officers and Employees also contain several limitations on the types of private sector employment and duties that a legislator may have. Specifically, s. 112.313(3), F.S., prohibits a legislator from doing business with the legislature; s. 112.313(7), F.S., prohibits legislators from having employment or contractual relationships with any business entity or agency that is subject to the regulation of, or doing business with, the Legislature. That Section also prohibits employment or contractual relationships that will create a continuing or frequently recurring conflict of interests or that would impede the proper performance of his or her public duties. Several other provisions of the Code prohibit certain actions, even if the employment or contractual relationship itself is permitted.

Effect of the bill: The bill creates s. 112.3126, F.S., to define the term “private entity” as any nongovernmental entity, such as a corporation, partnership, company or nonprofit organization, any legal entity, or any natural person. The bill prohibits legislators or a candidate for the Legislature from accepting employment with private entities that directly receive funding through state revenues appropriated by the General Appropriations Act, if he or she knows, or with the exercise of reasonable care should know, that the position is being offered by the employer for the purpose of gaining influence or other advantage based on the legislator’s office or candidacy.

Any employment with such private entity accepted by a member or candidate must meet all of the following conditions:

- The position was already in existence or was created by the employer without the knowledge or anticipation of the legislator’s interest in such position;
- The position was open to other applicants;
- The legislator was subject to the same application and hiring process as other candidates for the position; and
- The legislator meets or exceeds the required qualifications for the position.

A member who is employed by such an entity before his or her legislative service may keep his or her employment; however, there are limitations on advancement, promotions, additional compensation, or anything of value that is given because of his or her position. Additionally, such advancement, promotion, additional compensation, or thing of value may not be inconsistent with that given to any other similarly situated employee.

Collection Methods for Unpaid Financial Disclosure Fines

Present Situation: Section 112.31455, F.S., authorizes the Florida Commission on Ethics to engage in common-law withholding of wages and to seek garnishment in order to collect unpaid financial disclosure fines. Prior to referring such a fine to the Department of Financial Services, the Florida Commission on Ethics must attempt to determine whether or not the filer is a current public officer or public employee.¹ If the person is currently a public officer or public employee, the Florida Commission on Ethics may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, or special district of the total amount of the fine owed to the Florida Commission on Ethics. After receipt and verification of the notice from the Florida Commission on Ethics, the appropriate governing body is required to begin withholding the lesser of 10 percent of or the maximum amount allowed under federal law from any salary-related payment. The withheld payments shall be remitted to the Florida Commission on Ethics until the fine is satisfied. Additionally, the Chief Financial Officer or appropriate governing body may retain an amount from each withheld payment to cover administrative costs incurred under s. 112.31455(1)(b), F.S. In the event that the Florida Commission on Ethics determines that the person is no longer a public officer, or is unable to make such a determination, the Florida Commission on Ethics must wait for 6 months. After that period of time, the Florida Commission on Ethics can seek garnishment pursuant to ch. 77, F.S. The Florida Commission on Ethics can refer the unpaid fine to a collection agency.² The collection agency can use any legal tool it may possess to collect the unpaid fine. The statute of limitations for an unpaid financial disclosure fine is 20 years.³

Effect of the Bill: The bill amends s. 112.31455, F.S., to expressly require school districts to withhold public salary-related payments after receiving notice from the commission that an employee has an unpaid fine, including a portion to cover any administrative costs incurred under this section.

Lobbying Registration and Reporting Requirements for Certain Districts

Present Situation: Section 112.3261, F.S., requires a person who seeks to lobby a water management district to register as a lobbyist before he or she begins to lobby. The lobbyist must present a signed statement authorizing him or her to act on the principal's behalf. The statement must also state the principal's main business. Changes to this information must be reported within 15 days. Water management districts may create their own lobbyist registration forms or use a legislative or executive branch lobbyist registration form. Districts are required to be diligent in ascertaining whether lobbyists have properly registered and may not knowingly allow a lobbyist to lobby if he or she is not registered. The Florida Commission on Ethics is charged

¹ Section 112.31455(1), F.S.

² Section 112.31455(3), F.S.

³ Section 112.31455(4), F.S.

with investigating complaints alleging that a lobbyist has failed to register or provided false information in a report or registration. The Governor has the authority to enforce the Florida Commission on Ethics' findings and recommendation. The water management districts were granted rulemaking authority to adopt rules and establish procedures to govern lobbyist registration, including the adoption of forms and the establishment of a lobbyist registration fee not to exceed \$40.

Effect of the Bill: The bill amends s. 112.3261, F.S., to revise definitions of the terms "governmental entity" or "entity," and "lobbies," and to expand the scope of lobbyist registration and reporting requirements to apply to hospital districts, a children's services district, expressway authorities, port authorities, counties or municipalities that have not adopted lobbyist registration or reporting requirements, or any independent special district with annual revenues of more than \$5 million which exercises ad valorem taxing authority.

Post Service Lobbying Restrictions

Present Situation: Section 288.92, F.S., authorizes Enterprise Florida, Inc. (Enterprise Florida) to create and dissolve divisions as necessary to carry out its mission. That section also requires Enterprise Florida to have certain divisions. The law also provides for hiring of officers and members of the divisions of Enterprise Florida and subjects certain officers and members to several standards of conduct in the Code of Ethics for Public Officers and Employees.⁴ The law currently does not contain any post-employment or post-service restrictions.

Effect of Bill: The bill amends s. 288.92, F.S., to prohibit officers and members of the boards of directors of the divisions of Enterprise Florida, subsidiaries of Enterprise Florida, corporations created to carry out the missions of Enterprise Florida, and corporations with which a division is required by law to contract to carry out its missions, from representing another person or entity for compensation before Enterprise Florida, divisions of Enterprise Florida, subsidiaries of Enterprise Florida, corporations created to carry out the missions of Enterprise Florida, and corporations with which a division is required by law to contract to carry out its missions, for a period of 2 years after retirement or termination of service to a division, or for a period of 10 years if such officer or board member is removed or terminated for misconduct, as defined in s. 443.036(29), F.S.

Present Situation: The Florida Development Finance Authority is created in s. 288.9604, F.S. That provision addresses appointment of members of the board of directors and powers of the corporation. It also subjects directors to several standards of conduct in the Code of Ethics for Public Officers and Employees.⁵ The law currently does not contain any post-employment or post-service restrictions.

Effect of the Bill: The bill amends s. 288.9604, F.S., to prohibit directors of the Florida Development Finance Authority from representing another person or entity for compensation before the corporation, for a period of 2 years following his or her service on the board.

⁴ Part III, Chapter 112, Florida Statutes.

⁵ *Id.*

Present Situation: The Department of Economic Opportunity is created in s. 20.60, F.S., and has numerous entities under its purview in various chapters of the Florida Statutes. While the Department is an agency, and therefore subject to the provisions of the Code of Ethics for Public Officers and Employees, many of the divisions and corporations created by, or administratively housed in, may not be subject to the provisions.

Effect of the Bill: The bill creates s. 20.602, F.S., to subject the officers and members of the boards of directors of any corporation created pursuant to ch. 288, F.S., Space Florida, CareerSource Florida, Inc., the Florida Housing Finance Corporation, or any other corporation created by the Department of Economic Opportunity to certain standards of conduct. Specifically, those individuals are subject to the anti-nepotism provision in s. 112.3135, F.S., the voting conflicts standard applicable to statewide officers in s. 112.3143(2), F.S., and the standards of conduct in s. 112.313, F.S. Additionally, the bill prohibits a former officer or board member from representing a person or entity for compensation before his or her corporation; a division, subsidiary or the board of directors of a corporation created to carry out the mission of his or her corporation; a corporation with which his or her former corporation within DEO is required by law to contract with to carry out its missions for a period of 6 years after retirement or termination of service with the DEO corporate entity. If he or she is removed due to misconduct, as defined in s. 443.036(29), F.S., the prohibition applies for a period of 10 years.

Conflicting Employment and Contractual Relationships

Present Situation: Section 112.313(7)(a), F.S., prohibits public officers and employees of an agency from having employment or contractual relationships with a business entity or agency that is subject to the regulation of, or doing business with, his or her agency. That section further prohibits public officers and employees of an agency from having employment or a contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

In its annual reports to the Legislature for the last several years, the Commission on Ethics has advised that the law needs to be amended. Specifically, the Commission has advised that individuals were creating a fictitious legal entity then using those fictitious legal entities to engage in contracts that would be prohibited if the people entered them individually.

Effect of the Bill: The bill amends s. 112.313(7)(a), F.S., to provide that if a public officer or public employee holds a controlling interest in a business entity or is an officer, director, or a member who manages such an entity, contractual relationships held by the business entity are deemed to be held by the public officer. As such, if a public officer or public employee holds a controlling interest in a business entity or is an officer, director, or a member who manages such an entity, it would be a violation for the business entity to have a contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties. The public officer or public employee would face penalties ranging from censure and reprimand to removal from office. The penalties also permit a civil fine up to \$10,000 per violation.

CE Form 6 Financial Disclosure

Present Situation: Section 112.3144, F.S., requires certain officers that are specified in Article II, Section 8 of the State Constitution, and other officers as required by law, to file a Full and Public Disclosure of Financial Interests (commonly referred to as a CE Form 6). That statute addresses what is required to be disclosed, the due date of the disclosure, the processes to amend the disclosure, and penalties for failing to file the CE Form 6 as required. This filing is more detailed than what is referred to as a CE Form 1 which is filed annually by other officers as provided in s. 112.3145, F.S. Currently, elected municipal officers are subject to the CE Form 1 filing requirement in accordance with s. 99.061, F.S.

Effect of the Bill: The bill amends s. 112.3144, F.S., to require all elected municipal officers to file the more detailed CE Form 6 annually as provided in s. 112.3144, F.S., beginning with the 2016 filing year.⁶ The bill also amends s. 99.061, F.S., to require a candidate for elected municipal office to file a CE Form 6 with his or her qualifying papers.

Criminal Ethics Provisions

Nineteenth Statewide Grand Jury

A statewide grand jury⁷ was impaneled in February 2010 upon the petition of Governor Charlie Crist to the Supreme Court of Florida. In the Petition for Order to Impanel a Statewide Grand Jury, Governor Crist requested that the following should be addressed:⁸

- Examine criminal activity of public officials who have abused their powers via their public office;
- Consider whether Florida's prosecutors have sufficient resources to effectively combat corruption;
- Address the effectiveness of Florida's current statutes in fighting public corruption;
- Identify any deficiencies in current laws, punishments or enforcement efforts and make detailed recommendations to improve our anti-corruption initiatives;
- Investigate crimes, return indictments, and make presentations; and
- Examine public policy issues regarding public corruption and develop specific recommendations regarding improving current laws.

The Nineteenth Statewide Grand Jury issued its First Interim Report: A Study of Public Corruption in Florida and Recommended Solutions on December 17, 2010. In its report, the Nineteenth Statewide Grand Jury made several recommendations to the Legislature, including revisions to ch. 838, F.S., regarding the definitions of the terms "public servant" and "corruptly" and "corrupt intent," and the offenses of bribery, unlawful compensation or reward for official behavior, official misconduct, and bid tampering.

⁶ Financial disclosure, much like federal income tax filings, are done for the preceding year. Thus, elected municipal officers will be required to file the CE Form 6 for the first year by July 1, 2017.

⁷ See ss. 905.31-905.40, F.S., known as the Statewide Grand Jury Act.

⁸ Nineteenth Statewide Grand Jury First Interim Report: A Study of Public Corruption in Florida and Recommended Solutions, December 17, 2010, Case No. SC 09-1910. Available online at: [http://myfloridalegal.com/webfiles.nsf/WF/JFAO-8CLT9A/\\$file/19thSWGJInterimReport.pdf](http://myfloridalegal.com/webfiles.nsf/WF/JFAO-8CLT9A/$file/19thSWGJInterimReport.pdf) (last visited on November 20, 2015).

Color of Law

Florida law does not enhance criminal classifications or felony sentencing penalties for criminal acts committed “under color of law” where the enhancements for wrongful conduct are based on public authority or position or the assertion of such that does not form an element of the underlying crime. The Nineteenth Statewide Grand Jury also recommended that the legislature consider reclassification of such offenses.⁹

Doctrine of Mens Rea and Scienter

The term “mens rea” is defined as “a guilty mind; a guilty or wrongful purpose; a criminal intent.”¹⁰ Black’s Law Dictionary notes that the term scienter is defined as “knowingly” and frequently used to signify the defendant’s guilty knowledge.¹¹ The general rule is that scienter or mens rea is a necessary element in the indictment for every crime.¹²

The Nineteenth Statewide Grand Jury found that the use of the word “corruptly” or “with corrupt intent” made prosecutions of offenses under ch. 838, F.S., more difficult and might require additional evidence, such as testimony from persons involved.¹³ The Nineteenth Statewide Grand Jury recommended that the additional element of “corruptly” or “with corrupt intent” be removed from the ch. 838, F.S., offenses of bribery, unlawful compensation, official misconduct, and bid tampering.¹⁴

Bribery; Misuse of Public Office: Chapter 838, F.S.

Present Situation: Chapter 838, F.S., pertains to bribery and other offenses concerning the misuse of public office.

Section 838.014(4), F.S., defines the term “corruptly” or “with corrupt intent” as acting knowingly and dishonestly for a wrongful purpose.

Section 838.014(6), F.S., defines the term “public servant” as:

- a) Any officer or employee of a state, county, municipal, or special district agency or entity;
- b) Any legislative or judicial officer or employee;
- c) Any person, except a witness, who acts as a general or special magistrate, receiver, auditor, arbitrator, umpire, referee, consultant, or hearing officer while performing a governmental function; or
- d) A candidate for election or appointment to any of the positions listed in this subsection, or an individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

Effect of the Bill: The bill amends s. 838.014, F.S., to define the term “governmental entity” as an agency or entity of the state, a county, a municipality, or a special district or any other public entity created or authorized by law. The bill appears to expand the definition of “governmental

⁹ *Id.*

¹⁰ BLACK’S LAW DICTIONARY 1137 (4th Rev. 1968).

¹¹ *Id.* 1512.

¹² *Chicone v. State*, 684 So. 2d 736, 741 (Fla. 1996). Also, see *U.S. v. Balint*, 258 U.S. 250 (1922).

¹³ See *supra* note 8, at 24.

¹⁴ *Id.*

entity” to include other public entities, such as Citizens Property Insurance Corporation,¹⁵ statutorily-created direct support organizations,¹⁶ and other statutorily-created public entities. The definition of “corruptly” or “with corrupt intent” is eliminated.

The bill defines the term “public contractor,” for the offenses of official misconduct¹⁷ and bid tampering,¹⁸ as any person, as defined in s. 1.01(3), F.S., who has entered into a contract with a governmental entity; or any officer or employee of a person, as defined in s. 1.01(3), F.S., who has entered into a contract with a governmental entity. “Person” is defined in s. 1.01(3), F.S., as “individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.”

The bill revises the definition of the term “public servant” as any officer or employee of a governmental entity including executive, legislative, or judicial branch officer or employee and a candidate for election or appointment to any of the officer positions listed in this subsection.

Bribery

Present Situation: Section 838.015, F.S., relates to the offense of bribery.¹⁹ Any individual who violates this section is guilty of a felony of the second degree, which is punishable as provided for in ss. 775.082, 775.083, or 775.084, F.S.²⁰

Chapter 838, F.S., also contains 3 other bribery offenses, including bribery in athletic contests,²¹ commercial bribery receiving,²² and commercial bribery.²³ In *Roque v. State*, the Florida Supreme Court held that s. 838.15, F.S., the commercial bribe receiving law, was invalid.²⁴ The Nineteenth Statewide Grand Jury Report opined that s. 838.16, F.S., commercial bribery, was probably unconstitutionally vague since s. 838.16, F.S., referred to s. 838.15, F.S.²⁵

¹⁵ Section 627.351(6), F.S. Citizens Property Insurance Corporation was created in 2002 as a not-for-profit insurer of last resort for home-owners who could not obtain insurance elsewhere.

¹⁶ A direct support organization is an organization incorporated under ch. 617, F.S., and approved by the Department of State as a Florida corporation not for profit that is approved by a state agency to operate for the benefit of a specific program, such as the Florida Historic Capitol Museum Council’s direct support organization. See s. 272.131(1)(e), F.S.

¹⁷ Section 838.022, F.S.

¹⁸ Section 838.22, F.S.

¹⁹ Section 838.015(1), F.S., defines “bribery” as corruptly to give, offer, or promise to any public servant, or, if a public servant, corruptly to request, solicit, accept, or agree to accept for himself or herself or another, any pecuniary or other benefit not authorized by law with an intent or purpose to influence the performance of any act or omission which the person believes to be, or the public servant represents as being, within the official discretion of a public servant, in violation of a public duty, or in performance of a public duty.

²⁰ Section 838.015(3), F.S. Under sections 775.082 and 775.083, Florida Statutes, a second degree felony is punishable by a term of imprisonment not to exceed 15 years, and a maximum fine of \$10,000. Section 775.084, Florida Statutes, relates to habitual felony offenders. If a habitual felony offender is convicted of a second degree felony, such offender may be sentenced for a term not exceeding 30 years.

²¹ Section 838.12, F.S.

²² Section 838.15, F.S.

²³ Section 838.16, F.S.

²⁴ *Roque v. State*, 664 So.2d 928 (Fla. 1995). The Court further noted that s. 838.015, F.S., was impermissibly vague and subject to arbitrary application. *Id.* at 929.

²⁵ See *supra* note 2, at 34.

Effect of the bill: The bill amends s. 838.015, F.S., to change the mens rea element of the offense of bribery from “corruptly” to “knowingly and intentionally.”

Unlawful Compensation or Reward for Official Behavior

Present Situation: Section 838.016, F.S., pertains to unlawful compensation or reward for official behavior. Any person who violates this section commits a second degree felony which is punishable as provided for in ss. 775.082, 775.083, or 775.084, F.S.²⁶

Section 838.016, F.S., pertains to unlawful compensation or reward for official behavior. It is a second degree felony for any person corruptly to give, offer, or promise to any public servant any benefit not authorized by law; or for any public servant corruptly to request, solicit, accept or agree to accept any benefit not authorized by law:

- For the past, present, or future performance, nonperformance or violation of any act or omission; or
- For the past, present, or future exertion of any influence upon or with any other public servant regarding any act or omission which the person believes to have been or the public servant represents to have been either within the official discretion of the public servant, in violation of a public duty, or in performance of a public duty.

Effect of the bill: The bill amends s. 838.016, F.S., to change the mens rea element of the offense of unlawful compensation or reward for official behavior from “corruptly” to “knowingly and intentionally.”

Official Misconduct

Present Situation: The offense of official misconduct contained in s. 838.022(1), F.S., provides that it “is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause harm to another to:

- e) Falsify, or cause another person to falsify, any official record or official document;
- f) Conceal, cover up, destroy, mutilate, or alter any official record or official document or cause another person to perform such an act; or
- g) Obstruct, delay, or prevent the communication of information relating to the commission of a felony that directly involves or affects the public agency or public entity served by the public servant.

Any person who violates this section commits a felony of the third degree, which is punishable as provided for in sections 775.082, 775.083, or section 775.084, F.S.²⁷

Effect of the bill: The bill amends s. 838.022, F.S., to subject public contractors to the same level of conduct as public servants. The mens rea element of the offense is changed from “with corrupt intent” to “knowingly and intentionally.” The law is clarified so that the harm caused to

²⁶ Section 838.016(4), F.S. Also, see *supra* note 4.

²⁷ Section 838.022(3), F.S. Under sections 775.082 and 775.083, Florida Statutes, a third degree felony is punishable by a term of imprisonment not to exceed 5 years, and a maximum fine of \$5,000. Section 775.084, Florida Statutes, relates to habitual felony offenders. If a habitual felony offender is convicted of a third degree felony, such offender may be sentenced for a term not exceeding 10 years.

another must be an “unlawful” harm.” Concealing, covering up, destroying, mutilating, or altering an official record is criminalized unless such action is authorized by law or contract.

Bid Tampering

Present Situation: Section 838.22, F.S., provides that:

- 1) It is unlawful for a public servant, with corrupt intent to influence or attempt to influence the competitive bidding process undertaken by any state, county, municipal, or special district agency, or any other public entity, for the procurement of commodities or services, to:
 - a) Disclose material information concerning a bid or other aspects of the competitive bidding process when such information is not publicly disclosed.
 - b) Alter or amend a submitted bid, documents or other materials supporting a submitted bid, or bid results for the purpose of intentionally providing a competitive advantage to any person who submits a bid.
- 2) It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause unlawful harm to another, to circumvent a competitive bidding process required by law or rule by using a sole-source contract for commodities or services.
- 3) It is unlawful for any person to knowingly agree, conspire, combine, or confederate, directly or indirectly, with a public servant to violate subsection (1) or subsection (2).
- 4) It is unlawful for any person to knowingly enter into a contract for commodities or services which was secured by a public servant acting in violation of subsection (1) or subsection (2).
- 5) Any person who violates this section commits a felony of the second degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.²⁸

Effect of the Bill: The bill amends s. 838.22, F.S., to expand the application of the bid tampering laws to public contractors who have contracted with a governmental entity to assist in a competitive procurement. These public contractors are treated similar to public servants for this law. The mens rea element of the offense is changed from “with corrupt intent” to “knowingly and intentionally” influence.

Online Posting of Governmental Budgets

Counties, Municipalities, and Special Districts

Present Situation: Counties²⁹, municipalities³⁰, and special districts³¹ are required to post their tentative budgets on their websites 2 days prior to consideration of the budget. The final budget of a county, municipality or special district must be posted on the county’s, municipality’s, or special district’s website within 30 days after adoption. An amendment to a budget must be posted to the county’s, municipality’s, or special district’s website within 5 days of adoption.³² Current law does not specify how long those items must remain available on the website.

Effect of the Bill: The bill amends s. 129.03, F.S., to require a county’s tentative budget to remain on the county’s website for at least 45 days and the final budget remain on its website for

²⁸ See *supra* note 3.

²⁹ Section 129.03, F.S.

³⁰ Section 166.241, F.S.

³¹ Section 189.016, F.S.

³² Section 129.06, F.S.

at least 2 years. The bill amends s. 129.06, F.S., to require that the amended final adopted budget must remain on the county's website for at least 2 years.

The bill amends s. 166.241, F.S., to require a municipality's tentative budget to remain on the municipality's website for at least 45 days and the final adopted budget remain on its website for at least 2 years.

The bill amends s. 189.016, F.S., to require a special district's tentative budget to remain on the special district's website for at least 45 days, the final adopted budget to remain on its website for at least 2 years, and the amended final adopted budget remain on its website for at least 2 years.

Water Management Districts

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

Effect of the Bill: The bill amends s. 373.536, F.S., to require the tentative budget to remain on the district's website for at least 45 days. The bill requires the final budget to remain on the district's website for at least 2 years.

Internal Controls to Prevent and Detect Fraud, Waste, and Abuse

State Agencies and the Judicial Branch

Present Situation: Section 215.86, F.S., provides:

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

Effect of Bill: The bill amends s. 215.86, F.S., to require each entity to establish and maintain internal controls designed to: prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, and grant agreements; support economical and efficient operations; ensure reliability of financial records and reports; and, safeguard assets.

Local Governmental Entities

Present Situation: Section 218.33, F.S., requires each local governmental entity to begin its fiscal year on October 1 and end it on September 30. Section 218.33(2), F.S., requires each local

governmental entity shall follow uniform accounting practices and procedures as provided by rule of the department to assure the use of proper accounting and fiscal management by such units. Such rules shall include a uniform classification of accounts.

Effect of Bill: The amends s. 218.33, F.S., to require each local governmental entity to establish and maintain internal controls designed to: prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and, safeguard assets.

Charter Schools

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

Effect of Bill: The amends s. 1002.33, F.S., to require each the governing body of each charter school to establish and maintain internal controls designed to: prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and, safeguard assets.

School Districts and Florida College System Institutions

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

Section 1001.42, F.S., outlines the powers and duties of district school boards, including the discretionary authority to retain an internal auditor to perform ongoing financial verification of the financial records of the school district.

Effect of Bill: The bill amends s. 1010.01, F.S., to require each school district, Florida College System institution, and state university to establish and maintain internal controls designed to: prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and, safeguard assets..

The bill also amends s. 1001.42(12), F.S., to authorize the internal auditor that may be employed by the school district to perform ongoing financial verification of financial records and other such audits and reviews as the district school board directs for the purposes of determining: the adequacy of internal controls designed to prevent and detect fraud, waste and abuse; compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices; the efficiency of operations; the reliability of financial records and reports; and the safeguarding of assets.

Additionally, the bill amends s. 1001.42, F.S., to authorize district school board members to visit schools, observe the management and instruction, give suggestions for improvement, and advise citizens with the view of promoting interest in education and improving the school.

Justice Administration Commission

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

Effect of the Bill: The bill amends s. 43.16, F.S., to require the Justice Administration Commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program to establish and maintain internal controls designed to: prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and, safeguard assets.

Extra Compensation Claims and False Claims Act Changes

Extra Compensation Claims

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

Effect of the Bill: The bill amends s. 215.425, F.S., to define the term “public funds” as:

Any taxes, tuition, state grants, fines, fees, or other charges or any other type of revenue collected by the state or any county, municipality, special district, school district, Florida College System institution, state university, or other separate unit of government created pursuant to law, including any office, department, agency, division, subdivision, political subdivision, board, bureau, or commission of such entities. However, if the payment and receipt does not otherwise violate part III, Chapter 112, F.S., the following are not considered public funds:

- Revenues received by the Board of Governors or state universities through or from faculty practice plans; health services support organizations; hospitals with which state universities are affiliated; direct-support organizations; or federal, auxiliary, or private sources, except for tuition;
- Revenues received by Florida College System institutions through or from faculty practice plans; health services support organizations; direct-support organizations; or federal, auxiliary, or private sources, except for tuition;
- Certain revenues that are received by a hospital licensed under chapter 395 which has entered into a Medicaid Provider Contract, and that:
 - Are not derived from the levy of an ad valorem tax;
 - Are not derived from patient services paid through the Medicaid or Medicare program;
 - Are derived from patient services pursuant to contracts with private insurers or private managed care entities, or paid by the patient or private entities; or
 - Are not appropriated by the Legislature or by any county, municipality, special district, school district, Florida College System institution, state university, or other separate unit of government created pursuant to law, including any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, or institution of such entities, except for revenues otherwise authorized to be used pursuant to subparagraphs 2. and 3.
- Revenues or fees received by a seaport or airport from sources other than through the levy of a tax, or funds appropriated by any county or municipality or the Legislature.

The bill amends the provisions regarding a bonus scheme to require notification of all employees who meet the prescribed criteria for a particular bonus and to consider all employees who meet the prescribed criteria for a particular bonus scheme.

CS/CS/SB 686 requires new contracts or renewal contracts on or after July 1, 2011, in which units of government are a party, and on or after July 1, 2012, in which state universities are a party, to contain a requirement that severance pay from public funds may not exceed 20 weeks and to prohibit severance paid from any source of revenue when the officer, agent, employee, or contractor has been fired for misconduct.

In regards to determining the amount of severance pay, the bill requires the unit of government or the state university to consider the nature of the claim, the circumstances giving rise to the claim, and the potential cost of resolving the dispute. Existence of a contract providing for severance pay does not limit the application of this provision to the settlement of a dispute.

The bill requires a unit of government that has made a prohibited compensation payment to investigate and take all reasonable actions to recover the prohibited compensation. If the compensation was provided unintentionally, the unit of government must take all reasonable action to recover the prohibited compensation through its normal recovery methods. If the prohibited payment was willfully made, the unit of government must take all reasonable action to recover the payment from either the recipient or the employee or employees of the unit of government who willfully violated this section. Each individual determined to have willfully violated this section is jointly and severally liable for repayment of the prohibited compensation. The bill provides for suspension and removal of officers as follows: An officer who exercises the powers and duties of a state or county office may be suspended by the Governor and removed by the Florida Senate. Any other officer may be suspended and removed by the Governor pursuant to s. 112.51, F.S.

Subsections (6)-(8) apply prospectively to contracts or employment agreements, or the renewal or renegotiation or an existing contract or employment agreement, effective on or after October 1, 2016.

Auditing

Joint Legislative Auditing Committee

Present Situation: Section 11.40, F.S., provides:

Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within ss. 11.45(5)-(7),³³ 218.32(1),³⁴

³³ Section 11.45, F.S., governs certain audits to be conducted by the Auditor General.

³⁴ Section 218.32(1), F.S., requires annual financial reports from local governmental entities.

218.38,³⁵ or 218.503(3),³⁶ the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action.

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

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

Effect of the Bill: The bill amends s. 11.40, F.S., to provide that the Governor or his or her designee, or the Commissioner of Education or his or her designee, may also notify the Joint Legislative Auditing Committee that a local governmental entity has failed to comply with applicable auditing, financial reporting, bond issuance notification, bond verification provisions, or failed to disclose a financial emergency or provide information required during a financial emergency.

The bill amends s. 11.45, F.S., to define the terms “abuse,” “fraud,” and “waste” as follows:

- “Abuse” means behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary operational practice given the facts and circumstances. The term includes the misuse of authority or position for personal gain.
- “Fraud” means obtaining something of value through willful misrepresentation, including, but not limited to, the intentional misstatements or omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity’s assets, bribery, or the use of one’s position for personal enrichment through the deliberate misuse or misapplication of an organization’s resources.
- “Waste” means the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

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

The bill exempts water management districts from being subject to audits pursuant to s. 11.45(2)(j), F.S. The bill allows the Auditor General to conduct audits or other engagements of tourist development councils and county tourism promotion agencies. The bill also conforms the

³⁵ Section 218.38, F.S., requires notice of bond issuance and contains verification requirements.

³⁶ Section 218.503(3), F.S., requires those entities to disclose a financial emergency and provide certain information concerning a financial emergency.

Auditor General's reporting requirement to the President of the Senate, the Speaker of the House of Representatives, and the Department of Financial Services, by removing the obsolete reference to water management districts and replacing it with the phrase "local governmental entity."

Single Audit Act

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

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

Effect of the Bill: The bill amends s. 215.97, F.S., to change the audit threshold from \$500,000 to \$750,000. Additionally, the bill changes the requirement that the Auditor General review the threshold amount for requiring audits from every 2 years to "periodically." The term "periodically" is not defined in the bill. Finally, the bill authorizes the Auditor General to recommend to the Legislature a statutory change to revise the threshold amount in the annual report submitted pursuant to s. 11.45(7)(f), F.S.

Local Government Entity Annual Financial Reports

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

Additionally, the Department of Financial Services is required to file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Accountability Program

of the Department of Economic Opportunity showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report.³⁷

Effect of the Bill: The bill amends s. 218.32, F.S., to require an independent certified public accountant completing an audit of a unit of local government pursuant to s. 218.39, F.S., to determine, as part of the audit, whether or not the entity's annual financial report is in agreement with the audit report. The accountant's audit report must be supported by the same level of detail required for the annual financial report. If the reports are not in agreement, the bill requires the audit to specify the differences that exist between the annual financial report and the audit report.

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

Annual Financial Audit Reports

Present Situation: If certain types of governmental entities are not notified by the first day of the fiscal year that they will be audited by the Auditor General, those entities must have an annual financial audit performed by an independent certified public accountant completed within 9 months.³⁸ Section 218.39, F.S., lays out the minimum required information for the independent audits and provides for discussion between the governing body and the independent certified public accountant regarding certain specified conditions. If corrective action is required and has not been taken, the Legislative Auditing Committee can request a statement explaining why the corrective action has not been taken and provides for corrective steps including actions pursuant to s. 11.40(2), F.S.

Effect of the Bill: The bill amends s. 218.39, F.S., to provide that if the audit report contains a recommendation from the preceding financial audit report, the governing body, within 60 days, must indicate its intent regarding corrective action, the corrective action to be taken, and when the corrective action will occur. If the governing body does not intend to take any corrective action, it shall explain why such action will not be taken at the regularly scheduled public meeting.

Auditor Selection Procedures

Present Situation: Section 218.391, F.S., lays out the process that specified governmental entities³⁹ must follow in selecting its independent certified public accountant to act as an auditor. Noncharter counties are required to create a committee consisting of each of its elected county constitutional officers and one member of the board of county commissioners or their designee. Those entities must create an audit committee which must make a request for proposals. The law

³⁷ Section 218.32(2), F.S.

³⁸ Section 218.39, F.S.

³⁹ The entities are: the governing body of a charter county, municipality, special district, district school board, charter school, or charter technical career center.

lays out what must be considered in selecting the firm and discusses negotiating for compensation.

Effect of the Bill: The bill amends s. 218.391, F.S., to require all counties to have an auditor selection committee consisting of each of its officers elected pursuant to the county charter or Florida Constitution. The bill requires municipalities, special districts, district school boards, charter schools, or charter technical career centers to create an audit committee with at least three members, one of which must be a member of the governing body of the entity. That member will serve as the committee's chair. An employee, chief executive officer, or chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may not be a member of an audit committee established under this section.

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

The Florida Virtual School

Present Situation: The Florida Virtual School⁴⁰ was created to develop and deliver online and distance learning. The Commissioner of Education is charged with monitoring the Florida Virtual School. In pertinent part, the law requires the board of trustees to submit an annual report to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education. The report is required to address: operations and accomplishments of the Florida Virtual School within the state and those occurring outside the state as Florida Virtual School Global; marketing and operational plan for the Florida Virtual School and Florida Virtual School Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology; assets and liabilities of the Florida Virtual School and Florida Virtual School Global at the end of the fiscal year; a copy of an annual financial audit of the accounts and records of the Florida Virtual School and Florida Virtual School Global, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General; recommendations regarding the unit cost of providing services to students through the Florida Virtual School and Florida Virtual School Global; and, recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School and Florida Virtual School Global.⁴¹

The Auditor General is required to conduct an operational audit of the Florida Virtual School, including Florida Virtual School Global. The scope of the audit must include, but not be limited to, the administration of responsibilities relating to personnel; procurement and contracting; revenue production; school funds, including internal funds; student enrollment records; franchise agreements; information technology utilization, assets, and security; performance measures and

⁴⁰ Section 100.37, F.S.

⁴¹ Section 1002.37(6), F.S.

standards; and accountability. The final report on the audit shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2014.

Effect of the Bill: The bill amends s. 1002.37, F.S. to eliminate the requirement that the Auditor General conduct an operation audit and report to the President of the Senate and the Speaker of the House of Representatives by January 31, 2014. That provision is replaced with requiring the Florida Virtual School to have an annual financial audit of its accounts and records completed by an independent auditor who is a licensed certified public accountant. The independent auditor must conduct the audit in accordance with the rules adopted by the Auditor General governing such audits. The audit report is required to include a written statement of the board of trustees describing corrective action to be taken in response to each of the independent auditor's recommendations. Upon completion of the audits, the independent auditor is required to submit an audit report to the board of trustees and the Auditor General no later than 9 months after the end of the prior fiscal year. The bill also makes conforming changes to the annual report provided to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education, by requiring a copy of the audit report be submitted with the annual statement.

Required Audits of Certain Educational Institutions

Present Situation: Section 1010.30(1), F.S., provides that school districts, Florida College System institutions, and other institutions and agencies under the supervision of the State Board of Education and state universities under the supervision of the Board of Governors are subject to the audit provisions of ss. 11.45 and 218.39, F.S. If an audit contains a significant finding, the district school board, the Florida College System institution board of trustees, or the university board of trustees shall conduct an audit overview during a public meeting.⁴²

Effect of the Bill: The bill amends s. 1010.30, F.S., to require that if any audit report includes a recommendation that was previously included in the preceding financial audit report, the district school board, the Florida College System institution board of trustees, or the university board of trustees, must indicate its intent regarding corrective action, the corrective action to be taken, and when the corrective action will occur within 60 days after the delivery of the audit report. This response must occur during a regularly scheduled public meeting. If the district school board, Florida College System institution board of trustees, or university board of trustees does not intend to take corrective action, it shall explain why such action will not be taken at the regularly scheduled public meeting.

Other Provisions

Florida Clerk of Courts Corporation

Present Situation: Currently, s. 28.35, F.S., requires the Florida Clerk of Courts Corporation to develop and certify a uniform system of workload measures and applicable workload standards for court-related functions as developed by the corporation and clerk workload performance in meeting the workload performance standards. These workload measures and workload performance standards must be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management,

⁴² Section 1010.30(2), F.S.

operational efficiency, and effective collection of fines, fees, service charges, and court costs. The corporation shall develop the workload measures and workload performance standards in consultation with the Legislature. When the corporation finds a clerk has not met the workload performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. The corporation shall notify the Legislature of any clerk not meeting workload performance standards and provide a copy of any corrective action plans.

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

Transparency in Government Spending

Present Situation: The Transparency Florida Act, located in s. 215.985, F.S., requires the Governor, in consultation with the appropriations committees of the House and Senate, to maintain a central website providing access to all other websites required to be linked under the Act. That law requires certain budget information to be readily available online, certain contract information, and minimum functionality standards. In pertinent part, s. 215.985(11), F.S., requires: “Each water management district shall provide a monthly financial statement to its governing board and make such statement available for public access on its website.”

Effect of the Bill: The bill amends s. 215.985, F.S., to require the monthly financial statement to be in the form and manner prescribed by the Department of Financial Services to the district’s governing board and make such monthly financial statement available to the public on its website.

Financial Emergencies

Present Situation: Local governmental entities, charter schools, charter technical career centers, and district school boards are subject to review and oversight by the Governor, the charter school sponsor, the charter technical career center sponsor, or the Commissioner of Education, as appropriate, under certain circumstances.⁴³ If a financial emergency occurs, the Governor or the Commissioner of Education must contact the entity to determine what steps have been taken to rectify, resolve, or prevent the financial emergency. Any information requested must be provided within 45 days. If the local governmental entity or the district school board does not comply with the request, the Governor or Commissioner of Education must notify the *members* of the Legislative Auditing Committee who may take action pursuant to s. 11.40, F.S. The Governor or the Commissioner of Education must then determine whether the entity needs state assistance. If so, the entity is considered to be in a state of financial emergency. The Governor or the Commissioner of Education then has the authority to take steps to resolve the financial emergency.⁴⁴

⁴³ Section 218.503(1), F.S.

⁴⁴ Section 218.503(3), F.S.

Effect of the Bill: The bill amends s. 218.503, F.S., to provide that the Governor, or his or her designee, or the Commissioner of Education, or his or her designee, must notify the Legislative Auditing Committee instead of notifying the members of the Legislative Auditing Committee.

Reasonable Opportunity to be Heard at Public Meetings

Present Situation: Section 286.0114, F.S., requires, with certain exceptions, that the public be provided a reasonable opportunity to be heard. That Section prescribes the general process and permits entities to prescribe how public comment is made and certain reasonable limitations. The law also provides for the availability of attorney fees.

Effect of the Bill: The bill amends s. 286.0114, F.S., to clarify that a member of the public is not required to provide an advance written copy of his or her testimony or comments as a precondition to being given the opportunity to be heard.

Directory

Section 1 amends s. 11.40, F.S., relating to the Legislative Auditing Committee.

Section 2 amends s. 11.45, F.S., relating to definitions, duties, authorities, reports, and rules of the Auditor General.

Section 3 creates s. 20.602, F.S., relating to standards of conduct; officers and board members of DEO corporate entities.

Section 4 amends s. 28.35, F.S., relating to the Florida Clerks of Court Operations Corporation.

Section 5 amends s. 43.16, F.S., relating to the Justice Administrative Commission.

Section 6 creates s. 112.3126, F.S., relating to employment restrictions for legislators.

Section 7 amends s. 112.313, F.S., relating to standards of conduct for public officers, employees of agencies, and local government attorneys.

Section 8 amends s. 112.3144, F.S., relating to full and public disclosure of financial interests.

Section 9 specifies that the changes made to s. 112.3144, F.S., apply to disclosures filed for the 2016 calendar year and all subsequent calendar years.

Section 10 amends s. 112.31455, F.S., relating to collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests.

Section 11 amends s. 112.3261, F.S., relating to lobbying before water management districts; registration and reporting.

Section 12 amends s. 129.03, F.S., relating to preparation and adoption of county budgets.

Section 13 amends s. 129.06, F.S., relating to execution and amendment of county budgets.

Section 14 amends s. 166.241, F.S., relating to fiscal years, budgets, and budget amendments for municipalities.

Section 15 amends s. 189.016, F.S., relating to reports, budgets, and audits for special districts.

Section 16 amends s. 215.425, F.S., relating to extra compensation claims prohibited; bonuses; severance pay.

Section 17 amends s. 215.86, F.S., relating to management systems and controls for state agencies and the judicial branch.

Section 18 amends s. 215.97, F.S., relating to the Florida Single Audit Act.

Section 19 amends s. 215.985, F.S., relating to transparency in government spending.

Section 20 amends s. 218.32, F.S., relating to annual financial reports for local governmental entities.

Section 21 amends s. 218.33, F.S., relating to local governmental entities; establishment of uniform fiscal years and accounting practices and procedures.

Section 22 amends s. 218.39, F.S., relating to annual financial audit reports.

Section 23 amends s. 218.391, F.S., relating to auditor selection procedures.

Section 24 amends s. 286.0114, F.S., relating to public meetings; reasonable opportunity to be heard; attorney fees.

Section 25 amends s. 288.92, F.S., relating to divisions of Enterprise Florida, Inc.

Section 26 amends s. 288.9604, F.S., relating to creation of the Florida Development Finance Corporation.

Section 27 amends s. 373.536, F.S., relating to water management district budget and hearing thereon.

Section 28 amends s. 838.014, F.S., relating to definitions.

Section 29 amends s. 838.015, F.S., relating to bribery.

Section 30 amends s. 838.016, F.S., relating to unlawful compensation or reward for official behavior.

Section 31 amends s. 838.022, F.S., relating to official misconduct.

Section 32 amends s. 838.22, F.S., relating to bid tampering.

Section 33 amends s. 1001.42, F.S., relating to powers and duties of district school boards.

Section 34 amends s. 1002.33, F.S., relating to charter schools.

Section 35 amends s. 1002.37, F.S., relating to the Florida Virtual School.

Section 36 amends s. 1010.01, F.S., relating to uniform records and accounts.

Section 37 amends s. 1010.30, F.S., relating to audits required.

Section 38 amends s. 99.061, F.S., relating to method of qualifying for nomination or election to federal, state, county, or district office.

Section 39 amends s. 218.503, F.S., relating to determination of financial emergency.

Section 40 amends s. 1002.455, F.S., relating to student eligibility for K-12 instruction, to incorporate by reference revisions made to s. 1002.37, F.S., in this act.

Section 41 amends s. 112.534, F.S., relating to failure to comply; official misconduct, to incorporate by reference revisions made to s. 838.022, F.S., in this act.

Section 42 amends s. 117.01, F.S., relating to appointment, application, suspension, revocation, application fee, bond, and oath for a notary public, to incorporate by reference revisions made to s. 838.022, F.S.

Section 43 amends s. 817.568, F.S., relating to criminal use of personal identification information, to incorporate by reference revisions made to s. 838.014, F.S., in this act.

Section 44 reenacts s. 921.0022(3)(g), F.S., relating to criminal punishment code; offense severity ranking chart, to incorporate by reference revisions made to ss. 838.015, 838.016, and 838.22, F.S., in this act.

Section 45 reenacts s. 921.0022(3)(d), F.S., relating to criminal punishment code; offense severity ranking chart, to incorporate by reference revisions made to s. 838.022, F.S., in this act.

Section 46 authorizes the Commission on Ethics, as provided in s. 112.322(3), F.S., to render advisory opinions to any public officer, candidate for public office, or public employee regarding application of code of ethics for public officers and employees, including amendments made by this act, for public officers and employees.

Section 47 provides legislative intent and declares that the act fulfills an important state interest.

Section 48 provides an effective date of October 1, 2016.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The county/municipality mandates provision of Art. VII, s. 18 of the State Constitution may apply because the bill requires county and municipal governments to establish and maintain specified internal controls. An exemption may apply if the bill results in an insignificant fiscal impact to county or municipal governments. An exception also may apply because similarly situated persons are all required to comply and the bill articulates a threshold finding of serving an important state interest (section 47 of the bill).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill requires members of the public to register as a lobbyist when lobbying a specified unit of local government. Current law authorizes a fee for each registration, which may not exceed \$40.

C. Government Sector Impact:

The bill requires state agencies, the judicial branch, local governments, district school boards, charter schools, school districts, state colleges and universities, and the Justice Administration Commission to establish specified internal controls. Such requirement may require additional time and expense to create the internal controls.

The bill amends provisions related to the prohibition against extra compensation. It requires investigations of allegations and repayment of any prohibited compensation.

VI. Technical Deficiencies:

Sections 21, 33, 34, and 36 reference compliance with best practices for establishing and maintaining internal controls to prevent fraud, waste, and abuse. Section 17 deletes “best practices” in the amendment to s. 215.86, F.S. It is unclear whether or not this term should be included in the other referenced sections.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates sections 20.602 and 112.3126 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 11.40, 11.45, 28.35, 43.16, 112.313, 112.3144, 112.31455, 112.3261, 129.03, 129.06, 166.241, 189.016, 215.425, 215.86, 215.97, 215.985, 218.32, 218.33, 218.39, 218.391, 286.0114, 288.92, 288.9604, 373.536, 838.014, 838.015, 838.016, 838.022, 838.22, 1001.42, 1002.33, 1002.37, 1010.01, 1010.30, 99.061, 218.503, 1002.455, and 817.568.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS/CS by Governmental Oversight and Accountability on February 9, 2016:

- Deletes provisions in CS regarding previous title of bill, legislative branch lobbying, executive branch lobbying, and investigations by the Commission on Ethics;
- Deletes provision in CS regarding electronic filing of compensation reports and other information;
- Revises provisions regarding employment of members of the Legislature;
- Revises the definition of “public contractor;”
- Deletes the provisions in CS expanding the offenses of bribery and unlawful compensation or reward for official behavior to include public contractors;
- Deletes provision in CS renaming bid tampering offense as unlawful influence of the competitive solicitation process;
- Deletes provision in CS regarding compliance with best practices for state agencies and judicial branch for internal controls to prevent fraud, waste, and abuse;
- Authorizes district school board members to visit schools, observe the management and instruction, give suggestions for improvement, and advise citizens with the view of promoting interest in education and improving the school;
- Revises the definition of “public funds” for extra compensation claims;
- Deletes various provisions regarding rewards and prosecution of extra compensation payments;
- Revises notification and consideration requirements for employees who meet criteria for a bonus scheme;
- Requires a unit of government or state university to consider various factors in determining amount of severance pay and provides existence of contract does not limit application of this provision;
- Deletes provisions in CS regarding false claims against the state and civil actions for false claims;

- Amends ss. 112.534 and 117.01, F.S., relating to failure to comply; official misconduct, and regulation of notary publics, respectively, to incorporate by reference revisions made by this act;
- Reenacts s. 921.022(3)(d), F.S., relating to criminal punishment code; offense severity chart, to incorporate by reference revisions made by this act; and
- Authorizes the Commission on Ethics to render advisory opinions to any public officer, candidate for public office, or public employee regarding application of code of ethics for public officers and employees.

CS by Ethics and Elections on January 12, 2016:

CS/SB 686 differs from the original bill in that it:

- Requires legislative branch lobbyists to file a monthly report detailing which bills or appropriations that they have attempted to support, oppose, or influence;
- Authorizes fines of \$50 per day up to a maximum of \$5,000 for failing to timely file the monthly reports and provides grounds for waiving the fines;
- Prohibits lobbying the Department of Economic Opportunity and its various divisions, units and corporations (including the Florida Development Finance Corporation) for a period of 2 years instead of 6 years;
- Prohibits legislators from accepting certain employment while in office;
- Authorizes the Commission on Ethics to initiate investigations under certain circumstances by a super-majority vote;
- Clarifies which sources of funds are permissible to use to pay additional compensation or severance pay in excess of those authorized by statute to public employees;
- Defines “public contractor” and removes the definition of “nongovernmental entity” from the bill in s. 838.014, F.S.; and
- Applies the offenses of bribery, unlawful compensation or reward for official behavior, official misconduct, and unlawful influence in the competitive solicitation process to “public contractors.”

B. Amendments:

None.



933068

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/10/2016	.	
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The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

11.045 Lobbying before the Legislature; registration and



933068

11 reporting; exemptions; penalties.-

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

13 1. "Lobbying activities" means any action designed to
14 support, oppose, or influence proposed legislation or proposed
15 legislative action. The term includes, but is not limited to,
16 any verbal, written, or electronic communication with any
17 legislator or legislative employee undertaken for the purpose of
18 directly or indirectly supporting, opposing, or influencing
19 legislation or requesting proposed legislation to be filed.

20 2. "Proposed legislation" includes, but is not limited to,
21 policies, ideas, issues, concepts, or statutory language that is
22 presently, or may at some future point be, reflected in or
23 impacted by a bill, a memorial, a resolution, a compact, or an
24 appropriation.

25 3. "Proposed legislative action" means any action by a
26 constituent entity of the Legislature, including, but not
27 limited to, the houses of the Legislature, a joint office, and a
28 joint committee.

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

32 1. The full name, business address, and telephone number of
33 the lobbying firm.

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

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

37 a. The proposed legislation or proposed legislative action
38 that the lobbying firm has attempted to support, oppose, or
39 influence;



933068

40 b. The entity lobbied;
41 c. Each principal on behalf of whom the lobbying firm has
42 acted; and
43 d. If the proposed legislation included an appropriation or
44 was an appropriation, the intended recipient of the
45 appropriation.
46 (c) For purposes of the reporting requirement provided in
47 this subsection, the reports must identify proposed legislation
48 by referencing any legislatively assigned identifying numbers,
49 including, but not limited to, bill numbers, amendment barcode
50 numbers, or specific appropriation numbers. If the proposed
51 legislation does not have an identifying number assigned, the
52 report must include a description of the subject matter of the
53 proposed legislation, whether the lobbying firm is supporting or
54 opposing the proposed legislation and, if seeking to modify the
55 proposed legislation, how the lobbying firm's modification would
56 alter the proposal.
57 (d) The reports shall be filed even if the reporting
58 lobbying firm did not engage in any lobbying activities
59 requiring disclosure, in which the report shall be marked "not
60 applicable."
61 (e) The reports shall be filed with the office by
62 electronic means no later than 7 business days after the end of
63 the preceding month. The reports shall be rendered in the
64 identical form provided by the respective houses and shall be
65 open to public inspection.
66 (f) Each house of the Legislature shall provide by rule, or
67 both houses may provide by joint rule, a procedure by which a
68 lobbying firm that fails to timely file a report is notified and



933068

69 assessed fines. The rule must provide the following:

70 1. Upon determining that the report is late, the person
71 designated to review the timeliness of reports shall immediately
72 notify the lobbying firm as to the failure to timely file the
73 report and that a fine is being assessed for each late day. The
74 fine shall be \$50 per day per report for each late day, not to
75 exceed \$5,000 per report.

76 2. Upon receipt of the report, the person designated to
77 review the timeliness of reports shall determine the amount of
78 the fine due based upon when a report is actually received by
79 the office.

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

84 4. A fine may not be assessed against a lobbying firm the
85 first time any reports for which the lobbying firm is
86 responsible are not timely filed. However, to receive the one-
87 time fine waiver, all reports for which the lobbying firm is
88 responsible must be filed within 30 days after notice that any
89 reports have not been timely filed is transmitted by the
90 Lobbyist Registration Office. A fine shall be assessed for any
91 subsequent late-filed reports.

92 5. Any lobbying firm may appeal or dispute a fine, based
93 upon unusual circumstances surrounding the failure to file on
94 the designated due date, and may request and is entitled to a
95 hearing before the General Counsel of the Office of Legislative
96 Services, who shall recommend to the President of the Senate and
97 the Speaker of the House of Representatives, or their respective



933068

98 designees, that the fine be waived in whole or in part for good
99 cause shown. The President of the Senate and the Speaker of the
100 House of Representatives, or their respective designees, may
101 concur in the recommendation and waive the fine in whole or in
102 part. Any such request must be made within 30 days after the
103 notice of payment due is transmitted by the office. In such
104 case, the lobbying firm shall, within the 30-day period, notify
105 the person designated to review the timeliness of reports in
106 writing of his or her intention to request a hearing.

107 6. A lobbying firm may request that the filing of a report
108 be waived upon good cause shown, based on unusual circumstances.
109 The request must be filed with the General Counsel of the Office
110 of Legislative Services, who shall make a recommendation
111 concerning the waiver request to the President of the Senate and
112 the Speaker of the House of Representatives. The President of
113 the Senate and the Speaker of the House of Representatives may
114 grant or deny the request.

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

120 8. The person designated to review the timeliness of
121 reports shall notify the coordinator of the office of the
122 failure of a lobbying firm to file a report after notice or of
123 the failure of a lobbying firm to pay the fine imposed.

124 (9) ~~(8)~~ Any person required to be registered or to provide
125 information pursuant to this section or pursuant to rules
126 established in conformity with this section who knowingly fails



933068

127 to disclose any material fact required by this section or by
128 rules established in conformity with this section, or who
129 knowingly provides false information on any report required by
130 this section or by rules established in conformity with this
131 section, commits a noncriminal infraction, punishable by a fine
132 not to exceed \$5,000. Such penalty shall be in addition to any
133 other penalty assessed by a house of the Legislature pursuant to
134 subsection (8) ~~(7)~~.

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

137 11.40 Legislative Auditing Committee.-

138 (2) Following notification by the Auditor General, the
139 Department of Financial Services, ~~or~~ the Division of Bond
140 Finance of the State Board of Administration, the Governor or
141 his or her designee, or the Commissioner of Education or his or
142 her designee of the failure of a local governmental entity,
143 district school board, charter school, or charter technical
144 career center to comply with the applicable provisions within s.
145 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
146 Legislative Auditing Committee may schedule a hearing to
147 determine if the entity should be subject to further state
148 action. If the committee determines that the entity should be
149 subject to further state action, the committee shall:

150 (a) In the case of a local governmental entity or district
151 school board, direct the Department of Revenue and the
152 Department of Financial Services to withhold any funds not
153 pledged for bond debt service satisfaction which are payable to
154 such entity until the entity complies with the law. The
155 committee shall specify the date that such action must ~~shall~~



933068

156 begin, and the directive must be received by the Department of
157 Revenue and the Department of Financial Services 30 days before
158 the date of the distribution mandated by law. The Department of
159 Revenue and the Department of Financial Services may implement
160 ~~the provisions of~~ this paragraph.

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

162 1. A special act, notify the President of the Senate, the
163 Speaker of the House of Representatives, the standing committees
164 of the Senate and the House of Representatives charged with
165 special district oversight as determined by the presiding
166 officers of each respective chamber, the legislators who
167 represent a portion of the geographical jurisdiction of the
168 special district pursuant to s. 189.034(2), and the Department
169 of Economic Opportunity that the special district has failed to
170 comply with the law. Upon receipt of notification, the
171 Department of Economic Opportunity shall proceed pursuant to s.
172 189.062 or s. 189.067. If the special district remains in
173 noncompliance after the process set forth in s. 189.034(3), or
174 if a public hearing is not held, the Legislative Auditing
175 Committee may request the department to proceed pursuant to s.
176 189.067(3).

177 2. A local ordinance, notify the chair or equivalent of the
178 local general-purpose government pursuant to s. 189.035(2) and
179 the Department of Economic Opportunity that the special district
180 has failed to comply with the law. Upon receipt of notification,
181 the department shall proceed pursuant to s. 189.062 or s.
182 189.067. If the special district remains in noncompliance after
183 the process set forth in s. 189.034(3), or if a public hearing
184 is not held, the Legislative Auditing Committee may request the



933068

185 department to proceed pursuant to s. 189.067(3).

186 3. Any manner other than a special act or local ordinance,
187 notify the Department of Economic Opportunity that the special
188 district has failed to comply with the law. Upon receipt of
189 notification, the department shall proceed pursuant to s.
190 189.062 or s. 189.067(3).

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

194 Section 3. Subsection (1), paragraph (j) of subsection (2),
195 paragraph (u) of subsection (3), and paragraph (i) of subsection
196 (7) of section 11.45, Florida Statutes, are amended, and
197 paragraph (x) is added to subsection (3) of that section, to
198 read:

199 11.45 Definitions; duties; authorities; reports; rules.—

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

201 (a) "Abuse" means behavior that is deficient or improper
202 when compared with behavior that a prudent person would consider
203 a reasonable and necessary operational practice given the facts
204 and circumstances. The term includes the misuse of authority or
205 position for personal gain.

206 (b) ~~(a)~~ "Audit" means a financial audit, operational audit,
207 or performance audit.

208 (c) ~~(b)~~ "County agency" means a board of county
209 commissioners or other legislative and governing body of a
210 county, however styled, including that of a consolidated or
211 metropolitan government, a clerk of the circuit court, a
212 separate or ex officio clerk of the county court, a sheriff, a
213 property appraiser, a tax collector, a supervisor of elections,



933068

214 or any other officer in whom any portion of the fiscal duties of
215 a body or officer expressly stated in this paragraph are ~~the~~
216 above are under law separately placed by law.

217 (d)(e) "Financial audit" means an examination of financial
218 statements in order to express an opinion on the fairness with
219 which they are presented in conformity with generally accepted
220 accounting principles and an examination to determine whether
221 operations are properly conducted in accordance with legal and
222 regulatory requirements. Financial audits must be conducted in
223 accordance with auditing standards generally accepted in the
224 United States and government auditing standards as adopted by
225 the Board of Accountancy. When applicable, the scope of
226 financial audits must ~~shall~~ encompass the additional activities
227 necessary to establish compliance with the Single Audit Act
228 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
229 applicable federal law.

230 (e) "Fraud" means obtaining something of value through
231 willful misrepresentation, including, but not limited to, the
232 intentional misstatements or omissions of amounts or disclosures
233 in financial statements to deceive users of financial
234 statements, theft of an entity's assets, bribery, or the use of
235 one's position for personal enrichment through the deliberate
236 misuse or misapplication of an organization's resources.

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

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



933068

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

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

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

261 (j) ~~(h)~~ "Performance audit" means an examination of a
262 program, activity, or function of a governmental entity,
263 conducted in accordance with applicable government auditing
264 standards or auditing and evaluation standards of other
265 appropriate authoritative bodies. The term includes an
266 examination of issues related to:

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

268 2. Structure or design of the program to accomplish its
269 goals and objectives.

270 3. Adequacy of the program to meet the needs identified by
271 the Legislature or governing body.



933068

272 4. Alternative methods of providing program services or
273 products.

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

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

278 7. Compliance of the program with appropriate policies,
279 rules, or laws.

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

282 (k)~~(i)~~ "Political subdivision" means a separate agency or
283 unit of local government created or established by law and
284 includes, but is not limited to, the following and the officers
285 thereof: authority, board, branch, bureau, city, commission,
286 consolidated government, county, department, district,
287 institution, metropolitan government, municipality, office,
288 officer, public corporation, town, or village.

289 (l)~~(j)~~ "State agency" means a separate agency or unit of
290 state government created or established by law and includes, but
291 is not limited to, the following and the officers thereof:
292 authority, board, branch, bureau, commission, department,
293 division, institution, office, officer, or public corporation,
294 as the case may be, except any such agency or unit within the
295 legislative branch of state government other than the Florida
296 Public Service Commission.

297 (m) "Waste" means the act of using or expending resources
298 unreasonably, carelessly, extravagantly, or for no useful
299 purpose.

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



933068

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

314
315 The Auditor General shall perform his or her duties
316 independently but under the general policies established by the
317 Legislative Auditing Committee. This subsection does not limit
318 the Auditor General's discretionary authority to conduct other
319 audits or engagements of governmental entities as authorized in
320 subsection (3).

321 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
322 General may, pursuant to his or her own authority, or at the
323 direction of the Legislative Auditing Committee, conduct audits
324 or other engagements as determined appropriate by the Auditor
325 General of:

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

327 (x) Tourist development councils and county tourism
328 promotion agencies.

329 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—



933068

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

340 Section 4. Section 20.602, Florida Statutes, is created to
341 read:

342 20.602 Standards of conduct; officers and board members of
343 Department of Economic Opportunity corporate entities.-

344 (1) The following officers and board members are subject to
345 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
346 112.3143(2):

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

348 1. Any corporation created under chapter 288;

349 2. Space Florida;

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

352 4. The Florida Housing Finance Corporation; or

353 5. Any other corporation created by the Department of
354 Economic Opportunity in accordance with its powers and duties
355 under s. 20.60.

356 (b) Officers and members of the board of directors of a
357 corporate parent or subsidiary corporation of a corporation
358 described in paragraph (a).



933068

359 (c) Officers and members of the board of directors of a
360 corporation created to carry out the missions of a corporation
361 described in paragraph (a).

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

365 (2) For purposes of applying ss. 112.313(1)-(8), (10),
366 (12), and (15); 112.3135; and 112.3143(2) to activities of the
367 officers and members of the board of directors specified in
368 subsection (1), those persons shall be considered public
369 officers or employees and the corporation shall be considered
370 their agency.

371 (3) For a period of 2 years after retirement from or
372 termination of service, or for a period of 10 years if removed
373 or terminated for cause or for misconduct, as defined in s.
374 443.036(29), an officer or a member of the board of directors
375 specified in subsection (1) may not represent another person or
376 entity for compensation before:

377 (a) His or her corporation;

378 (b) A division, a subsidiary, or the board of directors of
379 a corporation created to carry out the mission of his or her
380 corporation; or

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

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

387 Section 5. Paragraph (d) of subsection (2) of section



933068

388 28.35, Florida Statutes, is amended to read:

389 28.35 Florida Clerks of Court Operations Corporation.—

390 (2) The duties of the corporation shall include the
391 following:

392 (d) Developing and certifying a uniform system of workload
393 measures and applicable workload standards for court-related
394 functions as developed by the corporation and clerk workload
395 performance in meeting the workload performance standards. These
396 workload measures and workload performance standards shall be
397 designed to facilitate an objective determination of the
398 performance of each clerk in accordance with minimum standards
399 for fiscal management, operational efficiency, and effective
400 collection of fines, fees, service charges, and court costs. The
401 corporation shall develop the workload measures and workload
402 performance standards in consultation with the Legislature. When
403 the corporation finds a clerk has not met the workload
404 performance standards, the corporation shall identify the nature
405 of each deficiency and any corrective action recommended and
406 taken by the affected clerk of the court. For quarterly periods
407 ending on the last day of March, June, September, and December
408 of each year, the corporation shall notify the Legislature of
409 any clerk not meeting workload performance standards and provide
410 a copy of any corrective action plans. Such notifications shall
411 be submitted no later than 45 days after the end of the
412 preceding quarterly period. As used in this subsection, the
413 term:

414 1. "Workload measures" means the measurement of the
415 activities and frequency of the work required for the clerk to
416 adequately perform the court-related duties of the office as



933068

417 defined by the membership of the Florida Clerks of Court
418 Operations Corporation.

419 2. "Workload performance standards" means the standards
420 developed to measure the timeliness and effectiveness of the
421 activities that are accomplished by the clerk in the performance
422 of the court-related duties of the office as defined by the
423 membership of the Florida Clerks of Court Operations
424 Corporation.

425 Section 6. Present subsections (6) and (7) of section
426 43.16, Florida Statutes, are redesignated as subsections (7) and
427 (8), respectively, and a new subsection (6) is added to that
428 section, to read:

429 43.16 Justice Administrative Commission; membership, powers
430 and duties.—

431 (6) The commission, each state attorney, each public
432 defender, the criminal conflict and civil regional counsel, the
433 capital collateral regional counsel, and the Guardian Ad Litem
434 Program shall establish and maintain internal controls designed
435 to:

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

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

439 (c) Support economical and efficient operations.

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

441 (e) Safeguard assets.

442 Section 7. Section 112.3126, Florida Statutes, is created
443 to read:

444 112.3126 Employment restrictions; legislators.—

445 (1) As used in this section, the term "private entity"



933068

446 means any nongovernmental entity, such as a corporation,
447 partnership, company or nonprofit organization, any other legal
448 entity, or any natural person.

449 (2) (a) A member of, or candidate for, the Legislature may
450 not accept employment with a private entity that directly
451 receives funding through state revenues appropriated by the
452 General Appropriations Act if he or she knows, or with the
453 exercise of reasonable care should know, that the position is
454 being offered by the employer for the purpose of gaining
455 influence or other advantage based on the legislator's office or
456 candidacy. Any employment with a private entity that directly
457 receives funding through state revenues appropriated by the
458 General Appropriations Act accepted by a member or candidate
459 must meet all of the following conditions:

460 1. The position was already in existence or was created by
461 the employer without the knowledge or anticipation of the
462 legislator's interest in such position;

463 2. The position was open to other applicants;

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

466 4. The legislator meets or exceeds the required
467 qualifications for the position.

468 (b) A member of the Legislature who is employed by such
469 private entity before his or her legislative service begins may
470 continue his or her employment. However, he or she may not
471 accept promotion, advancement, additional compensation, or
472 anything of value that he or she knows, or with the exercise of
473 reasonable care should know, is provided or given to influence
474 or attempt to influence his or her legislative office, or that



933068

475 is otherwise inconsistent with the promotion, advancement,
476 additional compensation, or anything of value provided or given
477 an employee who is similarly situated.

478 Section 8. Subsection (7) of section 112.313, Florida
479 Statutes, is amended to read:

480 112.313 Standards of conduct for public officers, employees
481 of agencies, and local government attorneys.—

482 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

483 (a) A ~~No~~ public officer or employee of an agency may not
484 ~~shall~~ have or hold any employment or contractual relationship
485 with any business entity or any agency that ~~which~~ is subject to
486 the regulation of, or is doing business with, an agency of which
487 he or she is an officer or employee, excluding those
488 organizations and their officers who, when acting in their
489 official capacity, enter into or negotiate a collective
490 bargaining contract with the state or any municipality, county,
491 or other political subdivision of the state; and ~~nor shall~~ an
492 officer or employee of an agency may not have or hold any
493 employment or contractual relationship that will create a
494 continuing or frequently recurring conflict between his or her
495 private interests and the performance of his or her public
496 duties or that would impede the full and faithful discharge of
497 his or her public duties. For purposes of this subsection, if a
498 public officer or employee of an agency holds a controlling
499 interest in a business entity or is an officer, a director, or a
500 member who manages such an entity, contractual relationships
501 held by the business entity are deemed to be held by the public
502 officer or employee.

503 1. When the agency referred to is a ~~that certain kind of~~



933068

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

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

524 (b) This subsection does ~~shall~~ not prohibit a public
525 officer or employee from practicing in a particular profession
526 or occupation when such practice by persons holding such public
527 office or employment is required or permitted by law or
528 ordinance.

529 Section 9. Subsections (1) and (2) of section 112.3144,
530 Florida Statutes, are amended to read:

531 112.3144 Full and public disclosure of financial
532 interests.-



933068

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

545 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
546 ~~the State Constitution,~~ to file a full and public disclosure of
547 financial interests and who has filed a full and public
548 disclosure of financial interests for any calendar or fiscal
549 year is shall not ~~be~~ required to file a statement of financial
550 interests pursuant to s. 112.3145(2) and (3) for the same year
551 or for any part thereof notwithstanding any requirement of this
552 part. If an incumbent in an elective office has filed the full
553 and public disclosure of financial interests to qualify for
554 election to the same office or if a candidate for office holds
555 another office subject to the annual filing requirement, the
556 qualifying officer shall forward an electronic copy of the full
557 and public disclosure of financial interests to the commission
558 no later than July 1. The electronic copy of the full and public
559 disclosure of financial interests satisfies the annual
560 disclosure requirement of this section. A candidate who does not
561 qualify until after the annual full and public disclosure of



933068

562 financial interests has been filed pursuant to this section
563 shall file a copy of his or her disclosure with the officer
564 before whom he or she qualifies.

565 Section 10. The amendment made to s. 112.3144, Florida
566 Statutes, by this act applies to disclosures filed for the 2016
567 calendar year and all subsequent calendar years.

568 Section 11. Subsection (1) of section 112.31455, Florida
569 Statutes, is amended to read:

570 112.31455 Collection methods for unpaid automatic fines for
571 failure to timely file disclosure of financial interests.-

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

581 (a) After receipt and verification of the notice from the
582 commission, the Chief Financial Officer or the governing body of
583 the county, municipality, school district, or special district
584 shall begin withholding the lesser of 10 percent or the maximum
585 amount allowed under federal law from any salary-related
586 payment. The withheld payments shall be remitted to the
587 commission until the fine is satisfied.

588 (b) The Chief Financial Officer or the governing body of
589 the county, municipality, school district, or special district
590 may retain an amount of each withheld payment, as provided in s.



933068

591 77.0305, to cover the administrative costs incurred under this
592 section.

593 Section 12. Present subsections (7) through (15) of section
594 112.3215, Florida Statutes, are renumbered as subsections (8)
595 through (16), respectively, a new subsection (7) is added to
596 that section, and paragraph (a) of present subsection (8) and
597 present subsection (11) of that section are amended, to read:

598 112.3215 Lobbying before the executive branch or the
599 Constitution Revision Commission; registration and reporting;
600 investigation by commission.—

601 (7) If a lobbying firm lobbies the Governor to approve or
602 veto any bill passed by the Legislature or a specific
603 appropriation in the General Appropriations Act, the lobbying
604 firm must file a monthly report disclosing such activity with
605 the commission.

606 (a) The monthly report must contain the same information
607 required under s. 11.045(5). The reports must be filed with the
608 commission no later than 7 business days after the end of the
609 preceding month. A lobbying firm may satisfy the filing
610 requirements of this subsection by using the form used under s.
611 11.045(5).

612 (b) The reports shall be filed even if the reporting
613 lobbying firm did not engage in any lobbying activities
614 requiring disclosure, in which the report shall be marked "not
615 applicable."

616 (c) The commission shall provide by rule the grounds for
617 waiving a fine, the procedures by which a lobbying firm that
618 fails to timely file a report shall be notified and assessed
619 finances, and the procedure for appealing the fines. The rule shall



933068

620 provide for the following:

621 1. Upon determining that the report is late, the person
622 designated to review the timeliness of reports shall immediately
623 notify the lobbying firm as to the failure to timely file the
624 report and that a fine is being assessed for each late day. The
625 fine shall be \$50 per day per report for each late day up to a
626 maximum of \$5,000 per late report.

627 2. Upon receipt of the report, the person designated to
628 review the timeliness of reports shall determine the amount of
629 the fine due based upon when a report is actually received by
630 the commission.

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

635 4. A fine may not be assessed against a lobbying firm the
636 first time any reports for which the lobbying firm is
637 responsible are not timely filed. However, to receive the one-
638 time fine waiver, all reports for which the lobbying firm is
639 responsible must be filed within 30 days after the notice that
640 any reports have not been timely filed is transmitted by the
641 commission. A fine shall be assessed for any subsequent late-
642 filed reports.

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



933068

649 notice of payment due is transmitted by the commission. In such
650 case, the lobbying firm shall, within the 30-day period, notify
651 the person designated to review the timeliness of reports in
652 writing of his or her intention to bring the matter before the
653 commission.

654 6. The person designated to review the timeliness of
655 reports shall notify the commission of the failure of a lobbying
656 firm to file a report after notice or of the failure of a
657 lobbying firm to pay the fine imposed. All lobbyist
658 registrations for lobbyists who are partners, owners, officers,
659 or employees of a lobbying firm that fails to timely pay a fine
660 are automatically suspended until the fine is paid or waived,
661 and the commission shall promptly notify all affected principals
662 of each suspension and each reinstatement.

663 7. Notwithstanding any provision of chapter 120, any fine
664 imposed under this subsection that is not waived by final order
665 of the commission and that remains unpaid more than 60 days
666 after the notice of payment due or more than 60 days after the
667 commission renders a final order on the lobbying firm's appeal
668 shall be collected by the Department of Financial Services as a
669 claim, debt, or other obligation owed to the state, and the
670 department may assign the collection of such fine to a
671 collection agent as provided in s. 17.20.

672 (9) (a) ~~(8) (a)~~ The commission shall investigate every sworn
673 complaint that is filed with it alleging that a person covered
674 by this section has failed to register, has failed to submit a
675 compensation report, has made a prohibited expenditure, has
676 failed to file a report required by subsection (7), or has
677 knowingly submitted false information in any report or



933068

678 registration required in this section.

679 (12)~~(11)~~ Any person who is required to be registered or to
680 provide information under this section or under rules adopted
681 pursuant to this section and who knowingly fails to disclose any
682 material fact that is required by this section or by rules
683 adopted pursuant to this section, or who knowingly provides
684 false information on any report required by this section or by
685 rules adopted pursuant to this section, commits a noncriminal
686 infraction, punishable by a fine not to exceed \$5,000. Such
687 penalty is in addition to any other penalty assessed by the
688 Governor and Cabinet pursuant to subsection (11) ~~(10)~~.

689 Section 13. Section 112.3261, Florida Statutes, is amended
690 to read:

691 112.3261 Lobbying before governmental entities ~~water~~
692 ~~management districts~~; registration and reporting.—

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

694 (a) "Governmental entity" or "entity" ~~"District"~~ means a
695 water management district created in s. 373.069 and operating
696 under the authority of chapter 373, a hospital district, a
697 children's services district, an expressway authority as the
698 term "authority" is defined in s. 348.0002, the term "port
699 authority" as defined in s. 315.02, a county or municipality
700 that has not adopted lobbyist registration and reporting
701 requirements, or an independent special district with annual
702 revenues of more than \$5 million which exercises ad valorem
703 taxing authority.

704 (b) "Lobbies" means seeking, on behalf of another person,
705 to influence a governmental entity ~~district~~ with respect to a
706 decision of the entity ~~district~~ in an area of policy or



933068

707 procurement or an attempt to obtain the goodwill of an a
708 ~~district~~ official or employee of a governmental entity. The term
709 "~~lobbies~~" shall be interpreted and applied consistently with the
710 rules of the commission implementing s. 112.3215.

711 (c) "Lobbyist" has the same meaning as provided in s.
712 112.3215.

713 (d) "Principal" has the same meaning as provided in s.
714 112.3215.

715 (2) A person may not lobby a governmental entity ~~district~~
716 until such person has registered as a lobbyist with that entity
717 ~~district~~. Such registration shall be due upon initially being
718 retained to lobby and is renewable on a calendar-year basis
719 thereafter. Upon registration, the person shall provide a
720 statement signed by the principal or principal's representative
721 stating that the registrant is authorized to represent the
722 principal. The principal shall also identify and designate its
723 main business on the statement authorizing that lobbyist
724 pursuant to a classification system approved by the governmental
725 entity ~~district~~. Any changes to the information required by this
726 section must be disclosed within 15 days by filing a new
727 registration form. The registration form must ~~shall~~ require each
728 lobbyist to disclose, under oath, the following:

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

730 (b) The name and business address of each principal
731 represented.

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



933068

736 (d) A governmental entity shall create a lobbyist
737 registration form modeled after the ~~In lieu of creating its own~~
738 ~~lobbyist registration forms, a district may accept a completed~~
739 legislative branch or executive branch lobbyist registration
740 form, which must be returned to the governmental entity.

741 (3) A governmental entity ~~district~~ shall make lobbyist
742 registrations available to the public. If a governmental entity
743 ~~district~~ maintains a website, a database of currently registered
744 lobbyists and principals must be available on the entity's
745 ~~district's~~ website.

746 (4) A lobbyist shall promptly send a written statement to
747 the governmental entity ~~district~~ canceling the registration for
748 a principal upon termination of the lobbyist's representation of
749 that principal. A governmental entity ~~district~~ may remove the
750 name of a lobbyist from the list of registered lobbyists if the
751 principal notifies the entity ~~district~~ that a person is no
752 longer authorized to represent that principal.

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

757 (6) A governmental entity ~~district~~ shall be diligent to
758 ascertain whether persons required to register pursuant to this
759 section have complied. A governmental entity ~~district~~ may not
760 knowingly authorize a person who is not registered pursuant to
761 this section to lobby the entity ~~district~~.

762 (7) Upon receipt of a sworn complaint alleging that a
763 lobbyist or principal has failed to register with a governmental
764 entity ~~district~~ or has knowingly submitted false information in



933068

765 a report or registration required under this section, the
766 commission shall investigate a lobbyist or principal pursuant to
767 the procedures established under s. 112.324. The commission
768 shall provide the Governor with a report of its findings and
769 recommendations in any investigation conducted pursuant to this
770 subsection. The Governor is authorized to enforce the
771 commission's findings and recommendations.

772 (8) A governmental entity ~~Water management districts~~ may
773 adopt rules to establish procedures to govern the registration
774 of lobbyists, including the adoption of forms and the
775 establishment of a lobbyist registration fee.

776 Section 14. Paragraph (c) of subsection (3) of section
777 129.03, Florida Statutes, is amended to read:

778 129.03 Preparation and adoption of budget.—

779 (3) The county budget officer, after tentatively
780 ascertaining the proposed fiscal policies of the board for the
781 next fiscal year, shall prepare and present to the board a
782 tentative budget for the next fiscal year for each of the funds
783 provided in this chapter, including all estimated receipts,
784 taxes to be levied, and balances expected to be brought forward
785 and all estimated expenditures, reserves, and balances to be
786 carried over at the end of the year.

787 (c) The board shall hold public hearings to adopt tentative
788 and final budgets pursuant to s. 200.065. The hearings shall be
789 primarily for the purpose of hearing requests and complaints
790 from the public regarding the budgets and the proposed tax
791 levies and for explaining the budget and any proposed or adopted
792 amendments. The tentative budget must be posted on the county's
793 official website at least 2 days before the public hearing to



933068

794 consider such budget and must remain on the website for at least
795 45 days. The final budget must be posted on the website within
796 30 days after adoption and must remain on the website for at
797 least 2 years. The tentative budgets, adopted tentative budgets,
798 and final budgets shall be filed in the office of the county
799 auditor as a public record. Sufficient reference in words and
800 figures to identify the particular transactions must ~~shall~~ be
801 made in the minutes of the board to record its actions with
802 reference to the budgets.

803 Section 15. Paragraph (f) of subsection (2) of section
804 129.06, Florida Statutes, is amended to read:

805 129.06 Execution and amendment of budget.—

806 (2) The board at any time within a fiscal year may amend a
807 budget for that year, and may within the first 60 days of a
808 fiscal year amend the budget for the prior fiscal year, as
809 follows:

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

815 1. The public hearing must be advertised at least 2 days,
816 but not more than 5 days, before the date of the hearing. The
817 advertisement must appear in a newspaper of paid general
818 circulation and must identify the name of the taxing authority,
819 the date, place, and time of the hearing, and the purpose of the
820 hearing. The advertisement must also identify each budgetary
821 fund to be amended, the source of the funds, the use of the
822 funds, and the total amount of each fund's appropriations.



933068

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

827 Section 16. Subsections (3) and (5) of section 166.241,
828 Florida Statutes, are amended to read:

829 166.241 Fiscal years, budgets, and budget amendments.—

830 (3) The tentative budget must be posted on the
831 municipality's official website at least 2 days before the
832 budget hearing, held pursuant to s. 200.065 or other law, to
833 consider such budget, and must remain on the website for at
834 least 45 days. The final adopted budget must be posted on the
835 municipality's official website within 30 days after adoption
836 and must remain on the website for at least 2 years. If the
837 municipality does not operate an official website, the
838 municipality must, within a reasonable period of time as
839 established by the county or counties in which the municipality
840 is located, transmit the tentative budget and final budget to
841 the manager or administrator of such county or counties who
842 shall post the budgets on the county's website.

843 (5) If the governing body of a municipality amends the
844 budget pursuant to paragraph (4) (c), the adopted amendment must
845 be posted on the official website of the municipality within 5
846 days after adoption and must remain on the website for at least
847 2 years. If the municipality does not operate an official
848 website, the municipality must, within a reasonable period of
849 time as established by the county or counties in which the
850 municipality is located, transmit the adopted amendment to the
851 manager or administrator of such county or counties who shall



933068

852 post the adopted amendment on the county's website.

853 Section 17. Subsections (4) and (7) of section 189.016,
854 Florida Statutes, are amended to read:

855 189.016 Reports; budgets; audits.—

856 (4) The tentative budget must be posted on the special
857 district's official website at least 2 days before the budget
858 hearing, held pursuant to s. 200.065 or other law, to consider
859 such budget, and must remain on the website for at least 45
860 days. The final adopted budget must be posted on the special
861 district's official website within 30 days after adoption and
862 must remain on the website for at least 2 years. If the special
863 district does not operate an official website, the special
864 district must, within a reasonable period of time as established
865 by the local general-purpose government or governments in which
866 the special district is located or the local governing authority
867 to which the district is dependent, transmit the tentative
868 budget or final budget to the manager or administrator of the
869 local general-purpose government or the local governing
870 authority. The manager or administrator shall post the tentative
871 budget or final budget on the website of the local general-
872 purpose government or governing authority. This subsection and
873 subsection (3) do not apply to water management districts as
874 defined in s. 373.019.

875 (7) If the governing body of a special district amends the
876 budget pursuant to paragraph (6)(c), the adopted amendment must
877 be posted on the official website of the special district within
878 5 days after adoption and must remain on the website for at
879 least 2 years. If the special district does not operate an
880 official website, the special district must, within a reasonable



933068

881 period of time as established by the local general-purpose
882 government or governments in which the special district is
883 located or the local governing authority to which the district
884 is dependent, transmit the adopted amendment to the manager or
885 administrator of the local general-purpose government or
886 governing authority. The manager or administrator shall post the
887 adopted amendment on the website of the local general-purpose
888 government or governing authority.

889 Section 18. Present subsections (1) through (5) of section
890 215.425, Florida Statutes, are renumbered as subsections (2)
891 through (6), respectively, present subsection (2) and paragraph
892 (a) of present subsection (4) of that section are amended, and a
893 new subsection (1) and subsections (7) through (13) are added to
894 that section, to read:

895 215.425 Extra compensation claims prohibited; bonuses;
896 severance pay.—

897 (1) As used in this section, the term "public funds" means
898 any taxes, tuition, grants, fines, fees, or other charges or any
899 other type of revenue collected by the state or any county,
900 municipality, special district, school district, Florida College
901 System institution, state university, or other separate unit of
902 government created pursuant to law, including any office,
903 department, agency, division, subdivision, political
904 subdivision, board, bureau, or commission of such entities.

905 (3)~~(2)~~ Notwithstanding subsection (2), if the payment and
906 receipt does not otherwise violate part III of chapter 112, the
907 following funds may be used to provide extra compensation or
908 severance pay in excess of the amount specified in subparagraph
909 (5) (a) 1.:



933068

910 (a) Revenues received by state universities through or from
911 faculty practice plans; health services support organizations;
912 hospitals with which state universities are affiliated; direct-
913 support organizations; or federal, auxiliary, or private
914 sources, except for tuition.

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

919 (c) Revenues that are received by a hospital licensed under
920 chapter 395 which has entered into a Medicaid provider contract
921 and that:

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

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

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

927 4. Are not appropriated by the Legislature or by any
928 county, municipality, special district, school district, Florida
929 College System institution, state university, or other separate
930 unit of government created pursuant to law, including any
931 office, department, agency, division, subdivision, political
932 subdivision, board, bureau, commission, authority, or
933 institution of such entities, except for revenues otherwise
934 authorized to be used pursuant to subparagraphs 2. and 3. ~~This~~
935 section does not apply to:

936 (a) a bonus or severance pay that is paid wholly from
937 nontax revenues and nonstate-appropriated funds, the payment and
938 receipt of which does not otherwise violate part III of chapter



933068

939 ~~112, and which is paid to an officer, agent, employee, or~~
940 ~~contractor of a public hospital that is operated by a county or~~
941 ~~a special district; or~~

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

944 (e) Revenues or fees received by a seaport or airport from
945 sources other than through the levy of a tax, or funds
946 appropriated by any county or municipality or the Legislature.

947 (5)(a)(4)(a) ~~On or after July 1, 2011,~~ A unit of
948 government, on or after July 1, 2011, or a state university, on
949 or after July 1, 2012, that is a party to ~~enters into~~ a contract
950 or employment agreement, or renewal or renegotiation of an
951 existing contract or employment agreement, that contains a
952 provision for severance pay with an officer, agent, employee, or
953 contractor must include the following provisions in the
954 contract:

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

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

962 (7) Upon discovery or notification that a unit of
963 government has provided prohibited compensation to any officer,
964 agent, employee, or contractor in violation of this section,
965 such unit of government shall investigate and take all necessary
966 action to recover the prohibited compensation.

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



933068

968 government shall recover the prohibited compensation from the
969 individual receiving the prohibited compensation through normal
970 recovery methods for overpayments.

971 (b) If the violation was willful, the unit of government
972 shall recover the prohibited compensation from either the
973 individual receiving the prohibited compensation or the
974 individual or individuals responsible for approving the
975 prohibited compensation. Each individual determined to have
976 willfully violated this section is jointly and severally liable
977 for repayment of the prohibited compensation.

978 (8) A person who willfully violates this section commits a
979 misdemeanor of the first degree, punishable as provided in s.
980 775.082 or s. 775.083.

981 (9) An officer who exercises the powers and duties of a
982 state or county officer and willfully violates this section is
983 subject to the Governor's power under s. 7(a), Art. IV of the
984 State Constitution. An officer who exercises powers and duties
985 other than those of a state or county officer and willfully
986 violates this section is subject to the suspension and removal
987 procedures under s. 112.51.

988 (10) (a) A person who reports a violation of this section is
989 eligible for a reward of at least \$500, or the lesser of 10
990 percent of the funds recovered or \$10,000 per incident of a
991 prohibited compensation payment recovered by the unit of
992 government, depending upon the extent to which the person
993 substantially contributed to the discovery, notification, and
994 recovery of such prohibited payment.

995 (b) In the event that the recovery of the prohibited
996 compensation is based primarily on disclosures of specific



933068

997 information, other than information provided by such person,
998 relating to allegations or transactions in a criminal, civil, or
999 administrative hearing; in a legislative, administrative,
1000 inspector general, or other government report; in an auditor
1001 general report, hearing, audit, or investigation; or from the
1002 news media, such person is not eligible for a reward, or for an
1003 award of a portion of the proceeds or payment of attorney fees
1004 and costs pursuant to s. 68.085.

1005 (c) If it is determined that the person who reported a
1006 violation of this section was involved in the authorization,
1007 approval, or receipt of the prohibited compensation or is
1008 convicted of criminal conduct arising from his or her role in
1009 the authorization, approval, or receipt of the prohibited
1010 compensation, such person is not eligible for a reward, or for
1011 an award of a portion of the proceeds or payment of attorney
1012 fees and costs pursuant to s. 68.085.

1013 (11) An employee who is discharged, demoted, suspended,
1014 threatened, harassed, or in any manner discriminated against in
1015 the terms and conditions of employment by his or her employer
1016 because of lawful acts done by the employee on behalf of the
1017 employee or others in furtherance of an action under this
1018 section, including investigation for initiation of, testimony
1019 for, or assistance in an action filed or to be filed under this
1020 section, has a cause of action under s. 112.3187.

1021 (12) If the unit of government fails to recover prohibited
1022 compensation for a willful violation of this section upon
1023 discovery and notification of such prohibited payment within 90
1024 days, a cause of action may be brought to:

1025 (a) Recover state funds in accordance with ss. 68.082 and



933068

1026 68.083.

1027 (b) Recover other funds by the Department of Legal Affairs
1028 using the procedures set forth in ss. 68.082 and 68.083, except
1029 that venue shall lie in the circuit court of the county in which
1030 the unit of government is located.

1031 (c) Recover other funds by a person using the procedures
1032 set forth in ss. 68.082 and 68.083, except that venue shall lie
1033 in the circuit court of the county in which the unit of
1034 government is located.

1035 (13) Subsections (7)-(12) apply prospectively to contracts
1036 or employment agreements, or the renewal or renegotiation of an
1037 existing contract or employment agreement, effective on or after
1038 October 1, 2016.

1039 Section 19. Section 215.86, Florida Statutes, is amended to
1040 read:

1041 215.86 Management systems and controls.—Each state agency
1042 and the judicial branch as defined in s. 216.011 shall establish
1043 and maintain management systems and internal controls designed
1044 to:

1045 (1) Prevent and detect fraud, waste, and abuse. ~~that~~

1046 (2) Promote and encourage compliance with applicable laws,
1047 rules, contracts, grant agreements, and best practices.†

1048 (3) Support economical and ~~economic,~~ efficient, ~~and~~
1049 effective operations.†

1050 (4) Ensure reliability of financial records and reports.†

1051 (5) Safeguard ~~and safeguarding of~~ assets. Accounting
1052 systems and procedures shall be designed to fulfill the
1053 requirements of generally accepted accounting principles.

1054 Section 20. Paragraph (a) of subsection (2) of section



1055 215.97, Florida Statutes, is amended to read:
1056 215.97 Florida Single Audit Act.—
1057 (2) Definitions; as used in this section, the term:
1058 (a) "Audit threshold" means the threshold amount used to
1059 determine when a state single audit or project-specific audit of
1060 a nonstate entity shall be conducted in accordance with this
1061 section. Each nonstate entity that expends a total amount of
1062 state financial assistance equal to or in excess of \$750,000
1063 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
1064 required to have a state single audit, or a project-specific
1065 audit, for such fiscal year in accordance with the requirements
1066 of this section. ~~Every 2 years the Auditor General,~~ After
1067 consulting with the Executive Office of the Governor, the
1068 Department of Financial Services, and all state awarding
1069 agencies, the Auditor General shall periodically review the
1070 threshold amount for requiring audits under this section and may
1071 recommend any appropriate statutory change to revise the
1072 threshold amount in the annual report submitted pursuant to s.
1073 11.45(7)(h) to the Legislature may adjust such threshold amount
1074 ~~consistent with the purposes of this section.~~

1075 Section 21. Subsection (11) of section 215.985, Florida
1076 Statutes, is amended to read:
1077 215.985 Transparency in government spending.—
1078 (11) Each water management district shall provide a monthly
1079 financial statement in the form and manner prescribed by the
1080 Department of Financial Services to the district's ~~its~~ governing
1081 board and make such monthly financial statement available for
1082 public access on its website.

1083 Section 22. Paragraph (d) of subsection (1) and subsection



933068

1084 (2) of section 218.32, Florida Statutes, are amended to read:
1085 218.32 Annual financial reports; local governmental
1086 entities.—

1087 (1)

1088 (d) Each local governmental entity that is required to
1089 provide for an audit under s. 218.39(1) must submit a copy of
1090 the audit report and annual financial report to the department
1091 within 45 days after the completion of the audit report but no
1092 later than 9 months after the end of the fiscal year. In
1093 conducting an audit of a local governmental entity pursuant to
1094 s. 218.39, an independent certified public accountant shall
1095 determine whether the entity's annual financial report is in
1096 agreement with the audited financial statements. The
1097 accountant's audit report must be supported by the same level of
1098 detail as required for the annual financial report. If the
1099 accountant's audit report is not in agreement with the annual
1100 financial report, the accountant shall specify and explain the
1101 significant differences that exist between the annual financial
1102 report and the audit report.

1103 (2) The department shall annually by December 1 file a
1104 verified report with the Governor, the Legislature, the Auditor
1105 General, and the Special District Accountability Program of the
1106 Department of Economic Opportunity showing the revenues, both
1107 locally derived and derived from intergovernmental transfers,
1108 and the expenditures of each local governmental entity, regional
1109 planning council, local government finance commission, and
1110 municipal power corporation that is required to submit an annual
1111 financial report. In preparing the verified report, the
1112 department may request additional information from the local



933068

1113 governmental entity. The information requested must be provided
1114 to the department within 45 days after the request. If the local
1115 governmental entity does not comply with the request, the
1116 department shall notify the Legislative Auditing Committee,
1117 which may take action pursuant to s. 11.40(2). The report must
1118 include, but is not limited to:

1119 (a) The total revenues and expenditures of each local
1120 governmental entity that is a component unit included in the
1121 annual financial report of the reporting entity.

1122 (b) The amount of outstanding long-term debt by each local
1123 governmental entity. For purposes of this paragraph, the term
1124 "long-term debt" means any agreement or series of agreements to
1125 pay money, which, at inception, contemplate terms of payment
1126 exceeding 1 year in duration.

1127 Section 23. Present subsection (3) of section 218.33,
1128 Florida Statutes, is redesignated as subsection (4), and a new
1129 subsection (3) is added to that section, to read:

1130 218.33 Local governmental entities; establishment of
1131 uniform fiscal years and accounting practices and procedures.—

1132 (3) Each local governmental entity shall establish and
1133 maintain internal controls designed to:

1134 (a) Prevent and detect fraud, waste, and abuse.

1135 (b) Promote and encourage compliance with applicable laws,
1136 rules, contracts, grant agreements, and best practices.

1137 (c) Support economical and efficient operations.

1138 (d) Ensure reliability of financial records and reports.

1139 (e) Safeguard assets.

1140 Section 24. Present subsections (8) through (12) of section
1141 218.39, Florida Statutes, are redesignated as subsections (9)



933068

1142 through (13), respectively, and a new subsection (8) is added to
1143 that section, to read:

1144 218.39 Annual financial audit reports.—

1145 (8) If the audit report includes a recommendation that was
1146 included in the preceding financial audit report but remains
1147 unaddressed, the governing body of the audited entity, within 60
1148 days after the delivery of the audit report to the governing
1149 body, shall indicate during a regularly scheduled public meeting
1150 whether it intends to take corrective action, the intended
1151 corrective action, and the timeframe for the corrective action.
1152 If the governing body indicates that it does not intend to take
1153 corrective action, it shall explain its decision at the public
1154 meeting.

1155 Section 25. Subsection (2) of section 218.391, Florida
1156 Statutes, is amended, and subsection (9) is added to that
1157 section, to read:

1158 218.391 Auditor selection procedures.—

1159 (2) The governing body of a ~~charter~~ county, municipality,
1160 special district, district school board, charter school, or
1161 charter technical career center shall establish an audit
1162 committee.

1163 (a) The audit committee for a county ~~Each noncharter county~~
1164 ~~shall establish an audit committee that,~~ at a minimum, shall
1165 consist of each of the county officers elected pursuant to the
1166 county charter or s. 1(d), Art. VIII of the State Constitution,
1167 or their respective designees ~~a designee,~~ and one member of the
1168 board of county commissioners or its designee.

1169 (b) The audit committee for a municipality, special
1170 district, district school board, charter school, or charter



933068

1171 technical career center shall consist of at least three members.
1172 One member of the audit committee must be a member of the
1173 governing body of an entity specified in this paragraph, who
1174 shall also serve as the chair of the committee.

1175 (c) An employee, chief executive officer, or chief
1176 financial officer of the county, municipality, special district,
1177 district school board, charter school, or charter technical
1178 career center may not serve as a member of an audit committee
1179 established under this subsection.

1180 (d) The primary purpose of the audit committee is to assist
1181 the governing body in selecting an auditor to conduct the annual
1182 financial audit required in s. 218.39; however, the audit
1183 committee may serve other audit oversight purposes as determined
1184 by the entity's governing body. The public ~~may~~ shall not be
1185 excluded from the proceedings under this section.

1186 (9) An audit report submitted pursuant to s. 218.39 must
1187 include an affidavit executed by the chair of the audit
1188 committee affirming that the committee complied with the
1189 requirements of subsections (3)-(6) in selecting an auditor. If
1190 the Auditor General determines that an entity failed to comply
1191 with the requirements of subsections (3)-(6) in selecting an
1192 auditor, the entity shall select a replacement auditor in
1193 accordance with this section to conduct audits for subsequent
1194 fiscal years if the original audit was performed under a
1195 multiyear contract. If the replacement of an auditor would
1196 preclude the entity from timely completing the annual financial
1197 audit required by s. 218.39, the entity shall replace an auditor
1198 in accordance with this section for the subsequent annual
1199 financial audit. A multiyear contract between an entity or an



933068

1200 auditor may not prohibit or restrict an entity from complying
1201 with this subsection.

1202 Section 26. Subsection (2) of section 286.0114, Florida
1203 Statutes, is amended to read:

1204 286.0114 Public meetings; reasonable opportunity to be
1205 heard; attorney fees.—

1206 (2) Members of the public shall be given a reasonable
1207 opportunity to be heard on a proposition before a board or
1208 commission. The opportunity to be heard need not occur at the
1209 same meeting at which the board or commission takes official
1210 action on the proposition if the opportunity occurs at a meeting
1211 that is during the decisionmaking process and is within
1212 reasonable proximity in time before the meeting at which the
1213 board or commission takes the official action. A board or
1214 commission may not require a member of the public to provide an
1215 advance written copy of his or her testimony or comments as a
1216 precondition of being given the opportunity to be heard at a
1217 meeting. This section does not prohibit a board or commission
1218 from maintaining orderly conduct or proper decorum in a public
1219 meeting. The opportunity to be heard is subject to rules or
1220 policies adopted by the board or commission, as provided in
1221 subsection (4).

1222 Section 27. Paragraph (b) of subsection (2) of section
1223 288.92, Florida Statutes, is amended to read:

1224 288.92 Divisions of Enterprise Florida, Inc.—

1225 (2)

1226 (b)1. The following officers and board members are subject
1227 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1228 112.3143(2):



933068

1229 a. Officers and members of the board of directors of the
1230 divisions of Enterprise Florida, Inc.

1231 b. Officers and members of the board of directors of
1232 subsidiaries of Enterprise Florida, Inc.

1233 c. Officers and members of the board of directors of
1234 corporations created to carry out the missions of Enterprise
1235 Florida, Inc.

1236 d. Officers and members of the board of directors of
1237 corporations with which a division is required by law to
1238 contract to carry out its missions.

1239 2. For a period of 2 years after retirement from or
1240 termination of service to a division, or for a period of 10
1241 years if removed or terminated for cause or for misconduct, as
1242 defined in s. 443.036(29), the officers and board members
1243 specified in subparagraph 1. may not represent another person or
1244 entity for compensation before:

1245 a. Enterprise Florida, Inc.;

1246 b. A division, a subsidiary, or the board of directors of
1247 corporations created to carry out the missions of Enterprise
1248 Florida, Inc.; or

1249 c. A division with which Enterprise Florida, Inc., is
1250 required by law to contract to carry out its missions.

1251 ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),
1252 (12), and (15); 112.3135; and 112.3143(2) to activities of the
1253 officers and members of the board of directors specified in
1254 subparagraph 1., those persons shall be considered public
1255 officers or employees and the corporation shall be considered
1256 their agency.

1257 ~~4.3.~~ It is not a violation of s. 112.3143(2) or (4) for the



933068

1258 officers or members of the board of directors of the Florida
1259 Tourism Industry Marketing Corporation to:

1260 a. Vote on the 4-year marketing plan required under s.
1261 288.923 or vote on any individual component of or amendment to
1262 the plan.

1263 b. Participate in the establishment or calculation of
1264 payments related to the private match requirements of s.
1265 288.904(3). The officer or member must file an annual disclosure
1266 describing the nature of his or her interests or the interests
1267 of his or her principals, including corporate parents and
1268 subsidiaries of his or her principal, in the private match
1269 requirements. This annual disclosure requirement satisfies the
1270 disclosure requirement of s. 112.3143(4). This disclosure must
1271 be placed ~~either~~ on the Florida Tourism Industry Marketing
1272 Corporation's website or included in the minutes of each meeting
1273 of the Florida Tourism Industry Marketing Corporation's board of
1274 directors at which the private match requirements are discussed
1275 or voted upon.

1276 Section 28. Paragraph (a) of subsection (3) of section
1277 288.9604, Florida Statutes, is amended to read:

1278 288.9604 Creation of the authority.—

1279 (3)(a)1. A director may not receive compensation for his or
1280 her services, but is entitled to necessary expenses, including
1281 travel expenses, incurred in the discharge of his or her duties.
1282 Each director shall hold office until his or her successor has
1283 been appointed.

1284 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
1285 and (15); 112.3135; and 112.3143(2). For purposes of applying
1286 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and



933068

1287 112.3143(2) to activities of directors, directors shall be
1288 considered public officers and the corporation shall be
1289 considered their agency.

1290 3. A director of the corporation may not represent another
1291 person or entity for compensation before the corporation for a
1292 period of 2 years following his or her service on the board of
1293 directors.

1294 Section 29. Paragraph (e) of subsection (4), paragraph (d)
1295 of subsection (5), and paragraph (d) of subsection (6) of
1296 section 373.536, Florida Statutes, are amended to read:

1297 373.536 District budget and hearing thereon.—

1298 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1299 (e) ~~By September 1, 2012,~~ Each district shall provide a
1300 monthly financial statement in the form and manner prescribed by
1301 the Department of Financial Services to the district's governing
1302 board and make such monthly financial statement available for
1303 public access on its website.

1304 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
1305 APPROVAL.—

1306 (d) Each district shall, by August 1 of each year, submit
1307 for review a tentative budget and a description of any
1308 significant changes from the preliminary budget submitted to the
1309 Legislature pursuant to s. 373.535 to the Governor, the
1310 President of the Senate, the Speaker of the House of
1311 Representatives, the chairs of all legislative committees and
1312 subcommittees having substantive or fiscal jurisdiction over
1313 water management districts, as determined by the President of
1314 the Senate or the Speaker of the House of Representatives, as
1315 applicable, the secretary of the department, and the governing



933068

1316 body of each county in which the district has jurisdiction or
1317 derives any funds for the operations of the district. The
1318 tentative budget must be posted on the district's official
1319 website at least 2 days before budget hearings held pursuant to
1320 s. 200.065 or other law and must remain on the website for at
1321 least 45 days.

1322 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1323 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1324 (d) The final adopted budget must be posted on the water
1325 management district's official website within 30 days after
1326 adoption and must remain on the website for at least 2 years.

1327 Section 30. Subsection (7) of section 838.014, Florida
1328 Statutes, is renumbered as subsection (8), present subsections
1329 (4) and (6) are amended, and a new subsection (6) is added to
1330 that section, to read:

1331 838.014 Definitions.—As used in this chapter, the term:

1332 (4) "Governmental entity" means an agency or entity of the
1333 state, a county, municipality, or special district or any other
1334 public entity created or authorized by law ~~"Corruptly" or "with~~
1335 ~~corrupt intent" means acting knowingly and dishonestly for a~~
1336 ~~wrongful purpose.~~

1337 (6) "Public contractor" means, for purposes of ss. 838.022
1338 and 838.22 only:

1339 (a) Any person, as defined in s. 1.01(3), who has entered
1340 into a contract with a governmental entity; or

1341 (b) Any officer or employee of a person, as defined in s.
1342 1.01(3), who has entered into a contract with a governmental
1343 entity.

1344 (7)~~(6)~~ "Public servant" means:



933068

1345 (a) Any officer or employee of a governmental state,
1346 ~~county, municipal, or special district agency or entity,~~
1347 including

1348 ~~(b)~~ any executive, legislative, or judicial branch officer
1349 or employee;

1350 (b) ~~(e)~~ Any person, except a witness, who acts as a general
1351 or special magistrate, receiver, auditor, arbitrator, umpire,
1352 referee, consultant, or hearing officer while performing a
1353 governmental function; or

1354 (c) ~~(d)~~ A candidate for election or appointment to any of
1355 the officer positions listed in this subsection, or an
1356 individual who has been elected to, but has yet to officially
1357 assume the responsibilities of, public office.

1358 Section 31. Subsection (1) of section 838.015, Florida
1359 Statutes, is amended to read:

1360 838.015 Bribery.—

1361 (1) "Bribery" means ~~corruptly~~ to knowingly and
1362 intentionally give, offer, or promise to any public servant, or,
1363 if a public servant, ~~corruptly~~ to knowingly and intentionally
1364 request, solicit, accept, or agree to accept for himself or
1365 herself or another, any pecuniary or other benefit not
1366 authorized by law with an intent or purpose to influence the
1367 performance of any act or omission which the person believes to
1368 be, or the public servant represents as being, within the
1369 official discretion of a public servant, in violation of a
1370 public duty, or in performance of a public duty.

1371 Section 32. Subsections (1) and (2) of section 838.016,
1372 Florida Statutes, are amended to read:

1373 838.016 Unlawful compensation or reward for official



933068

1374 behavior.-

1375 (1) It is unlawful for any person ~~corruptly~~ to knowingly
1376 and intentionally give, offer, or promise to any public servant,
1377 or, if a public servant, ~~corruptly~~ to knowingly and
1378 intentionally request, solicit, accept, or agree to accept, any
1379 pecuniary or other benefit not authorized by law, for the past,
1380 present, or future performance, nonperformance, or violation of
1381 any act or omission which the person believes to have been, or
1382 the public servant represents as having been, either within the
1383 official discretion of the public servant, in violation of a
1384 public duty, or in performance of a public duty. This section
1385 does not ~~Nothing herein shall be construed to~~ preclude a public
1386 servant from accepting rewards for services performed in
1387 apprehending any criminal.

1388 (2) It is unlawful for any person ~~corruptly~~ to knowingly
1389 and intentionally give, offer, or promise to any public servant,
1390 or, if a public servant, ~~corruptly~~ to knowingly and
1391 intentionally request, solicit, accept, or agree to accept, any
1392 pecuniary or other benefit not authorized by law for the past,
1393 present, or future exertion of any influence upon or with any
1394 other public servant regarding any act or omission which the
1395 person believes to have been, or which is represented to him or
1396 her as having been, either within the official discretion of the
1397 other public servant, in violation of a public duty, or in
1398 performance of a public duty.

1399 Section 33. Subsection (1) of section 838.022, Florida
1400 Statutes, is amended, and subsection (2) of that section is
1401 republished, to read:

1402 838.022 Official misconduct.-



933068

1403 (1) It is unlawful for a public servant or public
1404 contractor, with corrupt intent to knowingly and intentionally
1405 obtain a benefit for any person or to cause unlawful harm to
1406 another, by ~~to~~:

1407 (a) Falsifying ~~Falsify~~, or causing ~~cause~~ another person to
1408 falsify, any official record or official document;

1409 (b) Concealing, covering up, destroying, mutilating, or
1410 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
1411 official record or official document, except as authorized by
1412 law or contract, or causing ~~cause~~ another person to perform such
1413 an act; or

1414 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~
1415 ~~or prevent~~ the communication of information relating to the
1416 commission of a felony that directly involves or affects the
1417 government ~~public agency or public~~ entity served by the public
1418 servant or public contractor.

1419 (2) For the purposes of this section:

1420 (a) The term "public servant" does not include a candidate
1421 who does not otherwise qualify as a public servant.

1422 (b) An official record or official document includes only
1423 public records.

1424 Section 34. Section 838.22, Florida Statutes, is amended to
1425 read:

1426 838.22 Bid tampering.—

1427 (1) It is unlawful for a public servant or a public
1428 contractor who has contracted with a governmental entity to
1429 assist in a competitive procurement, with corrupt intent to
1430 knowingly and intentionally influence or attempt to influence
1431 the competitive solicitation ~~bidding process~~ undertaken by any



933068

1432 ~~governmental state, county, municipal, or special district~~
1433 ~~agency, or any other public entity,~~ for the procurement of
1434 commodities or services, by ~~to~~:

1435 (a) Disclosing, except as authorized by law, Disclose
1436 material information concerning a vendor's response, any
1437 evaluation results, bid or other aspects of the competitive
1438 solicitation bidding process when such information is not
1439 publicly disclosed.

1440 (b) Altering or amending ~~Alter or amend~~ a submitted
1441 response bid, documents or other materials supporting a
1442 submitted response bid, or any evaluation bid results relating
1443 to the competitive solicitation for the purpose of intentionally
1444 providing a competitive advantage to any person who submits a
1445 response bid.

1446 (2) It is unlawful for a public servant or a public
1447 contractor who has contracted with a governmental entity to
1448 assist in a competitive procurement, with corrupt intent to
1449 knowingly and intentionally obtain a benefit for any person or
1450 to cause unlawful harm to another by circumventing, to
1451 circumvent a competitive solicitation bidding process required
1452 by law or rule through the use of ~~by using~~ a sole-source
1453 contract for commodities or services.

1454 (3) It is unlawful for any person to knowingly agree,
1455 conspire, combine, or confederate, directly or indirectly, with
1456 a public servant or a public contractor who has contracted with
1457 a governmental entity to assist in a competitive procurement to
1458 violate subsection (1) or subsection (2).

1459 (4) It is unlawful for any person to knowingly enter into a
1460 contract for commodities or services which was secured by a



933068

1461 public servant or a public contractor who has contracted with a
1462 governmental entity to assist in a competitive procurement
1463 acting in violation of subsection (1) or subsection (2).

1464 (5) Any person who violates this section commits a felony
1465 of the second degree, punishable as provided in s. 775.082, s.
1466 775.083, or s. 775.084.

1467 Section 35. Present subsections (6) through (10) of section
1468 1002.37, Florida Statutes, are redesignated as subsections (7)
1469 through (11), respectively, a new subsection (6) is added to
1470 that section, and present subsections (6) and (11) of that
1471 section are amended, to read:

1472 1002.37 The Florida Virtual School.—

1473 (6) The Florida Virtual School shall have an annual
1474 financial audit of its accounts and records conducted by an
1475 independent auditor who is a certified public accountant
1476 licensed under chapter 473. The independent auditor shall
1477 conduct the audit in accordance with rules adopted by the
1478 Auditor General pursuant to s. 11.45 and, upon completion of the
1479 audit, shall prepare an audit report in accordance with such
1480 rules. The audit report must include a written statement of the
1481 board of trustees describing corrective action to be taken in
1482 response to each of the recommendations of the independent
1483 auditor included in the audit report. The independent auditor
1484 shall submit the audit report to the board of trustees and the
1485 Auditor General no later than 9 months after the end of the
1486 preceding fiscal year.

1487 (7)~~(6)~~ The board of trustees shall annually submit to the
1488 Governor, the Legislature, the Commissioner of Education, and
1489 the State Board of Education the audit report prepared pursuant



933068

1490 to subsection (6) and a complete and detailed report setting
1491 forth:

1492 (a) The operations and accomplishments of the Florida
1493 Virtual School within the state and those occurring outside the
1494 state as Florida Virtual School Global.

1495 (b) The marketing and operational plan for the Florida
1496 Virtual School and Florida Virtual School Global, including
1497 recommendations regarding methods for improving the delivery of
1498 education through the Internet and other distance learning
1499 technology.

1500 (c) The assets and liabilities of the Florida Virtual
1501 School and Florida Virtual School Global at the end of the
1502 fiscal year.

1503 ~~(d) A copy of an annual financial audit of the accounts and~~
1504 ~~records of the Florida Virtual School and Florida Virtual School~~
1505 ~~Global, conducted by an independent certified public accountant~~
1506 ~~and performed in accordance with rules adopted by the Auditor~~
1507 ~~General.~~

1508 ~~(e)~~ Recommendations regarding the unit cost of providing
1509 services to students through the Florida Virtual School and
1510 Florida Virtual School Global. In order to most effectively
1511 develop public policy regarding any future funding of the
1512 Florida Virtual School, it is imperative that the cost of the
1513 program is accurately identified. The identified cost of the
1514 program must be based on reliable data.

1515 (e) ~~(f)~~ Recommendations regarding an accountability
1516 mechanism to assess the effectiveness of the services provided
1517 by the Florida Virtual School and Florida Virtual School Global.

1518 ~~(11) The Auditor General shall conduct an operational audit~~



933068

1519 ~~of the Florida Virtual School, including Florida Virtual School~~
1520 ~~Global. The scope of the audit shall include, but not be limited~~
1521 ~~to, the administration of responsibilities relating to~~
1522 ~~personnel; procurement and contracting; revenue production;~~
1523 ~~school funds, including internal funds; student enrollment~~
1524 ~~records; franchise agreements; information technology~~
1525 ~~utilization, assets, and security; performance measures and~~
1526 ~~standards; and accountability. The final report on the audit~~
1527 ~~shall be submitted to the President of the Senate and the~~
1528 ~~Speaker of the House of Representatives no later than January~~
1529 ~~31, 2014.~~

1530 Section 36. Subsection (5) is added to section 1010.01,
1531 Florida Statutes, to read:

1532 1010.01 Uniform records and accounts.—

1533 (5) Each school district, Florida College System
1534 institution, and state university shall establish and maintain
1535 internal controls designed to:

1536 (a) Prevent and detect fraud, waste, and abuse.

1537 (b) Promote and encourage compliance with applicable laws,
1538 rules, contracts, grant agreements, and best practices.

1539 (c) Support economical and efficient operations.

1540 (d) Ensure reliability of financial records and reports.

1541 (e) Safeguard assets.

1542 Section 37. Subsection (2) of section 1010.30, Florida
1543 Statutes, is amended to read:

1544 1010.30 Audits required.—

1545 (2) If a school district, Florida College System
1546 institution, or university audit report includes a
1547 recommendation that was included in the preceding financial



933068

1548 audit report but remains unaddressed, an audit contains a
1549 significant finding, the district school board, the Florida
1550 College System institution board of trustees, or the university
1551 board of trustees, within 60 days after the delivery of the
1552 audit report to the school district, Florida College System
1553 institution, or university, shall indicate ~~conduct an audit~~
1554 ~~overview~~ during a regularly scheduled public meeting whether it
1555 intends to take corrective action, the intended corrective
1556 action, and the timeframe for the corrective action. If the
1557 district school board, Florida College System institution board
1558 of trustees, or university board of trustees indicates that it
1559 does not intend to take corrective action, it shall explain its
1560 decision at the public meeting.

1561 Section 38. Subsection (4) of section 11.0455, Florida
1562 Statutes, is amended to read:

1563 11.0455 Electronic filing of compensation reports and other
1564 information.—

1565 (4) Each report filed pursuant to this section is deemed to
1566 meet the certification requirements of s. 11.045(3)(a)4., and as
1567 such subjects the person responsible for filing and the lobbying
1568 firm to the provisions of s. 11.045(8) and (9) ~~s. 11.045(7) and~~
1569 ~~(8)~~. Persons given a secure sign-on to the electronic filing
1570 system are responsible for protecting it from disclosure and are
1571 responsible for all filings using such credentials, unless they
1572 have notified the office that their credentials have been
1573 compromised.

1574 Section 39. Subsection (2) of section 68.082, Florida
1575 Statutes, is amended to read:

1576 68.082 False claims against the state; definitions;



933068

1577 liability.-
1578 (2) Any person who:
1579 (a) Knowingly presents or causes to be presented a false or
1580 fraudulent claim for payment or approval;
1581 (b) Knowingly authorizes, approves, or receives payment of
1582 prohibited compensation in violation of s. 215.425;
1583 (c)~~(b)~~ Knowingly makes, uses, or causes to be made or used
1584 a false record or statement material to a false or fraudulent
1585 claim;
1586 (d)~~(e)~~ Conspires to commit a violation of this subsection;
1587 (e)~~(d)~~ Has possession, custody, or control of property or
1588 money used or to be used by the state and knowingly delivers or
1589 causes to be delivered less than all of that money or property;
1590 (f)~~(e)~~ Is authorized to make or deliver a document
1591 certifying receipt of property used or to be used by the state
1592 and, intending to defraud the state, makes or delivers the
1593 receipt without knowing that the information on the receipt is
1594 true;
1595 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an
1596 obligation or a debt, public property from an officer or
1597 employee of the state who may not sell or pledge the property;
1598 or
1599 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used
1600 a false record or statement material to an obligation to pay or
1601 transmit money or property to the state, or knowingly conceals
1602 or knowingly and improperly avoids or decreases an obligation to
1603 pay or transmit money or property to the state
1604
1605 is liable to the state for a civil penalty of not less than



933068

1606 \$5,500 and not more than \$11,000 and for treble the amount of
1607 damages the state sustains because of the act of that person.

1608 Section 40. Subsection (1) of section 68.083, Florida
1609 Statutes, is amended to read:

1610 68.083 Civil actions for false claims.-

1611 (1) The department may diligently investigate a violation
1612 under s. 68.082. If the department finds that a person has
1613 violated or is violating s. 68.082, the department may bring a
1614 civil action under the Florida False Claims Act against the
1615 person. The Department of Financial Services may bring a civil
1616 action under this section if the action arises from an
1617 investigation by that department and the Department of Legal
1618 Affairs has not filed an action under this act. For a violation
1619 of s. 68.082 regarding prohibited compensation paid from state
1620 funds, the Department of Financial Services may bring a civil
1621 action under this section if the action arises from an
1622 investigation by that department concerning a violation of s.
1623 215.425 by the state and the Department of Legal Affairs has not
1624 filed an action under this act.

1625 Section 41. Subsection (5) of section 99.061, Florida
1626 Statutes, is amended to read:

1627 99.061 Method of qualifying for nomination or election to
1628 federal, state, county, or district office.-

1629 (5) At the time of qualifying for office, each candidate
1630 for a constitutional office or an elected municipal office shall
1631 file a full and public disclosure of financial interests
1632 pursuant to s. 8, Art. II of the State Constitution, which must
1633 be verified under oath or affirmation pursuant to s.
1634 92.525(1) (a), and a candidate for any other office, ~~including~~



933068

1635 ~~local elective office,~~ shall file a statement of financial
1636 interests pursuant to s. 112.3145.

1637 Section 42. Subsection (3) of section 218.503, Florida
1638 Statutes, is amended to read:

1639 218.503 Determination of financial emergency.—

1640 (3) Upon notification that one or more of the conditions in
1641 subsection (1) have occurred or will occur if action is not
1642 taken to assist the local governmental entity or district school
1643 board, the Governor or his or her designee shall contact the
1644 local governmental entity or the Commissioner of Education or
1645 his or her designee shall contact the district school board, as
1646 appropriate, to determine what actions have been taken by the
1647 local governmental entity or the district school board to
1648 resolve or prevent the condition. The information requested must
1649 be provided within 45 days after the date of the request. If the
1650 local governmental entity or the district school board does not
1651 comply with the request, the Governor or his or her designee or
1652 the Commissioner of Education or his or her designee shall
1653 notify ~~the members of~~ the Legislative Auditing Committee, which
1654 ~~who~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The
1655 Governor or the Commissioner of Education, as appropriate, shall
1656 determine whether the local governmental entity or the district
1657 school board needs state assistance to resolve or prevent the
1658 condition. If state assistance is needed, the local governmental
1659 entity or district school board is considered to be in a state
1660 of financial emergency. The Governor or the Commissioner of
1661 Education, as appropriate, has the authority to implement
1662 measures as set forth in ss. 218.50-218.504 to assist the local
1663 governmental entity or district school board in resolving the



933068

1664 financial emergency. Such measures may include, but are not
1665 limited to:

1666 (a) Requiring approval of the local governmental entity's
1667 budget by the Governor or approval of the district school
1668 board's budget by the Commissioner of Education.

1669 (b) Authorizing a state loan to a local governmental entity
1670 and providing for repayment of same.

1671 (c) Prohibiting a local governmental entity or district
1672 school board from issuing bonds, notes, certificates of
1673 indebtedness, or any other form of debt until such time as it is
1674 no longer subject to this section.

1675 (d) Making such inspections and reviews of records,
1676 information, reports, and assets of the local governmental
1677 entity or district school board as are needed. The appropriate
1678 local officials shall cooperate in such inspections and reviews.

1679 (e) Consulting with officials and auditors of the local
1680 governmental entity or the district school board and the
1681 appropriate state officials regarding any steps necessary to
1682 bring the books of account, accounting systems, financial
1683 procedures, and reports into compliance with state requirements.

1684 (f) Providing technical assistance to the local
1685 governmental entity or the district school board.

1686 (g)1. Establishing a financial emergency board to oversee
1687 the activities of the local governmental entity or the district
1688 school board. If a financial emergency board is established for
1689 a local governmental entity, the Governor shall appoint board
1690 members and select a chair. If a financial emergency board is
1691 established for a district school board, the State Board of
1692 Education shall appoint board members and select a chair. The



933068

1693 financial emergency board shall adopt such rules as are
1694 necessary for conducting board business. The board may:
1695 a. Make such reviews of records, reports, and assets of the
1696 local governmental entity or the district school board as are
1697 needed.
1698 b. Consult with officials and auditors of the local
1699 governmental entity or the district school board and the
1700 appropriate state officials regarding any steps necessary to
1701 bring the books of account, accounting systems, financial
1702 procedures, and reports of the local governmental entity or the
1703 district school board into compliance with state requirements.
1704 c. Review the operations, management, efficiency,
1705 productivity, and financing of functions and operations of the
1706 local governmental entity or the district school board.
1707 d. Consult with other governmental entities for the
1708 consolidation of all administrative direction and support
1709 services, including, but not limited to, services for asset
1710 sales, economic and community development, building inspections,
1711 parks and recreation, facilities management, engineering and
1712 construction, insurance coverage, risk management, planning and
1713 zoning, information systems, fleet management, and purchasing.
1714 2. The recommendations and reports made by the financial
1715 emergency board must be submitted to the Governor for local
1716 governmental entities or to the Commissioner of Education and
1717 the State Board of Education for district school boards for
1718 appropriate action.
1719 (h) Requiring and approving a plan, to be prepared by
1720 officials of the local governmental entity or the district
1721 school board in consultation with the appropriate state



933068

1722 officials, prescribing actions that will cause the local
1723 governmental entity or district school board to no longer be
1724 subject to this section. The plan must include, but need not be
1725 limited to:

1726 1. Provision for payment in full of obligations outlined in
1727 subsection (1), designated as priority items, which are
1728 currently due or will come due.

1729 2. Establishment of priority budgeting or zero-based
1730 budgeting in order to eliminate items that are not affordable.

1731 3. The prohibition of a level of operations which can be
1732 sustained only with nonrecurring revenues.

1733 4. Provisions implementing the consolidation, sourcing, or
1734 discontinuance of all administrative direction and support
1735 services, including, but not limited to, services for asset
1736 sales, economic and community development, building inspections,
1737 parks and recreation, facilities management, engineering and
1738 construction, insurance coverage, risk management, planning and
1739 zoning, information systems, fleet management, and purchasing.

1740 Section 43. Subsection (2) of section 1002.455, Florida
1741 Statutes, is amended to read:

1742 1002.455 Student eligibility for K-12 virtual instruction.—

1743 (2) A student is eligible to participate in virtual
1744 instruction if:

1745 (a) The student spent the prior school year in attendance
1746 at a public school in the state and was enrolled and reported by
1747 the school district for funding during October and February for
1748 purposes of the Florida Education Finance Program surveys;

1749 (b) The student is a dependent child of a member of the
1750 United States Armed Forces who was transferred within the last



933068

1751 12 months to this state from another state or from a foreign
1752 country pursuant to a permanent change of station order;

1753 (c) The student was enrolled during the prior school year
1754 in a virtual instruction program under s. 1002.45 or a full-time
1755 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~
1756 ~~1002.37(8)(a)~~;

1757 (d) The student has a sibling who is currently enrolled in
1758 a virtual instruction program and the sibling was enrolled in
1759 that program at the end of the prior school year;

1760 (e) The student is eligible to enter kindergarten or first
1761 grade; or

1762 (f) The student is eligible to enter grades 2 through 5 and
1763 is enrolled full-time in a school district virtual instruction
1764 program, virtual charter school, or the Florida Virtual School.

1765 Section 44. For the purpose of incorporating the amendment
1766 made by this act to section 838.022, Florida Statutes, in a
1767 reference thereto, paragraph (a) of subsection (2) of section
1768 112.534, Florida Statutes, is reenacted to read:

1769 112.534 Failure to comply; official misconduct.—

1770 (2)(a) All the provisions of s. 838.022 shall apply to this
1771 part.

1772 Section 45. For the purpose of incorporating the amendment
1773 made by this act to section 838.022, Florida Statutes, in a
1774 reference thereto, paragraph (d) of subsection (4) of section
1775 117.01, Florida Statutes, is reenacted to read:

1776 117.01 Appointment, application, suspension, revocation,
1777 application fee, bond, and oath.—

1778 (4) The Governor may suspend a notary public for any of the
1779 grounds provided in s. 7, Art. IV of the State Constitution.



933068

1780 Grounds constituting malfeasance, misfeasance, or neglect of
1781 duty include, but are not limited to, the following:

1782 (d) Official misconduct as defined in s. 838.022.

1783 Section 46. For the purpose of incorporating the amendment
1784 made by this act to section 838.014, Florida Statutes, in a
1785 reference thereto, subsection (11) of section 817.568, Florida
1786 Statutes, is reenacted to read:

1787 817.568 Criminal use of personal identification
1788 information.—

1789 (11) A person who willfully and without authorization
1790 fraudulently uses personal identification information concerning
1791 an individual who is 60 years of age or older; a disabled adult
1792 as defined in s. 825.101; a public servant as defined in s.
1793 838.014; a veteran as defined in s. 1.01; a first responder as
1794 defined in s. 125.01045; an individual who is employed by the
1795 State of Florida; or an individual who is employed by the
1796 Federal Government without first obtaining the consent of that
1797 individual commits a felony of the second degree, punishable as
1798 provided in s. 775.082, s. 775.083, or s. 775.084.

1799 Section 47. For the purpose of incorporating the amendments
1800 made by this act to sections 838.015, 838.016, and 838.22,
1801 Florida Statutes, in references thereto, paragraph (g) of
1802 subsection (3) of section 921.0022, Florida Statutes, is
1803 reenacted to read:

1804 921.0022 Criminal Punishment Code; offense severity ranking
1805 chart.—

1806 (3) OFFENSE SEVERITY RANKING CHART

1807 (g) LEVEL 7

1808



933068

1809	Florida Statute	Felony Degree	Description
1810	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
1811	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
1812	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.
1813	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
1814	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1815	409.920	3rd	Medicaid provider fraud;



933068

1816	(2) (b) 1.a.		\$10,000 or less.
	409.920	2nd	Medicaid provider fraud; more
	(2) (b) 1.b.		than \$10,000, but less than
1817			\$50,000.
	456.065 (2)	3rd	Practicing a health care
1818			profession without a license.
	456.065 (2)	2nd	Practicing a health care
1819			profession without a license
			which results in serious bodily
			injury.
	458.327 (1)	3rd	Practicing medicine without a
1820			license.
	459.013 (1)	3rd	Practicing osteopathic medicine
1821			without a license.
	460.411 (1)	3rd	Practicing chiropractic
1822			medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine
1823			without a license.
	462.17	3rd	Practicing naturopathy without
1824			a license.



933068

1825	463.015 (1)	3rd	Practicing optometry without a license.
1826	464.016 (1)	3rd	Practicing nursing without a license.
1827	465.015 (2)	3rd	Practicing pharmacy without a license.
1828	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1829	467.201	3rd	Practicing midwifery without a license.
1830	468.366	3rd	Delivering respiratory care services without a license.
1831	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1832	483.901 (9)	3rd	Practicing medical physics without a license.
1833	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
	484.053	3rd	Dispensing hearing aids without



933068

1834			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.
1835			
	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.
1836			
	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1837			
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1838			
	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other



933068

1839			registration violations.
	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
1840			
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1841			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1842			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1843			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1844			
	782.072	2nd	Killing of a human being by the operation of a vessel in a



1845			reckless manner (vessel homicide).
1846	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1847	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1848	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1849	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1850	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1851	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1852	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1853	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.



933068

1854	784.081(1)	1st	Aggravated battery on specified official or employee.
1855	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
1856	784.083(1)	1st	Aggravated battery on code inspector.
1857	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
1858	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.
1859	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1860	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
	790.165(2)	2nd	Manufacture, sell, possess, or



933068

1861			deliver hoax bomb.
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1862			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1863			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1864			
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1865			
	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.
1866			
	796.05(1)	1st	Live on earnings of a



933068

1867			prostitute; 2nd offense.
	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1868			
	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1869			
	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.
1870			
	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.
1871			
	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
1872			
	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.



933068

1873	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1874	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1875	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1876	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.
1877	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1878	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1879	812.014 (2) (b) 4.	2nd	Property stolen, law



933068

1880			enforcement equipment from authorized emergency vehicle.
1881	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1882	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1883	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1884	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1885	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
1886	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1887	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.



1888	817.2341 (2) (b) & (3) (b)	1st	Making false entries of 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.
1889	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
1890	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1891	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.
1892	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1893	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.



1894	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1895	838.015	2nd	Bribery.
1896	838.016	2nd	Unlawful compensation or reward for official behavior.
1897	838.021(3)(a)	2nd	Unlawful harm to a public servant.
1898	838.22	2nd	Bid tampering.
1899	843.0855(2)	3rd	Impersonation of a public officer or employee.
1900	843.0855(3)	3rd	Unlawful simulation of legal process.
1901	843.0855(4)	3rd	Intimidation of a public officer or employee.
1902	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1903	847.0135(4)	2nd	Traveling to meet a minor to



933068

1904			commit an unlawful sex act.
1905	872.06	2nd	Abuse of a dead human body.
1906	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1907	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
1908	893.13 (1) (c) 1.	1st	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 park or publicly owned recreational facility or community center.
	893.13 (1) (e) 1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s.



933068

			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.
1909	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).
1910	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1911	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1912	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1913	893.135(1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
1914	893.135(1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50



933068

1915			grams.
	893.135(1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
1916			
	893.135(1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
1917			
	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1918			
	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
1919			
	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
1920			
	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1921			
	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5



933068

1922			kilograms.
	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1923			
	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1924			
	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1925			
	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1926			
	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1927			
	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1928			



933068

1929	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1930	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1931	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1932	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1933	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
1934	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
	944.607 (12)	3rd	Failure to report or providing



933068

1935

944.607(13)

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.

1936

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

1937

985.4815(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

1938

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

1939

1940

1941

1942

1943

Section 48. For the purpose of incorporating the amendment made by this act to section 838.022, Florida Statutes, in a



933068

1944 reference thereto, paragraph (d) of subsection (3) of section
1945 921.0022, Florida Statutes, is reenacted to read:
1946 921.0022 Criminal Punishment Code; offense severity ranking
1947 chart.—

1948 (3) OFFENSE SEVERITY RANKING CHART

1949 (d) LEVEL 4

1950

1951

Florida Statute	Felony Degree	Description
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1952

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.
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1953

499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
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1954

499.0051 (2)	3rd	Failure to authenticate pedigree papers.
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1955

499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
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1956

517.07 (1)	3rd	Failure to register securities.
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933068

1957	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
1958	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
1959	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
1960	784.075	3rd	Battery on detention or commitment facility staff.
1961	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1962	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
1963	784.081 (3)	3rd	Battery on specified official or employee.
1964	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
1965	784.083 (3)	3rd	Battery on code inspector.
1966			



1967	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
1968	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
1969	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1970	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1971	787.07	3rd	Human smuggling.
1972	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.



933068

1973	790.115 (2) (c)	3rd	Possessing firearm on school property.
1974	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
1975	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1976	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1977	810.06	3rd	Burglary; possession of tools.
1978	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
1979	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1980	812.014 (2) (c) 4.- 10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.



1981	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
1982	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
1983	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1984	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
1985	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1986	837.02 (1)	3rd	Perjury in official proceedings.
1987	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1988	838.022	3rd	Official misconduct.
1989			



933068

1990	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1991	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
1992	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1993	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1994	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1995	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
1996	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.



933068

1997	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).
1998	914.14(2)	3rd	Witnesses accepting bribes.
1999	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
2000	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
2001	918.12	3rd	Tampering with jurors.
2002	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
2003			
2004			
2005			
2006			
2007			
2008			
2009			
2010			
2011			

2005 Section 49. As provided in s. 112.322(3), Florida Statutes,
2006 the Commission on Ethics is authorized to render advisory
2007 opinions to any public officer, candidate for public office, or
2008 public employee regarding the application of part III of chapter
2009 112, Florida Statutes, including the amendments made by this
2010 act.

2011 Section 50. The Legislature finds that a proper and



933068

2012 legitimate state purpose is served when internal controls are
2013 established to prevent and detect fraud, waste, and abuse and to
2014 safeguard and account for government funds and property.
2015 Therefore, the Legislature determines and declares that this act
2016 fulfills an important state interest.

2017 Section 51. This act shall take effect October 1, 2016.

2018
2019 ===== T I T L E A M E N D M E N T =====

2020 And the title is amended as follows:

2021 Delete everything before the enacting clause
2022 and insert:

2023 A bill to be entitled
2024 An act relating to government accountability; amending
2025 s. 11.045, F.S.; defining terms; requiring each house
2026 of the Legislature to provide by rule reporting
2027 requirements regarding lobbying firm's lobbying
2028 activities; specifying requirements regarding the
2029 content of reports and filing deadlines; requiring
2030 each house of the Legislature to establish procedures
2031 applicable to untimely filing of reports by rule;
2032 providing fines for late filing of reports; amending
2033 s. 11.40, F.S.; specifying that the Governor, the
2034 Commissioner of Education, or the designee of the
2035 Governor or of the Commissioner of Education may
2036 notify the Legislative Auditing Committee of an
2037 entity's failure to comply with certain auditing and
2038 financial reporting requirements; amending s. 11.45,
2039 F.S.; defining the terms "abuse," "fraud," and
2040 "waste"; revising the definition of the term "local



2041 governmental entity"; excluding water management
2042 districts from certain audit requirements; removing a
2043 cross-reference; authorizing the Auditor General to
2044 conduct audits of tourist development councils and
2045 county tourism promotion agencies; revising reporting
2046 requirements applicable to the Auditor General;
2047 creating s. 20.602, F.S.; specifying the applicability
2048 of certain provisions of the Code of Ethics for Public
2049 Officers and Employees to officers and board members
2050 of corporate entities associated with the Department
2051 of Economic Opportunity; prohibiting such officers and
2052 board members from representing a person or an entity
2053 for compensation before certain bodies for a specified
2054 timeframe; providing for construction; amending s.
2055 28.35, F.S.; revising reporting requirements
2056 applicable to the Florida Clerks of Court Operations
2057 Corporation; amending s. 43.16, F.S.; revising the
2058 responsibilities of the Justice Administrative
2059 Commission, each state attorney, each public defender,
2060 a criminal conflict and civil regional counsel, a
2061 capital collateral regional counsel, and the Guardian
2062 Ad Litem Program, to include the establishment and
2063 maintenance of certain internal controls; creating s.
2064 112.3126, F.S.; defining the term "private entity";
2065 prohibiting a member of the Legislature or a candidate
2066 for legislative office from accepting employment with
2067 a private entity that directly receives funding
2068 through state revenues under certain circumstances;
2069 authorizing employment with a private entity if



2070 certain conditions are met; amending s. 112.313, F.S.;
2071 specifying that prohibitions on conflicting employment
2072 or contractual relationships for public officers or
2073 employees of an agency apply to contractual
2074 relationships held by certain business entities;
2075 amending s. 112.3144, F.S.; requiring elected
2076 municipal officers to file a full and public
2077 disclosure of financial interests, rather than a
2078 statement of financial interests; providing for
2079 applicability; amending s. 112.31455, F.S.; revising
2080 provisions governing collection methods for unpaid
2081 automatic fines for failure to timely file disclosure
2082 of financial interests to include school districts;
2083 amending s. 112.3215, F.S.; requiring a lobbying firm
2084 to file a report with the Commission on Ethics
2085 disclosing whether the firm lobbied the Governor to
2086 approve or veto a bill or an appropriation; requiring
2087 the commission to establish procedures applicable to
2088 untimely filing of reports by rule; providing fines
2089 for late filing of reports; conforming provisions to
2090 changes made by the act; amending s. 112.3261, F.S.;
2091 revising terms to conform to changes made by the act;
2092 expanding the types of governmental entities that are
2093 subject to lobbyist registration requirements;
2094 requiring a governmental entity to create a lobbyist
2095 registration form; amending ss. 129.03, 129.06,
2096 166.241, and 189.016, F.S.; requiring counties,
2097 municipalities, and special districts to maintain
2098 certain budget documents on the entities' websites for



2099 a specified period; amending s. 215.425, F.S.;

2100 defining the term "public funds"; revising exceptions

2101 to the prohibition on extra compensation claims;

2102 requiring certain contracts to which a unit of

2103 government or state university is a party during a

2104 specified period to contain certain prohibitions on

2105 severance pay; requiring a unit of government to

2106 investigate and take necessary action to recover

2107 prohibited compensation; specifying methods of

2108 recovery for unintentional and willful violations;

2109 providing a penalty; specifying applicability of

2110 procedures regarding suspension and removal of an

2111 officer who commits a willful violation; establishing

2112 eligibility criteria and amounts for rewards;

2113 specifying circumstances under which an employee has a

2114 cause of action under the Whistle-blower's Act;

2115 establishing causes of action if a unit of government

2116 fails to recover prohibited compensation within a

2117 certain timeframe; providing for applicability;

2118 amending s. 215.86, F.S.; revising the purposes for

2119 which management systems and internal controls must be

2120 established and maintained by each state agency and

2121 the judicial branch; amending s. 215.97, F.S.;

2122 revising the definition of the term "audit threshold";

2123 amending s. 215.985, F.S.; revising the requirements

2124 for a monthly financial statement provided by a water

2125 management district; amending s. 218.32, F.S.;

2126 revising the requirements of the annual financial

2127 audit report of a local governmental entity;



2128 authorizing the Department of Financial Services to
2129 request additional information from a local
2130 governmental entity; requiring a local governmental
2131 entity to respond to such requests within a specified
2132 timeframe; requiring the department to notify the
2133 Legislative Auditing Committee of noncompliance;
2134 amending s. 218.33, F.S.; requiring local governmental
2135 entities to establish and maintain internal controls
2136 to achieve specified purposes; amending s. 218.39,
2137 F.S.; requiring an audited entity to respond to audit
2138 recommendations under specified circumstances;
2139 amending s. 218.391, F.S.; revising the composition of
2140 an audit committee; prohibiting an audit committee
2141 member from being an employee, a chief executive
2142 officer, or a chief financial officer of the
2143 respective governmental entity; requiring the chair of
2144 an audit committee to sign and execute an affidavit
2145 affirming compliance with auditor selection
2146 procedures; prescribing procedures in the event of
2147 noncompliance with auditor selection procedures;
2148 amending s. 286.0114, F.S.; prohibiting a board or
2149 commission from requiring an advance copy of testimony
2150 or comments from a member of the public as a
2151 precondition to be given the opportunity to be heard
2152 at a public meeting; amending s. 288.92, F.S.;
2153 prohibiting specified officers and board members of
2154 Enterprise Florida, Inc., from representing a person
2155 or entity for compensation before Enterprise Florida,
2156 Inc., and associated entities thereof, for a specified



2157 timeframe; amending s. 288.9604, F.S.; prohibiting a
2158 director of the Florida Development Finance
2159 Corporation from representing a person or an entity
2160 for compensation before the corporation for a
2161 specified timeframe; amending s. 373.536, F.S.;
2162 deleting obsolete language; requiring water management
2163 districts to maintain certain budget documents on the
2164 districts' websites for a specified period; amending
2165 s. 838.014, F.S.; revising and providing definitions;
2166 amending s. 838.015, F.S.; revising the definition of
2167 the term "bribery"; revising requirements for
2168 prosecution; amending s. 838.016, F.S.; revising the
2169 prohibition against unlawful compensation or reward
2170 for official behavior to conform to changes made by
2171 the act; amending s. 838.022, F.S.; revising the
2172 prohibition against official misconduct to conform to
2173 changes made by the act; revising applicability of the
2174 offense to include public contractors; amending s.
2175 838.22, F.S.; revising the prohibition against bid
2176 tampering to conform to changes made by the act;
2177 revising applicability of the offense to include
2178 specified public contractors; amending s. 1002.37,
2179 F.S.; requiring completion of an annual financial
2180 audit of the Florida Virtual School; specifying audit
2181 requirements; requiring an audit report to be
2182 submitted to the board of trustees of the Florida
2183 Virtual School and the Auditor General; removing
2184 obsolete provisions; amending s. 1010.01, F.S.;
2185 requiring each school district, Florida College System



933068

2186 institution, and state university to establish and
2187 maintain certain internal controls; amending s.
2188 1010.30, F.S.; requiring a district school board,
2189 Florida College System institution board of trustees,
2190 or university board of trustees to respond to audit
2191 recommendations under certain circumstances; amending
2192 ss. 11.0455, 68.082, 68.083, 99.061, 218.503, and
2193 1002.455, F.S.; conforming provisions and cross-
2194 references to changes made by the act; reenacting s.
2195 112.534(2)(a), F.S., relating to official misconduct,
2196 and s. 117.01(4)(d), F.S., relating to appointment,
2197 application, suspension, revocation, application fee,
2198 bond, and oath of notaries public, to incorporate the
2199 amendment made by the act to s. 838.022, F.S., in
2200 references thereto; reenacting s. 817.568(11), F.S.,
2201 relating to criminal use of personal identification
2202 information, to incorporate the amendment made by the
2203 act to s. 838.014, F.S., in a reference thereto;
2204 reenacting s. 921.0022(3)(d) and (g), F.S., relating
2205 to the Criminal Punishment Code offense severity
2206 ranking chart, to incorporate the amendments made by
2207 the act to ss. 838.015, 838.016, 838.022, and 838.22,
2208 F.S., in references thereto; providing for
2209 applicability; declaring that the act fulfills an
2210 important state interest; providing an effective date.



637650

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

1 **Senate Substitute for Amendment (933068) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 11.40 Legislative Auditing Committee.—

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



637650

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

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

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

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



637650

40 of Economic Opportunity that the special district has failed to
41 comply with the law. Upon receipt of notification, the
42 Department of Economic Opportunity shall proceed pursuant to s.
43 189.062 or s. 189.067. If the special district remains in
44 noncompliance after the process set forth in s. 189.034(3), or
45 if a public hearing is not held, the Legislative Auditing
46 Committee may request the department to proceed pursuant to s.
47 189.067(3).

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

57 3. Any manner other than a special act or local ordinance,
58 notify the Department of Economic Opportunity that the special
59 district has failed to comply with the law. Upon receipt of
60 notification, the department shall proceed pursuant to s.
61 189.062 or s. 189.067(3).

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

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



637650

69 read:

70 11.45 Definitions; duties; authorities; reports; rules.—

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

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

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

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

88 (d) ~~(c)~~ "Financial audit" means an examination of financial
89 statements in order to express an opinion on the fairness with
90 which they are presented in conformity with generally accepted
91 accounting principles and an examination to determine whether
92 operations are properly conducted in accordance with legal and
93 regulatory requirements. Financial audits must be conducted in
94 accordance with auditing standards generally accepted in the
95 United States and government auditing standards as adopted by
96 the Board of Accountancy. When applicable, the scope of
97 financial audits must ~~shall~~ encompass the additional activities



637650

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

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

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

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

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

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



637650

127 and encourage the achievement of management's control objectives
128 in the categories of compliance, economic and efficient
129 operations, reliability of financial records and reports, and
130 safeguarding of assets, and identify weaknesses in those
131 internal controls.

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

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

139 2. Structure or design of the program to accomplish its
140 goals and objectives.

141 3. Adequacy of the program to meet the needs identified by
142 the Legislature or governing body.

143 4. Alternative methods of providing program services or
144 products.

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

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

149 7. Compliance of the program with appropriate policies,
150 rules, or laws.

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

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



637650

156 thereof: authority, board, branch, bureau, city, commission,
157 consolidated government, county, department, district,
158 institution, metropolitan government, municipality, office,
159 officer, public corporation, town, or village.

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

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

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

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



637650

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

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

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

198 (x) Tourist development councils and county tourism
199 promotion agencies.

200 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

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

211 Section 3. Section 20.602, Florida Statutes, is created to
212 read:

213 20.602 Standards of conduct; officers and board members of



637650

214 Department of Economic Opportunity corporate entities.-
215 (1) The following officers and board members are subject to
216 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
217 112.3143(2):
218 (a) Officers and members of the board of directors of:
219 1. Any corporation created under chapter 288;
220 2. Space Florida;
221 3. CareerSource Florida, Inc., or the programs or entities
222 created by CareerSource Florida, Inc., pursuant to s. 445.004;
223 4. The Florida Housing Finance Corporation; or
224 5. Any other corporation created by the Department of
225 Economic Opportunity in accordance with its powers and duties
226 under s. 20.60.
227 (b) Officers and members of the board of directors of a
228 corporate parent or subsidiary corporation of a corporation
229 described in paragraph (a).
230 (c) Officers and members of the board of directors of a
231 corporation created to carry out the missions of a corporation
232 described in paragraph (a).
233 (d) Officers and members of the board of directors of a
234 corporation with which a corporation described in paragraph (a)
235 is required by law to contract with to carry out its missions.
236 (2) For purposes of applying ss. 112.313(1)-(8), (10),
237 (12), and (15); 112.3135; and 112.3143(2) to activities of the
238 officers and members of the board of directors specified in
239 subsection (1), those persons shall be considered public
240 officers or employees and the corporation shall be considered
241 their agency.
242 (3) For a period of 2 years after retirement from or



637650

243 termination of service, or for a period of 10 years if removed
244 or terminated for cause or for misconduct, as defined in s.
245 443.036(29), an officer or a member of the board of directors
246 specified in subsection (1) may not represent another person or
247 entity for compensation before:

248 (a) His or her corporation;

249 (b) A division, a subsidiary, or the board of directors of
250 a corporation created to carry out the mission of his or her
251 corporation; or

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

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

258 Section 4. Paragraph (d) of subsection (2) of section
259 28.35, Florida Statutes, is amended to read:

260 28.35 Florida Clerks of Court Operations Corporation.—

261 (2) The duties of the corporation shall include the
262 following:

263 (d) Developing and certifying a uniform system of workload
264 measures and applicable workload standards for court-related
265 functions as developed by the corporation and clerk workload
266 performance in meeting the workload performance standards. These
267 workload measures and workload performance standards shall be
268 designed to facilitate an objective determination of the
269 performance of each clerk in accordance with minimum standards
270 for fiscal management, operational efficiency, and effective
271 collection of fines, fees, service charges, and court costs. The



637650

272 corporation shall develop the workload measures and workload
273 performance standards in consultation with the Legislature. When
274 the corporation finds a clerk has not met the workload
275 performance standards, the corporation shall identify the nature
276 of each deficiency and any corrective action recommended and
277 taken by the affected clerk of the court. For quarterly periods
278 ending on the last day of March, June, September, and December
279 of each year, the corporation shall notify the Legislature of
280 any clerk not meeting workload performance standards and provide
281 a copy of any corrective action plans. Such notifications shall
282 be submitted no later than 45 days after the end of the
283 preceding quarterly period. As used in this subsection, the
284 term:

285 1. "Workload measures" means the measurement of the
286 activities and frequency of the work required for the clerk to
287 adequately perform the court-related duties of the office as
288 defined by the membership of the Florida Clerks of Court
289 Operations Corporation.

290 2. "Workload performance standards" means the standards
291 developed to measure the timeliness and effectiveness of the
292 activities that are accomplished by the clerk in the performance
293 of the court-related duties of the office as defined by the
294 membership of the Florida Clerks of Court Operations
295 Corporation.

296 Section 5. Present subsections (6) and (7) of section
297 43.16, Florida Statutes, are redesignated as subsections (7) and
298 (8), respectively, and a new subsection (6) is added to that
299 section, to read:

300 43.16 Justice Administrative Commission; membership, powers



637650

301 and duties.-

302 (6) The commission, each state attorney, each public
303 defender, the criminal conflict and civil regional counsel, the
304 capital collateral regional counsel, and the Guardian Ad Litem
305 Program shall establish and maintain internal controls designed
306 to:

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

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

310 (c) Support economical and efficient operations.

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

312 (e) Safeguard assets.

313 Section 6. Section 112.3126, Florida Statutes, is created
314 to read:

315 112.3126 Employment restrictions; legislators.-

316 (1) As used in this section, the term "private entity"
317 means any nongovernmental entity, such as a corporation,
318 partnership, company or nonprofit organization, any other legal
319 entity, or any natural person.

320 (2) (a) A member of, or candidate for, the Legislature may
321 not accept employment with a private entity that directly
322 receives funding through state revenues appropriated by the
323 General Appropriations Act if he or she knows, or with the
324 exercise of reasonable care should know, that the position is
325 being offered by the employer for the purpose of gaining
326 influence or other advantage based on the legislator's office or
327 candidacy. Any employment with a private entity that directly
328 receives funding through state revenues appropriated by the
329 General Appropriations Act accepted by a member or candidate



637650

330 must meet all of the following conditions:

331 1. The position was already in existence or was created by
332 the employer without the knowledge or anticipation of the
333 legislator's interest in such position;

334 2. The position was open to other applicants;

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

337 4. The legislator meets or exceeds the required
338 qualifications for the position.

339 (b) A member of the Legislature who is employed by such
340 private entity before his or her legislative service begins may
341 continue his or her employment. However, he or she may not
342 accept promotion, advancement, additional compensation, or
343 anything of value that he or she knows, or with the exercise of
344 reasonable care should know, is provided or given to influence
345 or attempt to influence his or her legislative office, or that
346 is otherwise inconsistent with the promotion, advancement,
347 additional compensation, or anything of value provided or given
348 an employee who is similarly situated.

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

351 112.313 Standards of conduct for public officers, employees
352 of agencies, and local government attorneys.—

353 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

354 (a) A ~~No~~ public officer or employee of an agency may not
355 ~~shall~~ have or hold any employment or contractual relationship
356 with any business entity or any agency that ~~which~~ is subject to
357 the regulation of, or is doing business with, an agency of which
358 he or she is an officer or employee, excluding those



637650

359 organizations and their officers who, when acting in their
360 official capacity, enter into or negotiate a collective
361 bargaining contract with the state or any municipality, county,
362 or other political subdivision of the state; and ~~nor shall~~ an
363 officer or employee of an agency may not have or hold any
364 employment or contractual relationship that will create a
365 continuing or frequently recurring conflict between his or her
366 private interests and the performance of his or her public
367 duties or that would impede the full and faithful discharge of
368 his or her public duties. For purposes of this subsection, if a
369 public officer or employee of an agency holds a controlling
370 interest in a business entity or is an officer, a director, or a
371 member who manages such an entity, contractual relationships
372 held by the business entity are deemed to be held by the public
373 officer or employee.

374 1. When the agency referred to is a ~~that certain kind of~~
375 special tax district created by general or special law and is
376 limited specifically to constructing, maintaining, managing, and
377 financing improvements in the land area over which the agency
378 has jurisdiction, or when the agency has been organized pursuant
379 to chapter 298, ~~then~~ employment with, or entering into a
380 contractual relationship with, such a business entity by a
381 public officer or employee of such an agency is ~~shall not be~~
382 prohibited by this subsection or ~~be~~ deemed a conflict per se.
383 However, conduct by such officer or employee that is prohibited
384 by, or otherwise frustrates the intent of, this section must
385 ~~shall~~ be deemed a conflict of interest in violation of the
386 standards of conduct set forth by this section.

387 2. When the agency referred to is a legislative body and



637650

388 the regulatory power over the business entity resides in another
389 agency, or when the regulatory power that ~~which~~ the legislative
390 body exercises over the business entity or agency is strictly
391 through the enactment of laws or ordinances, ~~then~~ employment or
392 a contractual relationship with such a business entity by a
393 public officer or employee of a legislative body is ~~shall~~ not ~~be~~
394 prohibited by this subsection or ~~be~~ deemed a conflict.

395 (b) This subsection does ~~shall~~ not prohibit a public
396 officer or employee from practicing in a particular profession
397 or occupation when such practice by persons holding such public
398 office or employment is required or permitted by law or
399 ordinance.

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

402 112.3144 Full and public disclosure of financial
403 interests.—

404 (1) In addition to officers specified in s. 8, Art. II of
405 the State Constitution or other state law, all elected municipal
406 officers are required to file a full and public disclosure of
407 their financial interests. An officer who is required ~~by s. 8,~~
408 ~~Art. II of the State Constitution~~ to file a full and public
409 disclosure of ~~his or her~~ financial interests for any calendar or
410 fiscal year shall file that disclosure with the ~~Florida~~
411 Commission on Ethics. ~~Additionally, beginning January 1, 2015,~~
412 An officer who is required to complete annual ethics training
413 pursuant to s. 112.3142 must certify on his or her full and
414 public disclosure of financial interests that he or she has
415 completed the required training.

416 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~



637650

417 ~~the State Constitution,~~ to file a full and public disclosure of
418 financial interests and who has filed a full and public
419 disclosure of financial interests for any calendar or fiscal
420 year is ~~shall~~ not ~~be~~ required to file a statement of financial
421 interests pursuant to s. 112.3145(2) and (3) for the same year
422 or for any part thereof notwithstanding any requirement of this
423 part. If an incumbent in an elective office has filed the full
424 and public disclosure of financial interests to qualify for
425 election to the same office or if a candidate for office holds
426 another office subject to the annual filing requirement, the
427 qualifying officer shall forward an electronic copy of the full
428 and public disclosure of financial interests to the commission
429 no later than July 1. The electronic copy of the full and public
430 disclosure of financial interests satisfies the annual
431 disclosure requirement of this section. A candidate who does not
432 qualify until after the annual full and public disclosure of
433 financial interests has been filed pursuant to this section
434 shall file a copy of his or her disclosure with the officer
435 before whom he or she qualifies.

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

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

441 112.31455 Collection methods for unpaid automatic fines for
442 failure to timely file disclosure of financial interests.—

443 (1) Before referring any unpaid fine accrued pursuant to s.
444 112.3144(5) or s. 112.3145(7) to the Department of Financial
445 Services, the commission shall attempt to determine whether the



637650

446 individual owing such a fine is a current public officer or
447 current public employee. If so, the commission may notify the
448 Chief Financial Officer or the governing body of the appropriate
449 county, municipality, school district, or special district of
450 the total amount of any fine owed to the commission by such
451 individual.

452 (a) After receipt and verification of the notice from the
453 commission, the Chief Financial Officer or the governing body of
454 the county, municipality, school district, or special district
455 shall begin withholding the lesser of 10 percent or the maximum
456 amount allowed under federal law from any salary-related
457 payment. The withheld payments shall be remitted to the
458 commission until the fine is satisfied.

459 (b) The Chief Financial Officer or the governing body of
460 the county, municipality, school district, or special district
461 may retain an amount of each withheld payment, as provided in s.
462 77.0305, to cover the administrative costs incurred under this
463 section.

464 Section 11. Section 112.3261, Florida Statutes, is amended
465 to read:

466 112.3261 Lobbying before governmental entities ~~water~~
467 ~~management districts~~; registration and reporting.—

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

469 (a) "Governmental entity" or "entity" ~~"District"~~ means a
470 water management district created in s. 373.069 and operating
471 under the authority of chapter 373, a hospital district, a
472 children's services district, an expressway authority as the
473 term "authority" is defined in s. 348.0002, the term "port
474 authority" as defined in s. 315.02, a county or municipality



637650

475 that has not adopted lobbyist registration and reporting
476 requirements, or an independent special district with annual
477 revenues of more than \$5 million which exercises ad valorem
478 taxing authority.

479 (b) "Lobbies" means seeking, on behalf of another person,
480 to influence a governmental entity ~~district~~ with respect to a
481 decision of the entity ~~district~~ in an area of policy or
482 procurement or an attempt to obtain the goodwill of an a
483 ~~district~~ official or employee of a governmental entity. The term
484 "~~lobbies~~" shall be interpreted and applied consistently with the
485 rules of the commission implementing s. 112.3215.

486 (c) "Lobbyist" has the same meaning as provided in s.
487 112.3215.

488 (d) "Principal" has the same meaning as provided in s.
489 112.3215.

490 (2) A person may not lobby a governmental entity ~~district~~
491 until such person has registered as a lobbyist with that entity
492 ~~district~~. Such registration shall be due upon initially being
493 retained to lobby and is renewable on a calendar-year basis
494 thereafter. Upon registration, the person shall provide a
495 statement signed by the principal or principal's representative
496 stating that the registrant is authorized to represent the
497 principal. The principal shall also identify and designate its
498 main business on the statement authorizing that lobbyist
499 pursuant to a classification system approved by the governmental
500 entity ~~district~~. Any changes to the information required by this
501 section must be disclosed within 15 days by filing a new
502 registration form. The registration form must ~~shall~~ require each
503 lobbyist to disclose, under oath, the following:



637650

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

505 (b) The name and business address of each principal
506 represented.

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

511 (d) A governmental entity shall create a lobbyist
512 registration form modeled after the ~~In lieu of creating its own~~
513 ~~lobbyist registration forms, a district may accept a completed~~
514 legislative branch or executive branch lobbyist registration
515 form, which must be returned to the governmental entity.

516 (3) A governmental entity ~~district~~ shall make lobbyist
517 registrations available to the public. If a governmental entity
518 ~~district~~ maintains a website, a database of currently registered
519 lobbyists and principals must be available on the entity's
520 ~~district's~~ website.

521 (4) A lobbyist shall promptly send a written statement to
522 the governmental entity ~~district~~ canceling the registration for
523 a principal upon termination of the lobbyist's representation of
524 that principal. A governmental entity ~~district~~ may remove the
525 name of a lobbyist from the list of registered lobbyists if the
526 principal notifies the entity ~~district~~ that a person is no
527 longer authorized to represent that principal.

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

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



637650

533 ascertain whether persons required to register pursuant to this
534 section have complied. A governmental entity ~~district~~ may not
535 knowingly authorize a person who is not registered pursuant to
536 this section to lobby the entity ~~district~~.

537 (7) Upon receipt of a sworn complaint alleging that a
538 lobbyist or principal has failed to register with a governmental
539 entity ~~district~~ or has knowingly submitted false information in
540 a report or registration required under this section, the
541 commission shall investigate a lobbyist or principal pursuant to
542 the procedures established under s. 112.324. The commission
543 shall provide the Governor with a report of its findings and
544 recommendations in any investigation conducted pursuant to this
545 subsection. The Governor is authorized to enforce the
546 commission's findings and recommendations.

547 (8) A governmental entity ~~Water management districts~~ may
548 adopt rules to establish procedures to govern the registration
549 of lobbyists, including the adoption of forms and the
550 establishment of a lobbyist registration fee.

551 Section 12. Paragraph (c) of subsection (3) of section
552 129.03, Florida Statutes, is amended to read:

553 129.03 Preparation and adoption of budget.—

554 (3) The county budget officer, after tentatively
555 ascertaining the proposed fiscal policies of the board for the
556 next fiscal year, shall prepare and present to the board a
557 tentative budget for the next fiscal year for each of the funds
558 provided in this chapter, including all estimated receipts,
559 taxes to be levied, and balances expected to be brought forward
560 and all estimated expenditures, reserves, and balances to be
561 carried over at the end of the year.



637650

562 (c) The board shall hold public hearings to adopt tentative
563 and final budgets pursuant to s. 200.065. The hearings shall be
564 primarily for the purpose of hearing requests and complaints
565 from the public regarding the budgets and the proposed tax
566 levies and for explaining the budget and any proposed or adopted
567 amendments. The tentative budget must be posted on the county's
568 official website at least 2 days before the public hearing to
569 consider such budget and must remain on the website for at least
570 45 days. The final budget must be posted on the website within
571 30 days after adoption and must remain on the website for at
572 least 2 years. The tentative budgets, adopted tentative budgets,
573 and final budgets shall be filed in the office of the county
574 auditor as a public record. Sufficient reference in words and
575 figures to identify the particular transactions must ~~shall~~ be
576 made in the minutes of the board to record its actions with
577 reference to the budgets.

578 Section 13. Paragraph (f) of subsection (2) of section
579 129.06, Florida Statutes, is amended to read:

580 129.06 Execution and amendment of budget.-

581 (2) The board at any time within a fiscal year may amend a
582 budget for that year, and may within the first 60 days of a
583 fiscal year amend the budget for the prior fiscal year, as
584 follows:

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

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



591 but not more than 5 days, before the date of the hearing. The
592 advertisement must appear in a newspaper of paid general
593 circulation and must identify the name of the taxing authority,
594 the date, place, and time of the hearing, and the purpose of the
595 hearing. The advertisement must also identify each budgetary
596 fund to be amended, the source of the funds, the use of the
597 funds, and the total amount of each fund's appropriations.

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

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

604 166.241 Fiscal years, budgets, and budget amendments.—

605 (3) The tentative budget must be posted on the
606 municipality's official website at least 2 days before the
607 budget hearing, held pursuant to s. 200.065 or other law, to
608 consider such budget, and must remain on the website for at
609 least 45 days. The final adopted budget must be posted on the
610 municipality's official website within 30 days after adoption
611 and must remain on the website for at least 2 years. If the
612 municipality does not operate an official website, the
613 municipality must, within a reasonable period of time as
614 established by the county or counties in which the municipality
615 is located, transmit the tentative budget and final budget to
616 the manager or administrator of such county or counties who
617 shall post the budgets on the county's website.

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



637650

620 be posted on the official website of the municipality within 5
621 days after adoption and must remain on the website for at least
622 2 years. If the municipality does not operate an official
623 website, the municipality must, within a reasonable period of
624 time as established by the county or counties in which the
625 municipality is located, transmit the adopted amendment to the
626 manager or administrator of such county or counties who shall
627 post the adopted amendment on the county's website.

628 Section 15. Subsections (4) and (7) of section 189.016,
629 Florida Statutes, are amended to read:

630 189.016 Reports; budgets; audits.—

631 (4) The tentative budget must be posted on the special
632 district's official website at least 2 days before the budget
633 hearing, held pursuant to s. 200.065 or other law, to consider
634 such budget, and must remain on the website for at least 45
635 days. The final adopted budget must be posted on the special
636 district's official website within 30 days after adoption and
637 must remain on the website for at least 2 years. If the special
638 district does not operate an official website, the special
639 district must, within a reasonable period of time as established
640 by the local general-purpose government or governments in which
641 the special district is located or the local governing authority
642 to which the district is dependent, transmit the tentative
643 budget or final budget to the manager or administrator of the
644 local general-purpose government or the local governing
645 authority. The manager or administrator shall post the tentative
646 budget or final budget on the website of the local general-
647 purpose government or governing authority. This subsection and
648 subsection (3) do not apply to water management districts as



637650

649 defined in s. 373.019.

650 (7) If the governing body of a special district amends the
651 budget pursuant to paragraph (6) (c), the adopted amendment must
652 be posted on the official website of the special district within
653 5 days after adoption and must remain on the website for at
654 least 2 years. If the special district does not operate an
655 official website, the special district must, within a reasonable
656 period of time as established by the local general-purpose
657 government or governments in which the special district is
658 located or the local governing authority to which the district
659 is dependent, transmit the adopted amendment to the manager or
660 administrator of the local general-purpose government or
661 governing authority. The manager or administrator shall post the
662 adopted amendment on the website of the local general-purpose
663 government or governing authority.

664 Section 16. Present subsections (1) through (5) of section
665 215.425, Florida Statutes, are renumbered as subsections (2)
666 through (6), respectively, present subsection (2) and paragraph
667 (a) of present subsection (4) of that section are amended, and a
668 new subsection (1) and subsections (7) through (13) are added to
669 that section, to read:

670 215.425 Extra compensation claims prohibited; bonuses;
671 severance pay.—

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



637650

678 department, agency, division, subdivision, political
679 subdivision, board, bureau, or commission of such entities.

680 (3)~~(2)~~ Notwithstanding subsection (2), if the payment and
681 receipt does not otherwise violate part III of chapter 112, the
682 following funds may be used to provide extra compensation or
683 severance pay in excess of the amount specified in subparagraph
684 (5) (a)1.:

685 (a) Revenues received by state universities through or from
686 faculty practice plans; health services support organizations;
687 hospitals with which state universities are affiliated; direct-
688 support organizations; or federal, auxiliary, or private
689 sources, except for tuition.

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

694 (c) Revenues that are received by a hospital licensed under
695 chapter 395 which has entered into a Medicaid provider contract
696 and that:

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

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

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

702 4. Are not appropriated by the Legislature or by any
703 county, municipality, special district, school district, Florida
704 College System institution, state university, or other separate
705 unit of government created pursuant to law, including any
706 office, department, agency, division, subdivision, political



637650

707 subdivision, board, bureau, commission, authority, or
708 institution of such entities, except for revenues otherwise
709 authorized to be used pursuant to subparagraphs 2. and 3. This
710 section does not apply to:

711 ~~(a) a bonus or severance pay that is paid wholly from~~
712 ~~non-tax revenues and nonstate-appropriated funds, the payment and~~
713 ~~receipt of which does not otherwise violate part III of chapter~~
714 ~~112, and which is paid to an officer, agent, employee, or~~
715 ~~contractor of a public hospital that is operated by a county or~~
716 ~~a special district; or~~

717 ~~(d)(b)~~ A clothing and maintenance allowance given to
718 plainclothes deputies pursuant to s. 30.49.

719 (e) Revenues or fees received by a seaport or airport from
720 sources other than through the levy of a tax, or funds
721 appropriated by any county or municipality or the Legislature.

722 ~~(5)(a)(4)(a)~~ ~~On or after July 1, 2011,~~ A unit of
723 government, on or after July 1, 2011, or a state university, on
724 or after July 1, 2012, that is a party to enters into a contract
725 or employment agreement, or renewal or renegotiation of an
726 existing contract or employment agreement, that contains a
727 provision for severance pay with an officer, agent, employee, or
728 contractor must include the following provisions in the
729 contract:

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

733 2. A prohibition of provision of severance pay paid from
734 public funds when the officer, agent, employee, or contractor
735 has been fired for misconduct, as defined in s. 443.036(29), by



637650

736 the unit of government.

737 (7) Upon discovery or notification that a unit of
738 government has provided prohibited compensation to any officer,
739 agent, employee, or contractor in violation of this section,
740 such unit of government shall investigate and take all necessary
741 action to recover the prohibited compensation.

742 (a) If the violation was unintentional, the unit of
743 government shall recover the prohibited compensation from the
744 individual receiving the prohibited compensation through normal
745 recovery methods for overpayments.

746 (b) If the violation was willful, the unit of government
747 shall recover the prohibited compensation from either the
748 individual receiving the prohibited compensation or the
749 individual or individuals responsible for approving the
750 prohibited compensation. Each individual determined to have
751 willfully violated this section is jointly and severally liable
752 for repayment of the prohibited compensation.

753 (8) A person who willfully violates this section commits a
754 misdemeanor of the first degree, punishable as provided in s.
755 775.082 or s. 775.083.

756 (9) An officer who exercises the powers and duties of a
757 state or county officer and willfully violates this section is
758 subject to the Governor's power under s. 7(a), Art. IV of the
759 State Constitution. An officer who exercises powers and duties
760 other than those of a state or county officer and willfully
761 violates this section is subject to the suspension and removal
762 procedures under s. 112.51.

763 (10) (a) A person who reports a violation of this section is
764 eligible for a reward of at least \$500, or the lesser of 10



637650

765 percent of the funds recovered or \$10,000 per incident of a
766 prohibited compensation payment recovered by the unit of
767 government, depending upon the extent to which the person
768 substantially contributed to the discovery, notification, and
769 recovery of such prohibited payment.

770 (b) In the event that the recovery of the prohibited
771 compensation is based primarily on disclosures of specific
772 information, other than information provided by such person,
773 relating to allegations or transactions in a criminal, civil, or
774 administrative hearing; in a legislative, administrative,
775 inspector general, or other government report; in an auditor
776 general report, hearing, audit, or investigation; or from the
777 news media, such person is not eligible for a reward, or for an
778 award of a portion of the proceeds or payment of attorney fees
779 and costs pursuant to s. 68.085.

780 (c) If it is determined that the person who reported a
781 violation of this section was involved in the authorization,
782 approval, or receipt of the prohibited compensation or is
783 convicted of criminal conduct arising from his or her role in
784 the authorization, approval, or receipt of the prohibited
785 compensation, such person is not eligible for a reward, or for
786 an award of a portion of the proceeds or payment of attorney
787 fees and costs pursuant to s. 68.085.

788 (11) An employee who is discharged, demoted, suspended,
789 threatened, harassed, or in any manner discriminated against in
790 the terms and conditions of employment by his or her employer
791 because of lawful acts done by the employee on behalf of the
792 employee or others in furtherance of an action under this
793 section, including investigation for initiation of, testimony



637650

794 for, or assistance in an action filed or to be filed under this
795 section, has a cause of action under s. 112.3187.

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

800 (a) Recover state funds in accordance with ss. 68.082 and
801 68.083.

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

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

810 (13) Subsections (7)-(12) apply prospectively to contracts
811 or employment agreements, or the renewal or renegotiation of an
812 existing contract or employment agreement, effective on or after
813 October 1, 2016.

814 Section 17. Section 215.86, Florida Statutes, is amended to
815 read:

816 215.86 Management systems and controls.—Each state agency
817 and the judicial branch as defined in s. 216.011 shall establish
818 and maintain management systems and internal controls designed
819 to:

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

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



637650

823 (3) Support economical and ~~economic~~, efficient, and
824 effective operations.

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

826 (5) Safeguard and safeguarding of assets. Accounting
827 systems and procedures shall be designed to fulfill the
828 requirements of generally accepted accounting principles.

829 Section 18. Paragraph (a) of subsection (2) of section
830 215.97, Florida Statutes, is amended to read:

831 215.97 Florida Single Audit Act.—

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

833 (a) "Audit threshold" means the threshold amount used to
834 determine when a state single audit or project-specific audit of
835 a nonstate entity shall be conducted in accordance with this
836 section. Each nonstate entity that expends a total amount of
837 state financial assistance equal to or in excess of \$750,000
838 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
839 required to have a state single audit, or a project-specific
840 audit, for such fiscal year in accordance with the requirements
841 of this section. ~~Every 2 years the Auditor General,~~ After
842 consulting with the Executive Office of the Governor, the
843 Department of Financial Services, and all state awarding
844 agencies, the Auditor General shall periodically review the
845 threshold amount for requiring audits under this section and may
846 recommend any appropriate statutory change to revise the
847 threshold amount in the annual report submitted pursuant to s.
848 11.45(7)(h) to the Legislature ~~may adjust such threshold amount~~
849 ~~consistent with the purposes of this section.~~

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



637650

852 215.985 Transparency in government spending.—

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

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

860 218.32 Annual financial reports; local governmental
861 entities.—

862 (1)

863 (d) Each local governmental entity that is required to
864 provide for an audit under s. 218.39(1) must submit a copy of
865 the audit report and annual financial report to the department
866 within 45 days after the completion of the audit report but no
867 later than 9 months after the end of the fiscal year. In
868 conducting an audit of a local governmental entity pursuant to
869 s. 218.39, an independent certified public accountant shall
870 determine whether the entity's annual financial report is in
871 agreement with the audited financial statements. The
872 accountant's audit report must be supported by the same level of
873 detail as required for the annual financial report. If the
874 accountant's audit report is not in agreement with the annual
875 financial report, the accountant shall specify and explain the
876 significant differences that exist between the annual financial
877 report and the audit report.

878 (2) The department shall annually by December 1 file a
879 verified report with the Governor, the Legislature, the Auditor
880 General, and the Special District Accountability Program of the



637650

881 Department of Economic Opportunity showing the revenues, both
882 locally derived and derived from intergovernmental transfers,
883 and the expenditures of each local governmental entity, regional
884 planning council, local government finance commission, and
885 municipal power corporation that is required to submit an annual
886 financial report. In preparing the verified report, the
887 department may request additional information from the local
888 governmental entity. The information requested must be provided
889 to the department within 45 days after the request. If the local
890 governmental entity does not comply with the request, the
891 department shall notify the Legislative Auditing Committee,
892 which may take action pursuant to s. 11.40(2). The report must
893 include, but is not limited to:

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

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

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

905 218.33 Local governmental entities; establishment of
906 uniform fiscal years and accounting practices and procedures.—

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

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



637650

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

912 (c) Support economical and efficient operations.

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

914 (e) Safeguard assets.

915 Section 22. Present subsections (8) through (12) of section
916 218.39, Florida Statutes, are redesignated as subsections (9)
917 through (13), respectively, and a new subsection (8) is added to
918 that section, to read:

919 218.39 Annual financial audit reports.-

920 (8) If the audit report includes a recommendation that was
921 included in the preceding financial audit report but remains
922 unaddressed, the governing body of the audited entity, within 60
923 days after the delivery of the audit report to the governing
924 body, shall indicate during a regularly scheduled public meeting
925 whether it intends to take corrective action, the intended
926 corrective action, and the timeframe for the corrective action.
927 If the governing body indicates that it does not intend to take
928 corrective action, it shall explain its decision at the public
929 meeting.

930 Section 23. Subsection (2) of section 218.391, Florida
931 Statutes, is amended, and subsection (9) is added to that
932 section, to read:

933 218.391 Auditor selection procedures.-

934 (2) The governing body of a ~~charter~~ county, municipality,
935 special district, district school board, charter school, or
936 charter technical career center shall establish an audit
937 committee.

938 (a) The audit committee for a county ~~Each noncharter county~~



637650

939 ~~shall establish an audit committee that~~, at a minimum, shall
940 consist of each of the county officers elected pursuant to the
941 county charter or s. 1(d), Art. VIII of the State Constitution,
942 or their respective designees ~~a designee~~, and one member of the
943 board of county commissioners or its designee.

944 (b) The audit committee for a municipality, special
945 district, district school board, charter school, or charter
946 technical career center shall consist of at least three members.
947 One member of the audit committee must be a member of the
948 governing body of an entity specified in this paragraph, who
949 shall also serve as the chair of the committee.

950 (c) An employee, chief executive officer, or chief
951 financial officer of the county, municipality, special district,
952 district school board, charter school, or charter technical
953 career center may not serve as a member of an audit committee
954 established under this subsection.

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

961 (9) An audit report submitted pursuant to s. 218.39 must
962 include an affidavit executed by the chair of the audit
963 committee affirming that the committee complied with the
964 requirements of subsections (3)-(6) in selecting an auditor. If
965 the Auditor General determines that an entity failed to comply
966 with the requirements of subsections (3)-(6) in selecting an
967 auditor, the entity shall select a replacement auditor in



637650

968 accordance with this section to conduct audits for subsequent
969 fiscal years if the original audit was performed under a
970 multiyear contract. If the replacement of an auditor would
971 preclude the entity from timely completing the annual financial
972 audit required by s. 218.39, the entity shall replace an auditor
973 in accordance with this section for the subsequent annual
974 financial audit. A multiyear contract between an entity or an
975 auditor may not prohibit or restrict an entity from complying
976 with this subsection.

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

979 286.0114 Public meetings; reasonable opportunity to be
980 heard; attorney fees.-

981 (2) Members of the public shall be given a reasonable
982 opportunity to be heard on a proposition before a board or
983 commission. The opportunity to be heard need not occur at the
984 same meeting at which the board or commission takes official
985 action on the proposition if the opportunity occurs at a meeting
986 that is during the decisionmaking process and is within
987 reasonable proximity in time before the meeting at which the
988 board or commission takes the official action. A board or
989 commission may not require a member of the public to provide an
990 advance written copy of his or her testimony or comments as a
991 precondition of being given the opportunity to be heard at a
992 meeting. This section does not prohibit a board or commission
993 from maintaining orderly conduct or proper decorum in a public
994 meeting. The opportunity to be heard is subject to rules or
995 policies adopted by the board or commission, as provided in
996 subsection (4).



637650

997 Section 25. Paragraph (b) of subsection (2) of section
998 288.92, Florida Statutes, is amended to read:

999 288.92 Divisions of Enterprise Florida, Inc.—

1000 (2)

1001 (b)1. The following officers and board members are subject
1002 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1003 112.3143(2):

1004 a. Officers and members of the board of directors of the
1005 divisions of Enterprise Florida, Inc.

1006 b. Officers and members of the board of directors of
1007 subsidiaries of Enterprise Florida, Inc.

1008 c. Officers and members of the board of directors of
1009 corporations created to carry out the missions of Enterprise
1010 Florida, Inc.

1011 d. Officers and members of the board of directors of
1012 corporations with which a division is required by law to
1013 contract to carry out its missions.

1014 2. For a period of 2 years after retirement from or
1015 termination of service to a division, or for a period of 10
1016 years if removed or terminated for cause or for misconduct, as
1017 defined in s. 443.036(29), the officers and board members
1018 specified in subparagraph 1. may not represent another person or
1019 entity for compensation before:

1020 a. Enterprise Florida, Inc.;

1021 b. A division, a subsidiary, or the board of directors of
1022 corporations created to carry out the missions of Enterprise
1023 Florida, Inc.; or

1024 c. A division with which Enterprise Florida, Inc., is
1025 required by law to contract to carry out its missions.



637650

1026 ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),
1027 (12), and (15); 112.3135; and 112.3143(2) to activities of the
1028 officers and members of the board of directors specified in
1029 subparagraph 1., those persons shall be considered public
1030 officers or employees and the corporation shall be considered
1031 their agency.

1032 ~~4.3.~~ It is not a violation of s. 112.3143(2) or (4) for the
1033 officers or members of the board of directors of the Florida
1034 Tourism Industry Marketing Corporation to:

1035 a. Vote on the 4-year marketing plan required under s.
1036 288.923 or vote on any individual component of or amendment to
1037 the plan.

1038 b. Participate in the establishment or calculation of
1039 payments related to the private match requirements of s.
1040 288.904(3). The officer or member must file an annual disclosure
1041 describing the nature of his or her interests or the interests
1042 of his or her principals, including corporate parents and
1043 subsidiaries of his or her principal, in the private match
1044 requirements. This annual disclosure requirement satisfies the
1045 disclosure requirement of s. 112.3143(4). This disclosure must
1046 be placed ~~either~~ on the Florida Tourism Industry Marketing
1047 Corporation's website or included in the minutes of each meeting
1048 of the Florida Tourism Industry Marketing Corporation's board of
1049 directors at which the private match requirements are discussed
1050 or voted upon.

1051 Section 26. Paragraph (a) of subsection (3) of section
1052 288.9604, Florida Statutes, is amended to read:

1053 288.9604 Creation of the authority.—

1054 (3)(a)1. A director may not receive compensation for his or



637650

1055 her services, but is entitled to necessary expenses, including
1056 travel expenses, incurred in the discharge of his or her duties.
1057 Each director shall hold office until his or her successor has
1058 been appointed.

1059 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
1060 and (15); 112.3135; and 112.3143(2). For purposes of applying
1061 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1062 112.3143(2) to activities of directors, directors shall be
1063 considered public officers and the corporation shall be
1064 considered their agency.

1065 3. A director of the corporation may not represent another
1066 person or entity for compensation before the corporation for a
1067 period of 2 years following his or her service on the board of
1068 directors.

1069 Section 27. Paragraph (e) of subsection (4), paragraph (d)
1070 of subsection (5), and paragraph (d) of subsection (6) of
1071 section 373.536, Florida Statutes, are amended to read:

1072 373.536 District budget and hearing thereon.—

1073 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1074 (e) ~~By September 1, 2012,~~ Each district shall provide a
1075 monthly financial statement in the form and manner prescribed by
1076 the Department of Financial Services to the district's governing
1077 board and make such monthly financial statement available for
1078 public access on its website.

1079 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
1080 APPROVAL.—

1081 (d) Each district shall, by August 1 of each year, submit
1082 for review a tentative budget and a description of any
1083 significant changes from the preliminary budget submitted to the



637650

1084 Legislature pursuant to s. 373.535 to the Governor, the
1085 President of the Senate, the Speaker of the House of
1086 Representatives, the chairs of all legislative committees and
1087 subcommittees having substantive or fiscal jurisdiction over
1088 water management districts, as determined by the President of
1089 the Senate or the Speaker of the House of Representatives, as
1090 applicable, the secretary of the department, and the governing
1091 body of each county in which the district has jurisdiction or
1092 derives any funds for the operations of the district. The
1093 tentative budget must be posted on the district's official
1094 website at least 2 days before budget hearings held pursuant to
1095 s. 200.065 or other law and must remain on the website for at
1096 least 45 days.

1097 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1098 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1099 (d) The final adopted budget must be posted on the water
1100 management district's official website within 30 days after
1101 adoption and must remain on the website for at least 2 years.

1102 Section 28. Subsection (7) of section 838.014, Florida
1103 Statutes, is renumbered as subsection (8), present subsections
1104 (4) and (6) are amended, and a new subsection (6) is added to
1105 that section, to read:

1106 838.014 Definitions.—As used in this chapter, the term:

1107 (4) "Governmental entity" means an agency or entity of the
1108 state, a county, municipality, or special district or any other
1109 public entity created or authorized by law ~~"Corruptly" or "with~~
1110 ~~corrupt intent" means acting knowingly and dishonestly for a~~
1111 ~~wrongful purpose.~~

1112 (6) "Public contractor" means, for purposes of ss. 838.022



637650

1113 and 838.22 only:

1114 (a) Any person, as defined in s. 1.01(3), who has entered
1115 into a contract with a governmental entity; or

1116 (b) Any officer or employee of a person, as defined in s.
1117 1.01(3), who has entered into a contract with a governmental
1118 entity.

1119 (7)-(6) "Public servant" means:

1120 (a) Any officer or employee of a governmental state,
1121 county, municipal, or special district agency or entity,;
1122 including

1123 (b) any executive, legislative, or judicial branch officer
1124 or employee;

1125 (b)-(e) Any person, except a witness, who acts as a general
1126 or special magistrate, receiver, auditor, arbitrator, umpire,
1127 referee, consultant, or hearing officer while performing a
1128 governmental function; or

1129 (c)-(d) A candidate for election or appointment to any of
1130 the officer positions listed in this subsection, or an
1131 individual who has been elected to, but has yet to officially
1132 assume the responsibilities of, public office.

1133 Section 29. Subsection (1) of section 838.015, Florida
1134 Statutes, is amended to read:

1135 838.015 Bribery.-

1136 (1) "Bribery" means ~~corruptly~~ to knowingly and
1137 intentionally give, offer, or promise to any public servant, or,
1138 if a public servant, ~~corruptly~~ to knowingly and intentionally
1139 request, solicit, accept, or agree to accept for himself or
1140 herself or another, any pecuniary or other benefit not
1141 authorized by law with an intent or purpose to influence the



637650

1142 performance of any act or omission which the person believes to
1143 be, or the public servant represents as being, within the
1144 official discretion of a public servant, in violation of a
1145 public duty, or in performance of a public duty.

1146 Section 30. Subsections (1) and (2) of section 838.016,
1147 Florida Statutes, are amended to read:

1148 838.016 Unlawful compensation or reward for official
1149 behavior.—

1150 (1) It is unlawful for any person ~~corruptly~~ to knowingly
1151 and intentionally give, offer, or promise to any public servant,
1152 or, if a public servant, ~~corruptly~~ to knowingly and
1153 intentionally request, solicit, accept, or agree to accept, any
1154 pecuniary or other benefit not authorized by law, for the past,
1155 present, or future performance, nonperformance, or violation of
1156 any act or omission which the person believes to have been, or
1157 the public servant represents as having been, either within the
1158 official discretion of the public servant, in violation of a
1159 public duty, or in performance of a public duty. This section
1160 does not ~~Nothing herein shall be construed to~~ preclude a public
1161 servant from accepting rewards for services performed in
1162 apprehending any criminal.

1163 (2) It is unlawful for any person ~~corruptly~~ to knowingly
1164 and intentionally give, offer, or promise to any public servant,
1165 or, if a public servant, ~~corruptly~~ to knowingly and
1166 intentionally request, solicit, accept, or agree to accept, any
1167 pecuniary or other benefit not authorized by law for the past,
1168 present, or future exertion of any influence upon or with any
1169 other public servant regarding any act or omission which the
1170 person believes to have been, or which is represented to him or



637650

1171 her as having been, either within the official discretion of the
1172 other public servant, in violation of a public duty, or in
1173 performance of a public duty.

1174 Section 31. Subsection (1) of section 838.022, Florida
1175 Statutes, is amended, and subsection (2) of that section is
1176 republished, to read:

1177 838.022 Official misconduct.—

1178 (1) It is unlawful for a public servant or public
1179 contractor, with corrupt intent to knowingly and intentionally
1180 obtain a benefit for any person or to cause unlawful harm to
1181 another, by ~~to~~:

1182 (a) Falsifying ~~Falsify~~, or causing ~~cause~~ another person to
1183 falsify, any official record or official document;

1184 (b) Concealing, covering up, destroying, mutilating, or
1185 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
1186 official record or official document, except as authorized by
1187 law or contract, or causing ~~cause~~ another person to perform such
1188 an act; or

1189 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~
1190 ~~or prevent~~ the communication of information relating to the
1191 commission of a felony that directly involves or affects the
1192 government ~~public agency or public~~ entity served by the public
1193 servant or public contractor.

1194 (2) For the purposes of this section:

1195 (a) The term "public servant" does not include a candidate
1196 who does not otherwise qualify as a public servant.

1197 (b) An official record or official document includes only
1198 public records.

1199 Section 32. Section 838.22, Florida Statutes, is amended to



637650

1200 read:

1201 838.22 Bid tampering.—

1202 (1) It is unlawful for a public servant or a public
1203 contractor who has contracted with a governmental entity to
1204 assist in a competitive procurement, with corrupt intent to
1205 knowingly and intentionally influence or attempt to influence
1206 the competitive solicitation bidding process undertaken by any
1207 governmental state, county, municipal, or special district
1208 agency, or any other public entity, for the procurement of
1209 commodities or services, by ~~to~~:

1210 (a) Disclosing, except as authorized by law, Disclose
1211 material information concerning a vendor's response, any
1212 evaluation results, bid or other aspects of the competitive
1213 solicitation bidding process when such information is not
1214 publicly disclosed.

1215 (b) Altering or amending Alter or amend a submitted
1216 response bid, documents or other materials supporting a
1217 submitted response bid, or any evaluation bid results relating
1218 to the competitive solicitation for the purpose of intentionally
1219 providing a competitive advantage to any person who submits a
1220 response bid.

1221 (2) It is unlawful for a public servant or a public
1222 contractor who has contracted with a governmental entity to
1223 assist in a competitive procurement, with corrupt intent to
1224 knowingly and intentionally obtain a benefit for any person or
1225 to cause unlawful harm to another by circumventing, to
1226 circumvent a competitive solicitation bidding process required
1227 by law or rule through the use of ~~by using~~ a sole-source
1228 contract for commodities or services.



637650

1229 (3) It is unlawful for any person to knowingly agree,
1230 conspire, combine, or confederate, directly or indirectly, with
1231 a public servant or a public contractor who has contracted with
1232 a governmental entity to assist in a competitive procurement to
1233 violate subsection (1) or subsection (2).

1234 (4) It is unlawful for any person to knowingly enter into a
1235 contract for commodities or services which was secured by a
1236 public servant or a public contractor who has contracted with a
1237 governmental entity to assist in a competitive procurement
1238 acting in violation of subsection (1) or subsection (2).

1239 (5) Any person who violates this section commits a felony
1240 of the second degree, punishable as provided in s. 775.082, s.
1241 775.083, or s. 775.084.

1242 Section 33. Paragraph (1) of subsection (12) of section
1243 1001.42, Florida Statutes, is amended, a new subsection (27) is
1244 added to that section, and present subsection (27) of that
1245 section is renumbered as subsection (28), to read:

1246 1001.42 Powers and duties of district school board.—The
1247 district school board, acting as a board, shall exercise all
1248 powers and perform all duties listed below:

1249 (12) FINANCE.—Take steps to assure students adequate
1250 educational facilities through the financial procedure
1251 authorized in chapters 1010 and 1011 and as prescribed below:

1252 (1) *Internal auditor*.—May employ an internal auditor to
1253 perform ongoing financial verification of the financial records
1254 of the school district and such other audits and reviews as the
1255 district school board directs for the purpose of determining:

1256 1. The adequacy of internal controls designed to prevent
1257 and detect fraud, waste, and abuse.



637650

1258 2. Compliance with applicable laws, rules, contracts, grant
1259 agreements, district school board-approved policies, and best
1260 practices.

1261 3. The efficiency of operations.

1262 4. The reliability of financial records and reports.

1263 5. The safeguarding of assets.

1264

1265 The internal auditor shall report directly to the district
1266 school board or its designee.

1267 (27) VISITATION OF SCHOOLS.—Visit the schools, observe the
1268 management and instruction, give suggestions for improvement,
1269 and advise citizens with the view of promoting interest in
1270 education and improving the school.

1271 Section 34. Paragraph (j) of subsection (9) of section
1272 1002.33, Florida Statutes, is amended to read:

1273 1002.33 Charter schools.—

1274 (9) CHARTER SCHOOL REQUIREMENTS.—

1275 (j) The governing body of the charter school shall be
1276 responsible for:

1277 1. Establishing and maintaining internal controls designed
1278 to:

1279 a. Prevent and detect fraud, waste, and abuse.

1280 b. Promote and encourage compliance with applicable laws,
1281 rules, contracts, grant agreements, and best practices.

1282 c. Support economical and efficient operations.

1283 d. Ensure reliability of financial records and reports.

1284 e. Safeguard assets.

1285 ~~2.1~~ Ensuring that the charter school has retained the
1286 services of a certified public accountant or auditor for the



637650

1287 annual financial audit, pursuant to s. 1002.345(2), who shall
1288 submit the report to the governing body.

1289 ~~3.2.~~ Reviewing and approving the audit report, including
1290 audit findings and recommendations for the financial recovery
1291 plan.

1292 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including
1293 monitoring a corrective action plan.

1294 b. Monitoring a financial recovery plan in order to ensure
1295 compliance.

1296 ~~5.4.~~ Participating in governance training approved by the
1297 department which must include government in the sunshine,
1298 conflicts of interest, ethics, and financial responsibility.

1299
1300 Section 35. Present subsections (6) through (10) of section
1301 1002.37, Florida Statutes, are redesignated as subsections (7)
1302 through (11), respectively, a new subsection (6) is added to
1303 that section, and present subsections (6) and (11) of that
1304 section are amended, to read:

1305 1002.37 The Florida Virtual School.—

1306 (6) The Florida Virtual School shall have an annual
1307 financial audit of its accounts and records conducted by an
1308 independent auditor who is a certified public accountant
1309 licensed under chapter 473. The independent auditor shall
1310 conduct the audit in accordance with rules adopted by the
1311 Auditor General pursuant to s. 11.45 and, upon completion of the
1312 audit, shall prepare an audit report in accordance with such
1313 rules. The audit report must include a written statement of the
1314 board of trustees describing corrective action to be taken in
1315 response to each of the recommendations of the independent



637650

1316 auditor included in the audit report. The independent auditor
1317 shall submit the audit report to the board of trustees and the
1318 Auditor General no later than 9 months after the end of the
1319 preceding fiscal year.

1320 ~~(7)~~(6) The board of trustees shall annually submit to the
1321 Governor, the Legislature, the Commissioner of Education, and
1322 the State Board of Education the audit report prepared pursuant
1323 to subsection (6) and a complete and detailed report setting
1324 forth:

1325 (a) The operations and accomplishments of the Florida
1326 Virtual School within the state and those occurring outside the
1327 state as Florida Virtual School Global.

1328 (b) The marketing and operational plan for the Florida
1329 Virtual School and Florida Virtual School Global, including
1330 recommendations regarding methods for improving the delivery of
1331 education through the Internet and other distance learning
1332 technology.

1333 (c) The assets and liabilities of the Florida Virtual
1334 School and Florida Virtual School Global at the end of the
1335 fiscal year.

1336 ~~(d) A copy of an annual financial audit of the accounts and~~
1337 ~~records of the Florida Virtual School and Florida Virtual School~~
1338 ~~Global, conducted by an independent certified public accountant~~
1339 ~~and performed in accordance with rules adopted by the Auditor~~
1340 ~~General.~~

1341 ~~(e)~~ Recommendations regarding the unit cost of providing
1342 services to students through the Florida Virtual School and
1343 Florida Virtual School Global. In order to most effectively
1344 develop public policy regarding any future funding of the



637650

1345 Florida Virtual School, it is imperative that the cost of the
1346 program is accurately identified. The identified cost of the
1347 program must be based on reliable data.

1348 (e)~~(f)~~ Recommendations regarding an accountability
1349 mechanism to assess the effectiveness of the services provided
1350 by the Florida Virtual School and Florida Virtual School Global.

1351 ~~(11) The Auditor General shall conduct an operational audit~~
1352 ~~of the Florida Virtual School, including Florida Virtual School~~
1353 ~~Global. The scope of the audit shall include, but not be limited~~
1354 ~~to, the administration of responsibilities relating to~~
1355 ~~personnel; procurement and contracting; revenue production;~~
1356 ~~school funds, including internal funds; student enrollment~~
1357 ~~records; franchise agreements; information technology~~
1358 ~~utilization, assets, and security; performance measures and~~
1359 ~~standards; and accountability. The final report on the audit~~
1360 ~~shall be submitted to the President of the Senate and the~~
1361 ~~Speaker of the House of Representatives no later than January~~
1362 ~~31, 2014.~~

1363 Section 36. Subsection (5) is added to section 1010.01,
1364 Florida Statutes, to read:

1365 1010.01 Uniform records and accounts.—

1366 (5) Each school district, Florida College System
1367 institution, and state university shall establish and maintain
1368 internal controls designed to:

1369 (a) Prevent and detect fraud, waste, and abuse.

1370 (b) Promote and encourage compliance with applicable laws,
1371 rules, contracts, grant agreements, and best practices.

1372 (c) Support economical and efficient operations.

1373 (d) Ensure reliability of financial records and reports.



637650

1374 (e) Safeguard assets.

1375 Section 37. Subsection (2) of section 1010.30, Florida
1376 Statutes, is amended to read:

1377 1010.30 Audits required.—

1378 (2) If a school district, Florida College System
1379 institution, or university audit report includes a
1380 recommendation that was included in the preceding financial
1381 audit report but remains unaddressed, ~~an audit contains a~~
1382 significant finding, the district school board, the Florida
1383 College System institution board of trustees, or the university
1384 board of trustees, within 60 days after the delivery of the
1385 audit report to the school district, Florida College System
1386 institution, or university, shall indicate ~~conduct an audit~~
1387 overview during a regularly scheduled public meeting whether it
1388 intends to take corrective action, the intended corrective
1389 action, and the timeframe for the corrective action. If the
1390 district school board, Florida College System institution board
1391 of trustees, or university board of trustees indicates that it
1392 does not intend to take corrective action, it shall explain its
1393 decision at the public meeting.

1394 Section 38. Subsection (2) of section 68.082, Florida
1395 Statutes, is amended to read:

1396 68.082 False claims against the state; definitions;
1397 liability.—

1398 (2) Any person who:

1399 (a) Knowingly presents or causes to be presented a false or
1400 fraudulent claim for payment or approval;

1401 (b) Knowingly authorizes, approves, or receives payment of
1402 prohibited compensation in violation of s. 215.425;



637650

1403 (c)~~(b)~~ Knowingly makes, uses, or causes to be made or used
1404 a false record or statement material to a false or fraudulent
1405 claim;

1406 (d)~~(e)~~ Conspires to commit a violation of this subsection;

1407 (e)~~(d)~~ Has possession, custody, or control of property or
1408 money used or to be used by the state and knowingly delivers or
1409 causes to be delivered less than all of that money or property;

1410 (f)~~(e)~~ Is authorized to make or deliver a document
1411 certifying receipt of property used or to be used by the state
1412 and, intending to defraud the state, makes or delivers the
1413 receipt without knowing that the information on the receipt is
1414 true;

1415 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an
1416 obligation or a debt, public property from an officer or
1417 employee of the state who may not sell or pledge the property;
1418 or

1419 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used
1420 a false record or statement material to an obligation to pay or
1421 transmit money or property to the state, or knowingly conceals
1422 or knowingly and improperly avoids or decreases an obligation to
1423 pay or transmit money or property to the state

1424
1425 is liable to the state for a civil penalty of not less than
1426 \$5,500 and not more than \$11,000 and for treble the amount of
1427 damages the state sustains because of the act of that person.

1428 Section 39. Subsection (1) of section 68.083, Florida
1429 Statutes, is amended to read:

1430 68.083 Civil actions for false claims.-

1431 (1) The department may diligently investigate a violation



637650

1432 under s. 68.082. If the department finds that a person has
1433 violated or is violating s. 68.082, the department may bring a
1434 civil action under the Florida False Claims Act against the
1435 person. The Department of Financial Services may bring a civil
1436 action under this section if the action arises from an
1437 investigation by that department and the Department of Legal
1438 Affairs has not filed an action under this act. For a violation
1439 of s. 68.082 regarding prohibited compensation paid from state
1440 funds, the Department of Financial Services may bring a civil
1441 action under this section if the action arises from an
1442 investigation by that department concerning a violation of s.
1443 215.425 by the state and the Department of Legal Affairs has not
1444 filed an action under this act.

1445 Section 40. Subsection (5) of section 99.061, Florida
1446 Statutes, is amended to read:

1447 99.061 Method of qualifying for nomination or election to
1448 federal, state, county, or district office.—

1449 (5) At the time of qualifying for office, each candidate
1450 for a constitutional office or an elected municipal office shall
1451 file a full and public disclosure of financial interests
1452 pursuant to s. 8, Art. II of the State Constitution, which must
1453 be verified under oath or affirmation pursuant to s.
1454 92.525(1)(a), and a candidate for any other office, ~~including~~
1455 ~~local elective office,~~ shall file a statement of financial
1456 interests pursuant to s. 112.3145.

1457 Section 41. Subsection (3) of section 218.503, Florida
1458 Statutes, is amended to read:

1459 218.503 Determination of financial emergency.—

1460 (3) Upon notification that one or more of the conditions in



637650

1461 subsection (1) have occurred or will occur if action is not
1462 taken to assist the local governmental entity or district school
1463 board, the Governor or his or her designee shall contact the
1464 local governmental entity or the Commissioner of Education or
1465 his or her designee shall contact the district school board, as
1466 appropriate, to determine what actions have been taken by the
1467 local governmental entity or the district school board to
1468 resolve or prevent the condition. The information requested must
1469 be provided within 45 days after the date of the request. If the
1470 local governmental entity or the district school board does not
1471 comply with the request, the Governor or his or her designee or
1472 the Commissioner of Education or his or her designee shall
1473 notify ~~the members of~~ the Legislative Auditing Committee, which
1474 ~~who~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The
1475 Governor or the Commissioner of Education, as appropriate, shall
1476 determine whether the local governmental entity or the district
1477 school board needs state assistance to resolve or prevent the
1478 condition. If state assistance is needed, the local governmental
1479 entity or district school board is considered to be in a state
1480 of financial emergency. The Governor or the Commissioner of
1481 Education, as appropriate, has the authority to implement
1482 measures as set forth in ss. 218.50-218.504 to assist the local
1483 governmental entity or district school board in resolving the
1484 financial emergency. Such measures may include, but are not
1485 limited to:

1486 (a) Requiring approval of the local governmental entity's
1487 budget by the Governor or approval of the district school
1488 board's budget by the Commissioner of Education.

1489 (b) Authorizing a state loan to a local governmental entity



637650

1490 and providing for repayment of same.

1491 (c) Prohibiting a local governmental entity or district
1492 school board from issuing bonds, notes, certificates of
1493 indebtedness, or any other form of debt until such time as it is
1494 no longer subject to this section.

1495 (d) Making such inspections and reviews of records,
1496 information, reports, and assets of the local governmental
1497 entity or district school board as are needed. The appropriate
1498 local officials shall cooperate in such inspections and reviews.

1499 (e) Consulting with officials and auditors of the local
1500 governmental entity or the district school board and the
1501 appropriate state officials regarding any steps necessary to
1502 bring the books of account, accounting systems, financial
1503 procedures, and reports into compliance with state requirements.

1504 (f) Providing technical assistance to the local
1505 governmental entity or the district school board.

1506 (g)1. Establishing a financial emergency board to oversee
1507 the activities of the local governmental entity or the district
1508 school board. If a financial emergency board is established for
1509 a local governmental entity, the Governor shall appoint board
1510 members and select a chair. If a financial emergency board is
1511 established for a district school board, the State Board of
1512 Education shall appoint board members and select a chair. The
1513 financial emergency board shall adopt such rules as are
1514 necessary for conducting board business. The board may:

1515 a. Make such reviews of records, reports, and assets of the
1516 local governmental entity or the district school board as are
1517 needed.

1518 b. Consult with officials and auditors of the local



1519 governmental entity or the district school board and the
1520 appropriate state officials regarding any steps necessary to
1521 bring the books of account, accounting systems, financial
1522 procedures, and reports of the local governmental entity or the
1523 district school board into compliance with state requirements.

1524 c. Review the operations, management, efficiency,
1525 productivity, and financing of functions and operations of the
1526 local governmental entity or the district school board.

1527 d. Consult with other governmental entities for the
1528 consolidation of all administrative direction and support
1529 services, including, but not limited to, services for asset
1530 sales, economic and community development, building inspections,
1531 parks and recreation, facilities management, engineering and
1532 construction, insurance coverage, risk management, planning and
1533 zoning, information systems, fleet management, and purchasing.

1534 2. The recommendations and reports made by the financial
1535 emergency board must be submitted to the Governor for local
1536 governmental entities or to the Commissioner of Education and
1537 the State Board of Education for district school boards for
1538 appropriate action.

1539 (h) Requiring and approving a plan, to be prepared by
1540 officials of the local governmental entity or the district
1541 school board in consultation with the appropriate state
1542 officials, prescribing actions that will cause the local
1543 governmental entity or district school board to no longer be
1544 subject to this section. The plan must include, but need not be
1545 limited to:

1546 1. Provision for payment in full of obligations outlined in
1547 subsection (1), designated as priority items, which are



637650

1548 currently due or will come due.

1549 2. Establishment of priority budgeting or zero-based
1550 budgeting in order to eliminate items that are not affordable.

1551 3. The prohibition of a level of operations which can be
1552 sustained only with nonrecurring revenues.

1553 4. Provisions implementing the consolidation, sourcing, or
1554 discontinuance of all administrative direction and support
1555 services, including, but not limited to, services for asset
1556 sales, economic and community development, building inspections,
1557 parks and recreation, facilities management, engineering and
1558 construction, insurance coverage, risk management, planning and
1559 zoning, information systems, fleet management, and purchasing.

1560 Section 42. Subsection (2) of section 1002.455, Florida
1561 Statutes, is amended to read:

1562 1002.455 Student eligibility for K-12 virtual instruction.—

1563 (2) A student is eligible to participate in virtual
1564 instruction if:

1565 (a) The student spent the prior school year in attendance
1566 at a public school in the state and was enrolled and reported by
1567 the school district for funding during October and February for
1568 purposes of the Florida Education Finance Program surveys;

1569 (b) The student is a dependent child of a member of the
1570 United States Armed Forces who was transferred within the last
1571 12 months to this state from another state or from a foreign
1572 country pursuant to a permanent change of station order;

1573 (c) The student was enrolled during the prior school year
1574 in a virtual instruction program under s. 1002.45 or a full-time
1575 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~
1576 ~~1002.37(8)(a)~~;



637650

1577 (d) The student has a sibling who is currently enrolled in
1578 a virtual instruction program and the sibling was enrolled in
1579 that program at the end of the prior school year;

1580 (e) The student is eligible to enter kindergarten or first
1581 grade; or

1582 (f) The student is eligible to enter grades 2 through 5 and
1583 is enrolled full-time in a school district virtual instruction
1584 program, virtual charter school, or the Florida Virtual School.

1585 Section 43. For the purpose of incorporating the amendment
1586 made by this act to section 838.022, Florida Statutes, in a
1587 reference thereto, paragraph (a) of subsection (2) of section
1588 112.534, Florida Statutes, is reenacted to read:

1589 112.534 Failure to comply; official misconduct.—

1590 (2) (a) All the provisions of s. 838.022 shall apply to this
1591 part.

1592 Section 44. For the purpose of incorporating the amendment
1593 made by this act to section 838.022, Florida Statutes, in a
1594 reference thereto, paragraph (d) of subsection (4) of section
1595 117.01, Florida Statutes, is reenacted to read:

1596 117.01 Appointment, application, suspension, revocation,
1597 application fee, bond, and oath.—

1598 (4) The Governor may suspend a notary public for any of the
1599 grounds provided in s. 7, Art. IV of the State Constitution.
1600 Grounds constituting malfeasance, misfeasance, or neglect of
1601 duty include, but are not limited to, the following:

1602 (d) Official misconduct as defined in s. 838.022.

1603 Section 45. For the purpose of incorporating the amendment
1604 made by this act to section 838.014, Florida Statutes, in a
1605 reference thereto, subsection (11) of section 817.568, Florida



637650

1606 Statutes, is reenacted to read:

1607 817.568 Criminal use of personal identification
1608 information.—

1609 (11) A person who willfully and without authorization
1610 fraudulently uses personal identification information concerning
1611 an individual who is 60 years of age or older; a disabled adult
1612 as defined in s. 825.101; a public servant as defined in s.
1613 838.014; a veteran as defined in s. 1.01; a first responder as
1614 defined in s. 125.01045; an individual who is employed by the
1615 State of Florida; or an individual who is employed by the
1616 Federal Government without first obtaining the consent of that
1617 individual commits a felony of the second degree, punishable as
1618 provided in s. 775.082, s. 775.083, or s. 775.084.

1619 Section 46. For the purpose of incorporating the amendments
1620 made by this act to sections 838.015, 838.016, and 838.22,
1621 Florida Statutes, in references thereto, paragraph (g) of
1622 subsection (3) of section 921.0022, Florida Statutes, is
1623 reenacted to read:

1624 921.0022 Criminal Punishment Code; offense severity ranking
1625 chart.—

1626 (3) OFFENSE SEVERITY RANKING CHART

1627 (g) LEVEL 7

1628
1629

Florida Statute	Felony Degree	Description
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1630

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
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637650

1631	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
1632	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.
1633	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
1634	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1635	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1636	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1637			



637650

1638	456.065 (2)	3rd	Practicing a health care profession without a license.
1639	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1640	458.327 (1)	3rd	Practicing medicine without a license.
1641	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1642	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1643	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1644	462.17	3rd	Practicing naturopathy without a license.
1645	463.015 (1)	3rd	Practicing optometry without a license.
1646	464.016 (1)	3rd	Practicing nursing without a license.



637650

1647	465.015 (2)	3rd	Practicing pharmacy without a license.
1648	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1649	467.201	3rd	Practicing midwifery without a license.
1650	468.366	3rd	Delivering respiratory care services without a license.
1651	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1652	483.901 (9)	3rd	Practicing medical physics without a license.
1653	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1654	484.053	3rd	Dispensing hearing aids without 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



637650

1655			there were five or more victims.
1656	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.
1657	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1658	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1659	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
1660	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
	775.21(10)(g)	3rd	Failure to report or providing



637650

1661			false information about a sexual predator; harbor or conceal a sexual predator.
1662	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1663	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1664	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1665	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.



637650

1666	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1667	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1668	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1669	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1670	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1671	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1672	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1673	784.081 (1)	1st	Aggravated battery on specified official or employee.
1674	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.



637650

1675	784.083(1)	1st	Aggravated battery on code inspector.
1676	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
1677	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.
1678	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1679	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1680	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1681	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.



637650

1682	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1683	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1684	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1685	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.
1686	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
1687	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1688			



- 1689 800.04 (5) (c) 1. 2nd Lewd or lascivious molestation;
victim younger than 12 years of
age; offender younger than 18
years of age.
- 1690 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.
- 1691 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.
- 1692 806.01 (2) 2nd Maliciously damage structure by
fire or explosive.
- 1693 810.02 (3) (a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.
- 1694 810.02 (3) (b) 2nd Burglary of unoccupied
dwelling; unarmed; no assault
or battery.
- 810.02 (3) (d) 2nd Burglary of occupied



1695			conveyance; unarmed; no assault or battery.
1696	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1697	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.
1698	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1699	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1700	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1701	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.



1702	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1703	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1704	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1705	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
1706	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1707	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1708	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are



637650

1709			a significant cause of the insolvency of that entity.
	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
1710			
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1711			
	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.
1712			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1713			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1714			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1715			
	838.015	2nd	Bribery.



637650

1716	838.016	2nd	Unlawful compensation or reward for official behavior.
1717	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1718	838.22	2nd	Bid tampering.
1719	843.0855 (2)	3rd	Impersonation of a public officer or employee.
1720	843.0855 (3)	3rd	Unlawful simulation of legal process.
1721	843.0855 (4)	3rd	Intimidation of a public officer or employee.
1722	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1723	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1724	872.06	2nd	Abuse of a dead human body.
1725	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a



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1726

criminal gang; second or
subsequent offense.

874.10 1st,PBL Knowingly initiates, organizes,
plans, finances, directs,
manages, or supervises criminal
gang-related activity.

1727

893.13(1)(c)1. 1st 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
park or publicly owned
recreational facility or
community center.

1728

893.13(1)(e)1. 1st 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.

1729



- 1730 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).
- 1731 893.135(1) (a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
- 1732 893.135(1) (b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.
- 1733 893.135(1) (c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
- 1734 893.135(1) (c)2.a. 1st Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
- 1735 893.135(1) (c)2.b. 1st Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
- 1736 893.135(1) (c)3.a. 1st Trafficking in oxycodone, 7 grams or more, less than 14 grams.



637650

- 1737 893.135(1)(c)3.b. 1st Trafficking in oxycodone, 14 grams or more, less than 25 grams.
- 1738 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
- 1739 893.135(1)(e)1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
- 1740 893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.
- 1741 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
- 1742 893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
- 1743 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.



637650

1744	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1745	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1746	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1747	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1748	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1749	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
	943.0435(9)(a)	3rd	Sexual offender; failure to



1750			comply with reporting requirements.
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1751			
	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1752			
	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
1753			
	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1754			
	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1755			
	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure



637650

1756

to respond to address
verification; providing false
registration information.

985.4815(10)

3rd

Sexual offender; failure to
submit to the taking of a
digitized photograph.

1757

985.4815(12)

3rd

Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

1758

985.4815(13)

3rd

Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

1759

1760

1761

1762

1763

Section 47. For the purpose of incorporating the amendment
made by this act to section 838.022, Florida Statutes, in a
reference thereto, paragraph (d) of subsection (3) of section
921.0022, Florida Statutes, is reenacted to read:

1765

1766

1767

921.0022 Criminal Punishment Code; offense severity ranking
chart.—

1768

1769

(3) OFFENSE SEVERITY RANKING CHART



637650

1770 (d) LEVEL 4

1771

1772

Florida Statute	Felony Degree	Description
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1773

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.
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1774

499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
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1775

499.0051 (2)	3rd	Failure to authenticate pedigree papers.
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1776

499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
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1777

517.07 (1)	3rd	Failure to register securities.
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1778

517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
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1779



637650

1780	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
1781	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
1782	784.075	3rd	Battery on detention or commitment facility staff.
1783	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1784	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
1785	784.081 (3)	3rd	Battery on specified official or employee.
1786	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
1787	784.083 (3)	3rd	Battery on code inspector.
1788	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.



637650

1789	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
1790	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1791	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1792	787.07	3rd	Human smuggling.
1793	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
1794	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
1795	790.115(2)(c)	3rd	Possessing firearm on school property.
	800.04(7)(c)	3rd	Lewd or lascivious exhibition;



1796			offender less than 18 years.
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1797			
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1798			
	810.06	3rd	Burglary; possession of tools.
1799			
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
1800			
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1801			
	812.014 (2) (c) 4.- 10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
1802			
	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
1803			



637650

1804	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
1805	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1806	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
1807	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1808	837.02 (1)	3rd	Perjury in official proceedings.
1809	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1810	838.022	3rd	Official misconduct.
1811	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
	839.13 (2) (c)	3rd	Falsifying records of the



637650

1812			Department of Children and Families.
1813	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1814	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1815	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1816	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
1817	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
1818	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).



637650

- 1819 914.14(2) 3rd Witnesses accepting bribes.
- 1820 914.22(1) 3rd Force, threaten, etc., witness,
victim, or informant.
- 1821 914.23(2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.
- 1822 918.12 3rd Tampering with jurors.
- 1823 934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

1824

1825

1826

1827 Section 48. As provided in s. 112.322(3), Florida Statutes,
1828 the Commission on Ethics is authorized to render advisory
1829 opinions to any public officer, candidate for public office, or
1830 public employee regarding the application of part III of chapter
1831 112, Florida Statutes, including the amendments made by this
1832 act.

1833 Section 49. The Legislature finds that a proper and
1834 legitimate state purpose is served when internal controls are
1835 established to prevent and detect fraud, waste, and abuse and to
1836 safeguard and account for government funds and property.
1837 Therefore, the Legislature determines and declares that this act



637650

1838 fulfills an important state interest.

1839 Section 50. This act shall take effect October 1, 2016.

1840

1841 ===== T I T L E A M E N D M E N T =====

1842 And the title is amended as follows:

1843 Delete everything before the enacting clause

1844 and insert:

1845 A bill to be entitled

1846 An act relating to government accountability; amending

1847 s. 11.40, F.S.; specifying that the Governor, the

1848 Commissioner of Education, or the designee of the

1849 Governor or of the Commissioner of Education may

1850 notify the Legislative Auditing Committee of an

1851 entity's failure to comply with certain auditing and

1852 financial reporting requirements; amending s. 11.45,

1853 F.S.; defining the terms "abuse," "fraud," and

1854 "waste"; revising the definition of the term "local

1855 governmental entity"; excluding water management

1856 districts from certain audit requirements; removing a

1857 cross-reference; authorizing the Auditor General to

1858 conduct audits of tourist development councils and

1859 county tourism promotion agencies; revising reporting

1860 requirements applicable to the Auditor General;

1861 creating s. 20.602, F.S.; specifying the applicability

1862 of certain provisions of the Code of Ethics for Public

1863 Officers and Employees to officers and board members

1864 of corporate entities associated with the Department

1865 of Economic Opportunity; prohibiting such officers and

1866 board members from representing a person or an entity



637650

1867 for compensation before certain bodies for a specified
1868 timeframe; providing for construction; amending s.
1869 28.35, F.S.; revising reporting requirements
1870 applicable to the Florida Clerks of Court Operations
1871 Corporation; amending s. 43.16, F.S.; revising the
1872 responsibilities of the Justice Administrative
1873 Commission, each state attorney, each public defender,
1874 a criminal conflict and civil regional counsel, a
1875 capital collateral regional counsel, and the Guardian
1876 Ad Litem Program, to include the establishment and
1877 maintenance of certain internal controls; creating s.
1878 112.3126, F.S.; defining the term "private entity";
1879 prohibiting a member of the Legislature or a candidate
1880 for legislative office from accepting employment with
1881 a private entity that directly receives funding
1882 through state revenues under certain circumstances;
1883 authorizing employment with a private entity if
1884 certain conditions are met; amending s. 112.313, F.S.;
1885 specifying that prohibitions on conflicting employment
1886 or contractual relationships for public officers or
1887 employees of an agency apply to contractual
1888 relationships held by certain business entities;
1889 amending s. 112.3144, F.S.; requiring elected
1890 municipal officers to file a full and public
1891 disclosure of financial interests, rather than a
1892 statement of financial interests; providing for
1893 applicability; amending s. 112.31455, F.S.; revising
1894 provisions governing collection methods for unpaid
1895 automatic fines for failure to timely file disclosure



637650

1896 of financial interests to include school districts;
1897 amending s. 112.3261, F.S.; revising terms to conform
1898 to changes made by the act; expanding the types of
1899 governmental entities that are subject to lobbyist
1900 registration requirements; requiring a governmental
1901 entity to create a lobbyist registration form;
1902 amending ss. 129.03, 129.06, 166.241, and 189.016,
1903 F.S.; requiring counties, municipalities, and special
1904 districts to maintain certain budget documents on the
1905 entities' websites for a specified period; amending s.
1906 215.425, F.S.; defining the term "public funds";
1907 revising exceptions to the prohibition on extra
1908 compensation claims; requiring certain contracts to
1909 which a unit of government or state university is a
1910 party during a specified period to contain certain
1911 prohibitions on severance pay; requiring a unit of
1912 government to investigate and take necessary action to
1913 recover prohibited compensation; specifying methods of
1914 recovery for unintentional and willful violations;
1915 providing a penalty; specifying applicability of
1916 procedures regarding suspension and removal of an
1917 officer who commits a willful violation; establishing
1918 eligibility criteria and amounts for rewards;
1919 specifying circumstances under which an employee has a
1920 cause of action under the Whistle-blower's Act;
1921 establishing causes of action if a unit of government
1922 fails to recover prohibited compensation within a
1923 certain timeframe; providing for applicability;
1924 amending s. 215.86, F.S.; revising the purposes for



637650

1925 which management systems and internal controls must be
1926 established and maintained by each state agency and
1927 the judicial branch; amending s. 215.97, F.S.;
1928 revising the definition of the term "audit threshold";
1929 amending s. 215.985, F.S.; revising the requirements
1930 for a monthly financial statement provided by a water
1931 management district; amending s. 218.32, F.S.;
1932 revising the requirements of the annual financial
1933 audit report of a local governmental entity;
1934 authorizing the Department of Financial Services to
1935 request additional information from a local
1936 governmental entity; requiring a local governmental
1937 entity to respond to such requests within a specified
1938 timeframe; requiring the department to notify the
1939 Legislative Auditing Committee of noncompliance;
1940 amending s. 218.33, F.S.; requiring local governmental
1941 entities to establish and maintain internal controls
1942 to achieve specified purposes; amending s. 218.39,
1943 F.S.; requiring an audited entity to respond to audit
1944 recommendations under specified circumstances;
1945 amending s. 218.391, F.S.; revising the composition of
1946 an audit committee; prohibiting an audit committee
1947 member from being an employee, a chief executive
1948 officer, or a chief financial officer of the
1949 respective governmental entity; requiring the chair of
1950 an audit committee to sign and execute an affidavit
1951 affirming compliance with auditor selection
1952 procedures; prescribing procedures in the event of
1953 noncompliance with auditor selection procedures;



637650

1954 amending s. 286.0114, F.S.; prohibiting a board or
1955 commission from requiring an advance copy of testimony
1956 or comments from a member of the public as a
1957 precondition to be given the opportunity to be heard
1958 at a public meeting; amending s. 288.92, F.S.;
1959 prohibiting specified officers and board members of
1960 Enterprise Florida, Inc., from representing a person
1961 or entity for compensation before Enterprise Florida,
1962 Inc., and associated entities thereof, for a specified
1963 timeframe; amending s. 288.9604, F.S.; prohibiting a
1964 director of the Florida Development Finance
1965 Corporation from representing a person or an entity
1966 for compensation before the corporation for a
1967 specified timeframe; amending s. 373.536, F.S.;
1968 deleting obsolete language; requiring water management
1969 districts to maintain certain budget documents on the
1970 districts' websites for a specified period; amending
1971 s. 838.014, F.S.; revising and providing definitions;
1972 amending s. 838.015, F.S.; revising the definition of
1973 the term "bribery"; revising requirements for
1974 prosecution; amending s. 838.016, F.S.; revising the
1975 prohibition against unlawful compensation or reward
1976 for official behavior to conform to changes made by
1977 the act; amending s. 838.022, F.S.; revising the
1978 prohibition against official misconduct to conform to
1979 changes made by the act; revising applicability of the
1980 offense to include public contractors; amending s.
1981 838.22, F.S.; revising the prohibition against bid
1982 tampering to conform to changes made by the act;



637650

1983 revising applicability of the offense to include
1984 specified public contractors; amending s. 1001.42,
1985 F.S.; authorizing additional internal audits as
1986 directed by the district school board; specifying
1987 duties of the district school board regarding
1988 visitation of schools; amending s. 1002.33, F.S.;
1989 revising the responsibilities of the governing board
1990 of a charter school to include the establishment and
1991 maintenance of internal controls; amending s. 1002.37,
1992 F.S.; requiring completion of an annual financial
1993 audit of the Florida Virtual School; specifying audit
1994 requirements; requiring an audit report to be
1995 submitted to the board of trustees of the Florida
1996 Virtual School and the Auditor General; removing
1997 obsolete provisions; amending s. 1010.01, F.S.;
1998 requiring each school district, Florida College System
1999 institution, and state university to establish and
2000 maintain certain internal controls; amending s.
2001 1010.30, F.S.; requiring a district school board,
2002 Florida College System institution board of trustees,
2003 or university board of trustees to respond to audit
2004 recommendations under certain circumstances; amending
2005 ss. 68.082, 68.083, 99.061, 218.503, and 1002.455,
2006 F.S.; conforming provisions and cross-references to
2007 changes made by the act; reenacting s. 112.534(2)(a),
2008 F.S., relating to official misconduct, and s.
2009 117.01(4)(d), F.S., relating to appointment,
2010 application, suspension, revocation, application fee,
2011 bond, and oath of notaries public, to incorporate the



637650

2012 amendment made by the act to s. 838.022, F.S., in
2013 references thereto; reenacting s. 817.568(11), F.S.,
2014 relating to criminal use of personal identification
2015 information, to incorporate the amendment made by the
2016 act to s. 838.014, F.S., in a reference thereto;
2017 reenacting s. 921.0022(3)(d) and (g), F.S., relating
2018 to the Criminal Punishment Code offense severity
2019 ranking chart, to incorporate the amendments made by
2020 the act to ss. 838.015, 838.016, 838.022, and 838.22,
2021 F.S., in references thereto; providing for
2022 applicability; declaring that the act fulfills an
2023 important state interest; providing an effective date.



214662

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Latvala) recommended the following:

1 **Senate Amendment to Substitute Amendment (637650) (with**
2 **title amendment)**

3
4 Delete lines 664 - 1444
5 and insert:

6 Section 16. Section 215.425, Florida Statutes, is amended
7 to read:

8 215.425 Extra compensation claims prohibited; bonuses;
9 severance pay.—

10 (1) As used in this section, the term "public funds" means



214662

11 any taxes, tuition, state grants, fines, fees, or other charges
12 or any other type of revenue collected by the state or any
13 county, municipality, special district, school district, Florida
14 College System institution, state university, or other separate
15 unit of government created pursuant to law, including any
16 office, department, agency, division, subdivision, political
17 subdivision, board, bureau, or commission of such entities.
18 However, if the payment and receipt does not otherwise violate
19 part III of chapter 112, the following are not considered public
20 funds:

21 (a) Revenues received by the Board of Governors or state
22 universities through or from faculty practice plans; health
23 services support organizations; hospitals with which state
24 universities are affiliated; direct-support organizations; or
25 federal, auxiliary, or private sources, except for tuition.

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

30 (c) Revenues that are received by a hospital licensed under
31 chapter 395 which has entered into a Medicaid provider contract
32 and that:

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

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

36 3. Are derived from patient services pursuant to contracts
37 with private insurers or private managed care entities, or paid
38 by the patient or private entities; or

39 4. Are not appropriated by the Legislature or by any



214662

40 county, municipality, special district, school district, Florida
41 College System institution, state university, or other separate
42 unit of government created pursuant to law, including any
43 office, department, agency, division, subdivision, political
44 subdivision, board, bureau, commission, authority, or
45 institution of such entities, except for revenues otherwise
46 authorized to be used pursuant to subparagraphs 2. and 3.

47 (d) A clothing and maintenance allowance given to
48 plainclothes deputies pursuant to s. 30.49.

49 (e) Revenues or fees received by a seaport or airport from
50 sources other than through the levy of a tax, or funds
51 appropriated by any county or municipality or the Legislature.

52 (2)-(1) Except as provided in subsections (3) and (4), no
53 extra compensation shall be made from public funds to any
54 officer, agent, employee, or contractor after the service has
55 been rendered or the contract made; nor shall any public funds
56 money be appropriated or paid on any claim the subject matter of
57 which has not been provided for by preexisting laws, unless such
58 compensation or claim is allowed by a law enacted by two-thirds
59 of the members elected to each house of the Legislature.

60 However, when adopting salary schedules for a fiscal year, a
61 district school board or community college district board of
62 trustees may apply the schedule for payment of all services
63 rendered subsequent to July 1 of that fiscal year.

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

65 ~~(a) a bonus or severance pay that is paid wholly from~~
66 ~~nontax revenues and nonstate-appropriated funds, the payment and~~
67 ~~receipt of which does not otherwise violate part III of chapter~~
68 ~~112, and which is paid to an officer, agent, employee, or~~



214662

69 ~~contractor of a public hospital that is operated by a county or~~
70 ~~a special district; or~~

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

73 (3) Any policy, ordinance, rule, or resolution designed to
74 implement a bonus scheme must:

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

76 (b) Describe the performance standards and evaluation
77 process by which a bonus will be awarded;

78 (c) Notify all employees who meet the prescribed criteria
79 for a particular bonus scheme of the policy, ordinance, rule, or
80 resolution before the beginning of the evaluation period on
81 which a bonus will be based; and

82 (d) Consider all employees who meet the prescribed criteria
83 for a particular bonus scheme for the bonus.

84 (4) (a) ~~On or after July 1, 2011,~~ A unit of government, on
85 or after July 1, 2011, or a state university, on or after July
86 1, 2012, which ~~that~~ enters into a contract or employment
87 agreement, or a renewal or renegotiation of an existing contract
88 or employment agreement, which ~~that~~ contains a provision for
89 severance pay with an officer, agent, employee, or contractor
90 must include the following provisions in the contract:

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

94 2. A prohibition of provision of severance pay paid from
95 public funds when the officer, agent, employee, or contractor
96 has been fired for misconduct, as defined in s. 443.036(29), by
97 the unit of government. However, the existence of a contract



214662

98 that includes a provision providing for severance pay does not
99 limit the application of paragraph (b) to the settlement of a
100 dispute.

101 (b) On or after July 1, 2011, an officer, agent, employee,
102 or contractor may receive severance pay that is not provided for
103 in a contract or employment agreement if the severance pay
104 represents the settlement of an employment dispute. In
105 determining the amount of severance pay that may be paid in
106 accordance with this section, the unit of government or the
107 state university shall consider the nature of the claim, the
108 circumstances giving rise to the dispute, and the potential cost
109 of resolving the dispute ~~Such severance pay may not exceed an~~
110 ~~amount greater than 6 weeks of compensation.~~ The settlement may
111 not include provisions that limit the ability of any party to
112 the settlement to discuss the dispute or settlement.

113 (5) Any agreement or contract, executed on or after July 1,
114 2011, which involves extra compensation between a unit of
115 government and an officer, agent, employee, or contractor may
116 not include provisions that limit the ability of any party to
117 the agreement or contract to discuss the agreement or contract.

118 (6) Upon discovery or notification that a unit of
119 government has provided prohibited compensation to any officer,
120 agent, employee, or contractor in violation of this section,
121 such unit of government shall investigate and take all
122 reasonable action to recover the prohibited compensation.

123 (a) If the violation was unintentional, the unit of
124 government shall take all reasonable action to recover the
125 prohibited compensation from the individual receiving the
126 prohibited compensation through normal recovery methods for



214662

127 overpayments.

128 (b) If the violation was willful, the unit of government
129 shall take all reasonable action to recover the prohibited
130 compensation from the individual receiving the prohibited
131 compensation or the employee or employees of the unit of
132 government who willfully violated this section. Each individual
133 determined to have willfully violated this section is jointly
134 and severally liable for repayment of the prohibited
135 compensation.

136 (7) An officer who exercises the powers and duties of a
137 state or county officer and willfully violates this section is
138 subject to the Governor's power under s. 7(a), Art. IV of the
139 State Constitution. An officer who exercises powers and duties
140 other than those of a state or county officer and willfully
141 violates this section is subject to the suspension and removal
142 procedures under s. 112.51.

143 (8) An employee who is discharged, demoted, suspended,
144 threatened, harassed, or in any manner discriminated against in
145 the terms and conditions of employment by his or her employer
146 because of lawful acts done by the employee on behalf of the
147 employee or others in furtherance of an action under this
148 section, including investigation for initiation of, testimony
149 for, or assistance in an action filed or to be filed under this
150 section, has a cause of action under s. 112.3187.

151 (9) Subsections (6), (7), and (8) apply prospectively to
152 contracts and employment agreements, and the renewal or
153 renegotiation of an existing contract or employment agreement,
154 effective on or after October 1, 2016.

155 Section 17. Section 215.86, Florida Statutes, is amended to



214662

156 read:

157 215.86 Management systems and controls.—Each state agency
158 and the judicial branch as defined in s. 216.011 shall establish
159 and maintain management systems and internal controls designed
160 to:

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

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

164 (3) Support economical and ~~economic,~~ efficient, ~~and~~
165 effective operations.†

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

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

170 Section 18. Paragraph (a) of subsection (2) of section
171 215.97, Florida Statutes, is amended to read:

172 215.97 Florida Single Audit Act.—

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

174 (a) "Audit threshold" means the threshold amount used to
175 determine when a state single audit or project-specific audit of
176 a nonstate entity shall be conducted in accordance with this
177 section. Each nonstate entity that expends a total amount of
178 state financial assistance equal to or in excess of \$750,000
179 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
180 required to have a state single audit,† or a project-specific
181 audit,† for such fiscal year in accordance with the requirements
182 of this section. ~~Every 2 years the Auditor General,~~ After
183 consulting with the Executive Office of the Governor, the
184 Department of Financial Services, and all state awarding



214662

185 agencies, the Auditor General shall periodically review the
186 threshold amount for requiring audits under this section and may
187 recommend any appropriate statutory change to revise the
188 threshold amount in the annual report submitted pursuant to s.
189 11.45(7)(h) to the Legislature ~~may adjust such threshold amount~~
190 ~~consistent with the purposes of this section.~~

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

193 215.985 Transparency in government spending.—

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

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

201 218.32 Annual financial reports; local governmental
202 entities.—

203 (1)

204 (d) Each local governmental entity that is required to
205 provide for an audit under s. 218.39(1) must submit a copy of
206 the audit report and annual financial report to the department
207 within 45 days after the completion of the audit report but no
208 later than 9 months after the end of the fiscal year. In
209 conducting an audit of a local governmental entity pursuant to
210 s. 218.39, an independent certified public accountant shall
211 determine whether the entity's annual financial report is in
212 agreement with the audited financial statements. The
213 accountant's audit report must be supported by the same level of



214662

214 detail as required for the annual financial report. If the
215 accountant's audit report is not in agreement with the annual
216 financial report, the accountant shall specify and explain the
217 significant differences that exist between the annual financial
218 report and the audit report.

219 (2) The department shall annually by December 1 file a
220 verified report with the Governor, the Legislature, the Auditor
221 General, and the Special District Accountability Program of the
222 Department of Economic Opportunity showing the revenues, both
223 locally derived and derived from intergovernmental transfers,
224 and the expenditures of each local governmental entity, regional
225 planning council, local government finance commission, and
226 municipal power corporation that is required to submit an annual
227 financial report. In preparing the verified report, the
228 department may request additional information from the local
229 governmental entity. The information requested must be provided
230 to the department within 45 days after the request. If the local
231 governmental entity does not comply with the request, the
232 department shall notify the Legislative Auditing Committee,
233 which may take action pursuant to s. 11.40(2). The report must
234 include, but is not limited to:

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

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



214662

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

246 218.33 Local governmental entities; establishment of
247 uniform fiscal years and accounting practices and procedures.—

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

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

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

253 (c) Support economical and efficient operations.

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

255 (e) Safeguard assets.

256 Section 22. Present subsections (8) through (12) of section
257 218.39, Florida Statutes, are redesignated as subsections (9)
258 through (13), respectively, and a new subsection (8) is added to
259 that section, to read:

260 218.39 Annual financial audit reports.—

261 (8) If the audit report includes a recommendation that was
262 included in the preceding financial audit report but remains
263 unaddressed, the governing body of the audited entity, within 60
264 days after the delivery of the audit report to the governing
265 body, shall indicate during a regularly scheduled public meeting
266 whether it intends to take corrective action, the intended
267 corrective action, and the timeframe for the corrective action.
268 If the governing body indicates that it does not intend to take
269 corrective action, it shall explain its decision at the public
270 meeting.

271 Section 23. Subsection (2) of section 218.391, Florida



214662

272 Statutes, is amended, and subsection (9) is added to that
273 section, to read:

274 218.391 Auditor selection procedures.—

275 (2) The governing body of a ~~charter~~ county, municipality,
276 special district, district school board, charter school, or
277 charter technical career center shall establish an audit
278 committee.

279 (a) The audit committee for a county ~~Each noncharter county~~
280 ~~shall establish an audit committee that~~, at a minimum, shall
281 consist of each of the county officers elected pursuant to the
282 county charter or s. 1(d), Art. VIII of the State Constitution,
283 or their respective designees ~~a designee~~, and one member of the
284 board of county commissioners or its designee.

285 (b) The audit committee for a municipality, special
286 district, district school board, charter school, or charter
287 technical career center shall consist of at least three members.
288 One member of the audit committee must be a member of the
289 governing body of an entity specified in this paragraph, who
290 shall also serve as the chair of the committee.

291 (c) An employee, chief executive officer, or chief
292 financial officer of the county, municipality, special district,
293 district school board, charter school, or charter technical
294 career center may not serve as a member of an audit committee
295 established under this subsection.

296 (d) The primary purpose of the audit committee is to assist
297 the governing body in selecting an auditor to conduct the annual
298 financial audit required in s. 218.39; however, the audit
299 committee may serve other audit oversight purposes as determined
300 by the entity's governing body. The public may ~~shall~~ not be



214662

301 excluded from the proceedings under this section.

302 (9) An audit report submitted pursuant to s. 218.39 must
303 include an affidavit executed by the chair of the audit
304 committee affirming that the committee complied with the
305 requirements of subsections (3)-(6) in selecting an auditor. If
306 the Auditor General determines that an entity failed to comply
307 with the requirements of subsections (3)-(6) in selecting an
308 auditor, the entity shall select a replacement auditor in
309 accordance with this section to conduct audits for subsequent
310 fiscal years if the original audit was performed under a
311 multiyear contract. If the replacement of an auditor would
312 preclude the entity from timely completing the annual financial
313 audit required by s. 218.39, the entity shall replace an auditor
314 in accordance with this section for the subsequent annual
315 financial audit. A multiyear contract between an entity or an
316 auditor may not prohibit or restrict an entity from complying
317 with this subsection.

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

320 286.0114 Public meetings; reasonable opportunity to be
321 heard; attorney fees.-

322 (2) Members of the public shall be given a reasonable
323 opportunity to be heard on a proposition before a board or
324 commission. The opportunity to be heard need not occur at the
325 same meeting at which the board or commission takes official
326 action on the proposition if the opportunity occurs at a meeting
327 that is during the decisionmaking process and is within
328 reasonable proximity in time before the meeting at which the
329 board or commission takes the official action. A board or



214662

330 commission may not require a member of the public to provide an
331 advance written copy of his or her testimony or comments as a
332 precondition of being given the opportunity to be heard at a
333 meeting. This section does not prohibit a board or commission
334 from maintaining orderly conduct or proper decorum in a public
335 meeting. The opportunity to be heard is subject to rules or
336 policies adopted by the board or commission, as provided in
337 subsection (4).

338 Section 25. Paragraph (b) of subsection (2) of section
339 288.92, Florida Statutes, is amended to read:

340 288.92 Divisions of Enterprise Florida, Inc.—

341 (2)

342 (b)1. The following officers and board members are subject
343 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
344 112.3143(2):

345 a. Officers and members of the board of directors of the
346 divisions of Enterprise Florida, Inc.

347 b. Officers and members of the board of directors of
348 subsidiaries of Enterprise Florida, Inc.

349 c. Officers and members of the board of directors of
350 corporations created to carry out the missions of Enterprise
351 Florida, Inc.

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

355 2. For a period of 2 years after retirement from or
356 termination of service to a division, or for a period of 10
357 years if removed or terminated for cause or for misconduct, as
358 defined in s. 443.036(29), the officers and board members



214662

359 specified in subparagraph 1. may not represent another person or
360 entity for compensation before:

361 a. Enterprise Florida, Inc.;

362 b. A division, a subsidiary, or the board of directors of
363 corporations created to carry out the missions of Enterprise
364 Florida, Inc.; or

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

367 3.2- For purposes of applying ss. 112.313(1)-(8), (10),
368 (12), and (15); 112.3135; and 112.3143(2) to activities of the
369 officers and members of the board of directors specified in
370 subparagraph 1., those persons shall be considered public
371 officers or employees and the corporation shall be considered
372 their agency.

373 4.3- It is not a violation of s. 112.3143(2) or (4) for the
374 officers or members of the board of directors of the Florida
375 Tourism Industry Marketing Corporation to:

376 a. Vote on the 4-year marketing plan required under s.
377 288.923 or vote on any individual component of or amendment to
378 the plan.

379 b. Participate in the establishment or calculation of
380 payments related to the private match requirements of s.
381 288.904(3). The officer or member must file an annual disclosure
382 describing the nature of his or her interests or the interests
383 of his or her principals, including corporate parents and
384 subsidiaries of his or her principal, in the private match
385 requirements. This annual disclosure requirement satisfies the
386 disclosure requirement of s. 112.3143(4). This disclosure must
387 be placed ~~either~~ on the Florida Tourism Industry Marketing



214662

388 Corporation's website or included in the minutes of each meeting
389 of the Florida Tourism Industry Marketing Corporation's board of
390 directors at which the private match requirements are discussed
391 or voted upon.

392 Section 26. Paragraph (a) of subsection (3) of section
393 288.9604, Florida Statutes, is amended to read:

394 288.9604 Creation of the authority.—

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

400 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
401 and (15); 112.3135; and 112.3143(2). For purposes of applying
402 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
403 112.3143(2) to activities of directors, directors shall be
404 considered public officers and the corporation shall be
405 considered their agency.

406 3. A director of the corporation may not represent another
407 person or entity for compensation before the corporation for a
408 period of 2 years following his or her service on the board of
409 directors.

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

413 373.536 District budget and hearing thereon.—

414 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

415 (e) ~~By September 1, 2012,~~ Each district shall provide a
416 monthly financial statement in the form and manner prescribed by



214662

417 the Department of Financial Services to the district's governing
418 board and make such monthly financial statement available for
419 public access on its website.

420 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
421 APPROVAL.—

422 (d) Each district shall, by August 1 of each year, submit
423 for review a tentative budget and a description of any
424 significant changes from the preliminary budget submitted to the
425 Legislature pursuant to s. 373.535 to the Governor, the
426 President of the Senate, the Speaker of the House of
427 Representatives, the chairs of all legislative committees and
428 subcommittees having substantive or fiscal jurisdiction over
429 water management districts, as determined by the President of
430 the Senate or the Speaker of the House of Representatives, as
431 applicable, the secretary of the department, and the governing
432 body of each county in which the district has jurisdiction or
433 derives any funds for the operations of the district. The
434 tentative budget must be posted on the district's official
435 website at least 2 days before budget hearings held pursuant to
436 s. 200.065 or other law and must remain on the website for at
437 least 45 days.

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

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

443 Section 28. Subsection (7) of section 838.014, Florida
444 Statutes, is renumbered as subsection (8), present subsections
445 (4) and (6) are amended, and a new subsection (6) is added to



214662

446 that section, to read:

447 838.014 Definitions.—As used in this chapter, the term:

448 (4) “Governmental entity” means an agency or entity of the
449 state, a county, municipality, or special district or any other
450 public entity created or authorized by law ~~“Corruptly” or “with~~
451 ~~corrupt intent” means acting knowingly and dishonestly for a~~
452 ~~wrongful purpose.~~

453 (6) “Public contractor” means, for purposes of ss. 838.022
454 and 838.22 only:

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

457 (b) Any officer or employee of a person, as defined in s.
458 1.01(3), who has entered into a contract with a governmental
459 entity.

460 ~~(7)~~ ~~(6)~~ “Public servant” means:

461 (a) Any officer or employee of a governmental state,
462 ~~county, municipal, or special district agency or entity,~~
463 including

464 ~~(b)~~ any executive, legislative, or judicial branch officer
465 or employee;

466 ~~(b)~~ ~~(c)~~ Any person, except a witness, who acts as a general
467 or special magistrate, receiver, auditor, arbitrator, umpire,
468 referee, consultant, or hearing officer while performing a
469 governmental function; or

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

474 Section 29. Subsection (1) of section 838.015, Florida



214662

475 Statutes, is amended to read:

476 838.015 Bribery.—

477 (1) "Bribery" means ~~corruptly~~ to knowingly and
478 intentionally give, offer, or promise to any public servant, or,
479 if a public servant, ~~corruptly~~ to knowingly and intentionally
480 request, solicit, accept, or agree to accept for himself or
481 herself or another, any pecuniary or other benefit not
482 authorized by law with an intent or purpose to influence the
483 performance of any act or omission which the person believes to
484 be, or the public servant represents as being, within the
485 official discretion of a public servant, in violation of a
486 public duty, or in performance of a public duty.

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

489 838.016 Unlawful compensation or reward for official
490 behavior.—

491 (1) It is unlawful for any person ~~corruptly~~ to knowingly
492 and intentionally give, offer, or promise to any public servant,
493 or, if a public servant, ~~corruptly~~ to knowingly and
494 intentionally request, solicit, accept, or agree to accept, any
495 pecuniary or other benefit not authorized by law, for the past,
496 present, or future performance, nonperformance, or violation of
497 any act or omission which the person believes to have been, or
498 the public servant represents as having been, either within the
499 official discretion of the public servant, in violation of a
500 public duty, or in performance of a public duty. This section
501 does not ~~Nothing herein shall be construed to~~ preclude a public
502 servant from accepting rewards for services performed in
503 apprehending any criminal.



214662

504 (2) It is unlawful for any person ~~corruptly~~ to knowingly
505 and intentionally give, offer, or promise to any public servant,
506 or, if a public servant, ~~corruptly~~ to knowingly and
507 intentionally request, solicit, accept, or agree to accept, any
508 pecuniary or other benefit not authorized by law for the past,
509 present, or future exertion of any influence upon or with any
510 other public servant regarding any act or omission which the
511 person believes to have been, or which is represented to him or
512 her as having been, either within the official discretion of the
513 other public servant, in violation of a public duty, or in
514 performance of a public duty.

515 Section 31. Subsection (1) of section 838.022, Florida
516 Statutes, is amended, and subsection (2) of that section is
517 republished, to read:

518 838.022 Official misconduct.—

519 (1) It is unlawful for a public servant or public
520 contractor, ~~with corrupt intent~~ to knowingly and intentionally
521 obtain a benefit for any person or to cause unlawful harm to
522 another, by ~~to~~:

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

525 (b) Concealing, covering up, destroying, mutilating, or
526 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
527 official record or official document, except as authorized by
528 law or contract, or causing ~~cause~~ another person to perform such
529 an act; or

530 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~
531 ~~or prevent~~ the communication of information relating to the
532 commission of a felony that directly involves or affects the



214662

533 ~~government public agency or public~~ entity served by the public
534 ~~servant or public contractor.~~

535 (2) For the purposes of this section:

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

538 (b) An official record or official document includes only
539 public records.

540 Section 32. Section 838.22, Florida Statutes, is amended to
541 read:

542 838.22 Bid tampering.—

543 (1) It is unlawful for a public servant or a public
544 contractor who has contracted with a governmental entity to
545 assist in a competitive procurement, with corrupt intent to
546 knowingly and intentionally influence or attempt to influence
547 the competitive solicitation bidding process undertaken by any
548 governmental state, county, municipal, or special district
549 agency, or any other public entity, for the procurement of
550 commodities or services, by ~~to~~:

551 (a) Disclosing, except as authorized by law, Disclose
552 material information concerning a vendor's response, any
553 evaluation results, bid or other aspects of the competitive
554 solicitation bidding process when such information is not
555 publicly disclosed.

556 (b) Altering or amending Alter or amend a submitted
557 response bid, documents or other materials supporting a
558 submitted response bid, or any evaluation bid results relating
559 to the competitive solicitation for the purpose of intentionally
560 providing a competitive advantage to any person who submits a
561 response bid.



214662

562 (2) It is unlawful for a public servant or a public
563 contractor who has contracted with a governmental entity to
564 assist in a competitive procurement, with corrupt intent to
565 knowingly and intentionally obtain a benefit for any person or
566 to cause unlawful harm to another by circumventing, to
567 circumvent a competitive solicitation bidding process required
568 by law or rule through the use of by using a sole-source
569 contract for commodities or services.

570 (3) It is unlawful for any person to knowingly agree,
571 conspire, combine, or confederate, directly or indirectly, with
572 a public servant or a public contractor who has contracted with
573 a governmental entity to assist in a competitive procurement to
574 violate subsection (1) or subsection (2).

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

580 (5) Any person who violates this section commits a felony
581 of the second degree, punishable as provided in s. 775.082, s.
582 775.083, or s. 775.084.

583 Section 33. Paragraph (1) of subsection (12) of section
584 1001.42, Florida Statutes, is amended, a new subsection (27) is
585 added to that section, and present subsection (27) of that
586 section is renumbered as subsection (28), to read:

587 1001.42 Powers and duties of district school board.—The
588 district school board, acting as a board, shall exercise all
589 powers and perform all duties listed below:

590 (12) FINANCE.—Take steps to assure students adequate



214662

591 educational facilities through the financial procedure
592 authorized in chapters 1010 and 1011 and as prescribed below:

593 (1) Internal auditor.—May employ an internal auditor to
594 perform ongoing financial verification of the financial records
595 of the school district and such other audits and reviews as the
596 district school board directs for the purpose of determining:

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

599 2. Compliance with applicable laws, rules, contracts, grant
600 agreements, district school board-approved policies, and best
601 practices.

602 3. The efficiency of operations.

603 4. The reliability of financial records and reports.

604 5. The safeguarding of assets.

605

606 The internal auditor shall report directly to the district
607 school board or its designee.

608 (27) VISITATION OF SCHOOLS.—Visit the schools, observe the
609 management and instruction, give suggestions for improvement,
610 and advise citizens with the view of promoting interest in
611 education and improving the school.

612 Section 34. Paragraph (j) of subsection (9) of section
613 1002.33, Florida Statutes, is amended to read:

614 1002.33 Charter schools.—

615 (9) CHARTER SCHOOL REQUIREMENTS.—

616 (j) The governing body of the charter school shall be
617 responsible for:

618 1. Establishing and maintaining internal controls designed
619 to:



214662

620 a. Prevent and detect fraud, waste, and abuse.
621 b. Promote and encourage compliance with applicable laws,
622 rules, contracts, grant agreements, and best practices.
623 c. Support economical and efficient operations.
624 d. Ensure reliability of financial records and reports.
625 e. Safeguard assets.
626 ~~2.1.~~ Ensuring that the charter school has retained the
627 services of a certified public accountant or auditor for the
628 annual financial audit, pursuant to s. 1002.345(2), who shall
629 submit the report to the governing body.
630 ~~3.2.~~ Reviewing and approving the audit report, including
631 audit findings and recommendations for the financial recovery
632 plan.
633 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including
634 monitoring a corrective action plan.
635 b. Monitoring a financial recovery plan in order to ensure
636 compliance.
637 ~~5.4.~~ Participating in governance training approved by the
638 department which must include government in the sunshine,
639 conflicts of interest, ethics, and financial responsibility.
640 Section 35. Present subsections (6) through (10) of section
641 1002.37, Florida Statutes, are redesignated as subsections (7)
642 through (11), respectively, a new subsection (6) is added to
643 that section, and present subsections (6) and (11) of that
644 section are amended, to read:
645 1002.37 The Florida Virtual School.—
646 (6) The Florida Virtual School shall have an annual
647 financial audit of its accounts and records conducted by an
648 independent auditor who is a certified public accountant



214662

649 licensed under chapter 473. The independent auditor shall
650 conduct the audit in accordance with rules adopted by the
651 Auditor General pursuant to s. 11.45 and, upon completion of the
652 audit, shall prepare an audit report in accordance with such
653 rules. The audit report must include a written statement of the
654 board of trustees describing corrective action to be taken in
655 response to each of the recommendations of the independent
656 auditor included in the audit report. The independent auditor
657 shall submit the audit report to the board of trustees and the
658 Auditor General no later than 9 months after the end of the
659 preceding fiscal year.

660 (7) ~~(6)~~ The board of trustees shall annually submit to the
661 Governor, the Legislature, the Commissioner of Education, and
662 the State Board of Education the audit report prepared pursuant
663 to subsection (6) and a complete and detailed report setting
664 forth:

665 (a) The operations and accomplishments of the Florida
666 Virtual School within the state and those occurring outside the
667 state as Florida Virtual School Global.

668 (b) The marketing and operational plan for the Florida
669 Virtual School and Florida Virtual School Global, including
670 recommendations regarding methods for improving the delivery of
671 education through the Internet and other distance learning
672 technology.

673 (c) The assets and liabilities of the Florida Virtual
674 School and Florida Virtual School Global at the end of the
675 fiscal year.

676 ~~(d) A copy of an annual financial audit of the accounts and~~
677 ~~records of the Florida Virtual School and Florida Virtual School~~



214662

678 ~~Global, conducted by an independent certified public accountant~~
679 ~~and performed in accordance with rules adopted by the Auditor~~
680 ~~General.~~

681 ~~(e)~~ Recommendations regarding the unit cost of providing
682 services to students through the Florida Virtual School and
683 Florida Virtual School Global. In order to most effectively
684 develop public policy regarding any future funding of the
685 Florida Virtual School, it is imperative that the cost of the
686 program is accurately identified. The identified cost of the
687 program must be based on reliable data.

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

691 ~~(11)~~ ~~The Auditor General shall conduct an operational audit~~
692 ~~of the Florida Virtual School, including Florida Virtual School~~
693 ~~Global. The scope of the audit shall include, but not be limited~~
694 ~~to, the administration of responsibilities relating to~~
695 ~~personnel; procurement and contracting; revenue production;~~
696 ~~school funds, including internal funds; student enrollment~~
697 ~~records; franchise agreements; information technology~~
698 ~~utilization, assets, and security; performance measures and~~
699 ~~standards; and accountability. The final report on the audit~~
700 ~~shall be submitted to the President of the Senate and the~~
701 ~~Speaker of the House of Representatives no later than January~~
702 ~~31, 2014.~~

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

705 1010.01 Uniform records and accounts.-

706 (5) Each school district, Florida College System



707 institution, and state university shall establish and maintain
708 internal controls designed to:

- 709 (a) Prevent and detect fraud, waste, and abuse.
- 710 (b) Promote and encourage compliance with applicable laws,
711 rules, contracts, grant agreements, and best practices.
- 712 (c) Support economical and efficient operations.
- 713 (d) Ensure reliability of financial records and reports.
- 714 (e) Safeguard assets.

715 Section 37. Subsection (2) of section 1010.30, Florida
716 Statutes, is amended to read:

717 1010.30 Audits required.—

718 (2) If a school district, Florida College System
719 institution, or university audit report includes a
720 recommendation that was included in the preceding financial
721 audit report but remains unaddressed, ~~an audit contains a~~
722 ~~significant finding,~~ the district school board, the Florida
723 College System institution board of trustees, or the university
724 board of trustees, within 60 days after the delivery of the
725 audit report to the school district, Florida College System
726 institution, or university, shall indicate ~~conduct an audit~~
727 ~~overview~~ during a regularly scheduled public meeting ~~whether it~~
728 intends to take corrective action, the intended corrective
729 action, and the timeframe for the corrective action. If the
730 district school board, Florida College System institution board
731 of trustees, or university board of trustees indicates that it
732 does not intend to take corrective action, it shall explain its
733 decision at the public meeting.

734
735 ===== T I T L E A M E N D M E N T =====



214662

736 And the title is amended as follows:
737 Delete lines 1908 - 2005
738 and insert:
739 compensation claims; revising minimum requirements for
740 any policy, ordinance, rule, or resolution designed to
741 implement a bonus scheme; requiring certain contracts
742 into which a unit of government or state university
743 enters to contain certain provisions regarding
744 severance pay; requiring a unit of government to
745 investigate and take necessary action to recover
746 prohibited compensation; specifying methods of
747 recovery for unintentional and willful violations;
748 specifying applicability of procedures regarding
749 suspension and removal of an officer who commits a
750 willful violation; specifying circumstances under
751 which an employee has a cause of action under the
752 Whistle-blower's Act; providing for applicability;
753 amending s. 215.86, F.S.; revising the purposes for
754 which management systems and internal controls must be
755 established and maintained by each state agency and
756 the judicial branch; amending s. 215.97, F.S.;
757 revising the definition of the term "audit threshold";
758 amending s. 215.985, F.S.; revising the requirements
759 for a monthly financial statement provided by a water
760 management district; amending s. 218.32, F.S.;
761 revising the requirements of the annual financial
762 audit report of a local governmental entity;
763 authorizing the Department of Financial Services to
764 request additional information from a local



214662

765 governmental entity; requiring a local governmental
766 entity to respond to such requests within a specified
767 timeframe; requiring the department to notify the
768 Legislative Auditing Committee of noncompliance;
769 amending s. 218.33, F.S.; requiring local governmental
770 entities to establish and maintain internal controls
771 to achieve specified purposes; amending s. 218.39,
772 F.S.; requiring an audited entity to respond to audit
773 recommendations under specified circumstances;
774 amending s. 218.391, F.S.; revising the composition of
775 an audit committee; prohibiting an audit committee
776 member from being an employee, a chief executive
777 officer, or a chief financial officer of the
778 respective governmental entity; requiring the chair of
779 an audit committee to sign and execute an affidavit
780 affirming compliance with auditor selection
781 procedures; prescribing procedures in the event of
782 noncompliance with auditor selection procedures;
783 amending s. 286.0114, F.S.; prohibiting a board or
784 commission from requiring an advance copy of testimony
785 or comments from a member of the public as a
786 precondition to being given the opportunity to be
787 heard at a public meeting; amending s. 288.92, F.S.;
788 prohibiting specified officers and board members of
789 Enterprise Florida, Inc., from representing a person
790 or entity for compensation before Enterprise Florida,
791 Inc., and associated entities thereof, for a specified
792 timeframe; amending s. 288.9604, F.S.; prohibiting a
793 director of the Florida Development Finance



214662

794 Corporation from representing a person or an entity
795 for compensation before the corporation for a
796 specified timeframe; amending s. 373.536, F.S.;
797 deleting obsolete language; requiring water management
798 districts to maintain certain budget documents on the
799 districts' websites for a specified period; amending
800 s. 838.014, F.S.; revising and providing definitions;
801 amending s. 838.015, F.S.; revising the definition of
802 the term "bribery"; revising requirements for
803 prosecution; amending s. 838.016, F.S.; revising the
804 prohibition against unlawful compensation or reward
805 for official behavior to conform to changes made by
806 the act; amending s. 838.022, F.S.; revising the
807 prohibition against official misconduct to conform to
808 changes made by the act; revising applicability of the
809 offense to include public contractors; amending s.
810 838.22, F.S.; revising the prohibition against bid
811 tampering to conform to changes made by the act;
812 revising applicability of the offense to include
813 specified public contractors; amending s. 1001.42,
814 F.S.; authorizing additional internal audits as
815 directed by the district school board; specifying
816 duties of the district school board regarding
817 visitation of schools; amending s. 1002.33, F.S.;
818 revising the responsibilities of the governing board
819 of a charter school to include the establishment and
820 maintenance of internal controls; amending s. 1002.37,
821 F.S.; requiring completion of an annual financial
822 audit of the Florida Virtual School; specifying audit



214662

823 requirements; requiring an audit report to be
824 submitted to the board of trustees of the Florida
825 Virtual School and the Auditor General; removing
826 obsolete provisions; amending s. 1010.01, F.S.;
827 requiring each school district, Florida College System
828 institution, and state university to establish and
829 maintain certain internal controls; amending s.
830 1010.30, F.S.; requiring a district school board,
831 Florida College System institution board of trustees,
832 or university board of trustees to respond to audit
833 recommendations under certain circumstances; amending
834 ss. 99.061, 218.503, and 1002.455,

By the Committee on Ethics and Elections; and Senator Gaetz

582-02059-16

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1 A bill to be entitled
 2 An act relating to government accountability;
 3 providing a short title; amending s. 11.045, F.S.;
 4 defining terms; requiring each house of the
 5 Legislature to provide by rule reporting requirements
 6 regarding lobbying firm's lobbying activities;
 7 specifying requirements regarding the content of
 8 reports and filing deadlines; requiring each house of
 9 the Legislature to establish procedures applicable to
 10 untimely filing of reports by rule; providing fines
 11 for late filing of reports; amending s. 11.40, F.S.;
 12 specifying that the Governor, the Commissioner of
 13 Education, or the designee of the Governor or of the
 14 Commissioner of Education may notify the Legislative
 15 Auditing Committee of an entity's failure to comply
 16 with certain auditing and financial reporting
 17 requirements; amending s. 11.45, F.S.; defining the
 18 terms "abuse," "fraud," and "waste"; revising the
 19 definition of the term "local governmental entity";
 20 excluding water management districts from certain
 21 audit requirements; removing a cross-reference;
 22 authorizing the Auditor General to conduct audits of
 23 tourist development councils and county tourism
 24 promotion agencies; revising reporting requirements
 25 applicable to the Auditor General; creating s. 20.602,
 26 F.S.; specifying the applicability of certain
 27 provisions of the Code of Ethics for Public Officers
 28 and Employees to officers and board members of
 29 corporate entities associated with the Department of
 30 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

Page 1 of 104

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582-02059-16

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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 from accepting
 45 employment with a private entity that directly
 46 receives state funds; providing an exception; amending
 47 s. 112.313, F.S.; specifying that prohibitions on
 48 conflicting employment or contractual relationships
 49 for public officers or employees of an agency apply to
 50 contractual relationships held by certain business
 51 entities; amending s. 112.3144, F.S.; requiring
 52 elected municipal officers to file a full and public
 53 disclosure of financial interests, rather than a
 54 statement of financial interests; providing for
 55 applicability; amending s. 112.31455, F.S.; revising
 56 provisions governing collection methods for unpaid
 57 automatic fines for failure to timely file disclosure
 58 of financial interests to include school districts;
 59 amending s. 112.3215, F.S.; requiring a lobbying firm
 60 to file a report with the Commission on Ethics
 61 disclosing whether the firm lobbied the Governor to

Page 2 of 104

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582-02059-16

2016686c1

62 approve or veto a bill or an appropriation; requiring
 63 the commission to establish procedures applicable to
 64 untimely filing of reports by rule; providing fines
 65 for late filing of reports; conforming provisions to
 66 changes made by the act; amending s. 112.324, F.S.;
 67 authorizing the commission to investigate certain
 68 violations of the public trust upon receipt of
 69 reliable and publicly disseminated information if
 70 certain conditions are met; conforming provisions to
 71 changes made by the act; amending s. 112.3261, F.S.;
 72 revising terms to conform to changes made by the act;
 73 expanding the types of governmental entities that are
 74 subject to lobbyist registration requirements;
 75 requiring a governmental entity to create a lobbyist
 76 registration form; amending ss. 129.03, 129.06,
 77 166.241, and 189.016, F.S.; requiring counties,
 78 municipalities, and special districts to maintain
 79 certain budget documents on the entities' websites for
 80 a specified period; amending s. 215.425, F.S.;
 81 defining the term "public funds"; revising exceptions
 82 to the prohibition on extra compensation claims;
 83 requiring certain contracts to which a unit of
 84 government or state university is a party during a
 85 specified period to contain certain prohibitions on
 86 severance pay; requiring a unit of government to
 87 investigate and take necessary action to recover
 88 prohibited compensation; specifying methods of
 89 recovery for unintentional and willful violations;
 90 providing a penalty; specifying applicability of

Page 3 of 104

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582-02059-16

2016686c1

91 procedures regarding suspension and removal of an
 92 officer who commits a willful violation; establishing
 93 eligibility criteria and amounts for rewards;
 94 specifying circumstances under which an employee has a
 95 cause of action under the Whistle-blower's Act;
 96 establishing causes of action if a unit of government
 97 fails to recover prohibited compensation within a
 98 certain timeframe; providing for applicability;
 99 amending s. 215.86, F.S.; revising the purposes for
 100 which management systems and internal controls must be
 101 established and maintained by each state agency and
 102 the judicial branch; amending s. 215.97, F.S.;
 103 revising the definition of the term "audit threshold";
 104 amending s. 215.985, F.S.; revising the requirements
 105 for a monthly financial statement provided by a water
 106 management district; amending s. 218.32, F.S.;
 107 revising the requirements of the annual financial
 108 audit report of a local governmental entity;
 109 authorizing the Department of Financial Services to
 110 request additional information from a local
 111 governmental entity; requiring a local governmental
 112 entity to respond to such requests within a specified
 113 timeframe; requiring the department to notify the
 114 Legislative Auditing Committee of noncompliance;
 115 amending s. 218.33, F.S.; requiring local governmental
 116 entities to establish and maintain internal controls
 117 to achieve specified purposes; amending s. 218.39,
 118 F.S.; requiring an audited entity to respond to audit
 119 recommendations under specified circumstances;

Page 4 of 104

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582-02059-16

2016686c1

120 amending s. 218.391, F.S.; revising the composition of
 121 an audit committee; prohibiting an audit committee
 122 member from being an employee, a chief executive
 123 officer, or a chief financial officer of the
 124 respective governmental entity; requiring the chair of
 125 an audit committee to sign and execute an affidavit
 126 affirming compliance with auditor selection
 127 procedures; prescribing procedures in the event of
 128 noncompliance with auditor selection procedures;
 129 amending s. 286.0114, F.S.; prohibiting a board or
 130 commission from requiring an advance copy of testimony
 131 or comments from a member of the public as a
 132 precondition to be given the opportunity to be heard
 133 at a public meeting; amending s. 288.92, F.S.;

134 prohibiting specified officers and board members of
 135 Enterprise Florida, Inc., from representing a person
 136 or entity for compensation before Enterprise Florida,
 137 Inc., and associated entities thereof, for a specified
 138 timeframe; amending s. 288.9604, F.S.; prohibiting a
 139 director of the Florida Development Finance
 140 Corporation from representing a person or an entity
 141 for compensation before the corporation for a
 142 specified timeframe; amending s. 373.536, F.S.;

143 deleting obsolete language; requiring water management
 144 districts to maintain certain budget documents on the
 145 districts' websites for a specified period; amending
 146 s. 838.014, F.S.; deleting, revising, and providing
 147 definitions; amending s. 838.015, F.S.; revising the
 148 definition of "bribery"; providing a penalty;

Page 5 of 104

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582-02059-16

2016686c1

149 conforming a provision to changes made by the act;
 150 amending s. 838.016, F.S.; prohibiting a person from
 151 knowingly and intentionally giving, offering, or
 152 promising unlawful compensation or reward for official
 153 behavior to a public servant; prohibiting a public
 154 servant or public contractor from knowingly and
 155 intentionally procuring unlawful compensation or
 156 reward for official behavior; providing a penalty;
 157 conforming provisions to changes made by the act;
 158 amending s. 838.022, F.S.; prohibiting a public
 159 servant or public contractor from knowingly and
 160 intentionally engaging in specified activities
 161 constituting official misconduct; providing a penalty;
 162 amending s. 838.22, F.S.; prohibiting a public servant
 163 and certain public contractors from knowingly and
 164 intentionally influencing or attempting to influence
 165 the competitive solicitation process; prohibiting any
 166 person from committing specified acts to influence the
 167 competitive solicitation process; providing a penalty;
 168 revising terminology; amending s. 1001.42, F.S.;

169 authorizing additional internal audits as directed by
 170 the district school board; amending s. 1002.33, F.S.;

171 revising the responsibilities of the governing board
 172 of a charter school to include the establishment and
 173 maintenance of internal controls; amending s. 1002.37,
 174 F.S.; requiring completion of an annual financial
 175 audit of the Florida Virtual School; specifying audit
 176 requirements; requiring an audit report to be
 177 submitted to the board of trustees of the Florida

Page 6 of 104

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582-02059-16

2016686c1

178 Virtual School and the Auditor General; removing
 179 obsolete provisions; amending s. 1010.01, F.S.;
 180 requiring each school district, Florida College System
 181 institution, and state university to establish and
 182 maintain certain internal controls; amending s.
 183 1010.30, F.S.; requiring a district school board,
 184 Florida College System institution board of trustees,
 185 or university board of trustees to respond to audit
 186 recommendations under certain circumstances; amending
 187 ss. 11.0455, 68.082, 68.083, 99.061, 218.503,
 188 921.0022, and 1002.455, F.S.; conforming provisions
 189 and cross-references to changes made by the act;
 190 reenacting s. 817.568(11), F.S., relating to criminal
 191 use of personal identification information, to
 192 incorporate the amendment made to s. 838.014, F.S., in
 193 a reference thereto; declaring that the act fulfills
 194 an important state interest; providing an effective
 195 date.

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

198
 199 Section 1. This act may be cited as the "Florida Anti-
 200 Corruption Act of 2016."

201 Section 2. Present subsections (5) through (9) of section
 202 11.045, Florida Statutes, are renumbered as subsections (6)
 203 through (10), respectively, a new subsection (5) is added to
 204 that section, and present subsection (8) of that section is
 205 amended, to read:

206 11.045 Lobbying before the Legislature; registration and

Page 7 of 104

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582-02059-16

2016686c1

207 reporting; exemptions; penalties.-

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

209 1. "Lobbying activities" means any action designed to
 210 support, oppose, or influence proposed legislation or proposed
 211 legislative action. The term includes, but is not limited to,
 212 any verbal, written, or electronic communication with any
 213 legislator or legislative employee undertaken for the purpose of
 214 directly or indirectly supporting, opposing, or influencing
 215 legislation or requesting proposed legislation to be filed.

216 2. "Proposed legislation" includes, but is not limited to,
 217 policies, ideas, issues, concepts, or statutory language that is
 218 presently, or may at some future point be, reflected in or
 219 impacted by a bill, a memorial, a resolution, a compact, or an
 220 appropriation.

221 3. "Proposed legislative action" means any action by a
 222 constituent entity of the Legislature, including, but not
 223 limited to, the houses of the Legislature, a joint office, and a
 224 joint committee.

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

228 1. The full name, business address, and telephone number of
 229 the lobbying firm.

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

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

233 a. The proposed legislation or proposed legislative action
 234 that the lobbying firm has attempted to support, oppose, or
 235 influence;

Page 8 of 104

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582-02059-16

2016686c1

236 b. The entity lobbied;

237 c. Each principal on behalf of whom the lobbying firm has
 238 acted; and

239 d. If the proposed legislation included an appropriation or
 240 was an appropriation, the intended recipient of the
 241 appropriation.

242 (c) For purposes of the reporting requirement provided in
 243 this subsection, the reports must identify proposed legislation
 244 by referencing any legislatively assigned identifying numbers,
 245 including, but not limited to, bill numbers, amendment barcode
 246 numbers, or specific appropriation numbers. If the proposed
 247 legislation does not have an identifying number assigned, the
 248 report must include a description of the subject matter of the
 249 proposed legislation, whether the lobbying firm is supporting or
 250 opposing the proposed legislation and, if seeking to modify the
 251 proposed legislation, how the lobbying firm's modification would
 252 alter the proposal.

253 (d) The reports shall be filed even if the reporting
 254 lobbying firm did not engage in any lobbying activities
 255 requiring disclosure, in which the report shall be marked "not
 256 applicable."

257 (e) The reports shall be filed with the office by
 258 electronic means no later than 7 business days after the end of
 259 the preceding month. The reports shall be rendered in the
 260 identical form provided by the respective houses and shall be
 261 open to public inspection.

262 (f) Each house of the Legislature shall provide by rule, or
 263 both houses may provide by joint rule, a procedure by which a
 264 lobbying firm that fails to timely file a report is notified and

582-02059-16

2016686c1

265 assessed fines. The rule must provide the following:

266 1. Upon determining that the report is late, the person
 267 designated to review the timeliness of reports shall immediately
 268 notify the lobbying firm as to the failure to timely file the
 269 report and that a fine is being assessed for each late day. The
 270 fine shall be \$50 per day per report for each late day, not to
 271 exceed \$5,000 per report.

272 2. Upon receipt of the report, the person designated to
 273 review the timeliness of reports shall determine the amount of
 274 the fine due based upon when a report is actually received by
 275 the office.

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

280 4. A fine may not be assessed against a lobbying firm the
 281 first time any reports for which the lobbying firm is
 282 responsible are not timely filed. However, to receive the one-
 283 time fine waiver, all reports for which the lobbying firm is
 284 responsible must be filed within 30 days after notice that any
 285 reports have not been timely filed is transmitted by the
 286 Lobbyist Registration Office. A fine shall be assessed for any
 287 subsequent late-filed reports.

288 5. Any lobbying firm may appeal or dispute a fine, based
 289 upon unusual circumstances surrounding the failure to file on
 290 the designated due date, and may request and is entitled to a
 291 hearing before the General Counsel of the Office of Legislative
 292 Services, who shall recommend to the President of the Senate and
 293 the Speaker of the House of Representatives, or their respective

582-02059-16

2016686c1

294 designees, that the fine be waived in whole or in part for good
 295 cause shown. The President of the Senate and the Speaker of the
 296 House of Representatives, or their respective designees, may
 297 concur in the recommendation and waive the fine in whole or in
 298 part. Any such request must be made within 30 days after the
 299 notice of payment due is transmitted by the office. In such
 300 case, the lobbying firm shall, within the 30-day period, notify
 301 the person designated to review the timeliness of reports in
 302 writing of his or her intention to request a hearing.

303 6. A lobbying firm may request that the filing of a report
 304 be waived upon good cause shown, based on unusual circumstances.
 305 The request must be filed with the General Counsel of the Office
 306 of Legislative Services, who shall make a recommendation
 307 concerning the waiver request to the President of the Senate and
 308 the Speaker of the House of Representatives. The President of
 309 the Senate and the Speaker of the House of Representatives may
 310 grant or deny the request.

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

316 8. The person designated to review the timeliness of
 317 reports shall notify the coordinator of the office of the
 318 failure of a lobbying firm to file a report after notice or of
 319 the failure of a lobbying firm to pay the fine imposed.

320 (9)(8) Any person required to be registered or to provide
 321 information pursuant to this section or pursuant to rules
 322 established in conformity with this section who knowingly fails

Page 11 of 104

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582-02059-16

2016686c1

323 to disclose any material fact required by this section or by
 324 rules established in conformity with this section, or who
 325 knowingly provides false information on any report required by
 326 this section or by rules established in conformity with this
 327 section, commits a noncriminal infraction, punishable by a fine
 328 not to exceed \$5,000. Such penalty shall be in addition to any
 329 other penalty assessed by a house of the Legislature pursuant to
 330 subsection (8) ~~(7)~~.

331 Section 3. Subsection (2) of section 11.40, Florida
 332 Statutes, is amended to read:

333 11.40 Legislative Auditing Committee.—

334 (2) Following notification by the Auditor General, the
 335 Department of Financial Services, ~~or~~ the Division of Bond
 336 Finance of the State Board of Administration, the Governor or
 337 his or her designee, or the Commissioner of Education or his or
 338 her designee of the failure of a local governmental entity,
 339 district school board, charter school, or charter technical
 340 career center to comply with the applicable provisions within s.
 341 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
 342 Legislative Auditing Committee may schedule a hearing to
 343 determine if the entity should be subject to further state
 344 action. If the committee determines that the entity should be
 345 subject to further state action, the committee shall:

346 (a) In the case of a local governmental entity or district
 347 school board, direct the Department of Revenue and the
 348 Department of Financial Services to withhold any funds not
 349 pledged for bond debt service satisfaction which are payable to
 350 such entity until the entity complies with the law. The
 351 committee shall specify the date that such action must shall

Page 12 of 104

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582-02059-16

2016686c1

352 begin, and the directive must be received by the Department of
 353 Revenue and the Department of Financial Services 30 days before
 354 the date of the distribution mandated by law. The Department of
 355 Revenue and the Department of Financial Services may implement
 356 ~~the provisions of~~ this paragraph.

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

358 1. A special act, notify the President of the Senate, the
 359 Speaker of the House of Representatives, the standing committees
 360 of the Senate and the House of Representatives charged with
 361 special district oversight as determined by the presiding
 362 officers of each respective chamber, the legislators who
 363 represent a portion of the geographical jurisdiction of the
 364 special district pursuant to s. 189.034(2), and the Department
 365 of Economic Opportunity that the special district has failed to
 366 comply with the law. Upon receipt of notification, the
 367 Department of Economic Opportunity shall proceed pursuant to s.
 368 189.062 or s. 189.067. If the special district remains in
 369 noncompliance after the process set forth in s. 189.034(3), or
 370 if a public hearing is not held, the Legislative Auditing
 371 Committee may request the department to proceed pursuant to s.
 372 189.067(3).

373 2. A local ordinance, notify the chair or equivalent of the
 374 local general-purpose government pursuant to s. 189.035(2) and
 375 the Department of Economic Opportunity that the special district
 376 has failed to comply with the law. Upon receipt of notification,
 377 the department shall proceed pursuant to s. 189.062 or s.
 378 189.067. If the special district remains in noncompliance after
 379 the process set forth in s. 189.034(3), or if a public hearing
 380 is not held, the Legislative Auditing Committee may request the

Page 13 of 104

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582-02059-16

2016686c1

381 department to proceed pursuant to s. 189.067(3).

382 3. Any manner other than a special act or local ordinance,
 383 notify the Department of Economic Opportunity that the special
 384 district has failed to comply with the law. Upon receipt of
 385 notification, the department shall proceed pursuant to s.
 386 189.062 or s. 189.067(3).

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

390 Section 4. Subsection (1), paragraph (j) of subsection (2),
 391 paragraph (u) of subsection (3), and paragraph (i) of subsection
 392 (7) of section 11.45, Florida Statutes, are amended, and
 393 paragraph (x) is added to subsection (3) of that section, to
 394 read:

395 11.45 Definitions; duties; authorities; reports; rules.—

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

397 (a) "Abuse" means behavior that is deficient or improper
 398 when compared with behavior that a prudent person would consider
 399 a reasonable and necessary operational practice given the facts
 400 and circumstances. The term includes the misuse of authority or
 401 position for personal gain.

402 ~~(b)-(a)~~ "Audit" means a financial audit, operational audit,
 403 or performance audit.

404 ~~(c)-(b)~~ "County agency" means a board of county
 405 commissioners or other legislative and governing body of a
 406 county, however styled, including that of a consolidated or
 407 metropolitan government, a clerk of the circuit court, a
 408 separate or ex officio clerk of the county court, a sheriff, a
 409 property appraiser, a tax collector, a supervisor of elections,

Page 14 of 104

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582-02059-16

2016686c1

410 or any other officer in whom any portion of the fiscal duties of
 411 a body or officer expressly stated in this paragraph are the
 412 ~~above are under law~~ separately placed by law.

413 (d)(e) "Financial audit" means an examination of financial
 414 statements in order to express an opinion on the fairness with
 415 which they are presented in conformity with generally accepted
 416 accounting principles and an examination to determine whether
 417 operations are properly conducted in accordance with legal and
 418 regulatory requirements. Financial audits must be conducted in
 419 accordance with auditing standards generally accepted in the
 420 United States and government auditing standards as adopted by
 421 the Board of Accountancy. When applicable, the scope of
 422 financial audits must ~~shall~~ encompass the additional activities
 423 necessary to establish compliance with the Single Audit Act
 424 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
 425 applicable federal law.

426 (e) "Fraud" means obtaining something of value through
 427 willful misrepresentation, including, but not limited to, the
 428 intentional misstatements or omissions of amounts or disclosures
 429 in financial statements to deceive users of financial
 430 statements, theft of an entity's assets, bribery, or the use of
 431 one's position for personal enrichment through the deliberate
 432 misuse or misapplication of an organization's resources.

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

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

Page 15 of 104

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582-02059-16

2016686c1

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

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

443 (i)(g) "Operational audit" means an audit whose purpose is
 444 to evaluate management's performance in establishing and
 445 maintaining internal controls, including controls designed to
 446 prevent and detect fraud, waste, and abuse, and in administering
 447 assigned responsibilities in accordance with applicable laws,
 448 administrative rules, contracts, grant agreements, and other
 449 guidelines. Operational audits must be conducted in accordance
 450 with government auditing standards. Such audits examine internal
 451 controls that are designed and placed in operation to promote
 452 and encourage the achievement of management's control objectives
 453 in the categories of compliance, economic and efficient
 454 operations, reliability of financial records and reports, and
 455 safeguarding of assets, and identify weaknesses in those
 456 internal controls.

457 (j)(h) "Performance audit" means an examination of a
 458 program, activity, or function of a governmental entity,
 459 conducted in accordance with applicable government auditing
 460 standards or auditing and evaluation standards of other
 461 appropriate authoritative bodies. The term includes an
 462 examination of issues related to:
 463 1. Economy, efficiency, or effectiveness of the program.
 464 2. Structure or design of the program to accomplish its
 465 goals and objectives.
 466 3. Adequacy of the program to meet the needs identified by
 467 the Legislature or governing body.

Page 16 of 104

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582-02059-16

2016686c1

468 4. Alternative methods of providing program services or
 469 products.

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

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

474 7. Compliance of the program with appropriate policies,
 475 rules, or laws.

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

478 (k) ~~(i)~~ "Political subdivision" means a separate agency or
 479 unit of local government created or established by law and
 480 includes, but is not limited to, the following and the officers
 481 thereof: authority, board, branch, bureau, city, commission,
 482 consolidated government, county, department, district,
 483 institution, metropolitan government, municipality, office,
 484 officer, public corporation, town, or village.

485 (l) ~~(j)~~ "State agency" means a separate agency or unit of
 486 state government created or established by law and includes, but
 487 is not limited to, the following and the officers thereof:
 488 authority, board, branch, bureau, commission, department,
 489 division, institution, office, officer, or public corporation,
 490 as the case may be, except any such agency or unit within the
 491 legislative branch of state government other than the Florida
 492 Public Service Commission.

493 (m) "Waste" means the act of using or expending resources
 494 unreasonably, carelessly, extravagantly, or for no useful
 495 purpose.

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

Page 17 of 104

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582-02059-16

2016686c1

497 (j) Conduct audits of local governmental entities when
 498 determined to be necessary by the Auditor General, when directed
 499 by the Legislative Auditing Committee, or when otherwise
 500 required by law. No later than 18 months after the release of
 501 the audit report, the Auditor General shall perform such
 502 appropriate followup procedures as he or she deems necessary to
 503 determine the audited entity's progress in addressing the
 504 findings and recommendations contained within the Auditor
 505 General's previous report. The Auditor General shall notify each
 506 member of the audited entity's governing body and the
 507 Legislative Auditing Committee of the results of his or her
 508 determination. For purposes of this paragraph, local
 509 governmental entities do not include water management districts.

510 The Auditor General shall perform his or her duties
 511 independently but under the general policies established by the
 512 Legislative Auditing Committee. This subsection does not limit
 513 the Auditor General's discretionary authority to conduct other
 514 audits or engagements of governmental entities as authorized in
 515 subsection (3).

516 subsection (3).

517 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
 518 General may, pursuant to his or her own authority, or at the
 519 direction of the Legislative Auditing Committee, conduct audits
 520 or other engagements as determined appropriate by the Auditor
 521 General of:

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

523 (x) Tourist development councils and county tourism
 524 promotion agencies.

525 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

Page 18 of 104

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582-02059-16

2016686c1

526 (i) The Auditor General shall annually transmit by July 15,
 527 to the President of the Senate, the Speaker of the House of
 528 Representatives, and the Department of Financial Services, a
 529 list of all school districts, charter schools, charter technical
 530 career centers, Florida College System institutions, state
 531 universities, and local governmental entities ~~water management~~
 532 ~~districts~~ that have failed to comply with the transparency
 533 requirements as identified in the audit reports reviewed
 534 pursuant to paragraph (b) and those conducted pursuant to
 535 subsection (2).

536 Section 5. Section 20.602, Florida Statutes, is created to
 537 read:

538 20.602 Standards of conduct; officers and board members of
 539 Department of Economic Opportunity corporate entities.-

540 (1) The following officers and board members are subject to
 541 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 542 112.3143(2):

- 543 (a) Officers and members of the board of directors of:
- 544 1. Any corporation created under chapter 288;
 - 545 2. Space Florida;
 - 546 3. CareerSource Florida, Inc., or the programs or entities
 547 created by CareerSource Florida, Inc., pursuant to s. 445.004;
 - 548 4. The Florida Housing Finance Corporation; or
 - 549 5. Any other corporation created by the Department of
 550 Economic Opportunity in accordance with its powers and duties
 551 under s. 20.60.

552 (b) Officers and members of the board of directors of a
 553 corporate parent or subsidiary corporation of a corporation
 554 described in paragraph (a).

582-02059-16

2016686c1

555 (c) Officers and members of the board of directors of a
 556 corporation created to carry out the missions of a corporation
 557 described in paragraph (a).

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

561 (2) For purposes of applying ss. 112.313(1)-(8), (10),
 562 (12), and (15); 112.3135; and 112.3143(2) to activities of the
 563 officers and members of the board of directors specified in
 564 subsection (1), those persons shall be considered public
 565 officers or employees and the corporation shall be considered
 566 their agency.

567 (3) For a period of 2 years after retirement from or
 568 termination of service, or for a period of 10 years if removed
 569 or terminated for cause or for misconduct, as defined in s.
 570 443.036(29), an officer or a member of the board of directors
 571 specified in subsection (1) may not represent another person or
 572 entity for compensation before:

573 (a) His or her corporation;

574 (b) A division, a subsidiary, or the board of directors of
 575 a corporation created to carry out the mission of his or her
 576 corporation; or

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

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

583 Section 6. Paragraph (d) of subsection (2) of section

582-02059-16

2016686c1

584 28.35, Florida Statutes, is amended to read:

585 28.35 Florida Clerks of Court Operations Corporation.—

586 (2) The duties of the corporation shall include the
587 following:

588 (d) Developing and certifying a uniform system of workload
589 measures and applicable workload standards for court-related
590 functions as developed by the corporation and clerk workload
591 performance in meeting the workload performance standards. These
592 workload measures and workload performance standards shall be
593 designed to facilitate an objective determination of the
594 performance of each clerk in accordance with minimum standards
595 for fiscal management, operational efficiency, and effective
596 collection of fines, fees, service charges, and court costs. The
597 corporation shall develop the workload measures and workload
598 performance standards in consultation with the Legislature. When
599 the corporation finds a clerk has not met the workload
600 performance standards, the corporation shall identify the nature
601 of each deficiency and any corrective action recommended and
602 taken by the affected clerk of the court. For quarterly periods
603 ending on the last day of March, June, September, and December
604 of each year, the corporation shall notify the Legislature of
605 any clerk not meeting workload performance standards and provide
606 a copy of any corrective action plans. Such notifications shall
607 be submitted no later than 45 days after the end of the
608 preceding quarterly period. As used in this subsection, the
609 term:

610 1. "Workload measures" means the measurement of the
611 activities and frequency of the work required for the clerk to
612 adequately perform the court-related duties of the office as

Page 21 of 104

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582-02059-16

2016686c1

613 defined by the membership of the Florida Clerks of Court
614 Operations Corporation.

615 2. "Workload performance standards" means the standards
616 developed to measure the timeliness and effectiveness of the
617 activities that are accomplished by the clerk in the performance
618 of the court-related duties of the office as defined by the
619 membership of the Florida Clerks of Court Operations
620 Corporation.

621 Section 7. Present subsections (6) and (7) of section
622 43.16, Florida Statutes, are redesignated as subsections (7) and
623 (8), respectively, and a new subsection (6) is added to that
624 section, to read:

625 43.16 Justice Administrative Commission; membership, powers
626 and duties.—

627 (6) The commission, each state attorney, each public
628 defender, the criminal conflict and civil regional counsel, the
629 capital collateral regional counsel, and the Guardian Ad Litem
630 Program shall establish and maintain internal controls designed
631 to:

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

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

635 (c) Support economical and efficient operations.

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

637 (e) Safeguard assets.

638 Section 8. Section 112.3126, Florida Statutes, is created
639 to read:

640 112.3126 Employment restrictions; legislators.—

641 (1) As used in this section, the term "private entity"

Page 22 of 104

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582-02059-16

2016686c1

642 means any nongovernmental entity, such as a corporation,
 643 partnership, company or nonprofit organization, any other legal
 644 entity, or any natural person.

645 (2) A member of the Legislature may not accept employment
 646 with a private entity that directly receives funding through
 647 state revenues appropriated by the General Appropriations Act. A
 648 member of the Legislature who is employed by such private entity
 649 before his or her legislative service begins may continue his or
 650 her employment. However, he or she may not accept promotion,
 651 advancement, additional compensation, or anything of value that
 652 he or she knows, or with the exercise of reasonable care should
 653 know, is provided or given as a result of his or her election or
 654 position, or that is otherwise inconsistent with the promotion,
 655 advancement, additional compensation, or anything of value
 656 provided or given an employee who is similarly situated.

657 Section 9. Subsection (7) of section 112.313, Florida
 658 Statutes, is amended to read:

659 112.313 Standards of conduct for public officers, employees
 660 of agencies, and local government attorneys.-

661 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.-

662 (a) A ~~No~~ public officer or employee of an agency may not
 663 ~~shall~~ have or hold any employment or contractual relationship
 664 with any business entity or any agency that ~~which~~ is subject to
 665 the regulation of, or is doing business with, an agency of which
 666 he or she is an officer or employee, excluding those
 667 organizations and their officers who, when acting in their
 668 official capacity, enter into or negotiate a collective
 669 bargaining contract with the state or any municipality, county,
 670 or other political subdivision of the state; and ~~nor shall~~ an

Page 23 of 104

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582-02059-16

2016686c1

671 officer or employee of an agency may not have or hold any
 672 employment or contractual relationship that will create a
 673 continuing or frequently recurring conflict between his or her
 674 private interests and the performance of his or her public
 675 duties or that would impede the full and faithful discharge of
 676 his or her public duties. For purposes of this subsection, if a
 677 public officer or employee of an agency holds a controlling
 678 interest in a business entity or is an officer, a director, or a
 679 member who manages such an entity, contractual relationships
 680 held by the business entity are deemed to be held by the public
 681 officer or employee.

682 1. When the agency referred to is a ~~that certain kind of~~
 683 special tax district created by general or special law and is
 684 limited specifically to constructing, maintaining, managing, and
 685 financing improvements in the land area over which the agency
 686 has jurisdiction, or when the agency has been organized pursuant
 687 to chapter 298, ~~then~~ employment with, or entering into a
 688 contractual relationship with, such a business entity by a
 689 public officer or employee of such an agency is ~~shall~~ not ~~be~~
 690 prohibited by this subsection or ~~be~~ deemed a conflict per se.
 691 However, conduct by such officer or employee that is prohibited
 692 by, or otherwise frustrates the intent of, this section must
 693 ~~shall~~ be deemed a conflict of interest in violation of the
 694 standards of conduct set forth by this section.

695 2. When the agency referred to is a legislative body and
 696 the regulatory power over the business entity resides in another
 697 agency, or when the regulatory power that ~~which~~ the legislative
 698 body exercises over the business entity or agency is strictly
 699 through the enactment of laws or ordinances, ~~then~~ employment or

Page 24 of 104

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582-02059-16

2016686c1

700 a contractual relationship with such a business entity by a
 701 public officer or employee of a legislative body ~~is shall~~ not be
 702 prohibited by this subsection or be deemed a conflict.

703 (b) This subsection ~~does shall~~ not prohibit a public
 704 officer or employee from practicing in a particular profession
 705 or occupation when such practice by persons holding such public
 706 office or employment is required or permitted by law or
 707 ordinance.

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

710 112.3144 Full and public disclosure of financial
 711 interests.-

712 (1) In addition to officers specified in s. 8, Art. II of
 713 the State Constitution or other state law, all elected municipal
 714 officers are required to file a full and public disclosure of
 715 their financial interests. An officer who is required by s. 8,
 716 Art. II of the State Constitution to file a full and public
 717 disclosure of his or her financial interests for any calendar or
 718 fiscal year shall file that disclosure with the Florida
 719 Commission on Ethics. Additionally, beginning January 1, 2015,
 720 An officer who is required to complete annual ethics training
 721 pursuant to s. 112.3142 must certify on his or her full and
 722 public disclosure of financial interests that he or she has
 723 completed the required training.

724 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
 725 ~~the State Constitution,~~ to file a full and public disclosure of
 726 financial interests and who has filed a full and public
 727 disclosure of financial interests for any calendar or fiscal
 728 year ~~is shall~~ not be required to file a statement of financial

Page 25 of 104

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582-02059-16

2016686c1

729 interests pursuant to s. 112.3145(2) and (3) for the same year
 730 or for any part thereof notwithstanding any requirement of this
 731 part. If an incumbent in an elective office has filed the full
 732 and public disclosure of financial interests to qualify for
 733 election to the same office or if a candidate for office holds
 734 another office subject to the annual filing requirement, the
 735 qualifying officer shall forward an electronic copy of the full
 736 and public disclosure of financial interests to the commission
 737 no later than July 1. The electronic copy of the full and public
 738 disclosure of financial interests satisfies the annual
 739 disclosure requirement of this section. A candidate who does not
 740 qualify until after the annual full and public disclosure of
 741 financial interests has been filed pursuant to this section
 742 shall file a copy of his or her disclosure with the officer
 743 before whom he or she qualifies.

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

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

749 112.31455 Collection methods for unpaid automatic fines for
 750 failure to timely file disclosure of financial interests.-

751 (1) Before referring any unpaid fine accrued pursuant to s.
 752 112.3144(5) or s. 112.3145(7) to the Department of Financial
 753 Services, the commission shall attempt to determine whether the
 754 individual owing such a fine is a current public officer or
 755 current public employee. If so, the commission may notify the
 756 Chief Financial Officer or the governing body of the appropriate
 757 county, municipality, school district, or special district of

Page 26 of 104

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582-02059-16 2016686c1

758 the total amount of any fine owed to the commission by such
759 individual.

760 (a) After receipt and verification of the notice from the
761 commission, the Chief Financial Officer or the governing body of
762 the county, municipality, school district, or special district
763 shall begin withholding the lesser of 10 percent or the maximum
764 amount allowed under federal law from any salary-related
765 payment. The withheld payments shall be remitted to the
766 commission until the fine is satisfied.

767 (b) The Chief Financial Officer or the governing body of
768 the county, municipality, school district, or special district
769 may retain an amount of each withheld payment, as provided in s.
770 77.0305, to cover the administrative costs incurred under this
771 section.

772 Section 13. Present subsections (7) through (15) of section
773 112.3215, Florida Statutes, are renumbered as subsections (8)
774 through (16), respectively, a new subsection (7) is added to
775 that section, and paragraph (a) of present subsection (8) and
776 present subsection (11) of that section are amended, to read:

777 112.3215 Lobbying before the executive branch or the
778 Constitution Revision Commission; registration and reporting;
779 investigation by commission.—

780 (7) If a lobbying firm lobbies the Governor to approve or
781 veto any bill passed by the Legislature or a specific
782 appropriation in the General Appropriations Act, the lobbying
783 firm must file a monthly report disclosing such activity with
784 the commission.

785 (a) The monthly report must contain the same information
786 required under s. 11.045(5). The reports must be filed with the

Page 27 of 104

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582-02059-16 2016686c1

787 commission no later than 7 business days after the end of the
788 preceding month. A lobbying firm may satisfy the filing
789 requirements of this subsection by using the form used under s.
790 11.045(5).

791 (b) The reports shall be filed even if the reporting
792 lobbying firm did not engage in any lobbying activities
793 requiring disclosure, in which the report shall be marked "not
794 applicable."

795 (c) The commission shall provide by rule the grounds for
796 waiving a fine, the procedures by which a lobbying firm that
797 fails to timely file a report shall be notified and assessed
798 finer, and the procedure for appealing the fines. The rule shall
799 provide for the following:

800 1. Upon determining that the report is late, the person
801 designated to review the timeliness of reports shall immediately
802 notify the lobbying firm as to the failure to timely file the
803 report and that a fine is being assessed for each late day. The
804 fine shall be \$50 per day per report for each late day up to a
805 maximum of \$5,000 per late report.

806 2. Upon receipt of the report, the person designated to
807 review the timeliness of reports shall determine the amount of
808 the fine due based upon when a report is actually received by
809 the commission.

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

814 4. A fine may not be assessed against a lobbying firm the
815 first time any reports for which the lobbying firm is

Page 28 of 104

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582-02059-16

2016686c1

816 responsible are not timely filed. However, to receive the one-
 817 time fine waiver, all reports for which the lobbying firm is
 818 responsible must be filed within 30 days after the notice that
 819 any reports have not been timely filed is transmitted by the
 820 commission. A fine shall be assessed for any subsequent late-
 821 filed reports.

822 5. Any lobbying firm may appeal or dispute a fine, based
 823 upon unusual circumstances surrounding the failure to file on
 824 the designated due date, and may request and shall be entitled
 825 to a hearing before the commission, which shall have the
 826 authority to waive the fine in whole or in part for good cause
 827 shown. Any such request shall be made within 30 days after the
 828 notice of payment due is transmitted by the commission. In such
 829 case, the lobbying firm shall, within the 30-day period, notify
 830 the person designated to review the timeliness of reports in
 831 writing of his or her intention to bring the matter before the
 832 commission.

833 6. The person designated to review the timeliness of
 834 reports shall notify the commission of the failure of a lobbying
 835 firm to file a report after notice or of the failure of a
 836 lobbying firm to pay the fine imposed. All lobbyist
 837 registrations for lobbyists who are partners, owners, officers,
 838 or employees of a lobbying firm that fails to timely pay a fine
 839 are automatically suspended until the fine is paid or waived,
 840 and the commission shall promptly notify all affected principals
 841 of each suspension and each reinstatement.

842 7. Notwithstanding any provision of chapter 120, any fine
 843 imposed under this subsection that is not waived by final order
 844 of the commission and that remains unpaid more than 60 days

Page 29 of 104

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582-02059-16

2016686c1

845 after the notice of payment due or more than 60 days after the
 846 commission renders a final order on the lobbying firm's appeal
 847 shall be collected by the Department of Financial Services as a
 848 claim, debt, or other obligation owed to the state, and the
 849 department may assign the collection of such fine to a
 850 collection agent as provided in s. 17.20.

851 (9) (a) ~~(8) (a)~~ The commission shall investigate every sworn
 852 complaint that is filed with it alleging that a person covered
 853 by this section has failed to register, has failed to submit a
 854 compensation report, has made a prohibited expenditure, has
 855 failed to file a report required by subsection (7), or has
 856 knowingly submitted false information in any report or
 857 registration required in this section.

858 (12) ~~(11)~~ Any person who is required to be registered or to
 859 provide information under this section or under rules adopted
 860 pursuant to this section and who knowingly fails to disclose any
 861 material fact that is required by this section or by rules
 862 adopted pursuant to this section, or who knowingly provides
 863 false information on any report required by this section or by
 864 rules adopted pursuant to this section, commits a noncriminal
 865 infraction, punishable by a fine not to exceed \$5,000. Such
 866 penalty is in addition to any other penalty assessed by the
 867 Governor and Cabinet pursuant to subsection (11) ~~(10)~~.

868 Section 14. Section 112.324, Florida Statutes, is amended
 869 to read:

870 112.324 Investigative procedures ~~on complaints of~~
 871 ~~violations and referrals~~; public records and meeting
 872 exemptions.-

873 (1) The commission shall investigate an alleged violation

Page 30 of 104

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582-02059-16

2016686c1

874 of this part or other alleged breach of the public trust within
875 the jurisdiction of the commission as provided in s. 8(f), Art.
876 II of the State Constitution:

877 (a) Upon a written complaint executed on a form prescribed
878 by the commission and signed under oath or affirmation by any
879 person; ~~or~~

880 (b) Upon receipt of a written referral of a possible
881 violation of this part or other possible breach of the public
882 trust from the Governor, the Department of Law Enforcement, a
883 state attorney, or a United States Attorney which at least six
884 members of the commission determine is sufficient to indicate a
885 violation of this part or any other breach of the public trust;
886 or

887 (c) Upon receipt of reliable and publicly disseminated
888 information that is determined by at least seven members of the
889 commission to be sufficient to indicate a violation of this part
890 or any other breach of the public trust, provided that
891 commission staff did not undertake any formal investigation of
892 the matter other than collecting publicly disseminated
893 information before a determination of legal sufficiency is made
894 by the commission.

895 Within 5 days after receipt of a complaint by the commission, ~~or~~
896 a determination by at least six members of the commission that
897 the referral received is deemed sufficient, or a determination
898 of legal sufficiency is made by at least seven members of the
899 commission in response to reliable and publicly disseminated
900 information, a copy shall be transmitted to the alleged
901 violator.
902

Page 31 of 104

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582-02059-16

2016686c1

903 (2) (a) The complaint and records relating to the complaint
904 or to any preliminary investigation held by the commission or
905 its agents, by a Commission on Ethics and Public Trust
906 established by any county defined in s. 125.011(1) or by any
907 municipality defined in s. 165.031, or by any county or
908 municipality that has established a local investigatory process
909 to enforce more stringent standards of conduct and disclosure
910 requirements as provided in s. 112.326 are confidential and
911 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
912 Constitution.

913 (b) Written referrals and records relating to such
914 referrals held by the commission or its agents, the Governor,
915 the Department of Law Enforcement, or a state attorney, and
916 records relating to any preliminary investigation of such
917 referrals held by the commission or its agents, are confidential
918 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
919 Constitution.

920 (c) Any portion of a proceeding conducted by the
921 commission, a Commission on Ethics and Public Trust, or a county
922 or municipality that has established such local investigatory
923 process, pursuant to a complaint or preliminary investigation,
924 is exempt from s. 286.011, s. 24(b), Art. I of the State
925 Constitution, and s. 120.525.

926 (d) Any portion of a proceeding of the commission in which
927 a determination regarding a referral is discussed or acted upon
928 is exempt from s. 286.011 and s. 24(b), Art. I of the State
929 Constitution, and s. 120.525.

930 (e) The exemptions in paragraphs (a)-(d) apply until:
931 1. The complaint is dismissed as legally insufficient;

Page 32 of 104

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582-02059-16

2016686c1

932 2. The alleged violator requests in writing that such
 933 records and proceedings be made public;

934 3. The commission determines that it will not investigate
 935 the referral; or

936 4. The commission, a Commission on Ethics and Public Trust,
 937 or a county or municipality that has established such local
 938 investigatory process determines, based on such investigation,
 939 whether probable cause exists to believe that a violation has
 940 occurred.

941 (f) A complaint or referral under this part against a
 942 candidate in any general, special, or primary election may not
 943 be filed nor may any intention of filing such a complaint or
 944 referral be disclosed on the day of any such election or within
 945 the 30 days immediately preceding the date of the election,
 946 unless the complaint or referral is based upon personal
 947 information or information other than hearsay.

948 (g) This subsection is subject to the Open Government
 949 Sunset Review Act in accordance with s. 119.15 and shall stand
 950 repealed on October 2, 2018, unless reviewed and saved from
 951 repeal through reenactment by the Legislature.

952 (3) A preliminary investigation shall be undertaken by the
 953 commission of each legally sufficient complaint, ~~or~~ referral, or
 954 determination based on reliable and publicly disseminated
 955 information over which the commission has jurisdiction to
 956 determine whether there is probable cause to believe that a
 957 violation has occurred. If, upon completion of the preliminary
 958 investigation, the commission finds no probable cause to believe
 959 that this part has been violated or that any other breach of the
 960 public trust has been committed, the commission shall dismiss

Page 33 of 104

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582-02059-16

2016686c1

961 the matter ~~complaint or referral~~ with the issuance of a public
 962 report to the complainant and the alleged violator, stating with
 963 particularity its reasons for dismissal. At that time, ~~the~~
 964 ~~complaint or referral~~ and all materials relating to the matter,
 965 including any complaint or referral, shall become ~~a matter of~~
 966 public record. If the commission finds from the preliminary
 967 investigation probable cause to believe that this part has been
 968 violated or that any other breach of the public trust has been
 969 committed, it shall so notify the complainant and the alleged
 970 violator in writing. Such notification and all documents made or
 971 received in the disposition of the matter ~~complaint or referral~~
 972 shall then become public records. Upon request submitted to the
 973 commission in writing, any person who the commission finds
 974 probable cause to believe has violated any provision of this
 975 part or has committed any other breach of the public trust shall
 976 be entitled to a public hearing. Such person shall be deemed to
 977 have waived the right to a public hearing if the request is not
 978 received within 14 days following the mailing of the probable
 979 cause notification required by this subsection. However, the
 980 commission may on its own motion, ~~require~~ a public hearing, may
 981 conduct such further investigation as it deems necessary, and
 982 may enter into such stipulations and settlements as it finds to
 983 be just and in the best interest of the state. The commission is
 984 without jurisdiction to, and no respondent may voluntarily or
 985 involuntarily, enter into a stipulation or settlement which
 986 imposes any penalty, including, but not limited to, a sanction
 987 or admonition or any other penalty contained in s. 112.317.
 988 Penalties shall be imposed only by the appropriate disciplinary
 989 authority as designated in this section.

Page 34 of 104

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582-02059-16

2016686c1

990 (4) If, in cases pertaining to members of the Legislature,
 991 upon completion of a full and final investigation by the
 992 commission, the commission finds that there has been a violation
 993 of this part or of any provision of s. 8, Art. II of the State
 994 Constitution, the commission shall forward a copy of the
 995 complaint, ~~or~~ referral, or information upon which the proceeding
 996 was initiated, and its findings by certified mail to the
 997 President of the Senate or the Speaker of the House of
 998 Representatives, whichever is applicable, who shall refer the
 999 matter ~~complaint or referral~~ to the appropriate committee for
 1000 investigation and action which shall be governed by the rules of
 1001 its respective house. It is the duty of the committee to report
 1002 its final action upon the matter to the commission within 90
 1003 days of the date of transmittal to the respective house. Upon
 1004 request of the committee, the commission shall submit a
 1005 recommendation as to what penalty, if any, should be imposed. In
 1006 the case of a member of the Legislature, the house in which the
 1007 member serves has the power to invoke the penalty provisions of
 1008 this part.

1009 (5) If, in cases against impeachable officers, upon
 1010 completion of a full and final investigation by the commission,
 1011 the commission finds that there has been a violation of this
 1012 part or of any provision of s. 8, Art. II of the State
 1013 Constitution, and the commission finds that the violation may
 1014 constitute grounds for impeachment, the commission shall forward
 1015 a copy of the complaint, ~~or~~ referral, or information upon which
 1016 the proceeding was initiated, and its findings by certified mail
 1017 to the Speaker of the House of Representatives, who shall refer
 1018 the matter ~~complaint or referral~~ to the appropriate committee

Page 35 of 104

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582-02059-16

2016686c1

1019 for investigation and action which shall be governed by the
 1020 rules of the House of Representatives. It is the duty of the
 1021 committee to report its final action upon the matter to the
 1022 commission within 90 days of the date of transmittal.

1023 (6) If the commission finds that there has been a violation
 1024 of this part or of any provision of s. 8, Art. II of the State
 1025 Constitution by an impeachable officer other than the Governor,
 1026 and the commission recommends public censure and reprimand,
 1027 forfeiture of a portion of the officer's salary, a civil
 1028 penalty, or restitution, the commission shall report its
 1029 findings and recommendation of disciplinary action to the
 1030 Governor, who has the power to invoke the penalty provisions of
 1031 this part.

1032 (7) If the commission finds that there has been a violation
 1033 of this part or of any provision of s. 8, Art. II of the State
 1034 Constitution by the Governor, and the commission recommends
 1035 public censure and reprimand, forfeiture of a portion of the
 1036 Governor's salary, a civil penalty, or restitution, the
 1037 commission shall report its findings and recommendation of
 1038 disciplinary action to the Attorney General, who shall have the
 1039 power to invoke the penalty provisions of this part.

1040 (8) ~~If~~, In cases other than those complaints or referrals
 1041 against impeachable officers or members of the Legislature, if
 1042 the commission finds, upon completion of a full and final
 1043 investigation by the commission, ~~the commission finds~~ that there
 1044 has been a violation of this part or of s. 8, Art. II of the
 1045 State Constitution, it is the duty of the commission to report
 1046 its findings and recommend appropriate action to the proper
 1047 disciplinary official or body as follows, and such official or

Page 36 of 104

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582-02059-16 2016686c1

1048 body has the power to invoke the penalty provisions of this
 1049 part, including the power to order the appropriate elections
 1050 official to remove a candidate from the ballot for a violation
 1051 of s. 112.3145 or s. 8(a) and (i), Art. II of the State
 1052 Constitution:

1053 (a) The President of the Senate and the Speaker of the
 1054 House of Representatives, jointly, in any case concerning the
 1055 Public Counsel, members of the Public Service Commission,
 1056 members of the Public Service Commission Nominating Council, the
 1057 Auditor General, or the director of the Office of Program Policy
 1058 Analysis and Government Accountability.

1059 (b) The Supreme Court, in any case concerning an employee
 1060 of the judicial branch.

1061 (c) The President of the Senate, in any case concerning an
 1062 employee of the Senate; the Speaker of the House of
 1063 Representatives, in any case concerning an employee of the House
 1064 of Representatives; or the President and the Speaker, jointly,
 1065 in any case concerning an employee of a committee of the
 1066 Legislature whose members are appointed solely by the President
 1067 and the Speaker or in any case concerning an employee of the
 1068 Public Counsel, Public Service Commission, Auditor General, or
 1069 Office of Program Policy Analysis and Government Accountability.

1070 (d) Except as otherwise provided by this part, the
 1071 Governor, in the case of any other public officer, public
 1072 employee, former public officer or public employee, candidate or
 1073 former candidate, or person who is not a public officer or
 1074 employee, other than lobbyists and lobbying firms under s.
 1075 112.3215 for violations of s. 112.3215.

1076 (e) The President of the Senate or the Speaker of the House

582-02059-16 2016686c1

1077 of Representatives, whichever is applicable, in any case
 1078 concerning a former member of the Legislature who has violated a
 1079 provision applicable to former members or whose violation
 1080 occurred while a member of the Legislature.

1081 (9) In addition to reporting its findings to the proper
 1082 disciplinary body or official, the commission shall report these
 1083 findings to the state attorney or any other appropriate official
 1084 or agency having authority to initiate prosecution when
 1085 violation of criminal law is indicated.

1086 (10) Notwithstanding the foregoing procedures of this
 1087 section, a sworn complaint against any member or employee of the
 1088 Commission on Ethics for violation of this part or of s. 8, Art.
 1089 II of the State Constitution shall be filed with the President
 1090 of the Senate and the Speaker of the House of Representatives.
 1091 Each presiding officer shall, after determining that there are
 1092 sufficient grounds for review, appoint three members of their
 1093 respective bodies to a special joint committee who shall
 1094 investigate the complaint. The members shall elect a chair from
 1095 among their number. If the special joint committee finds
 1096 insufficient evidence to establish probable cause to believe a
 1097 violation of this part or of s. 8, Art. II of the State
 1098 Constitution has occurred, it shall dismiss the complaint. If,
 1099 upon completion of its preliminary investigation, the committee
 1100 finds sufficient evidence to establish probable cause to believe
 1101 a violation has occurred, the chair thereof shall transmit such
 1102 findings to the Governor who shall convene a meeting of the
 1103 Governor, the President of the Senate, the Speaker of the House
 1104 of Representatives, and the Chief Justice of the Supreme Court
 1105 to take such final action on the complaint as they shall deem

582-02059-16

2016686c1

1106 appropriate, consistent with the penalty provisions of this
 1107 part. Upon request of a majority of the Governor, the President
 1108 of the Senate, the Speaker of the House of Representatives, and
 1109 the Chief Justice of the Supreme Court, the special joint
 1110 committee shall submit a recommendation as to what penalty, if
 1111 any, should be imposed.

1112 (11) (a) Notwithstanding subsections (1)-(8), the commission
 1113 may dismiss any complaint, ~~or referral, or matter based upon the~~
 1114 receipt of reliable and publicly disseminated information, at
 1115 any stage of disposition if it determines that the violation
 1116 that is alleged or has occurred is a de minimis violation
 1117 attributable to inadvertent or unintentional error. In
 1118 determining whether a violation was de minimis, the commission
 1119 shall consider whether the interests of the public were
 1120 protected despite the violation. This subsection does not apply
 1121 to complaints or referrals pursuant to ss. 112.3144 and
 1122 112.3145.

1123 (b) For the purposes of this subsection, a de minimis
 1124 violation is any violation that is unintentional and not
 1125 material in nature.

1126 (12) Notwithstanding the provisions of subsections (1)-(8),
 1127 the commission may, at its discretion, dismiss any matter
 1128 ~~complaint or referral~~ at any stage of disposition should it
 1129 determine that the public interest would not be served by
 1130 proceeding further, in which case the commission shall issue a
 1131 public report stating with particularity its reasons for the
 1132 dismissal.

1133 Section 15. Section 112.3261, Florida Statutes, is amended
 1134 to read:

Page 39 of 104

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582-02059-16

2016686c1

1135 112.3261 Lobbying before governmental entities ~~water~~
 1136 ~~management districts~~; registration and reporting.—

1137 (1) As used in this section, the term:

1138 (a) "Governmental entity" or "entity" "District" means a
 1139 water management district created in s. 373.069 and operating
 1140 under the authority of chapter 373, a hospital district, a
 1141 children's services district, an expressway authority as the
 1142 term "authority" is defined in s. 348.0002, the term "port
 1143 authority" as defined in s. 315.02, a county or municipality
 1144 that has not adopted lobbyist registration and reporting
 1145 requirements, or an independent special district with annual
 1146 revenues of more than \$5 million which exercises ad valorem
 1147 taxing authority.

1148 (b) "Lobbies" means seeking, on behalf of another person,
 1149 to influence a governmental entity ~~district~~ with respect to a
 1150 decision of the entity ~~district~~ in an area of policy or
 1151 procurement or an attempt to obtain the goodwill of an a
 1152 district official or employee of a governmental entity. The term
 1153 ~~"lobbies"~~ shall be interpreted and applied consistently with the
 1154 rules of the commission implementing s. 112.3215.

1155 (c) "Lobbyist" has the same meaning as provided in s.
 1156 112.3215.

1157 (d) "Principal" has the same meaning as provided in s.
 1158 112.3215.

1159 (2) A person may not lobby a governmental entity ~~district~~
 1160 until such person has registered as a lobbyist with that entity
 1161 ~~district~~. Such registration shall be due upon initially being
 1162 retained to lobby and is renewable on a calendar-year basis
 1163 thereafter. Upon registration, the person shall provide a

Page 40 of 104

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582-02059-16

2016686c1

1164 statement signed by the principal or principal's representative
 1165 stating that the registrant is authorized to represent the
 1166 principal. The principal shall also identify and designate its
 1167 main business on the statement authorizing that lobbyist
 1168 pursuant to a classification system approved by the governmental
 1169 entity district. Any changes to the information required by this
 1170 section must be disclosed within 15 days by filing a new
 1171 registration form. The registration form ~~must shall~~ require each
 1172 lobbyist to disclose, under oath, the following:

1173 (a) The lobbyist's name and business address.

1174 (b) The name and business address of each principal
 1175 represented.

1176 (c) The existence of any direct or indirect business
 1177 association, partnership, or financial relationship with an
 1178 official ~~any officer~~ or employee of a governmental entity
 1179 district with which he or she lobbies or intends to lobby.

1180 (d) A governmental entity shall create a lobbyist
 1181 registration form modeled after the ~~In lieu of creating its own~~
 1182 ~~lobbyist registration forms, a district may accept a completed~~
 1183 legislative branch or executive branch lobbyist registration
 1184 form, which must be returned to the governmental entity.

1185 (3) A governmental entity district shall make lobbyist
 1186 registrations available to the public. If a governmental entity
 1187 ~~district~~ maintains a website, a database of currently registered
 1188 lobbyists and principals must be available on the entity's
 1189 ~~district's~~ website.

1190 (4) A lobbyist shall promptly send a written statement to
 1191 the governmental entity district canceling the registration for
 1192 a principal upon termination of the lobbyist's representation of

Page 41 of 104

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582-02059-16

2016686c1

1193 that principal. A governmental entity district may remove the
 1194 name of a lobbyist from the list of registered lobbyists if the
 1195 principal notifies the entity district that a person is no
 1196 longer authorized to represent that principal.

1197 (5) A governmental entity district may establish an annual
 1198 lobbyist registration fee, not to exceed \$40, for each principal
 1199 represented. The governmental entity district may use
 1200 registration fees only to administer this section.

1201 (6) A governmental entity district shall be diligent to
 1202 ascertain whether persons required to register pursuant to this
 1203 section have complied. A governmental entity district may not
 1204 knowingly authorize a person who is not registered pursuant to
 1205 this section to lobby the entity district.

1206 (7) Upon receipt of a sworn complaint alleging that a
 1207 lobbyist or principal has failed to register with a governmental
 1208 entity district or has knowingly submitted false information in
 1209 a report or registration required under this section, the
 1210 commission shall investigate a lobbyist or principal pursuant to
 1211 the procedures established under s. 112.324. The commission
 1212 shall provide the Governor with a report of its findings and
 1213 recommendations in any investigation conducted pursuant to this
 1214 subsection. The Governor is authorized to enforce the
 1215 commission's findings and recommendations.

1216 (8) A governmental entity ~~water management districts~~ may
 1217 adopt rules to establish procedures to govern the registration
 1218 of lobbyists, including the adoption of forms and the
 1219 establishment of a lobbyist registration fee.

1220 Section 16. Paragraph (c) of subsection (3) of section
 1221 129.03, Florida Statutes, is amended to read:

Page 42 of 104

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582-02059-16

2016686c1

1222 129.03 Preparation and adoption of budget.—

1223 (3) The county budget officer, after tentatively
1224 ascertaining the proposed fiscal policies of the board for the
1225 next fiscal year, shall prepare and present to the board a
1226 tentative budget for the next fiscal year for each of the funds
1227 provided in this chapter, including all estimated receipts,
1228 taxes to be levied, and balances expected to be brought forward
1229 and all estimated expenditures, reserves, and balances to be
1230 carried over at the end of the year.

1231 (c) The board shall hold public hearings to adopt tentative
1232 and final budgets pursuant to s. 200.065. The hearings shall be
1233 primarily for the purpose of hearing requests and complaints
1234 from the public regarding the budgets and the proposed tax
1235 levies and for explaining the budget and any proposed or adopted
1236 amendments. The tentative budget must be posted on the county's
1237 official website at least 2 days before the public hearing to
1238 consider such budget and must remain on the website for at least
1239 45 days. The final budget must be posted on the website within
1240 30 days after adoption and must remain on the website for at
1241 least 2 years. The tentative budgets, adopted tentative budgets,
1242 and final budgets shall be filed in the office of the county
1243 auditor as a public record. Sufficient reference in words and
1244 figures to identify the particular transactions ~~must shall~~ be
1245 made in the minutes of the board to record its actions with
1246 reference to the budgets.

1247 Section 17. Paragraph (f) of subsection (2) of section
1248 129.06, Florida Statutes, is amended to read:

1249 129.06 Execution and amendment of budget.—

1250 (2) The board at any time within a fiscal year may amend a

Page 43 of 104

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582-02059-16

2016686c1

1251 budget for that year, and may within the first 60 days of a
1252 fiscal year amend the budget for the prior fiscal year, as
1253 follows:

1254 (f) Unless otherwise prohibited by law, if an amendment to
1255 a budget is required for a purpose not specifically authorized
1256 in paragraphs (a)-(e), the amendment may be authorized by
1257 resolution or ordinance of the board of county commissioners
1258 adopted following a public hearing.

1259 1. The public hearing must be advertised at least 2 days,
1260 but not more than 5 days, before the date of the hearing. The
1261 advertisement must appear in a newspaper of paid general
1262 circulation and must identify the name of the taxing authority,
1263 the date, place, and time of the hearing, and the purpose of the
1264 hearing. The advertisement must also identify each budgetary
1265 fund to be amended, the source of the funds, the use of the
1266 funds, and the total amount of each fund's appropriations.

1267 2. If the board amends the budget pursuant to this
1268 paragraph, the adopted amendment must be posted on the county's
1269 official website within 5 days after adoption and must remain on
1270 the website for at least 2 years.

1271 Section 18. Subsections (3) and (5) of section 166.241,
1272 Florida Statutes, are amended to read:

1273 166.241 Fiscal years, budgets, and budget amendments.—

1274 (3) The tentative budget must be posted on the
1275 municipality's official website at least 2 days before the
1276 budget hearing, held pursuant to s. 200.065 or other law, to
1277 consider such budget, and must remain on the website for at
1278 least 45 days. The final adopted budget must be posted on the
1279 municipality's official website within 30 days after adoption

Page 44 of 104

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582-02059-16

2016686c1

1280 and must remain on the website for at least 2 years. If the
 1281 municipality does not operate an official website, the
 1282 municipality must, within a reasonable period of time as
 1283 established by the county or counties in which the municipality
 1284 is located, transmit the tentative budget and final budget to
 1285 the manager or administrator of such county or counties who
 1286 shall post the budgets on the county's website.

1287 (5) If the governing body of a municipality amends the
 1288 budget pursuant to paragraph (4)(c), the adopted amendment must
 1289 be posted on the official website of the municipality within 5
 1290 days after adoption and must remain on the website for at least
 1291 2 years. If the municipality does not operate an official
 1292 website, the municipality must, within a reasonable period of
 1293 time as established by the county or counties in which the
 1294 municipality is located, transmit the adopted amendment to the
 1295 manager or administrator of such county or counties who shall
 1296 post the adopted amendment on the county's website.

1297 Section 19. Subsections (4) and (7) of section 189.016,
 1298 Florida Statutes, are amended to read:

1299 189.016 Reports; budgets; audits.—

1300 (4) The tentative budget must be posted on the special
 1301 district's official website at least 2 days before the budget
 1302 hearing, held pursuant to s. 200.065 or other law, to consider
 1303 such budget, and must remain on the website for at least 45
 1304 days. The final adopted budget must be posted on the special
 1305 district's official website within 30 days after adoption and
 1306 must remain on the website for at least 2 years. If the special
 1307 district does not operate an official website, the special
 1308 district must, within a reasonable period of time as established

Page 45 of 104

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582-02059-16

2016686c1

1309 by the local general-purpose government or governments in which
 1310 the special district is located or the local governing authority
 1311 to which the district is dependent, transmit the tentative
 1312 budget or final budget to the manager or administrator of the
 1313 local general-purpose government or the local governing
 1314 authority. The manager or administrator shall post the tentative
 1315 budget or final budget on the website of the local general-
 1316 purpose government or governing authority. This subsection and
 1317 subsection (3) do not apply to water management districts as
 1318 defined in s. 373.019.

1319 (7) If the governing body of a special district amends the
 1320 budget pursuant to paragraph (6)(c), the adopted amendment must
 1321 be posted on the official website of the special district within
 1322 5 days after adoption and must remain on the website for at
 1323 least 2 years. If the special district does not operate an
 1324 official website, the special district must, within a reasonable
 1325 period of time as established by the local general-purpose
 1326 government or governments in which the special district is
 1327 located or the local governing authority to which the district
 1328 is dependent, transmit the adopted amendment to the manager or
 1329 administrator of the local general-purpose government or
 1330 governing authority. The manager or administrator shall post the
 1331 adopted amendment on the website of the local general-purpose
 1332 government or governing authority.

1333 Section 20. Present subsections (1) through (5) of section
 1334 215.425, Florida Statutes, are renumbered as subsections (2)
 1335 through (6), respectively, present subsection (2) and paragraph
 1336 (a) of present subsection (4) of that section are amended, and a
 1337 new subsection (1) and subsections (7) through (13) are added to

Page 46 of 104

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582-02059-16

2016686c1

1338 that section, to read:

1339 215.425 Extra compensation claims prohibited; bonuses;
1340 severance pay.-

1341 (1) As used in this section, the term "public funds" means
1342 any taxes, tuition, grants, fines, fees, or other charges or any
1343 other type of revenue collected by the state or any county,
1344 municipality, special district, school district, Florida College
1345 System institution, state university, or other separate unit of
1346 government created pursuant to law, including any office,
1347 department, agency, division, subdivision, political
1348 subdivision, board, bureau, or commission of such entities.

1349 (3)(2) Notwithstanding subsection (2), if the payment and
1350 receipt does not otherwise violate part III of chapter 112, the
1351 following funds may be used to provide extra compensation or
1352 severance pay in excess of the amount specified in subparagraph
1353 (5)(a)1.:

1354 (a) Revenues received by state universities through or from
1355 faculty practice plans; health services support organizations;
1356 hospitals with which state universities are affiliated; direct-
1357 support organizations; or federal, auxiliary, or private
1358 sources, except for tuition.

1359 (b) Revenues received by Florida College System
1360 institutions through or from faculty practice plans; health
1361 services support organizations; direct-support organizations; or
1362 federal, auxiliary, or private sources, except for tuition.

1363 (c) Revenues that are received by a hospital licensed under
1364 chapter 395 which has entered into a Medicaid provider contract
1365 and that:

1366 1. Are not derived from the levy of an ad valorem tax;

Page 47 of 104

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582-02059-16

2016686c1

1367 2. Are not derived from patient services paid through the
1368 Medicaid or Medicare program;

1369 3. Are derived from patient services pursuant to contracts
1370 with private insurers or private managed care entities; or

1371 4. Are not appropriated by the Legislature or by any
1372 county, municipality, special district, school district, Florida
1373 College System institution, state university, or other separate
1374 unit of government created pursuant to law, including any
1375 office, department, agency, division, subdivision, political
1376 subdivision, board, bureau, commission, authority, or
1377 institution of such entities, except for revenues otherwise
1378 authorized to be used pursuant to subparagraphs 2. and 3. This
1379 section does not apply to:

1380 (a) a bonus or severance pay that is paid wholly from
1381 non-tax revenues and nonstate-appropriated funds, the payment and
1382 receipt of which does not otherwise violate part III of chapter
1383 112, and which is paid to an officer, agent, employee, or
1384 contractor of a public hospital that is operated by a county or
1385 a special district; or

1386 (d) ~~(b)~~ A clothing and maintenance allowance given to
1387 plainclothes deputies pursuant to s. 30.49.

1388 (e) Revenues or fees received by a seaport or airport from
1389 sources other than through the levy of a tax, or funds
1390 appropriated by any county or municipality or the Legislature.

1391 (5)(a)(4)(a) ~~On or after July 1, 2011,~~ A unit of
1392 government, on or after July 1, 2011, or a state university, on
1393 or after July 1, 2012, that is a party to ~~enters into~~ a contract
1394 or employment agreement, or renewal or renegotiation of an
1395 existing contract or employment agreement, that contains a

Page 48 of 104

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582-02059-16 2016686c1

1396 provision for severance pay with an officer, agent, employee, or
1397 contractor must include the following provisions in the
1398 contract:

1399 1. A requirement that severance pay paid from public funds
1400 ~~provided~~ may not exceed an amount greater than 20 weeks of
1401 compensation.

1402 2. A prohibition of provision of severance pay paid from
1403 public funds when the officer, agent, employee, or contractor
1404 has been fired for misconduct, as defined in s. 443.036(29), by
1405 the unit of government.

1406 (7) Upon discovery or notification that a unit of
1407 government has provided prohibited compensation to any officer,
1408 agent, employee, or contractor in violation of this section,
1409 such unit of government shall investigate and take all necessary
1410 action to recover the prohibited compensation.

1411 (a) If the violation was unintentional, the unit of
1412 government shall recover the prohibited compensation from the
1413 individual receiving the prohibited compensation through normal
1414 recovery methods for overpayments.

1415 (b) If the violation was willful, the unit of government
1416 shall recover the prohibited compensation from either the
1417 individual receiving the prohibited compensation or the
1418 individual or individuals responsible for approving the
1419 prohibited compensation. Each individual determined to have
1420 willfully violated this section is jointly and severally liable
1421 for repayment of the prohibited compensation.

1422 (8) A person who willfully violates this section commits a
1423 misdemeanor of the first degree, punishable as provided in s.
1424 775.082 or s. 775.083.

582-02059-16 2016686c1

1425 (9) An officer who exercises the powers and duties of a
1426 state or county officer and willfully violates this section is
1427 subject to the Governor's power under s. 7(a), Art. IV of the
1428 State Constitution. An officer who exercises powers and duties
1429 other than those of a state or county officer and willfully
1430 violates this section is subject to the suspension and removal
1431 procedures under s. 112.51.

1432 (10) (a) A person who reports a violation of this section is
1433 eligible for a reward of at least \$500, or the lesser of 10
1434 percent of the funds recovered or \$10,000 per incident of a
1435 prohibited compensation payment recovered by the unit of
1436 government, depending upon the extent to which the person
1437 substantially contributed to the discovery, notification, and
1438 recovery of such prohibited payment.

1439 (b) In the event that the recovery of the prohibited
1440 compensation is based primarily on disclosures of specific
1441 information, other than information provided by such person,
1442 relating to allegations or transactions in a criminal, civil, or
1443 administrative hearing; in a legislative, administrative,
1444 inspector general, or other government report; in an auditor
1445 general report, hearing, audit, or investigation; or from the
1446 news media, such person is not eligible for a reward, or for an
1447 award of a portion of the proceeds or payment of attorney fees
1448 and costs pursuant to s. 68.085.

1449 (c) If it is determined that the person who reported a
1450 violation of this section was involved in the authorization,
1451 approval, or receipt of the prohibited compensation or is
1452 convicted of criminal conduct arising from his or her role in
1453 the authorization, approval, or receipt of the prohibited

582-02059-16

2016686c1

1454 compensation, such person is not eligible for a reward, or for
 1455 an award of a portion of the proceeds or payment of attorney
 1456 fees and costs pursuant to s. 68.085.

1457 (11) An employee who is discharged, demoted, suspended,
 1458 threatened, harassed, or in any manner discriminated against in
 1459 the terms and conditions of employment by his or her employer
 1460 because of lawful acts done by the employee on behalf of the
 1461 employee or others in furtherance of an action under this
 1462 section, including investigation for initiation of, testimony
 1463 for, or assistance in an action filed or to be filed under this
 1464 section, has a cause of action under s. 112.3187.

1465 (12) If the unit of government fails to recover prohibited
 1466 compensation for a willful violation of this section upon
 1467 discovery and notification of such prohibited payment within 90
 1468 days, a cause of action may be brought to:

1469 (a) Recover state funds in accordance with ss. 68.082 and
 1470 68.083.

1471 (b) Recover other funds by the Department of Legal Affairs
 1472 using the procedures set forth in ss. 68.082 and 68.083, except
 1473 that venue shall lie in the circuit court of the county in which
 1474 the unit of government is located.

1475 (c) Recover other funds by a person using the procedures
 1476 set forth in ss. 68.082 and 68.083, except that venue shall lie
 1477 in the circuit court of the county in which the unit of
 1478 government is located.

1479 (13) Subsections (7)-(12) apply prospectively to contracts
 1480 or employment agreements, or the renewal or renegotiation of an
 1481 existing contract or employment agreement, effective on or after
 1482 October 1, 2016.

Page 51 of 104

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582-02059-16

2016686c1

1483 Section 21. Section 215.86, Florida Statutes, is amended to
 1484 read:

1485 215.86 Management systems and controls.—Each state agency
 1486 and the judicial branch as defined in s. 216.011 shall establish
 1487 and maintain management systems and internal controls designed
 1488 to:

- 1489 (1) Prevent and detect fraud, waste, and abuse. ~~that~~
 1490 (2) Promote and encourage compliance with applicable laws,
 1491 rules, contracts, grant agreements, and best practices.†
 1492 (3) Support economical and ~~economic,~~ efficient, and
 1493 effective operations.†
 1494 (4) Ensure reliability of financial records and reports.†
 1495 (5) Safeguard and safeguarding of assets. Accounting
 1496 systems and procedures shall be designed to fulfill the
 1497 requirements of generally accepted accounting principles.

1498 Section 22. Paragraph (a) of subsection (2) of section
 1499 215.97, Florida Statutes, is amended to read:

1500 215.97 Florida Single Audit Act.—

1501 (2) Definitions; as used in this section, the term:

- 1502 (a) "Audit threshold" means the threshold amount used to
 1503 determine when a state single audit or project-specific audit of
 1504 a nonstate entity shall be conducted in accordance with this
 1505 section. Each nonstate entity that expends a total amount of
 1506 state financial assistance equal to or in excess of \$750,000
 1507 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
 1508 required to have a state single audit, or a project-specific
 1509 audit, for such fiscal year in accordance with the requirements
 1510 of this section. ~~Every 2 years the Auditor General, After~~
 1511 consulting with the Executive Office of the Governor, the

Page 52 of 104

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582-02059-16 2016686c1

1512 Department of Financial Services, and all state awarding
 1513 agencies, the Auditor General shall periodically review the
 1514 threshold amount for requiring audits under this section and may
 1515 recommend any appropriate statutory change to revise the
 1516 threshold amount in the annual report submitted pursuant to s.
 1517 11.45(7) (h) to the Legislature ~~may adjust such threshold amount~~
 1518 ~~consistent with the purposes of this section.~~

1519 Section 23. Subsection (11) of section 215.985, Florida
 1520 Statutes, is amended to read:

1521 215.985 Transparency in government spending.-

1522 (11) Each water management district shall provide a monthly
 1523 financial statement in the form and manner prescribed by the
 1524 Department of Financial Services to the district's ~~its~~ governing
 1525 board and make such monthly financial statement available for
 1526 public access on its website.

1527 Section 24. Paragraph (d) of subsection (1) and subsection
 1528 (2) of section 218.32, Florida Statutes, are amended to read:

1529 218.32 Annual financial reports; local governmental
 1530 entities.-

1531 (1)

1532 (d) Each local governmental entity that is required to
 1533 provide for an audit under s. 218.39(1) must submit a copy of
 1534 the audit report and annual financial report to the department
 1535 within 45 days after the completion of the audit report but no
 1536 later than 9 months after the end of the fiscal year. In
 1537 conducting an audit of a local governmental entity pursuant to
 1538 s. 218.39, an independent certified public accountant shall
 1539 determine whether the entity's annual financial report is in
 1540 agreement with the audited financial statements. The

Page 53 of 104

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582-02059-16 2016686c1

1541 accountant's audit report must be supported by the same level of
 1542 detail as required for the annual financial report. If the
 1543 accountant's audit report is not in agreement with the annual
 1544 financial report, the accountant shall specify and explain the
 1545 significant differences that exist between the annual financial
 1546 report and the audit report.

1547 (2) The department shall annually by December 1 file a
 1548 verified report with the Governor, the Legislature, the Auditor
 1549 General, and the Special District Accountability Program of the
 1550 Department of Economic Opportunity showing the revenues, both
 1551 locally derived and derived from intergovernmental transfers,
 1552 and the expenditures of each local governmental entity, regional
 1553 planning council, local government finance commission, and
 1554 municipal power corporation that is required to submit an annual
 1555 financial report. In preparing the verified report, the
 1556 department may request additional information from the local
 1557 governmental entity. The information requested must be provided
 1558 to the department within 45 days after the request. If the local
 1559 governmental entity does not comply with the request, the
 1560 department shall notify the Legislative Auditing Committee,
 1561 which may take action pursuant to s. 11.40(2). The report must
 1562 include, but is not limited to:

1563 (a) The total revenues and expenditures of each local
 1564 governmental entity that is a component unit included in the
 1565 annual financial report of the reporting entity.

1566 (b) The amount of outstanding long-term debt by each local
 1567 governmental entity. For purposes of this paragraph, the term
 1568 "long-term debt" means any agreement or series of agreements to
 1569 pay money, which, at inception, contemplate terms of payment

Page 54 of 104

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582-02059-16

2016686c1

1570 exceeding 1 year in duration.

1571 Section 25. Present subsection (3) of section 218.33,
1572 Florida Statutes, is redesignated as subsection (4), and a new
1573 subsection (3) is added to that section, to read:

1574 218.33 Local governmental entities; establishment of
1575 uniform fiscal years and accounting practices and procedures.—

1576 (3) Each local governmental entity shall establish and
1577 maintain internal controls designed to:

1578 (a) Prevent and detect fraud, waste, and abuse.

1579 (b) Promote and encourage compliance with applicable laws,
1580 rules, contracts, grant agreements, and best practices.

1581 (c) Support economical and efficient operations.

1582 (d) Ensure reliability of financial records and reports.

1583 (e) Safeguard assets.

1584 Section 26. Present subsections (8) through (12) of section
1585 218.39, Florida Statutes, are redesignated as subsections (9)
1586 through (13), respectively, and a new subsection (8) is added to
1587 that section, to read:

1588 218.39 Annual financial audit reports.—

1589 (8) If the audit report includes a recommendation that was
1590 included in the preceding financial audit report but remains
1591 unaddressed, the governing body of the audited entity, within 60
1592 days after the delivery of the audit report to the governing
1593 body, shall indicate during a regularly scheduled public meeting
1594 whether it intends to take corrective action, the intended
1595 corrective action, and the timeframe for the corrective action.
1596 If the governing body indicates that it does not intend to take
1597 corrective action, it shall explain its decision at the public
1598 meeting.

Page 55 of 104

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582-02059-16

2016686c1

1599 Section 27. Subsection (2) of section 218.391, Florida
1600 Statutes, is amended, and subsection (9) is added to that
1601 section, to read:

1602 218.391 Auditor selection procedures.—

1603 (2) The governing body of a ~~charter~~ county, municipality,
1604 special district, district school board, charter school, or
1605 charter technical career center shall establish an audit
1606 committee.

1607 (a) The audit committee for a county ~~Each noncharter county~~
1608 ~~shall establish an audit committee that,~~ at a minimum, shall
1609 consist of each of the county officers elected pursuant to the
1610 county charter or s. 1(d), Art. VIII of the State Constitution—
1611 ~~or their respective designees a designee,~~ and one member of the
1612 board of county commissioners or its designee.

1613 (b) The audit committee for a municipality, special
1614 district, district school board, charter school, or charter
1615 technical career center shall consist of at least three members.
1616 One member of the audit committee must be a member of the
1617 governing body of an entity specified in this paragraph, who
1618 shall also serve as the chair of the committee.

1619 (c) An employee, chief executive officer, or chief
1620 financial officer of the county, municipality, special district,
1621 district school board, charter school, or charter technical
1622 career center may not serve as a member of an audit committee
1623 established under this subsection.

1624 (d) The primary purpose of the audit committee is to assist
1625 the governing body in selecting an auditor to conduct the annual
1626 financial audit required in s. 218.39; however, the audit
1627 committee may serve other audit oversight purposes as determined

Page 56 of 104

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582-02059-16

2016686c1

1628 by the entity's governing body. The public ~~may shall~~ not be
 1629 excluded from the proceedings under this section.

1630 (9) An audit report submitted pursuant to s. 218.39 must
 1631 include an affidavit executed by the chair of the audit
 1632 committee affirming that the committee complied with the
 1633 requirements of subsections (3)-(6) in selecting an auditor. If
 1634 the Auditor General determines that an entity failed to comply
 1635 with the requirements of subsections (3)-(6) in selecting an
 1636 auditor, the entity shall select a replacement auditor in
 1637 accordance with this section to conduct audits for subsequent
 1638 fiscal years if the original audit was performed under a
 1639 multiyear contract. If the replacement of an auditor would
 1640 preclude the entity from timely completing the annual financial
 1641 audit required by s. 218.39, the entity shall replace an auditor
 1642 in accordance with this section for the subsequent annual
 1643 financial audit. A multiyear contract between an entity or an
 1644 auditor may not prohibit or restrict an entity from complying
 1645 with this subsection.

1646 Section 28. Subsection (2) of section 286.0114, Florida
 1647 Statutes, is amended to read:

1648 286.0114 Public meetings; reasonable opportunity to be
 1649 heard; attorney fees.-

1650 (2) Members of the public shall be given a reasonable
 1651 opportunity to be heard on a proposition before a board or
 1652 commission. The opportunity to be heard need not occur at the
 1653 same meeting at which the board or commission takes official
 1654 action on the proposition if the opportunity occurs at a meeting
 1655 that is during the decisionmaking process and is within
 1656 reasonable proximity in time before the meeting at which the

Page 57 of 104

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582-02059-16

2016686c1

1657 board or commission takes the official action. A board or
 1658 commission may not require a member of the public to provide an
 1659 advance written copy of his or her testimony or comments as a
 1660 precondition of being given the opportunity to be heard at a
 1661 meeting. This section does not prohibit a board or commission
 1662 from maintaining orderly conduct or proper decorum in a public
 1663 meeting. The opportunity to be heard is subject to rules or
 1664 policies adopted by the board or commission, as provided in
 1665 subsection (4).

1666 Section 29. Paragraph (b) of subsection (2) of section
 1667 288.92, Florida Statutes, is amended to read:

1668 288.92 Divisions of Enterprise Florida, Inc.-
 1669 (2)

1670 (b)1. The following officers and board members are subject
 1671 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 1672 112.3143(2):

1673 a. Officers and members of the board of directors of the
 1674 divisions of Enterprise Florida, Inc.

1675 b. Officers and members of the board of directors of
 1676 subsidiaries of Enterprise Florida, Inc.

1677 c. Officers and members of the board of directors of
 1678 corporations created to carry out the missions of Enterprise
 1679 Florida, Inc.

1680 d. Officers and members of the board of directors of
 1681 corporations with which a division is required by law to
 1682 contract to carry out its missions.

1683 2. For a period of 2 years after retirement from or
 1684 termination of service to a division, or for a period of 10
 1685 years if removed or terminated for cause or for misconduct, as

Page 58 of 104

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582-02059-16 2016686c1

1686 defined in s. 443.036(29), the officers and board members
 1687 specified in subparagraph 1. may not represent another person or
 1688 entity for compensation before:

1689 a. Enterprise Florida, Inc.;

1690 b. A division, a subsidiary, or the board of directors of
 1691 corporations created to carry out the missions of Enterprise
 1692 Florida, Inc.; or

1693 c. A division with which Enterprise Florida, Inc., is
 1694 required by law to contract to carry out its missions.

1695 ~~3.2-~~ For purposes of applying ss. 112.313(1)-(8), (10),
 1696 (12), and (15); 112.3135; and 112.3143(2) to activities of the
 1697 officers and members of the board of directors specified in
 1698 subparagraph 1., those persons shall be considered public
 1699 officers or employees and the corporation shall be considered
 1700 their agency.

1701 ~~4.3-~~ It is not a violation of s. 112.3143(2) or (4) for the
 1702 officers or members of the board of directors of the Florida
 1703 Tourism Industry Marketing Corporation to:

1704 a. Vote on the 4-year marketing plan required under s.
 1705 288.923 or vote on any individual component of or amendment to
 1706 the plan.

1707 b. Participate in the establishment or calculation of
 1708 payments related to the private match requirements of s.
 1709 288.904(3). The officer or member must file an annual disclosure
 1710 describing the nature of his or her interests or the interests
 1711 of his or her principals, including corporate parents and
 1712 subsidiaries of his or her principal, in the private match
 1713 requirements. This annual disclosure requirement satisfies the
 1714 disclosure requirement of s. 112.3143(4). This disclosure must

582-02059-16 2016686c1

1715 be placed ~~either~~ on the Florida Tourism Industry Marketing
 1716 Corporation's website or included in the minutes of each meeting
 1717 of the Florida Tourism Industry Marketing Corporation's board of
 1718 directors at which the private match requirements are discussed
 1719 or voted upon.

1720 Section 30. Paragraph (a) of subsection (3) of section
 1721 288.9604, Florida Statutes, is amended to read:

1722 288.9604 Creation of the authority.—

1723 (3)(a)1. A director may not receive compensation for his or
 1724 her services, but is entitled to necessary expenses, including
 1725 travel expenses, incurred in the discharge of his or her duties.
 1726 Each director shall hold office until his or her successor has
 1727 been appointed.

1728 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
 1729 and (15); 112.3135; and 112.3143(2). For purposes of applying
 1730 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
 1731 112.3143(2) to activities of directors, directors shall be
 1732 considered public officers and the corporation shall be
 1733 considered their agency.

1734 3. A director of the corporation may not represent another
 1735 person or entity for compensation before the corporation for a
 1736 period of 2 years following his or her service on the board of
 1737 directors.

1738 Section 31. Paragraph (e) of subsection (4), paragraph (d)
 1739 of subsection (5), and paragraph (d) of subsection (6) of
 1740 section 373.536, Florida Statutes, are amended to read:

1741 373.536 District budget and hearing thereon.—

1742 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1743 (e) ~~By September 1, 2012,~~ Each district shall provide a

582-02059-16

2016686c1

1744 monthly financial statement in the form and manner prescribed by
 1745 the Department of Financial Services to the district's governing
 1746 board and make such monthly financial statement available for
 1747 public access on its website.

1748 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
 1749 APPROVAL.—

1750 (d) Each district shall, by August 1 of each year, submit
 1751 for review a tentative budget and a description of any
 1752 significant changes from the preliminary budget submitted to the
 1753 Legislature pursuant to s. 373.535 to the Governor, the
 1754 President of the Senate, the Speaker of the House of
 1755 Representatives, the chairs of all legislative committees and
 1756 subcommittees having substantive or fiscal jurisdiction over
 1757 water management districts, as determined by the President of
 1758 the Senate or the Speaker of the House of Representatives, as
 1759 applicable, the secretary of the department, and the governing
 1760 body of each county in which the district has jurisdiction or
 1761 derives any funds for the operations of the district. The
 1762 tentative budget must be posted on the district's official
 1763 website at least 2 days before budget hearings held pursuant to
 1764 s. 200.065 or other law and must remain on the website for at
 1765 least 45 days.

1766 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 1767 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1768 (d) The final adopted budget must be posted on the water
 1769 management district's official website within 30 days after
 1770 adoption and must remain on the website for at least 2 years.

1771 Section 32. Section 838.014, Florida Statutes, is amended
 1772 to read:

Page 61 of 104

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582-02059-16

2016686c1

1773 838.014 Definitions.—As used in this chapter, the term:

1774 (1) "Benefit" means gain or advantage, or anything regarded
 1775 by the person to be benefited as a gain or advantage, including
 1776 the doing of an act beneficial to any person in whose welfare he
 1777 or she is interested, including any commission, gift, gratuity,
 1778 property, commercial interest, or any other thing of economic
 1779 value not authorized by law.

1780 (2) "Bid" includes a response to an "invitation to bid,"
 1781 "invitation to negotiate," "request for a quote," or "request
 1782 for proposals" as those terms are defined in s. 287.012.

1783 (3) "Commodity" means any goods, merchandise, wares,
 1784 produce, chose in action, land, article of commerce, or other
 1785 tangible or intangible property, real, personal, or mixed, for
 1786 use, consumption, production, enjoyment, or resale.

1787 (4) "Governmental entity" means an agency or entity of the
 1788 state, a county, a municipality, or a special district or any
 1789 other public entity created or authorized by law ~~"Corruptly" or~~
 1790 ~~"with corrupt intent" means acting knowingly and dishonestly for~~
 1791 ~~a wrongful purpose.~~

1792 (5) "Harm" means pecuniary or other loss, disadvantage, or
 1793 injury to the person affected.

1794 (6) "Public contractor" means:

1795 (a) Any person, as defined in s. 1.01, who has entered into
 1796 a contract with a governmental entity; or

1797 (b) Any officer or employee of a person, as defined in s.
 1798 1.01, who has entered into a contract with a governmental
 1799 entity.

1800 (7) "Public servant" means:

1801 (a) Any officer or employee of a governmental state,

Page 62 of 104

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582-02059-16

2016686c1

1802 ~~county, municipal, or special district agency or entity,~~
 1803 ~~including~~
 1804 ~~(b)~~ any executive, legislative, or judicial branch officer
 1805 or employee;
 1806 ~~(b)(c)~~ Any person, except a witness, who acts as a general
 1807 or special magistrate, receiver, auditor, arbitrator, umpire,
 1808 referee, consultant, or hearing officer while performing a
 1809 governmental function; or
 1810 ~~(c)(d)~~ A candidate for election or appointment to any of
 1811 the positions listed in this subsection, or an individual who
 1812 has been elected to, but has yet to officially assume the
 1813 responsibilities of, public office.
 1814 ~~(8)(7)~~ "Service" means any kind of activity performed in
 1815 whole or in part for economic benefit.
 1816 Section 33. Section 838.015, Florida Statutes, is amended
 1817 to read:
 1818 838.015 Bribery.-
 1819 (1) For purposes of this section, "bribery" means:
 1820 (a) ~~corruptly~~ To knowingly and intentionally give, offer,
 1821 or promise any pecuniary or other benefit not authorized by law
 1822 to any public servant, which is intended to influence the
 1823 performance of any act or omission which the person believes to
 1824 be, or the public servant represents as being, either within the
 1825 official discretion of the public servant, in violation of a
 1826 public duty, or in performance of a public duty; ~~or~~
 1827 (b) If a public servant, ~~corruptly~~ to knowingly and
 1828 intentionally request, solicit, accept, or agree to accept for
 1829 himself or herself or another, any pecuniary or other benefit
 1830 not authorized by law which is given, offered, or promised with

Page 63 of 104

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582-02059-16

2016686c1

1831 an intent or a purpose to influence the performance of any act
 1832 or omission which the person believes to be, or the public
 1833 servant represents as being, either within the official
 1834 discretion of a public servant, in violation of a public duty,
 1835 or in performance of a public duty; or
 1836 (c) If a public contractor, to knowingly and intentionally
 1837 request, solicit, accept, or agree to accept for himself or
 1838 herself or another any pecuniary or other benefit not authorized
 1839 by law which is given, offered, or promised with an intent or a
 1840 purpose to influence the performance of any act or omission
 1841 which the person believes to be, or the public contractor
 1842 represents as being, either within the official discretion of
 1843 the public contractor as granted by the contract with the
 1844 governmental entity, in violation of a duty required by the
 1845 contract with the governmental entity, or in performance of a
 1846 duty required by the contract with the governmental entity.
 1847 (2) Prosecution under this section does ~~shall~~ not require
 1848 any allegation or proof that the public servant or public
 1849 contractor who ultimately sought to be unlawfully influenced was
 1850 qualified to act in the desired way, that the public servant had
 1851 assumed office, that the matter was properly pending before him
 1852 or her or might by law properly be brought before him or her,
 1853 that the public servant or public contractor possessed
 1854 jurisdiction over the matter, or that his or her official action
 1855 was necessary to achieve the person's purpose.
 1856 (3) Any person who commits bribery commits a felony of the
 1857 second degree, punishable as provided in s. 775.082, s. 775.083,
 1858 or s. 775.084.
 1859 Section 34. Section 838.016, Florida Statutes, is amended

Page 64 of 104

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582-02059-16

2016686c1

1860 to read:

1861 838.016 Unlawful compensation or reward for official
1862 behavior.-

1863 (1) It is unlawful for:

1864 (a) Any person ~~corruptly~~ to knowingly and intentionally
1865 give, offer, or promise to any public servant, ~~or, if a public~~
1866 ~~servant, corruptly to request, solicit, accept, or agree to~~
1867 ~~accept,~~ any pecuniary or other benefit not authorized by law,
1868 for the past, present, or future performance, nonperformance, or
1869 violation of any act or omission which the person believes to
1870 have been, or the public servant represents as having been,
1871 either within the official discretion of the public servant, in
1872 violation of a public duty, or in performance of a public duty.

1873 (b) Any public servant to knowingly and intentionally
1874 request, solicit, accept, or agree to accept any pecuniary or
1875 other benefit not authorized by law for the past, present, or
1876 future performance, nonperformance, or violation of any act or
1877 omission which the person believes to have been, or the public
1878 servant represents as having been, either within the official
1879 discretion of the public servant, in violation of a public duty,
1880 or in performance of a public duty.

1881 (c) Any public contractor to knowingly and intentionally
1882 request, solicit, accept, or agree to accept any pecuniary or
1883 other benefit not authorized by law for the past, present, or
1884 future performance, nonperformance, or violation of any act or
1885 omission which the person believes to have been, or the public
1886 contractor represents as having been, either within the official
1887 discretion of the public contractor as granted by the contract
1888 with the governmental entity, in violation of a duty required by

Page 65 of 104

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582-02059-16

2016686c1

1889 the contract with the governmental entity, or in performance of
1890 a duty required by the contract with the governmental entity.

1891

1892 ~~This subsection may not~~ ~~Nothing herein shall~~ be construed to
1893 preclude a public servant or public contractor from accepting
1894 rewards for services performed in apprehending any criminal.

1895 (2) It is unlawful for:

1896 (a) Any person ~~corruptly~~ to knowingly and intentionally
1897 give, offer, or promise to any public servant, ~~or, if a public~~
1898 ~~servant, corruptly to request, solicit, accept, or agree to~~
1899 ~~accept,~~ any pecuniary or other benefit not authorized by law for
1900 the past, present, or future exertion of any influence upon or
1901 with any other public servant regarding any act or omission
1902 which the person believes to have been, or which is represented
1903 to him or her as having been, either within the official
1904 discretion of the other public servant, in violation of a public
1905 duty, or in performance of a public duty.

1906 (b) Any public servant to request, solicit, accept, or
1907 agree to accept any pecuniary or other benefit not authorized by
1908 law for the past, present, or future exertion of any influence
1909 upon or with any other public servant regarding any act or
1910 omission which the person believes to have been, or which is
1911 represented to him or her as having been, either within the
1912 official discretion of the public servant, in violation of a
1913 public duty, or in performance of a public duty.

1914 (c) Any public contractor to request, solicit, accept, or
1915 agree to accept any pecuniary or other benefit not authorized by
1916 law for the past, present, or future exertion of any influence
1917 upon or with any other public contractor regarding any act or

Page 66 of 104

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582-02059-16

2016686c1

1918 omission which the person believes to have been, or which is
 1919 represented to him or her as having been, either within the
 1920 official discretion of the public contractor as granted by the
 1921 contract with the governmental entity, in violation of a duty
 1922 required by the contract with the governmental entity, or in
 1923 performance of a duty required by the contract with the
 1924 governmental entity.

1925 (3) Prosecution under this section ~~does shall~~ not require
 1926 that the exercise of influence or official discretion, ~~or~~
 1927 violation of a public duty or performance of a public duty, or a
 1928 public contractor's violation of a duty required by a contract
 1929 with a governmental entity or performance of a duty required by
 1930 a contract with a governmental entity for which a pecuniary or
 1931 other benefit was given, offered, promised, requested, or
 1932 solicited was accomplished or was within the influence, official
 1933 discretion, ~~or~~ public duty, or contractual duty of the public
 1934 servant or public contractor whose action or omission was sought
 1935 to be rewarded or compensated.

1936 (4) Whoever violates the provisions of this section commits
 1937 a felony of the second degree, punishable as provided in s.
 1938 775.082, s. 775.083, or s. 775.084.

1939 Section 35. Section 838.022, Florida Statutes, is amended
 1940 to read:

1941 838.022 Official misconduct.—

1942 (1) It is unlawful for a public servant or a public
 1943 contractor, ~~with corrupt intent~~ to knowingly and intentionally
 1944 obtain a benefit for any person or to cause unlawful harm to
 1945 another, ~~by~~ ~~to~~:

1946 (a) ~~Falsifying~~ Falsify, or causing ~~cause~~ another person to

Page 67 of 104

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582-02059-16

2016686c1

1947 falsify, any official record or official document;

1948 (b) Concealing, covering up, destroying, mutilating, or
 1949 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
 1950 official record or official document ~~except as authorized by law~~
 1951 or contract or causing ~~cause~~ another person to perform such an
 1952 act; or

1953 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~
 1954 ~~or prevent~~ the communication of information relating to the
 1955 commission of a felony that directly involves or affects the
 1956 governmental ~~public agency or public~~ entity served by the public
 1957 servant or public contractor.

1958 (2) For the purposes of this section:

1959 (a) The term "public servant" does not include a candidate
 1960 who does not otherwise qualify as a public servant.

1961 (b) An official record or official document includes only
 1962 public records.

1963 (3) Any person who violates this section commits a felony
 1964 of the third degree, punishable as provided in s. 775.082, s.
 1965 775.083, or s. 775.084.

1966 Section 36. Section 838.22, Florida Statutes, is amended to
 1967 read:

1968 838.22 Unlawful influence of the competitive solicitation
 1969 process ~~Bid tampering~~.—

1970 (1) It is unlawful for a public servant or a public
 1971 contractor who has contracted with a governmental entity to
 1972 assist in a competitive procurement, ~~with corrupt intent~~ to
 1973 knowingly and intentionally influence or attempt to influence a
 1974 the competitive solicitation bidding process undertaken by any
 1975 governmental ~~state, county, municipal, or special district~~

Page 68 of 104

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582-02059-16 2016686c1

1976 agency, or any other public entity, for the procurement of
 1977 commodities or services, by ~~te~~:

1978 (a) Disclosing, except as authorized by law, disclose
 1979 material information concerning a vendor's response, any
 1980 evaluation results, ~~bid~~ or other aspects of the competitive
 1981 solicitation ~~bidding process~~ when such information is not
 1982 publicly disclosed.

1983 (b) Altering or amending ~~Alter or amend~~ a submitted
 1984 response ~~bid~~, documents or other materials supporting a
 1985 submitted response ~~bid~~, or any evaluation ~~bid~~ results relating
 1986 to the competitive solicitation for the purpose of intentionally
 1987 providing a competitive advantage to any person who submits a
 1988 response ~~bid~~.

1989 (2) It is unlawful for a public servant or a public
 1990 contractor who has contracted with a governmental entity to
 1991 assist in a competitive procurement, with corrupt intent to
 1992 knowingly and intentionally obtain a benefit for any person or
 1993 to cause unlawful harm to another by circumventing, ~~to~~
 1994 circumvent a competitive solicitation ~~bidding~~ process required
 1995 by law or rule through the use of ~~by using~~ a sole-source
 1996 contract for commodities or services.

1997 (3) It is unlawful for any person to knowingly agree,
 1998 conspire, combine, or confederate, directly or indirectly, with
 1999 a public servant or a public contractor to violate subsection
 2000 (1) or subsection (2).

2001 (4) It is unlawful for any person to knowingly enter into a
 2002 contract for commodities or services which was secured by a
 2003 public servant or a public contractor acting in violation of
 2004 subsection (1) or subsection (2).

582-02059-16 2016686c1

2005 (5) Any person who violates this section commits a felony
 2006 of the second degree, punishable as provided in s. 775.082, s.
 2007 775.083, or s. 775.084.

2008 Section 37. Paragraph (1) of subsection (12) of section
 2009 1001.42, Florida Statutes, is amended to read:
 2010 1001.42 Powers and duties of district school board.—The
 2011 district school board, acting as a board, shall exercise all
 2012 powers and perform all duties listed below:

2013 (12) FINANCE.—Take steps to assure students adequate
 2014 educational facilities through the financial procedure
 2015 authorized in chapters 1010 and 1011 and as prescribed below:

2016 (1) Internal auditor.—May employ an internal auditor to
 2017 perform ongoing financial verification of the financial records
 2018 of the school district and such other audits and reviews as the
 2019 district school board directs for the purpose of determining:

2020 1. The adequacy of internal controls designed to prevent
 2021 and detect fraud, waste, and abuse.

2022 2. Compliance with applicable laws, rules, contracts, grant
 2023 agreements, district school board-approved policies, and best
 2024 practices.

2025 3. The efficiency of operations.

2026 4. The reliability of financial records and reports.

2027 5. The safeguarding of assets.

2028

2029 The internal auditor shall report directly to the district
 2030 school board or its designee.

2031 Section 38. Paragraph (j) of subsection (9) of section
 2032 1002.33, Florida Statutes, is amended to read:
 2033 1002.33 Charter schools.—

582-02059-16

2016686c1

2034 (9) CHARTER SCHOOL REQUIREMENTS.-

2035 (j) The governing body of the charter school shall be

2036 responsible for:

2037 1. Establishing and maintaining internal controls designed

2038 to:

2039 a. Prevent and detect fraud, waste, and abuse.

2040 b. Promote and encourage compliance with applicable laws,

2041 rules, contracts, grant agreements, and best practices.

2042 c. Support economical and efficient operations.

2043 d. Ensure reliability of financial records and reports.

2044 e. Safeguard assets.

2045 ~~2.1-~~ Ensuring that the charter school has retained the

2046 services of a certified public accountant or auditor for the

2047 annual financial audit, pursuant to s. 1002.345(2), who shall

2048 submit the report to the governing body.

2049 ~~3.2-~~ Reviewing and approving the audit report, including

2050 audit findings and recommendations for the financial recovery

2051 plan.

2052 ~~4.a.3.a-~~ Performing the duties in s. 1002.345, including

2053 monitoring a corrective action plan.

2054 b. Monitoring a financial recovery plan in order to ensure

2055 compliance.

2056 ~~5.4-~~ Participating in governance training approved by the

2057 department which must include government in the sunshine,

2058 conflicts of interest, ethics, and financial responsibility.

2059 Section 39. Present subsections (6) through (10) of section

2060 1002.37, Florida Statutes, are redesignated as subsections (7)

2061 through (11), respectively, a new subsection (6) is added to

2062 that section, and present subsections (6) and (11) of that

Page 71 of 104

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582-02059-16

2016686c1

2063 section are amended, to read:

2064 1002.37 The Florida Virtual School.-

2065 (6) The Florida Virtual School shall have an annual

2066 financial audit of its accounts and records conducted by an

2067 independent auditor who is a certified public accountant

2068 licensed under chapter 473. The independent auditor shall

2069 conduct the audit in accordance with rules adopted by the

2070 Auditor General pursuant to s. 11.45 and, upon completion of the

2071 audit, shall prepare an audit report in accordance with such

2072 rules. The audit report must include a written statement of the

2073 board of trustees describing corrective action to be taken in

2074 response to each of the recommendations of the independent

2075 auditor included in the audit report. The independent auditor

2076 shall submit the audit report to the board of trustees and the

2077 Auditor General no later than 9 months after the end of the

2078 preceding fiscal year.

2079 ~~(7)-(6)~~ The board of trustees shall annually submit to the

2080 Governor, the Legislature, the Commissioner of Education, and

2081 the State Board of Education the audit report prepared pursuant

2082 to subsection (6) and a complete and detailed report setting

2083 forth:

2084 (a) The operations and accomplishments of the Florida

2085 Virtual School within the state and those occurring outside the

2086 state as Florida Virtual School Global.

2087 (b) The marketing and operational plan for the Florida

2088 Virtual School and Florida Virtual School Global, including

2089 recommendations regarding methods for improving the delivery of

2090 education through the Internet and other distance learning

2091 technology.

Page 72 of 104

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582-02059-16

2016686c1

2092 (c) The assets and liabilities of the Florida Virtual
2093 School and Florida Virtual School Global at the end of the
2094 fiscal year.

2095 ~~(d) A copy of an annual financial audit of the accounts and~~
2096 ~~records of the Florida Virtual School and Florida Virtual School~~
2097 ~~Global, conducted by an independent certified public accountant~~
2098 ~~and performed in accordance with rules adopted by the Auditor~~
2099 ~~General.~~

2100 ~~(e)~~ Recommendations regarding the unit cost of providing
2101 services to students through the Florida Virtual School and
2102 Florida Virtual School Global. In order to most effectively
2103 develop public policy regarding any future funding of the
2104 Florida Virtual School, it is imperative that the cost of the
2105 program is accurately identified. The identified cost of the
2106 program must be based on reliable data.

2107 ~~(e)~~ Recommendations regarding an accountability
2108 mechanism to assess the effectiveness of the services provided
2109 by the Florida Virtual School and Florida Virtual School Global.

2110 ~~(11) The Auditor General shall conduct an operational audit~~
2111 ~~of the Florida Virtual School, including Florida Virtual School~~
2112 ~~Global. The scope of the audit shall include, but not be limited~~
2113 ~~to, the administration of responsibilities relating to~~
2114 ~~personnel; procurement and contracting; revenue production;~~
2115 ~~school funds, including internal funds; student enrollment~~
2116 ~~records; franchise agreements; information technology~~
2117 ~~utilization, assets, and security; performance measures and~~
2118 ~~standards; and accountability. The final report on the audit~~
2119 ~~shall be submitted to the President of the Senate and the~~
2120 ~~Speaker of the House of Representatives no later than January~~

Page 73 of 104

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582-02059-16

2016686c1

2121 ~~31, 2014.~~

2122 Section 40. Subsection (5) is added to section 1010.01,
2123 Florida Statutes, to read:

2124 1010.01 Uniform records and accounts.—

2125 (5) Each school district, Florida College System
2126 institution, and state university shall establish and maintain
2127 internal controls designed to:

2128 (a) Prevent and detect fraud, waste, and abuse.

2129 (b) Promote and encourage compliance with applicable laws,
2130 rules, contracts, grant agreements, and best practices.

2131 (c) Support economical and efficient operations.

2132 (d) Ensure reliability of financial records and reports.

2133 (e) Safeguard assets.

2134 Section 41. Subsection (2) of section 1010.30, Florida
2135 Statutes, is amended to read:

2136 1010.30 Audits required.—

2137 (2) If a school district, Florida College System
2138 institution, or university audit report includes a
2139 recommendation that was included in the preceding financial
2140 audit report but remains unaddressed, an audit contains a
2141 significant finding, the district school board, the Florida
2142 College System institution board of trustees, or the university
2143 board of trustees, within 60 days after the delivery of the
2144 audit report to the school district, Florida College System
2145 institution, or university, shall indicate ~~conduct an audit~~
2146 ~~overview~~ during a regularly scheduled public meeting whether it
2147 intends to take corrective action, the intended corrective
2148 action, and the timeframe for the corrective action. If the
2149 district school board, Florida College System institution board

Page 74 of 104

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582-02059-16 2016686c1

2150 of trustees, or university board of trustees indicates that it
 2151 does not intend to take corrective action, it shall explain its
 2152 decision at the public meeting.

2153 Section 42. Subsection (4) of section 11.0455, Florida
 2154 Statutes, is amended to read:

2155 11.0455 Electronic filing of compensation reports and other
 2156 information.—

2157 (4) Each report filed pursuant to this section is deemed to
 2158 meet the certification requirements of s. 11.045(3)(a)4., and as
 2159 such subjects the person responsible for filing and the lobbying
 2160 firm to the provisions of s. 11.045(8) and (9) ~~s. 11.045(7) and~~
 2161 ~~(8)~~. Persons given a secure sign-on to the electronic filing
 2162 system are responsible for protecting it from disclosure and are
 2163 responsible for all filings using such credentials, unless they
 2164 have notified the office that their credentials have been
 2165 compromised.

2166 Section 43. Subsection (2) of section 68.082, Florida
 2167 Statutes, is amended to read:

2168 68.082 False claims against the state; definitions;
 2169 liability.—

2170 (2) Any person who:

2171 (a) Knowingly presents or causes to be presented a false or
 2172 fraudulent claim for payment or approval;

2173 (b) Knowingly authorizes, approves, or receives payment of
 2174 prohibited compensation in violation of s. 215.425;

2175 (c) ~~(b)~~ Knowingly makes, uses, or causes to be made or used
 2176 a false record or statement material to a false or fraudulent
 2177 claim;

2178 (d) ~~(e)~~ Conspires to commit a violation of this subsection;

Page 75 of 104

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582-02059-16 2016686c1

2179 (e) ~~(d)~~ Has possession, custody, or control of property or
 2180 money used or to be used by the state and knowingly delivers or
 2181 causes to be delivered less than all of that money or property;

2182 (f) ~~(e)~~ Is authorized to make or deliver a document
 2183 certifying receipt of property used or to be used by the state
 2184 and, intending to defraud the state, makes or delivers the
 2185 receipt without knowing that the information on the receipt is
 2186 true;

2187 (g) ~~(f)~~ Knowingly buys or receives, as a pledge of an
 2188 obligation or a debt, public property from an officer or
 2189 employee of the state who may not sell or pledge the property;
 2190 or

2191 (h) ~~(g)~~ Knowingly makes, uses, or causes to be made or used
 2192 a false record or statement material to an obligation to pay or
 2193 transmit money or property to the state, or knowingly conceals
 2194 or knowingly and improperly avoids or decreases an obligation to
 2195 pay or transmit money or property to the state

2196
 2197 is liable to the state for a civil penalty of not less than
 2198 \$5,500 and not more than \$11,000 and for treble the amount of
 2199 damages the state sustains because of the act of that person.

2200 Section 44. Subsection (1) of section 68.083, Florida
 2201 Statutes, is amended to read:

2202 68.083 Civil actions for false claims.—

2203 (1) The department may diligently investigate a violation
 2204 under s. 68.082. If the department finds that a person has
 2205 violated or is violating s. 68.082, the department may bring a
 2206 civil action under the Florida False Claims Act against the
 2207 person. The Department of Financial Services may bring a civil

Page 76 of 104

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582-02059-16

2016686c1

2208 action under this section if the action arises from an
 2209 investigation by that department and the Department of Legal
 2210 Affairs has not filed an action under this act. For a violation
 2211 of s. 68.082 regarding prohibited compensation paid from state
 2212 funds, the Department of Financial Services may bring a civil
 2213 action under this section if the action arises from an
 2214 investigation by that department concerning a violation of s.
 2215 215.425 by the state and the Department of Legal Affairs has not
 2216 filed an action under this act.

2217 Section 45. Subsection (5) of section 99.061, Florida
 2218 Statutes, is amended to read:

2219 99.061 Method of qualifying for nomination or election to
 2220 federal, state, county, or district office.—

2221 (5) At the time of qualifying for office, each candidate
 2222 for a constitutional office or an elected municipal office shall
 2223 file a full and public disclosure of financial interests
 2224 pursuant to s. 8, Art. II of the State Constitution, which must
 2225 be verified under oath or affirmation pursuant to s.
 2226 92.525(1)(a), and a candidate for any other office, ~~including~~
 2227 ~~local elective office,~~ shall file a statement of financial
 2228 interests pursuant to s. 112.3145.

2229 Section 46. Subsection (3) of section 218.503, Florida
 2230 Statutes, is amended to read:

2231 218.503 Determination of financial emergency.—

2232 (3) Upon notification that one or more of the conditions in
 2233 subsection (1) have occurred or will occur if action is not
 2234 taken to assist the local governmental entity or district school
 2235 board, the Governor or his or her designee shall contact the
 2236 local governmental entity or the Commissioner of Education or

Page 77 of 104

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582-02059-16

2016686c1

2237 his or her designee shall contact the district school board, as
 2238 appropriate, to determine what actions have been taken by the
 2239 local governmental entity or the district school board to
 2240 resolve or prevent the condition. The information requested must
 2241 be provided within 45 days after the date of the request. If the
 2242 local governmental entity or the district school board does not
 2243 comply with the request, the Governor or his or her designee or
 2244 the Commissioner of Education or his or her designee shall
 2245 notify ~~the members of~~ the Legislative Auditing Committee, which
 2246 ~~he~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The
 2247 Governor or the Commissioner of Education, as appropriate, shall
 2248 determine whether the local governmental entity or the district
 2249 school board needs state assistance to resolve or prevent the
 2250 condition. If state assistance is needed, the local governmental
 2251 entity or district school board is considered to be in a state
 2252 of financial emergency. The Governor or the Commissioner of
 2253 Education, as appropriate, has the authority to implement
 2254 measures as set forth in ss. 218.50-218.504 to assist the local
 2255 governmental entity or district school board in resolving the
 2256 financial emergency. Such measures may include, but are not
 2257 limited to:

2258 (a) Requiring approval of the local governmental entity's
 2259 budget by the Governor or approval of the district school
 2260 board's budget by the Commissioner of Education.

2261 (b) Authorizing a state loan to a local governmental entity
 2262 and providing for repayment of same.

2263 (c) Prohibiting a local governmental entity or district
 2264 school board from issuing bonds, notes, certificates of
 2265 indebtedness, or any other form of debt until such time as it is

Page 78 of 104

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582-02059-16

2016686c1

2266 no longer subject to this section.

2267 (d) Making such inspections and reviews of records,
2268 information, reports, and assets of the local governmental
2269 entity or district school board as are needed. The appropriate
2270 local officials shall cooperate in such inspections and reviews.

2271 (e) Consulting with officials and auditors of the local
2272 governmental entity or the district school board and the
2273 appropriate state officials regarding any steps necessary to
2274 bring the books of account, accounting systems, financial
2275 procedures, and reports into compliance with state requirements.

2276 (f) Providing technical assistance to the local
2277 governmental entity or the district school board.

2278 (g)1. Establishing a financial emergency board to oversee
2279 the activities of the local governmental entity or the district
2280 school board. If a financial emergency board is established for
2281 a local governmental entity, the Governor shall appoint board
2282 members and select a chair. If a financial emergency board is
2283 established for a district school board, the State Board of
2284 Education shall appoint board members and select a chair. The
2285 financial emergency board shall adopt such rules as are
2286 necessary for conducting board business. The board may:

2287 a. Make such reviews of records, reports, and assets of the
2288 local governmental entity or the district school board as are
2289 needed.

2290 b. Consult with officials and auditors of the local
2291 governmental entity or the district school board and the
2292 appropriate state officials regarding any steps necessary to
2293 bring the books of account, accounting systems, financial
2294 procedures, and reports of the local governmental entity or the

Page 79 of 104

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582-02059-16

2016686c1

2295 district school board into compliance with state requirements.

2296 c. Review the operations, management, efficiency,
2297 productivity, and financing of functions and operations of the
2298 local governmental entity or the district school board.

2299 d. Consult with other governmental entities for the
2300 consolidation of all administrative direction and support
2301 services, including, but not limited to, services for asset
2302 sales, economic and community development, building inspections,
2303 parks and recreation, facilities management, engineering and
2304 construction, insurance coverage, risk management, planning and
2305 zoning, information systems, fleet management, and purchasing.

2306 2. The recommendations and reports made by the financial
2307 emergency board must be submitted to the Governor for local
2308 governmental entities or to the Commissioner of Education and
2309 the State Board of Education for district school boards for
2310 appropriate action.

2311 (h) Requiring and approving a plan, to be prepared by
2312 officials of the local governmental entity or the district
2313 school board in consultation with the appropriate state
2314 officials, prescribing actions that will cause the local
2315 governmental entity or district school board to no longer be
2316 subject to this section. The plan must include, but need not be
2317 limited to:

2318 1. Provision for payment in full of obligations outlined in
2319 subsection (1), designated as priority items, which are
2320 currently due or will come due.

2321 2. Establishment of priority budgeting or zero-based
2322 budgeting in order to eliminate items that are not affordable.

2323 3. The prohibition of a level of operations which can be

Page 80 of 104

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582-02059-16 2016686c1

2324 sustained only with nonrecurring revenues.
 2325 4. Provisions implementing the consolidation, sourcing, or
 2326 discontinuance of all administrative direction and support
 2327 services, including, but not limited to, services for asset
 2328 sales, economic and community development, building inspections,
 2329 parks and recreation, facilities management, engineering and
 2330 construction, insurance coverage, risk management, planning and
 2331 zoning, information systems, fleet management, and purchasing.
 2332 Section 47. Paragraph (g) of subsection (3) of section
 2333 921.0022, Florida Statutes, is amended to read:
 2334 921.0022 Criminal Punishment Code; offense severity ranking
 2335 chart.—
 2336 (3) OFFENSE SEVERITY RANKING CHART
 2337 (g) LEVEL 7
 2338

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.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton

582-02059-16 2016686c1

disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

2342 327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

2343 402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

2344 409.920 3rd Medicaid provider fraud; (2)(b)1.a. \$10,000 or less.

2345 409.920 2nd Medicaid provider fraud; (2)(b)1.b. more than \$10,000, but less than \$50,000.

2346 456.065(2) 3rd Practicing a health care profession without a license.

2347 456.065(2) 2nd Practicing a health care

	582-02059-16		2016686c1	
			profession without a	
			license which results in	
2348			serious bodily injury.	
	458.327(1)	3rd	Practicing medicine	
			without a license.	
2349			Practicing osteopathic	
	459.013(1)	3rd	medicine without a	
			license.	
2350			Practicing chiropractic	
	460.411(1)	3rd	medicine without a	
			license.	
2351			Practicing podiatric	
	461.012(1)	3rd	medicine without a	
			license.	
2352			Practicing naturopathy	
	462.17	3rd	without a license.	
2353			Practicing optometry	
	463.015(1)	3rd	without a license.	
2354			Practicing nursing without	
	464.016(1)	3rd	a license.	
2355			Practicing pharmacy	
	465.015(2)	3rd		

Page 83 of 104

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	582-02059-16		2016686c1	
			without a license.	
2356			466.026(1)	3rd
			Practicing dentistry or	
			dental hygiene without a	
			license.	
2357			467.201	3rd
			Practicing midwifery	
			without a license.	
2358			468.366	3rd
			Delivering respiratory	
			care services without a	
			license.	
2359			483.828(1)	3rd
			Practicing as clinical	
			laboratory personnel	
			without a license.	
2360			483.901(9)	3rd
			Practicing medical physics	
			without a license.	
2361			484.013(1)(c)	3rd
			Preparing or dispensing	
			optical devices without a	
			prescription.	
2362			484.053	3rd
			Dispensing hearing aids	
			without a license.	
2363			494.0018(2)	1st
			Conviction of any	
			violation of chapter 494	

Page 84 of 104

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	582-02059-16		2016686c1		in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2364	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.
2365	560.125(5)(a)	3rd			Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
2366	655.50(10)(b)1.	3rd			Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
2367	775.21(10)(a)	3rd			Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

	582-02059-16		2016686c1		
2368	775.21(10)(b)	3rd			Sexual predator working where children regularly congregate.
2369	775.21(10)(g)	3rd			Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
2370	782.051(3)	2nd			Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
2371	782.07(1)	2nd			Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
2372	782.071	2nd			Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
2373					

	582-02059-16		2016686c1
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2374	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
2375	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
2376	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2377	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
2378	784.048(7)	3rd	Aggravated stalking; violation of court order.
2379	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
2380	784.074(1)(a)	1st	Aggravated battery on sexually violent predators

Page 87 of 104

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	582-02059-16		2016686c1
			facility staff.
2381	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
2382	784.081(1)	1st	Aggravated battery on specified official or employee.
2383	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
2384	784.083(1)	1st	Aggravated battery on code inspector.
2385	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
2386	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.
2387	790.07(4)	1st	Specified weapons

Page 88 of 104

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	582-02059-16		2016686c1	violation subsequent to previous conviction of s. 790.07(1) or (2).
2388	790.16(1)	1st		Discharge of a machine gun under specified circumstances.
2389	790.165(2)	2nd		Manufacture, sell, possess, or deliver hoax bomb.
2390	790.165(3)	2nd		Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2391	790.166(3)	2nd		Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2392	790.166(4)	2nd		Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

	582-02059-16		2016686c1	
2393	790.23	1st, PBL		Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2394	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.
2395	796.05(1)	1st		Live on earnings of a prostitute; 2nd offense.
2396	796.05(1)	1st		Live on earnings of a prostitute; 3rd and subsequent offense.
2397	800.04(5)(c)1.	2nd		Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2398	800.04(5)(c)2.	2nd		Lewd or lascivious molestation; victim 12 years of age or older but

	582-02059-16		2016686c1	
				younger than 16 years of age; offender 18 years of age or older.
2399	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.
2400	806.01(2)	2nd		Maliciously damage structure by fire or explosive.
2401	810.02(3)(a)	2nd		Burglary of occupied dwelling; unarmed; no assault or battery.
2402	810.02(3)(b)	2nd		Burglary of unoccupied dwelling; unarmed; no assault or battery.
2403	810.02(3)(d)	2nd		Burglary of occupied conveyance; unarmed; no assault or battery.
2404	810.02(3)(e)	2nd		Burglary of authorized

	582-02059-16		2016686c1	
				emergency vehicle.
2405	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.
2406	812.014(2)(b)2.	2nd		Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2407	812.014(2)(b)3.	2nd		Property stolen, emergency medical equipment; 2nd degree grand theft.
2408	812.014(2)(b)4.	2nd		Property stolen, law enforcement equipment from authorized emergency vehicle.
2409	812.0145(2)(a)	1st		Theft from person 65 years of age or older; \$50,000 or more.
2410				

	582-02059-16		2016686c1
	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2411	812.131(2)(a)	2nd	Robbery by sudden snatching.
2412	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2413	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
2414	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2415	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2416	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
2417			

	582-02059-16		2016686c1
	817.2341 (2)(b) & (3)(b)	1st	Making false entries of 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.
2418	817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
2419	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2420	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.
2421	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2422			

	Bill Number	Version	Description
	582-02059-16	2016686c1	
	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
2423	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2424	838.015	2nd	Bribery.
2425	838.016	2nd	Unlawful compensation or reward for official behavior.
2426	838.021(3)(a)	2nd	Unlawful harm to a public servant.
2427	838.22	2nd	<u>Unlawful influence of the competitive solicitation process</u> Bid tampering .
2428	843.0855(2)	3rd	Impersonation of a public officer or employee.
2429	843.0855(3)	3rd	Unlawful simulation of legal process.
2430			

Page 95 of 104

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	Bill Number	Version	Description
	582-02059-16	2016686c1	
	843.0855(4)	3rd	Intimidation of a public officer or employee.
2431	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2432	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2433	872.06	2nd	Abuse of a dead human body.
2434	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2435	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
2436	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other

Page 96 of 104

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	582-02059-16		2016686c1	
			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 park or publicly owned recreational facility or community center.	
2437	893.13(1) (e)1.	1st	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.	
2438	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).	
2439	893.135(1) (a)1.	1st	Trafficking in cannabis,	

	582-02059-16		2016686c1	
			more than 25 lbs., less than 2,000 lbs.	
2440	893.135 (1) (b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.	
2441	893.135 (1) (c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.	
2442	893.135 (1) (c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.	
2443	893.135 (1) (c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.	
2444	893.135 (1) (c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.	
2445	893.135 (1) (c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.	
2446	893.135(1) (d)1.	1st	Trafficking in phencyclidine, more than	

	582-02059-16		2016686c1	
			28 grams, less than 200 grams.	
2447	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.	
2448	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.	
2449	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	
2450	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	
2451	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.	
2452	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200	

Page 99 of 104

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	582-02059-16		2016686c1	
			grams.	
2453	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.	
2454	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.	
2455	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.	
2456	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.	
2457	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.	

Page 100 of 104

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	582-02059-16		2016686c1
2458	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
2459	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2460	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2461	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
2462	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2463	944.607 (12)	3rd	Failure to report or providing false information about a sexual

Page 101 of 104

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	582-02059-16		2016686c1
			offender; harbor or conceal a sexual offender.
2464	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2465	985.4815 (10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2466	985.4815 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2467	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2468			
2469			Section 48. Subsection (2) of section 1002.455, Florida
2470			Statutes, is amended to read:

Page 102 of 104

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582-02059-16 2016686c1

2471 1002.455 Student eligibility for K-12 virtual instruction.-

2472 (2) A student is eligible to participate in virtual
2473 instruction if:2474 (a) The student spent the prior school year in attendance
2475 at a public school in the state and was enrolled and reported by
2476 the school district for funding during October and February for
2477 purposes of the Florida Education Finance Program surveys;2478 (b) The student is a dependent child of a member of the
2479 United States Armed Forces who was transferred within the last
2480 12 months to this state from another state or from a foreign
2481 country pursuant to a permanent change of station order;2482 (c) The student was enrolled during the prior school year
2483 in a virtual instruction program under s. 1002.45 or a full-time
2484 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~
2485 ~~1002.37(8)(a)~~;2486 (d) The student has a sibling who is currently enrolled in
2487 a virtual instruction program and the sibling was enrolled in
2488 that program at the end of the prior school year;2489 (e) The student is eligible to enter kindergarten or first
2490 grade; or2491 (f) The student is eligible to enter grades 2 through 5 and
2492 is enrolled full-time in a school district virtual instruction
2493 program, virtual charter school, or the Florida Virtual School.2494 Section 49. For the purpose of incorporating the amendment
2495 made by this act to section 838.014, Florida Statutes, in a
2496 reference thereto, subsection (11) of section 817.568, Florida
2497 Statutes, is reenacted to read:2498 817.568 Criminal use of personal identification
2499 information.-

582-02059-16 2016686c1

2500 (11) A person who willfully and without authorization
2501 fraudulently uses personal identification information concerning
2502 an individual who is 60 years of age or older; a disabled adult
2503 as defined in s. 825.101; a public servant as defined in s.
2504 838.014; a veteran as defined in s. 1.01; a first responder as
2505 defined in s. 125.01045; an individual who is employed by the
2506 State of Florida; or an individual who is employed by the
2507 Federal Government without first obtaining the consent of that
2508 individual commits a felony of the second degree, punishable as
2509 provided in s. 775.082, s. 775.083, or s. 775.084.2510 Section 50. The Legislature finds that a proper and
2511 legitimate state purpose is served when internal controls are
2512 established to prevent and detect fraud, waste, and abuse and to
2513 safeguard and account for government funds and property.
2514 Therefore, the Legislature determines and declares that this act
2515 fulfills an important state interest.

2516 Section 51. This act shall take effect October 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

636
Bill Number (if applicable)

Topic Government Accountability

Amendment Barcode (if applicable) _____

Name Ben Wilcox

Job Title _____

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Common Cause Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

9-Feb-16

Meeting Date

686

Bill Number (if applicable)

Topic Government Accountability

Amendment Barcode (if applicable)

Name Catherine Baer

Job Title Chair

Address 1421 Woodgate Way

Phone _____

Street

Tallahassee

FL

32308

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing The Tea Party Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/14
Meeting Date

684
Bill Number (if applicable)

Topic Gov't Accountability

Amendment Barcode (if applicable)

Name Wilay Horton

Job Title Member, FEA Comm'n on Ethics

Address 325 John Knox Rd
Street

Phone 850) 488-7864

Talla, FL 32303
City State Zip

Email wilay@penningtonlaw.com

Speaking: For Against Information

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

Representing FEA Comm'n on Ethics

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2 / 9 / 2016

Meeting Date

Topic _____

Bill Number 686

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 1150

INTRODUCER: Senator Bean

SUBJECT: Legislative Reauthorization of Agency Rulemaking Authority

DATE: January 25, 2016 REVISED: 02/08/2016

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	McVaney	GO	Pre-meeting
2.			AGG	
3.			AP	

I. Summary:

SB 1150 amends s. 120.536, F.S., to suspend any new rulemaking authority for 3 years after the effective date of the law authorizing rulemaking until reauthorized by general law. Any rulemaking authority effective on or before July 1, 2016, is suspended July 1, 2019, until reauthorized by general law.

The bill provides that reauthorization of rulemaking authority remains in effect for 3 years, after which the reauthorization expires and rulemaking authority is then suspended until reauthorized by general law.

Although the rulemaking authority is suspended, an agency may continue to use the rulemaking process to adopt rules. However, any rule adopted during this suspension of rulemaking authority must be ratified by the Legislature.

The bill allows the Governor to issue a one-time written declaration of public necessity delaying a suspension for 90 days, allowing the Legislature to convene and address the necessity.

SB 1150 makes exceptions for emergency rulemaking and rulemaking necessary to maintain financial or legal integrity of any financial obligation of the state, its agencies or political subdivisions.

The bill has an effective date of July 1, 2016.

II. Present Situation:

Administrative Procedure Act

Chapter 120, F.S., known as the Administrative Procedure Act (APA),¹ regulates administrative rulemaking, administrative enforcement and administrative resolution of disputes arising out of administrative actions of most state agencies and some subdivisions of state government. The term “agency” is defined in s. 120.52(1), F.S., as:

- Each state officer and state department, and departmental unit described in s. 20.04, F.S.²
- The Board of Governors of the State University System, the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.
- A regional water supply authority.
- A regional planning agency.
- A multicounty special district with a majority of its governing board comprised of non-elected persons.
- Educational units.
- Each entity described in chs. 163 (Intergovernmental Programs), 373 (Water Resources), 380 (Land and Water Management), and 582 (Soil and Water Conservation), F.S., and s. 186.504 (regional planning councils), F.S.
- Other units of government in the state, including counties and municipalities, to the extent they are expressly made subject to the act by general or special law or existing judicial decisions.³

The definition of “agency” also includes the Governor⁴ in the exercise of all executive powers other than those derived from the State Constitution.

Administrative actions authorized by law and regulated by the APA include adoption of a rule,⁵ granting or denying a permit or license, an order enforcing a law or rule that assesses a fine or other discipline and final decisions in administrative disputes or other matters resulting in an agency decision. Such disputes include challenges to the validity of a rule or proposed rule or challenges to agency reliance on unadopted rules,⁶ as well as challenges to other proposed agency actions which affect substantial interests of any party.⁷ In addition to disputes, agency action occurs when the agency acts on a petition for a declaratory statement⁸ or settles a dispute through mediation.⁹

¹ Section 120.51, F.S.

² Section 20.04, F.S., sets the structure of the executive branch of state government.

³ The definition of agency expressly excludes certain legal entities or organizations found in chs. 343, 348, 349 and 361, F.S., and ss. 339.175 and 163.01(7), F.S.

⁴ Section 120.52(1)(a), F.S.

⁵ Section 120.54, F.S.

⁶ Section 120.56, F.S.

⁷ Section 120.569, F.S.

⁸ Section 120.565, F.S.

⁹ Section 120.573, F.S.

Administrative Rulemaking

The APA governs all rulemaking by state agencies except when specific legislation exempts its application. Rulemaking authority is delegated by the Legislature¹⁰ authorizing an agency to “adopt, develop, establish, or otherwise create”¹¹ a rule. Agencies do not have discretion whether to engage in rulemaking.¹² To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.¹³ The grant of rulemaking authority itself need not be detailed.¹⁴ The particular statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.¹⁵ A delegation of authority to an administrative agency by a law that is vague, uncertain, or so broad as to give no notice of what actions would violate the law, may unconstitutionally allow the agency to make the law.¹⁶ Because of this constitutional limitation on delegated rulemaking, the Legislature must provide minimal standards and guidelines in the law creating a program to provide for its proper administration by the assigned executive agency. The Legislature may delegate rulemaking authority to agencies but not the authority to determine what should be the law.¹⁷

In 1996 the Legislature extensively revised¹⁸ agency rulemaking under the APA to require both an express grant of rulemaking authority and a specific law to be implemented by the rule.

A rule is an agency statement of general applicability which interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency, as well as certain types of forms.¹⁹ The effect of an agency statement determines whether it meets the statutory definition of a rule, regardless of how the agency characterizes the statement.²⁰ If an agency statement generally requires compliance, creates certain rights while adversely affecting others, or otherwise has the direct and consistent effect of law, it is a rule.²¹

¹⁰ *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1st DCA 2000).

¹¹ Section 120.52(17), F.S.

¹² Section 120.54(1)(a), F.S.

¹³ Sections 120.52(8) & 120.536(1), F.S.

¹⁴ *Save the Manatee Club, Inc.*, supra at 599.

¹⁵ *Sloban v. Florida Board of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

¹⁶ *Conner v. Joe Hatton, Inc.*, 216 So.2d 209 (Fla.1968).

¹⁷ *Sarasota County. v. Barg*, 302 So. 2d 737 (Fla. 1974).

¹⁸ Ch. 96-159, LOF.

¹⁹ Section 120.52(16), F.S.; *Florida Department of Financial Services v. Capital Collateral Regional Counsel-Middle Region*, 969 So. 2d 527, 530 (Fla. 1st DCA 2007).

²⁰ *Dept. of Administration v. Harvey*, 356 So. 2d 323, 325 (Fla. 1st DCA 1977).

²¹ *McDonald v. Dep't of Banking & Fin.*, 346 So.2d 569, 581 (Fla. 1st DCA 1977), articulated this principle subsequently cited in numerous cases. See, *State of Florida, Dept. of Administration v. Stevens*, 344 So. 2d 290 (Fla. 1st DCA 1977); *Dept. of Administration v. Harvey*, 356 So. 2d 323 (Fla. 1st DCA 1977); *Balsam v. Department of Health and Rehabilitative Services*, 452 So.2d 976, 977-978 (Fla. 1st DCA 1984); *Department of Transp. v. Blackhawk Quarry Co.*, 528 So.2d 447, 450 (Fla. 5th DCA 1988), rev. den. 536 So.2d 243 (Fla.1988); *Dept. of Natural Resources v. Wingfield*, 581 So. 2d 193, 196 (Fla. 1st DCA 1991); *Dept. of Revenue v. Vanjaria Enterprises, Inc.*, 675 So. 2d 252, 255 (Fla. 5th DCA 1996); *Volusia County School Board v. Volusia Homes Builders Association, Inc.*, 946 So. 2d 1084 (Fla. 5th DCA 2007); *Florida Dept. of Financial Services v. Capital Collateral Regional Counsel*, 969 So. 2d 527 (Fla. 1st DCA 2007); *Coventry First, LLC v. State of Florida, Office of Insurance Regulation*, 38 So. 3d 200 (Fla. 1st DCA 2010).

A notice of rule development initiates public input on a rule proposal.²² The process may be facilitated by conducting public workshops or engaging in negotiated rulemaking.²³ An agency begins the formal rulemaking by filing a notice of the proposed rule.²⁴ The notice is published by the Department of State in the Florida Administrative Register²⁵ and must provide certain information, including the text of the proposed rule, a summary of the agency's statement of estimated regulatory costs (SERC) if one is prepared,²⁶ and how a party may request a public hearing on the proposed rule. The SERC must include an economic analysis projecting a proposed rule's adverse effect on specified aspects of the state's economy, adverse impact on business competitiveness or increase in regulatory costs.²⁷

The economic analysis mandated for each SERC must analyze a rule's potential impact over the 5 year period from when the rule goes into effect.²⁸ First, is the rule's likely adverse impact on economic growth, private-sector job creation or employment, or private-sector investment.²⁹ Next, is the likely adverse impact on business competitiveness,³⁰ productivity, or innovation.³¹ Finally, the analysis must discuss whether the rule is likely to increase regulatory costs, including any transactional costs.³² If the analysis shows the projected impact of the proposed rule in any one of these areas will exceed \$1 million in the aggregate for the 5 year period, the rule cannot go into effect until ratified by the Legislature pursuant to s. 120.541(3), F.S.

Present law distinguishes between a rule being "adopted" and becoming enforceable or "effective."³³ A rule must be filed for adoption before it may go into effect³⁴ and cannot be filed for adoption until completion of the rulemaking process.³⁵

Proposed rules also must be formally reviewed by the Legislature's Joint Administrative Procedures Committee (JAPC)³⁶ which reviews rules to determine their validity, authority, sufficiency of form, consistency with legislative intent, reasonableness of regulatory cost

²² Section 120.54(2)(a), F.S.

²³ Section 120.54(2)(c)-(d), F.S.

²⁴ Section 120.54(3)(a)1., F.S..

²⁵ Section 120.54(3)(a)2., F.S.

²⁶ Section 120.541(1)(b), F.S., requires preparation of a SERC if the proposed rule will have an adverse impact on small business or if the proposed rule is likely to directly or indirectly increase regulatory costs in excess of \$200,000 within one year of implementation of the rule. Alternatively, s. 120.541(1)(a), F.S., provides that preparation of a SERC is triggered when a substantially affected person submits a good faith written proposal for a lower cost regulatory alternative which substantially accomplishes the objectives of the law being implemented.

²⁷ Section 120.541(2)(a), F.S.

²⁸ *Id.*

²⁹ Section 120.541(2)(a)1., F.S.

³⁰ Section 120.541(2)(a)2., F.S., states that business competitiveness includes the ability of those doing business in Florida to compete with those doing business in other states or domestic markets.

³¹ *Id.*

³² Section 120.541(2)(a) 3., F.S.

³³ Section 120.54(3)(e)6., F.S. Before a rule becomes enforceable, thus "effective," the agency first must complete the rulemaking process and file the rule for adoption with the Department of State.

³⁴ *Id.*

³⁵ Section 120.54(3)(e), F.S.

³⁶ Section 120.54(3)(a)4., F.S.

estimates and other matters.³⁷ An agency must formally respond to JAPC concerns or objections.³⁸

Emergency Rulemaking

Florida's APA provides for emergency rulemaking by any procedure which is fair under the circumstances when an immediate danger to the public health, safety, or welfare requires emergency action. Emergency rules may not be effective for more than 90 days but may be renewed if the agency has initiated rulemaking to adopt rules addressing the subject.³⁹

III. Effect of Proposed Changes:

Section 1 amends s. 120.536, F.S., to suspend all existing rulemaking authority on July 1, 2019, and to suspend all new rulemaking authority three years after its enactment unless the Legislature reauthorizes the rulemaking authority by general law.

A reauthorization of rulemaking authority remains in effect for three years, unless another date is specified in the law reauthorizing rulemaking, after which the reauthorization expires and the rulemaking authority is suspended until reauthorized by general law.

The bill allows an agency to continue or initiate rulemaking proceedings during a suspension but no rule adopted during a suspension of authority may be effective unless ratified by the Legislature.

Also, the bill allows the Governor to issue a written declaration of public necessity delaying a suspension for 90 days, allowing the Legislature to convene and address the necessity. A declaration of public necessity may be issued only once in regards to any suspension of rulemaking authority.

The bill makes exception for any emergency rulemaking or any rulemaking necessary to maintain the financial or legal integrity of any financial obligation of the state, its agencies or political subdivisions.

The bill expressly provides that all rules lawfully adopted remain in effect during any suspension of rulemaking authority under the bill's provisions.

Section 2 provides an effective date of July 1, 2016.

³⁷ Section 120.545(1), F.S.

³⁸ Sections 120.54(3)(e)4. and 120.545(3), F.S.

³⁹ Section 120.54(4), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

It is unclear whether, under the State Constitution, an act of the legislature today can effectively suspend the rulemaking authority granted to the executive branch by a subsequent legislature. Lines 27-29 of the bill provide that "any new rulemaking authority is suspended 3 years after the effective date of the law authorizing rulemaking until reauthorized by general law." A subsequent act of the Legislature granting new rulemaking authority is most likely to take precedence over this act suspending all rulemaking authority generally. First, a new act granting new rulemaking authority is the later enacted legislation and typically supersedes prior laws. Secondly, the new act is more likely to relate to a specific grant of authority rather than a general "suspension." This issue relates to all grants of rulemaking authority enacted after January 12, 2016 (the commencement of the Regular Session for 2016).

Lines 32-36 appear to place an additional burden on subsequent legislatures when enacting legislation granting rulemaking authority. Under this bill, if the subsequent legislature wants the grant of rulemaking authority to be permanent, the bill authorizing (or reauthorizing) the rulemaking authority must specifically state that it is of a permanent nature. Typically, when a law is enacted it is presumed to be of a permanent nature unless modified or repealed by a subsequent legislature. In a similar circumstance relating to the authorization and reauthorization of state trust funds, the State Constitution was amended to place the time limitation on the duration of the trust fund and require the legislature to reauthorize the trust fund beyond that time period.⁴⁰

⁴⁰ Article III, Section 19(f), Florida Constitution, adopted in 1992, stated:

(2) State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection. State trust funds created after the effective date of this subsection shall terminate not more than four years after the effective date of the act authorizing the creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

That provision was subsequently amended 2005, CS/SJR 2144) to read:

(2) State trust funds shall terminate not more than four years after the effective date of the act authorizing the **initial** creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized. {emphasis added}

The overall impact of this legislation might be challenged as inconsistent with constitutional principles. If all rulemaking is suspended and a rule can only become effective if ratified by the Legislature, this legislation as applied might be challenged as unconstitutional. Depending upon how the ratification process is conducted, it may (a) be inadequate in terms of the constitutionally required notice for legislation; (b) lend itself to impermissible logrolling, or (c) violate the principles of separation of powers.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate. For some rules, suspension may create uncertainty for individuals and businesses concerning the legal requirements for certain actions.

C. Government Sector Impact:

Indeterminate. There may be fewer rule challenges during the period when rulemaking has been suspended, but then a sharp increase in challenges when rulemaking is reauthorized.

VI. Technical Deficiencies:

Lines 37-40 may create confusion. While lines 26-36 of the bill “suspend” current and new grants of rulemaking authority, lines 37-40 appear to allow the rulemaking process to continue through the adoption process but prevent the rule from becoming effective. Then, the rule must be ratified by the Legislature to become effective.

Lines 40-45 permit the Governor to delay the suspension of the rulemaking authority for up to 90 days upon a written declaration of a public necessity. The term “public necessity” is not defined. This delay allows rules to become effective rather than subjected to the legislative ratification process. Since no clear standards are provided to the Governor for declaring a public necessity, the legal status of the rules becoming effective during the delay period become unclear. An opponent of such a rule would presumably have the ability to challenge the “public necessity.”

Lines 46-50 of the bill exempt from the suspension provisions “rulemaking necessary to maintain the financial or legal integrity of any financial obligation of the state or its agencies, or political subdivisions.” It is unclear as to what this exemption is intended to preserve. If this language is intended to exempt rulemaking authority associated with programs related to the flow of federal dollars, the language is ambiguous and may be inadequate. It is unclear whether a rule setting a fee that is used to support appropriations might be deemed as necessary to maintain a financial obligation.

Lines 51-52 provides that “rules lawfully adopted remain in effect during any suspension of rulemaking authority under this subsection.” If an agency determines a rule is no longer necessary, or the underlying legal authority has changed without a subsequent grant of rulemaking authority, the agency will not be permitted to modify the rule, and the taxpayers affected by the rule may be negatively impacted.

VII. Related Issues:

In practical terms this bill may have significant impacts on state agencies, the Executive Office of the Governor, and the Legislature. This bill suspends all agencies’ current rulemaking authority on July 1, 2019. This suspension takes place shortly after the 2018 General Election at which the Governor, 120 members of the Florida House of Representatives and at least 20 members of the Florida Senate will be elected. Because of a transitioning executive branch leadership in most agencies, it is unclear whether the state agencies will be positioned adequately to make recommendations as to the rulemaking authority that should be reauthorized. With the legislative elections, it is unclear whether the legislation necessary to reauthorize rulemaking authority will be ready for consideration by the new legislative members. In combination, rulemaking authority may be suspended until the 2020 Regular Session or later leading to significant issues for agencies and potentially frustration of the legislature regarding the inability of agencies to implement timely those newly enacted laws that rely on existing (but suspended) rulemaking authority.

VIII. Statutes Affected:

This bill substantially amends section 120.536 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.



535736

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/10/2016	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment (with title amendment)

Between lines 52 and 53

insert:

Section 2. Paragraph (c) of subsection (4) of section
120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(4) EMERGENCY RULES.—

(c) An emergency rule adopted under this subsection shall
not be effective for a period longer than 90 days and shall not



535736

11 be renewable, except when the agency finds that the immediate
12 danger remains and continues to require emergency action, the
13 agency has initiated rulemaking to adopt rules addressing the
14 subject of the emergency rule, and one of the following
15 conditions has delayed implementation of the rules either:

16 1. A challenge to the proposed rules has been filed and
17 remains pending; or

18 2. The proposed rules have been filed for adoption and are
19 awaiting ratification by the Legislature pursuant to any law
20 requiring ratification for the rules to be effective s.
21 120.541(3).

22
23 Nothing in this paragraph prohibits the agency from adopting a
24 rule or rules identical to the emergency rule through the
25 rulemaking procedures specified in subsection (3).
26

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete line 15

30 and insert:

31 exceptions; providing applicability; amending s.
32 120.54, F.S.; revising circumstances under which
33 emergency rules may be renewed; providing an

By Senator Bean

4-01313-16

20161150__

A bill to be entitled

An act relating to legislative reauthorization of agency rulemaking authority; amending s. 120.536, F.S.; providing for suspension of certain rulemaking authority after a specified period, until reauthorized by general law; providing for expiration of such reauthorization after a specified period; providing for suspension of rulemaking authority upon expiration of its reauthorization, until reauthorized by general law; requiring legislative ratification of rules adopted while rulemaking authority is suspended; authorizing the Governor to delay suspension of rulemaking authority for a specified period upon declaration of a public necessity; providing exceptions; providing applicability; providing an effective date.

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

Section 1. Subsections (2) through (4) of section 120.536, Florida Statutes, are renumbered as subsections (3) through (5), respectively, and a new subsection (2) is added to that section, to read:

120.536 Rulemaking authority; reauthorization; repeal; challenge.—

(2) (a) Notwithstanding any other provision of law, and except as provided in paragraph (d), any new rulemaking authority is suspended 3 years after the effective date of the law authorizing rulemaking until reauthorized by general law. Any rulemaking authority effective on or before July 1, 2016, is suspended July 1, 2019, until reauthorized by general law.

(b) A reauthorization of rulemaking authority remains in

Page 1 of 2

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

4-01313-16

20161150__

effect for 3 years, unless another date is specified in the law reauthorizing rulemaking, after which the reauthorization expires and the rulemaking authority is suspended until reauthorized by general law.

(c) During the suspension of any rulemaking authority under this subsection, a rule may be adopted pursuant to such rulemaking authority but does not take effect unless ratified by the Legislature. Upon written declaration by the Governor of a public necessity, suspension of any rulemaking authority may be delayed for up to 90 days, allowing the Legislature an opportunity to reauthorize the rulemaking authority. A declaration of public necessity may be issued only once with respect to any suspension of rulemaking authority.

(d) This subsection does not apply to:

1. Emergency rulemaking pursuant to s. 120.54(4).

2. Rulemaking necessary to maintain the financial or legal integrity of any financial obligation of the state or its agencies or political subdivisions.

(e) Rules lawfully adopted remain in effect during any suspension of rulemaking authority under this subsection.

Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/16

Meeting Date

1150

~~1116~~

Bill Number (if applicable)

Topic Rate increase

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9166 Sunrise Dr.

Phone _____

Street

Largo _____

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Pinellas County Florida Government Corruption

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2 / 9 / 2016

Meeting Date

Topic _____ Bill Number 1150
(if applicable)

Name BRIAN PITTS Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291
Street

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 724

INTRODUCER: Senator Joyner

SUBJECT: Public Records

DATE: January 15, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kim	McVaney	GO	Pre-meeting
2.			ACJ	
3.			AP	

I. Summary:

SB 724 makes the public records custodian, including the elected or appointed officer heading the agency, personally liable for the reasonable costs of enforcement, including attorney fees, if a court finds the agency or custodian:

- Unlawfully refused to permit a public record to be inspected or copied; and
- Knowingly asserted a claim or defense that was not supported by facts.

The bill becomes law on July 1, 2016.

II. Present Situation:

Public Records

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provides that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷

Custodian of Public Records

Pursuant to s. 119.011(5), F.S., a custodian of public records is “the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.”

A custodian of public records is required to perform statutorily required duties such as maintaining records in fireproof vaults, repairing records and comply with retention schedules set by the Department of State.⁸ In addition, s. 119.07, F.S., provides that public records custodian has additional duties which include:

- Acknowledging a public records request and responding to those requests in good faith;⁹
- Producing records after redacting exempt information or provide the statutory citation for an exemption if the entire document is exempt;¹⁰
- Maintaining records which are the subject of public records litigation;¹¹
- If public records are provided by remote electronic means, a records custodian must ensure that those records are secure;¹²
- Provide supervision if someone wishes to photograph records;¹³ and
- Provide certified copies of public records upon payment of a fee.¹⁴

Public records custodians are also responsible for supervising the production of records by all agency personnel. Section 119.07(1)(a), F.S., provides that that “[e]very person who has custody of a public record shall permit the record to be inspected and copied ... at any reasonable time, under reasonable conditions, and under reasonable supervision by the custodian of the public records.”

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.021, F.S.

⁹ Section 119.07(1)(c), F.S.

¹⁰ Section 119.07(1)(d)-(f), F.S.

¹¹ Section 119.07(1)(g)-(i), F.S.

¹² Section 119.07(2), F.S.

¹³ Section 119.07(3), F.S.

¹⁴ Section 119.07(4), F.S.

An agency may not place any conditions upon responding to a public records request other than what is specifically laid out in the law. For example, an agency may not require a person seeking a public record reveal his or her background.¹⁵ Nor may an agency require an individual to put his or her request in writing as a condition of production.¹⁶ In addition, a request must be honored whether it is made by phone, in writing, or in person.¹⁷

Enforcing Public Records Laws and Attorney Fees

Section 119.11, F.S., provides that a court may award a plaintiff attorney fees if a plaintiff files a civil suit to enforce the provisions of ch. 119, F.S., and the court determines that the agency refused to permit inspection or copying of a public record.

Whenever an action is filed to enforce the provisions of ch. 119, F.S., the court must set an immediate hearing, giving the case priority over other pending cases.¹⁸ If the court finds that the agency unlawfully refused access to a public record, the court will order the public agency to pay the plaintiff's costs and attorney fees.¹⁹ A delay in turning over public records is considered an unlawful refusal, and a court will award attorney fees even if the delay was not willful or was due to incompetence.²⁰

Enforcement lawsuits are composed of two parts: the request for production of a record and the assessment of fees. The assessment of attorney fees is a legal consequence independent of the public records request.²¹ Once an enforcement action has been filed, a court will require a public agency to pay the plaintiff's attorney fees even after the agency has produced the records.²²

The public policy behind awarding attorney fees is to encourage people to pursue their right to access government records after an initial denial.²³ In addition, granting attorney fees also makes it more likely that public agencies will comply with public records laws and deters improper denials of requests.²⁴

Personal Liability for Violating the Public Records Act

Violation of the Public Records Act may result in civil and criminal liability pursuant to s. 119.10, F.S. A public officer who violates any provision of the Public Records Act commits a

¹⁵ *Bevan v. Wanichka*, 505 So. 2d 1116, 1118 (Fla. 2d DCA Fla. 1987).

¹⁶ *Dade Aviation Consultants v. Knight Ridder, Inc.*, 800 So. 2d 302 n.1 (Fla. 3d DCA 2001). Op. Att'y Gen. Informal Opinion dated December 16, 2003.

¹⁷ Op. Att'y Gen. Fla. 80-57 (1980).

¹⁸ Section 119.11(1), F.S.

¹⁹ Section 119.12, F.S.

²⁰ *Lilker v. Suwannee Valley Transit Authority*, 133 So. 3d 654 (Fla. 1st DCA 2014). *Barfield v. Town of Eatonville*, 675 So. 2d 223, 225 (Fla. 5th DCA 1996).

²¹ *Mazer v. Orange County*, 811 So. 2d 857, 859 (Fla. 5th DCA 2002). *Lilker v. Suwannee Valley Transit Authority*, 133 So. 3d 654 (Fla. 1st DCA 2014).

²² *Mazer v. Orange County*, 811 So. 2d 857, 860 (Fla. 5th DCA 2002). *Barfield v. Town of Eatonville*, 675 So. 2d 223, 224 (Fla. 5th DCA 1996). *Althouse v. Palm Beach County Sheriff's Office*, 92 So. 3d 899, 902 (Fla. 4th DCA 2012). Attorney fee provisions for violation of open meetings laws can be found in s. 286.011(4), F.S.

²³ *New York Times Co. v. PHH Mental Health Services, Inc.*, 616 So. 2d 27, 29 (Fla. 1993).

²⁴ *Id.*

civil infraction and may be fined up to \$500.²⁵ A public officer who violates a provision of s. 119.071(1), F.S., which addresses the rights of the public to inspect and copy public records, is may be suspended, removed from office or impeached. In addition a public officer who violates s. 119.07(1), F.S., commits a first degree misdemeanor.

The punishment for a first degree misdemeanor includes imprisonment for up to one year²⁶ and a \$1000 fine.²⁷ A court may sentence an individual to pay a fine in addition to or in lieu of imprisonment.²⁸

Section 119.10, F.S., also provides that any person, not just public officers, can be held liable for violating the Public Records Act. Section 119.10(2), F.S. states that any person who willfully and knowingly violates any provision of the Public Records Act commits a first degree misdemeanor. In addition, any person who willfully and knowingly violates s. 119.105, F.S., commits a third degree felony. Section 119.105, F.S., provides confidential or exempt information contained in police reports may not be used for commercial solicitation of victims or their relatives of crimes or accidents.

A third degree felony is punishable by imprisonment for up to five years²⁹ or a fine of up to \$5000.³⁰ A court may sentence an individual to pay the fine in addition to or in lieu of imprisonment.³¹

Limitations of Liability of Governmental Employees

Governmental employees cannot be held personally liable for tort action, or named as defendants “in any action for any injury or damage suffered as a result of any act, event or omission of action in the scope of her or his employment or function” unless the employee acted in bad faith, malicious purpose or with wanton and willful disregard of human rights, safety or property, pursuant to s. 768.28(9)(a), F.S. Instead, a plaintiff must sue the employing governmental entity.³²

III. Effect of Proposed Changes:

The bill allows a court to hold the public records custodian, including the elected or appointed officer heading the agency, personally liable for the reasonable costs of enforcement, including reasonable attorney fees. Attorney fees may be awarded if the following conditions are met:

- The agency or the custodian unlawfully refused to permit a public record to be inspected or copied; and
- The agency or the custodian knowingly asserted a claim or defense which the agency or the custodian knew was not supported by material facts.

²⁵ Section 119.10(1)(a), F.S.

²⁶ Section 775.082(4)(a), F.S.

²⁷ Section 775.083(1)(d), F.S.

²⁸ Section 775.083(1), F.S.

²⁹ Section 775.082(3)(e), F.S.

³⁰ Section 775.083(1)(c), F.S.

³¹ Section 775.083(1), F.S.

³² Section 768.28(9)(a), F.S.

The bill will take effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Unknown.

C. Government Sector Impact:

Unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Usually, an employing agency will defend the agency (and therefore the employee or officer) in a public records case and the associated attorney fee lawsuit. This bill may create a situation where the interest of the agency and the interests of the public records custodian may conflict, and independent attorneys may be required. If independent attorneys are required, it is not clear who will pay those costs.

VIII. Statutes Affected:

This bill substantially amends section 119.12 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Joyner

19-00715-16

2016724__

1 A bill to be entitled
2 An act relating to public records; amending s. 119.12,
3 F.S.; authorizing a court to hold a custodian of a
4 public record personally liable for the reasonable
5 costs of enforcement, including attorney fees, in a
6 civil action to enforce ch. 119, F.S., if certain
7 conditions exist; providing an effective date.
8

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

10

11 Section 1. Section 119.12, Florida Statutes, is amended to
12 read:

13

119.12 ~~Attorney~~ Attorney's fees.—

14

15 (1) If a civil action is filed against an agency to enforce
16 the provisions of this chapter and if the court determines that
17 the ~~such~~ agency unlawfully refused to permit a public record to
18 be inspected or copied, the court shall assess and award,
19 against ~~such agency the agency responsible,~~ the reasonable costs
20 of enforcement, including reasonable ~~attorney~~ attorney's fees.

21

22 (2) The court, on motion by the party who filed the civil
23 action or in its own discretion, may hold the custodian of the
24 public record that is the subject matter of such civil action
25 personally liable for the reasonable costs of enforcement,
26 including reasonable attorney fees, if the court finds that:

27

28 (a) The agency or the custodian of the public record
29 unlawfully refused to permit a public record to be inspected or
30 copied; and

31

32 (b) The agency or the custodian of the public record has
33 asserted any claim or defense during the pendency of the civil

Page 1 of 2

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

19-00715-16

2016724__

30 action which the agency or the custodian knew was not supported
31 by the material facts necessary to establish such a claim or
32 defense.

33

Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2 / 9 / 2016

Meeting Date

Topic _____

Bill Number 724

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

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FLORIDA

33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 1364

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Hays

SUBJECT: Public Records/Personal Information Obtained in Connection with Licensure

DATE: February 8, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hinton</u>	<u>Rogers</u>	<u>EP</u>	Fav/CS
2.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1364 provides a public records exemption for personal information held by the Fish and Wildlife Conservation Commissions (FWC) in connection with licenses, permits, and certifications issued by FWC related to:

- Recreational fishing, hunting, or use licenses and permits, or other noncommercial or nonprofessional licenses and permits;
- Hunter safety certifications; and
- Boating safety certification or recreation records.

The bill defines “commercial entity” to mean any corporation, partnership, limited partnership, proprietorship, sold proprietorship, firm, enterprise, franchise, or association.

The bill defines “personal information” to mean information that identifies an individual, including, but not limited to, an individual’s:

- Photograph;
- Social security number;
- Driver license number;
- Name;
- Date of birth;
- Address, exclusive of the five-digit zip code;
- Telephone number;

- E-mail or other electronic communication address; and
- Medical or disability information.

The bill provides circumstances for when personal information may be disclosed by the FWC.

The bill provides that the exemption applies to personal information held by the FWC at any time, that it is subject to the Open Government Sunset Review Act, and that it will be repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity, as required by the Florida Constitution.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that it is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person and that providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991).

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁷ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁸

Applications for Licenses, Permits, and Certifications

Every person, unless exempt as provided in s. 379.353, F.S., taking game, fish, or fur-bearing animals within this state is required to have a hunting or fishing license, permit, or authorization number from FWC authorizing that activity.¹⁹ A person wishing to purchase certain recreational licenses through the FWC's website may do so by creating an account with its Recreational License Issuance Service (service). The information requested when registering with the service includes:²⁰

- Full name;
- Ethnicity;
- Gender;
- Height;
- Email;
- Social security number;
- Driver license number;
- Date of birth;
- Phone number; and
- Physical and mailing address.²¹

Once someone creates an account with the service, that person can then purchase various recreational hunting and fishing licenses and permits, make donations to youth programs, and purchase gift cards. FWC also offers specially priced resident licenses for persons with disabilities, which require both proof of residency and proof of disability.²²

Hunter Safety Certification

Subject to certain exceptions, a person born on or after June 1, 1975, may not be issued a license to take wild animal life using a firearm, gun, bow, or crossbow in this state without having first successfully completed a hunter safety course, and without having in his or her possession a hunter safety certification card.²³ The form FWC provides an applicant for enrollment in a hunter

¹⁷ FLA. CONST., art. I, s. 24(c).

¹⁸ Section 119.15(7), F.S.

¹⁹ Section 379.354(1), F.S.

²⁰ FWC, *Account Creation*, available at <https://public.myfwc.com/CrossDOI/PermitMe/Permittee/PermitteeProfile.aspx> (last visited Jan. 22, 2016).

²¹ See s. 379.352(2), F.S.

²² Section 379.353, F.S. See also FWC, *Persons with Disabilities Resident Hunting/Fishing License*, available at <http://myfwc.com/license/accessibility/license/> (last visited Jan. 22, 2016).

²³ Section 379.3581, F.S.

safety course requests the same information as is requested for registering with the Recreational License Issuance Service.²⁴

Boating Safety Certification

A person born on or after January 1, 1988, may not operate a vessel powered by a motor of 10 horsepower or greater unless that person has in his or her possession, aboard the vessel, photographic identification and a boater safety identification card issued by the FWC which shows that he or she:

- Completed an FWC approved boater education course that meets certain qualifications;
- Passed a course equivalency examination approved by the FWC; or
- Passed a temporary certificate examination developed or approved by the FWC.

To receive a boater education identification card, an applicant must submit a letter to the FWC containing the applicant's:

- Name;
- Date of birth;
- Return address;
- Phone number; and
- Proof of completion of the course.²⁵

III. Effect of Proposed Changes:

Section 1 creates s. 379.107, F.S. to provide a public records exemption for personal information obtained in connection with licensure.

The bill defines “commercial entity” to mean any:

- Corporation;
- Partnership;
- Limited partnership;
- Proprietorship;
- Sole proprietorship;
- Firm;
- Enterprise;
- Franchise; or
- Association.

The bill defines “personal information” to mean information that identifies an individual, including but not limited to, an individual's:

- Photograph;
- Social security number;
- Driver license number;

²⁴ FWC, *Request for Enrollment for Hunter Safety Class being held in Panama City*, available at https://public.myfwc.com/hgm/huntersafety/clsreq.aspx?p_class_id=39283 (last visited Jan. 22, 2016).

²⁵ FWC, *How to Get a Boater Education Identification Card*, available at <http://myfwc.com/boating/safety-education/id/> (last visited Jan. 22, 2016).

- Name;
- Date of birth;
- Address, exclusive of the five-digit zip code;
- Telephone number;
- E-mail or other electronic communication address; and
- Medical or disability information.

The bill provides that personal information held by FWC for the following licenses, permits, and certifications issued by the FWC is confidential and exempt²⁶ from s. 119.07(1), F.S., and s. 24(a) of Art. I of the State Constitution:

- Recreational fishing, hunting, or use licenses and permits, or other noncommercial or nonprofessional licenses and permits;
- Hunter safety certification; and
- Boating safety certification.

The bill provides that information may only be disclosed as follows:

- For use by a court, law enforcement agency, or other agency, as defined in s. 119.011(2), F.S., in carrying out its duties;
- For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency presenting before a regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court;
- For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains; and
- For use by a commercial entity for verification of the accuracy of personal information received by such entity in the normal course of its business, including identification or prevention of fraud, or matching, verifying, or retrieving information. The bill provides that this does not include the display or bulk sale of the legal residential address, date of birth, or telephone number of a license holder to the public or the distribution of such information to any customer not identifiable by the commercial entity.

The bill provides that the public records exemption applies to personal information held by the FWC at any time, including information held prior to the effective date of the bill.

The bill provides that the exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2021, unless it is reviewed and saved from repeal through reenactment by the Legislature.

Section 2 creates an undesignated section of law providing a statement of public necessity for the public records exemption, as required by the Florida Constitution.

²⁶ As noted in the Section II of the analysis, information that is “confidential and exempt” is not subject to inspection by the public and may only be released to the persons or organizations designated in the statute.

The bill states that the Legislature finds it is a public necessity that personal information held by the FWC in connection with applications for licenses, permits, or certifications for recreational, nonprofessional, or noncommercial activities be made confidential and exempt from s. 119.07(1), F.S., and s. 24(a) of Article I of the State Constitution.

The bill states that:

- Under current law, personal information that applicants must provide to the FWC in order to apply for such licenses, permits, or certifications is a public record available for any purpose, and that such information can be obtained and used to perpetrate identity theft;
- The public availability of this personal information needlessly increases the risk of identity theft with those individuals who have an FWC issued license, permit, or certification; and
- These unnecessary risks would be diminished or eliminated if the FWC preserved the confidentiality of personal information held by the FWC relating to such licenses, permits, or certifications.

The bill provides that the Legislature finds it is a public necessity to make confidential and exempt from public records requirements personal information held by the FWC relating to licenses, permits, or certifications for recreational, nonprofessional, or noncommercial activities.

Section 3 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Pursuant to Article I, Section 24(c) of the State Constitution, all public records exemptions require a two-thirds vote by both the Senate and the House.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The bill makes social security numbers confidential and exempt, however there is already a general exemption for social security numbers held by an agency in s. 119.071(5), F.S. The exemption in s. 119.071(5), F.S. also includes a commercial use exception.

The bill's commercial use exception appears be unclear. The commercial use exception appears to permit the display or bulk sale of the following: names, photographs, social security numbers, driver license numbers, e-mail or other electronic communication address; and medical or disability information.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following section of the Florida Statutes: 379.107.

This bill creates an undesignated section of Florida Law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation and Conservation on January 27, 2016:

The CS makes the following changes to the bill:

- Defines “commercial entity;”
- Removes “invasive contacts” as one of the possible risks of disclosure of personal information;
- Provides in section 2 that personal information should be made “confidential and exempt” as opposed to “exempt,” which conforms the phrase to its usage in section 1 and further in section 2 of the bill;
- Authorizes certain personal information to be disclosed to commercial entities under specified circumstances; and
- Makes technical changes.

- B. **Amendments:**

None.

By the Committee on Environmental Preservation and Conservation;
and Senator Hays

592-02668-16

20161364c1

A bill to be entitled

An act relating to public records; creating s. 379.107, F.S.; defining the terms "commercial entity" and "personal information"; providing an exemption from public records requirements for personal information provided to the Fish and Wildlife Conservation Commission on applications for certain licenses, permits, and certifications; providing circumstances under which personal information may be disclosed; providing applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 379.107, Florida Statutes, is created to read:

379.107 Public records exemption; personal information.-

(1) For purposes of this section, the term:

(a) "Commercial entity" means any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, franchise, or association.

(b) "Personal information" means information that identifies an individual, including, but not limited to, an individual's photograph; social security number; driver license number; name; date of birth; address, exclusive of the five-digit zip code; telephone number; e-mail or other electronic communication address; and medical or disability information.

(2) Except as provided in subsection (3), personal information held by the commission in connection with the

Page 1 of 4

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

592-02668-16

20161364c1

following licenses, permits, and certifications issued by the commission is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Recreational fishing, hunting, or use licenses and permits, and other noncommercial or nonprofessional licenses and permits.

(b) Hunter safety certification.

(c) Boating safety certification or recreation record.

(3) Personal information may be disclosed only as follows:

(a) For use by a court, law enforcement agency, or other agency, as defined in s. 119.011(2), in carrying out its duties.

(b) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency presenting before a regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court.

(c) For use by any requester, upon demonstration of written consent for such use by the individual to whom the information pertains.

(d) For use by a commercial entity for verification of the accuracy of personal information received by such entity in the normal course of its business, including identification or prevention of fraud, or matching, verifying, or retrieving information. This does not include the display or bulk sale of the legal residential address, date of birth, or telephone number of a licenseholder to the public or the distribution of such information to any customer not identifiable by the

Page 2 of 4

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592-02668-16

20161364c1

61 commercial entity.

62 (4) This exemption applies to personal information held at
 63 any time by the commission, including such information held
 64 prior to the effective date of this act.

65 (5) This section is subject to the Open Government Sunset
 66 Review Act in accordance with s. 119.15 and shall stand repealed
 67 on October 2, 2021, unless reviewed and saved from repeal
 68 through reenactment by the Legislature.

69 Section 2. The Legislature finds that it is a public
 70 necessity that personal information held by the Fish and
 71 Wildlife Conservation Commission in connection with applications
 72 for licenses, permits, or certifications for recreational,
 73 nonprofessional, or noncommercial activities be made
 74 confidential and exempt from s. 119.07(1), Florida Statutes, and
 75 s. 24(a), Article I of the State Constitution. Under current
 76 law, personal information held by the commission relating to
 77 such licenses, permits, or certifications is a public record
 78 available for any purpose. Such information can be obtained and
 79 used to perpetrate identity theft. The public availability of
 80 this personal information needlessly increases the risk of
 81 identity theft with those individuals who have a commission-
 82 issued license, permit, or certificate. This unnecessary risk
 83 would be diminished or eliminated if the commission preserved
 84 the confidentiality of personal information held by the
 85 commission relating to such licenses, permits, or
 86 certifications. Therefore, the Legislature finds that it is a
 87 public necessity to make confidential and exempt from public
 88 records requirements personal information held by the commission
 89 relating to licenses, permits, or certifications for

Page 3 of 4

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592-02668-16

20161364c1

90 recreational, nonprofessional, or noncommercial activities.

91 Section 3. This act shall take effect July 1, 2016.
 92

Page 4 of 4

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

THE FLORIDA SENATE


APPEARANCE RECORD

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

Feb. 9, 2016
Meeting Date

SB 1364
Bill Number (if applicable)

Topic Public Records Exemption for Hunting/Fishing License


Amendment Barcode (if applicable)

Name Erin Rainey

Job Title FWC Office of Licensing & Permitting Director

Address 620 S. Meridian

Phone 488-3641

Tallahassee FL 32399
City State Zip

Email erin.rainey@myfwc.com

Speaking: For Against Information

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

Representing Fish & Wildlife Conservation Commission

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/2016

Meeting Date

Topic _____ Bill Number 1364
(if applicable)

Name BRIAN PITTS Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291
Street

SAINT PETERSBURG FLORIDA 33705 E-mail JUSTICE2JESUS@YAHOO.COM
City State Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/CS/SB 1416

INTRODUCER: Governmental Oversight and Accountability Committee, Banking and Insurance Committee and Senator Simmons

SUBJECT: Public Records/Own-risk and Solvency Assessment/Corporate Governance Annual Disclosure

DATE: February 9, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1416 creates a public records exemption to incorporate the confidentiality provisions for the Office of Insurance Regulation (OIR) to meet the National Association of Insurance Commissioners' (NAIC) accreditation standards relating to two model acts. The NAIC has adopted two new insurance model acts that provide state insurance regulators new solvency regulatory tools – the Own Risk and Solvency Assessment (ORSA) and the Corporate Governance Annual Disclosure. Effective January 1, 2018, ORSA is a NAIC accreditation standard. Both model acts require that states must keep these documents confidential. The related bill, SB 1422, implements the requirements of the model acts in the Insurance Code.

Generally, the ORSA requires certain insurers to conduct an ORSA and submit an ORSA summary report to the OIR. The Corporate Governance Annual Disclosure (Corporate Governance) Model Act and corresponding Corporate Governance Annual Disclosure Model Regulations, require insurers to disclose their corporate governance structure, procedures, and practices to the OIR on an annual basis.

The bill provides that, except for information obtained by the OIR which would otherwise be available for public inspection, the following information held by the OIR is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

- An ORSA summary report, a substantially similar ORSA report, and supporting documents submitted pursuant to s. 628.8015, F.S.
- A corporate governance annual disclosure and supporting documents submitted pursuant to s. 628.8015, F.S.

The bill states that it is a public necessity to protect such information because it contains sensitive and strategic financial information and internal practices about an insurer or insurer group.

The effective date of the bill is the same date that SB 1422 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law. The bill provides for repeal of the exemption on October 2, 2021, unless reviewed and saved from repeal by the Legislature pursuant to the Open Government Sunset Review Act.

Because the bill creates a public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

II. Present Situation:

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act. The Public Records Act states that

It is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁵ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Section 119.01(1), F.S.

⁵ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁶ A violation of the Public Records Act may result in civil or criminal liability.⁷

The Legislature may create an exemption to public records requirements.⁸ An exemption must pass by a two-thirds vote of the House and the Senate.⁹ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰ A statutory exemption that does not meet these criteria may be unconstitutional and may not be judicially saved.¹¹

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹² Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹³

Regulation of Insurance

States primarily regulate insurers. The state of domicile serves as the primary regulator for insurers. Solvency regulation is designed to protect policyholders against the risk that insurers will not be able to meet their financial responsibilities. In Florida, the OIR¹⁴ is primarily responsible for monitoring the solvency of regulated insurers and examining insurers to determine compliance with applicable laws, and taking administrative action, if necessary.

The OIR is a member of the NAIC, an organization consisting of state insurance regulators. As a member of the NAIC, the OIR is required to participate in the organization’s accreditation program. The NAIC accreditation is a certification that a state regulator is complying with legal, regulatory, and organizational oversight standards. Once accredited, a member state is subject to a full accreditation review every five years. The NAIC also periodically reviews its solvency standards as set forth in its model acts, and revises accreditation requirements to adapt to evolving industry standards.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So.2d 633, 640 (Fla. 1980).

⁷ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁸ FLA. CONST., art. I, s. 24(c).

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So.2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹² If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

¹³ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991).

¹⁴ Section 20.121(3)(a), F.S. (2015).

Currently, Florida's Insurance Code makes "proprietary business information"¹⁵ contained in the certain documents confidential and exempt from s. 119.07(1), F.S., and section 24(a), Art. I, of the State Constitution. Actuarial opinion summary included with an insurer's annual financial statement,¹⁶ actuarial opinion of life insurance reserves,¹⁷ divestiture notice filed with the OIR,¹⁸ holding company registration statement,¹⁹ and enterprise risk report²⁰ are examples of these documents. Proprietary business information includes trade secrets, information related to competitive interests, consideration used in carrying out a merger or acquisition, information related to bids or contractual data, and internal auditing controls and internal auditor reports.²¹

Under current law, the OIR may disclose this confidential and exempt information with the written consent of the insurer, pursuant to a court order, at the request of the American Academy of Actuaries for the purpose of disciplinary proceedings, and to other governmental entities and the NAIC upon written agreement to maintain the confidential and exempt status of the information, and for the purpose of aggregating data on an industry-wide basis.²²

The NAIC has adopted two new insurance model acts that provide state insurance regulators new solvency regulatory tools – the Own Risk and Solvency Assessment (ORSA) and the Corporate Governance Annual Disclosure (CGAD). Effective January 1, 2018, ORSA is a NAIC accreditation standard. Both model acts require that states must keep these documents confidential. The related bill, SB 1422, implements the requirements of the model acts in the Insurance Code.

III. Effect of Proposed Changes:

The bill amends s. 624.4212, F.S., to provide that ORSA summary reports, substantially similar ORSA reports, corporate governance reports, and supporting documents submitted pursuant to s. 628.8015, F.S. (created by the linked bill, SB 1422), are confidential and exempt from public records disclosure.

Section 1 provides that, except for information obtained by the OIR which would otherwise be available for public inspection, the following information held by the OIR is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution:

- An ORSA summary report, a substantially similar ORSA report, and supporting documents submitted pursuant to s. 628.8015, F.S.

¹⁵ "Proprietary business information" is defined in s. 624.4212, F.S., to mean information, regardless of form or characteristics, which is owned or controlled by an insurer, or a person or affiliated person who seeks acquisition of controlling stock in a domestic insurer or controlling is intended to be treated as private in that disclosure could harm the insurer and the information has not been disclosed except pursuant to a statutory requirement, court order or a private agreement that provides that the information will not be released to the public, and the information is not otherwise readily ascertainable or publicly available by proper means by other persons from another source.

¹⁶ Section 624.424(1)(b), F.S.

¹⁷ Sections 625.121(3) and 625.1212(5)(c), F.S.

¹⁸ Section 628.461, F.S.

¹⁹ Section 628.801(1), F.S.

²⁰ Section 628.801(2), F.S.

²¹ Section 624.4212(1)(c), F.S.

²² Section 624.4212(4), F.S.

- A corporate governance annual disclosure and supporting documents submitted pursuant to s. 628.8015, F.S.

The bill replaces a reference to the “American Academy of Actuaries” with the “Actuarial Board for Counseling and Discipline” for purposes of allowing OIR to share confidential and exempt information for disciplinary proceedings.

The bill provides for repeal of the exemption on October 2, 2021, unless reviewed and saved from repeal by the Legislature pursuant to the Open Government Sunset Review Act.

Section 2 states that it is a public necessity to protect the ORSA reports and related documents because the information contains sensitive and strategic financial information and internal practices about an insurer or insurer group. Further, the bill states it is a public necessity to protect the corporate governance annual disclosure and supporting documents of an insurer or insurance group because it could compromise its competitive position by revealing the insurer’s governance structure and internal practices and procedures used to conduct its business affairs, make strategic operational decisions, and manage its financial condition. This public records exemption will enhance OFR’s ability to regulate ORSAs.

Section 3 provides that the effective date of the bill is the same date that SB 1422 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a new or expanded public records or public meetings exemption. Because this bill creates a new public records exemption, it requires a two-thirds vote for passage.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires a public necessity statement for a new or expanded public records or public meetings exemption. The public necessity statement provides support for the exemption.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The public records exemption will protect sensitive and strategic financial information and internal practices about an insurer or insurer group that is reported to the OIR. The existence of the public records exemption may encourage greater comprehensive disclosure to the OIR.

C. Government Sector Impact:

The legislation may encourage cooperation among state regulatory agencies in an effort to eliminate regulatory redundancies and increase efficiencies. Other states that share regulatory filings with Florida will need to confirm that Florida is able to keep these shared filings confidential. A lack of the OIR's ability to do so will compromise the OIR's ability to coordinate with other states, and potentially may increase the regulatory filings.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 624.4212 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Governmental Oversight and Accountability on February 9, 2016:**

The CS/CS incorporates references to s. 119.07(1), F.S., and Art. I, s. 24(a), of the Florida Constitution into the public necessity statement as well as enhances the public necessity statement.

CS by Banking and Insurance on January 26, 2016:

The CS narrows the public records exemption and provides a technical amendment.

B. Amendments:

None.

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



894704

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment

Delete lines 74 - 104
and insert:
be confidential and exempt from s. 119.07(1), Florida Statutes,
and s. 24(a), Article I of the State Constitution. In conducting
this required internal assessment, an insurer or insurance group
identifies and evaluates the material and relevant risks to the
insurer or insurance group and the adequacy of capital resources
to support these risks. The ORSA summary report, substantially



894704

11 similar ORSA report, and supporting documents contain highly
12 sensitive and strategic financial information about an insurer
13 or insurer group. Having a comprehensive and unbiased assessment
14 will provide the office with an effective early warning
15 mechanism for preventing insolvencies and protecting
16 policyholders and promote a stable insurance market. Divulging
17 the ORSA summary report, substantially similar ORSA summary
18 report, and supporting documents will injure the insurer or
19 insurance group by providing competitors with detailed insight
20 into their financial position, risk management strategies,
21 business plans, pricing and marketing strategies, management
22 systems, and operational protocols.

23 (2) The Legislature finds that it is a public necessity
24 that the corporate governance annual disclosure and supporting
25 documents submitted to and held by the office be confidential
26 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
27 Article I of the State Constitution. The corporate governance
28 annual disclosure describes an insurer's governance structure
29 and the internal practices and procedures used in conducting the
30 business affairs of the company, making strategic operational
31 decisions affecting its competitive position, and managing its
32 financial condition. Release of the corporate governance annual
33 disclosure and supporting documents will injure the insurer or
34 insurance group in the marketplace by providing competitors with
35 the insurer's or the insurance group's confidential business
36 information. Broad disclosure will give state regulators a
37 thorough understanding of the corporate governance structure and
38 internal policies and practices used by insurers and promote
39 market integrity. Effective governance mechanisms will enable



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40 insurers to take any necessary corrective actions and achieve
41 strategic goals while allowing the office to perform its
42 regulatory duties effectively and efficiently.

By the Committee on Banking and Insurance; and Senator Simmons

597-02618-16

20161416c1

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 624.4212, F.S.; providing an exemption from public
 4 records requirements for certain reports and documents
 5 submitted to the Office of Insurance Regulation
 6 related to an own-risk and solvency assessment by an
 7 insurer or insurance group; providing an exemption
 8 from public records requirements for a corporate
 9 governance annual disclosure and supporting documents
 10 submitted to the office; revising the actuarial board
 11 to which the office may disclose certain information;
 12 providing for and revising future legislative review
 13 and repeal; providing a statement of public necessity;
 14 providing a contingent effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Present subsections (3), (4), and (5) of section
 19 624.4212, Florida Statutes, are redesignated as subsections (4),
 20 (5), and (6), respectively, and amended, and a new subsection
 21 (3) is added to that section, to read:

22 624.4212 Confidentiality of proprietary business and other
 23 information.—

24 (3) Except for information obtained by the office which
 25 would otherwise be available for public inspection, the
 26 following information held by the office is confidential and
 27 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 28 Constitution:

29 (a) An ORSA summary report, a substantially similar ORSA
 30 report, and supporting documents submitted pursuant to s.
 31 628.8015.

32 (b) A corporate governance annual disclosure and supporting

597-02618-16

20161416c1

33 documents submitted pursuant to s. 628.8015.
 34 ~~(4)(3)~~ Information received from the NAIC, ~~a or another~~
 35 governmental entity in this or another state, the Federal
 36 Government, or a government of another nation which is
 37 confidential or exempt if held by that entity and which is held
 38 by the office for use in the ~~office's~~ performance of its duties
 39 relating to insurer valuation and solvency is confidential and
 40 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 41 Constitution.
 42 ~~(5)(4)~~ The office may disclose information made
 43 confidential and exempt under this section:
 44 (a) If the insurer to which it pertains gives prior written
 45 consent;
 46 (b) Pursuant to a court order;
 47 (c) To the Actuarial Board for Counseling and Discipline
 48 ~~American Academy of Actuaries~~ upon a request stating that the
 49 information is for the purpose of professional disciplinary
 50 proceedings and specifying procedures satisfactory to the office
 51 for preserving the confidentiality of the information;
 52 (d) To other states, federal and international agencies,
 53 the National Association of Insurance Commissioners and its
 54 affiliates and subsidiaries, and state, federal, and
 55 international law enforcement authorities, including members of
 56 a supervisory college described in s. 628.805 if the recipient
 57 agrees in writing to maintain the confidential and exempt status
 58 of the document, material, or other information and has
 59 certified in writing its legal authority to maintain such
 60 confidentiality; or
 61 (e) For the purpose of aggregating information on an

597-02618-16

20161416c1

62 industrywide basis and disclosing the information to the public
63 only if the specific identities of the insurers, or persons or
64 affiliated persons, are not revealed.

65 ~~(6)(5)~~ This section is subject to the Open Government
66 Sunset Review Act in accordance with s. 119.15 and is repealed
67 on October 2, ~~2021~~ 2019, unless reviewed and saved from repeal
68 through reenactment by the Legislature.

69 Section 2. (1) The Legislature finds that it is a public
70 necessity that the own-risk and solvency assessment (ORSA)
71 summary report, a substantially similar ORSA report, and
72 supporting documents submitted to and held by the Office of
73 Insurance Regulation pursuant to s. 628.8015, Florida Statutes,
74 be exempt from public records requirements. In conducting this
75 required internal assessment, an insurer or insurance group
76 identifies and evaluates the material and relevant risks to the
77 insurer or insurance group and the adequacy of capital resources
78 to support these risks. The ORSA summary report, substantially
79 similar ORSA report, and supporting documents contain highly
80 sensitive and strategic financial information about an insurer
81 or insurer group. Having a comprehensive and unbiased assessment
82 will provide the office with an effective early warning
83 mechanism for preventing insolvencies and protecting
84 policyholders and promote a stable insurance market. Divulging
85 the ORSA summary report, substantially similar ORSA summary
86 report, and supporting documents will injure the insurer or
87 insurance group by providing competitors with detailed insight
88 into their financial position, risk management strategies,
89 business plans, pricing and marketing strategies, management
90 systems, and operational protocols.

Page 3 of 4

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

597-02618-16

20161416c1

91 (2) The Legislature finds that it is a public necessity
92 that the corporate governance annual disclosure and supporting
93 documents submitted to and held by the office be exempt from
94 public records requirements. The corporate governance annual
95 disclosure describes an insurer's governance structure and the
96 internal practices and procedures used in conducting the
97 business affairs of the company, making strategic operational
98 decisions affecting its competitive position, and managing its
99 financial condition. Broad disclosure will give state regulators
100 a thorough understanding of the corporate governance structure
101 and internal policies and practices used by insurers and promote
102 market integrity. Effective governance mechanisms will enable
103 insurers to take any necessary corrective actions and achieve
104 strategic goals.

105 Section 3. This act shall take effect on the same date that
106 SB 1422 or similar legislation takes effect, if such legislation
107 is adopted in the same legislative session or an extension
108 thereof and becomes a law.

Page 4 of 4

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2 / 9 / 2016

Meeting Date

Topic _____

Bill Number 1416

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/14

Meeting Date

1416

Bill Number (if applicable)

Topic ORSA / Corporate Governance Public Record

Amendment Barcode (if applicable)

Name Caitlin Murray

Job Title Director of Government Affairs

Address _____ Phone _____

Street

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Office of Insurance Regulation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 754

INTRODUCER: Commerce and Tourism Committee and Senator Richter

SUBJECT: Public Records/Department of Agriculture and Consumer Services Criminal or Civil Intelligence or Investigative Information

DATE: February 8, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 754 creates a new public records exemption for the Department of Agriculture and Consumer Services (DACS). The exemption provides that criminal or civil intelligence, investigative information, or any other information held by the DACS as part of a joint or multiagency examination with another state or federal agency will be confidential and exempt from public disclosure.

This exemption does not apply to information held by the DACS that that would otherwise be available for public inspection if the DACS performed an independent investigation.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the Florida Constitution.

This bill requires a two-thirds vote from each chamber for passage.

This bill goes into effect when SB 772 or similar legislation is adopted.

II. Present Situation:

Public Records and Open Meetings Requirements

The Florida Constitution provides that the public has the right to access governmental meetings and to inspect or copy government records. The public may inspect or copy any records made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.¹ The public also has a right to be afforded notice and access to meetings of any collegial public body of the executive branch of state government, counties, municipalities, school districts, or special districts at which public business is transacted or discussed.² The Legislature's meetings must be open and noticed to the public, unless there is an exception provided by the constitution.³

The Florida Statutes specify conditions under which public access must be provided to government records and meetings. Chapter 119, F.S., the "Public Records Act," constitutes the main body of public records laws, and states that:

It is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁴

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁵ The Florida Supreme Court interprets "public records" as "any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type."⁶ A violation of the Public Records Act may result in civil or criminal liability.⁷

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(b).

³ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.

⁴ Section 119.01(1), F.S.

⁵ Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992). The Legislature's records are public pursuant to s. 11.0431, F.S.

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are penalties for violations of those laws.

Section 286.011, F.S., the “Sunshine Law,”⁸ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.⁹

The Legislature may, by a two-thirds vote of the House and the Senate,¹⁰ create an exemption to public records or open meetings requirements.¹¹ An exemption must explicitly state the public necessity of the exemption¹² and must be tailored to accomplish the stated purpose of the law.¹³ A statutory exemption which does not meet these two criteria may be found unconstitutional, and efforts may not be made by the court to preserve the exemption.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of public records and public meeting exemptions, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (act).

The act prescribes a legislative review process for newly created or substantially amended public records and open meetings exemptions.¹⁵ The act provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶ In practice, many exemptions are continued by repeal of the sunset date rather than reenactment of the exemption.

⁸ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

⁹ Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in the Florida Constitution. Article III, s. 4(e) of the Florida Constitution, provides that legislative committee meetings must be open and noticed to the public. In addition, prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential* and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

¹² FLA. CONST., art. I, s. 24(c).

¹³ FLA. CONST., art. I, s. 24(c).

¹⁴ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. In *Baker County Press*, the court found that since the law did not contain a public necessity statement, it was unconstitutional.

¹⁵ Sections 286.0111 and 119.15, F.S. Section 286.0111, F.S., provides that the act’s provisions found in s. 119.15, F.S., apply to s. 286.011, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered substantially amended if it is expanded to include more information or to include meetings. The act does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. While the OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one Legislature cannot bind a future Legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

Under the act, the purpose and necessity of reenacting the exemption are reviewed. The Legislature must consider the following specific questions in such a review:¹⁷

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

The OGSR Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁸ An exemption serves an identifiable purpose if it meets one of the following criteria:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁹
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²⁰ or
- It protects trade or business secrets.²¹

In addition, the Legislature must find that the identifiable public purpose is compelling enough to override Florida's open government public policy and that the purpose of the exemption cannot be accomplished without the exemption.²²

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²³ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁴

The Department of Agriculture and Consumer Services

The Department of Agriculture and Consumer Services (DACS) safeguards the public from unsafe or defective products and deceptive business practices. The Division of Consumer Services within the DACS regulates specific business activities, including commercial weight loss practices, telephone solicitations, pawnshops, health studios, sellers of travel, and telemarketing.²⁵

¹⁷ Section 119.15(6)(a), F.S.

¹⁸ Section 119.15(6)(b), F.S.

¹⁹ Section 119.15(6)(b)1., F.S.

²⁰ Section 119.15(6)(b)2., F.S.

²¹ Section 119.15(6)(b)3., F.S.

²² Section 119.15(6)(b), F.S.

²³ FLA. CONST., art. I, s. 24(c).

²⁴ Section 119.15(7), F.S.

²⁵ See <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services>, (last visited Jan. 22, 2016.)

The DACS investigates and regulates several professions in Florida. Most recently the DACS's oversight and regulation of charitable organizations was significantly expanded to include oversight of charitable organizations and sponsors, professional fundraising consultants, and professional solicitors.²⁶

Florida's public record laws currently make any information obtained by the DACS in administrative and civil investigations open to the public. According to the DACS, this presents a hurdle to partnering with other state and federal agencies, such as the Federal Trade Commission (FTC) or Internal Revenue Service (IRS), because the DACS cannot maintain the same level of privacy adopted and required by those federal and other state agencies.²⁷ As a result, investigations by the DACS are hindered because it is often unable to gather pertinent information from, enter into confidentiality agreements with, or participate in multi-jurisdiction task forces with other state and federal agencies.

The FTC operates a Consumer Sentinel database that is protected from public record disclosure. Information from this database can only be provided to a state agency that agrees not to disseminate the information.²⁸ This database contains information on subjects relating to:

- Identity Theft,
- Do-Not-Call Registry Violations,
- Computers, the Internet, and Online Auctions,
- Telemarketing Scams,
- Advance-fee loans and credit scams,
- Immigration Services,
- Sweepstakes, Lotteries, and Prizes,
- Business Opportunities and Work-at-home Schemes,
- Health and Weight Loss Products, and
- Debt Collection, Credit Reports, and Financial Matters.

Additionally, the Internal Revenue Service (IRS) has expressed a willingness to share information on a case-by-case basis should the DACS be able to prevent disclosure of the information beyond the DACS.²⁹ The IRS has access to tax filing information that might be valuable to the DACS when investigating whether an organization is compliant with Florida law.

III. Effect of Proposed Changes:

Section 1 creates s. 570.077, F.S., to make certain information received from another state or federal regulatory, administrative, or criminal justice agency confidential and exempt from public inspection and copying requirements.

²⁶ See ch. 2014-122, L.O.F.

²⁷ Florida Department of Agriculture and Consumer Services, *SB 754 Agency Analysis*, (November 12, 2015) (on file with the Senate Committee on Commerce and Tourism).

²⁸ *Id.* See also, Federal Trade Commission, *Consumer Sentinel Network*, available at: <https://www.ftc.gov/enforcement/consumer-sentinel-network>, (last visited Jan. 22, 2016).

²⁹ *Id.*

Specifically, the bill makes confidential and exempt criminal or civil intelligence or investigative information provided to the DACS by another state or federal agency as part of a joint or multiagency examination or investigation if the information is confidential or exempt under the regulations or laws of the state or federal agency that provides the information. The DACS will be able to obtain, use, and release the information that is confidential or exempt under the laws or regulations of the state or federal source in accordance with conditions imposed by agreements the DACS enters into with the other state or governmental entity.

This bill further provides that the DACS may release confidential and exempt information in furtherance of its official duties and may release the information to another governmental agency in furtherance of that agency's official duties.

With this public records exemption DACS will be able to receive intelligence information that is confidential or exempt under a state or federal agency's laws or regulations and maintain it as such in the DACS investigative file. This will allow the DACS to receive and hold data that would otherwise be withheld by state or federal agencies with less open public records laws. This change is intended to strengthen relations between the DACS and other state and federal agencies that will be able to share confidential investigatory information with the DACS.

Currently, most investigative information held by the DACS is a public record, open to inspection and copying. This exemption will continue to maintain information that is obtained or developed by the DACS as part of an independent examination or investigation as a public record. Additionally, information given to the DACS by another federal or state agency that is not confidential or exempt under the source government's laws will be considered a public record.

Section 2 of the bill provides a public necessity statement, as required by the Florida Constitution. The public necessity statement explains that the DACS is currently excluded from sources of information because DACS lacks the authority to maintain confidentiality of the information it receives. The public necessity statement provides that this exemption is necessary for the DACS to be able to perform its regulatory duties more efficiently.

The bill's exemption will expire on October 2, 2021, pursuant to the OGSR Act, unless saved by the Legislature through reenactment.

Section 3 provides that this bill goes into effect on the same date as CS/SB 772 or similar legislation takes effect if such legislation is adopted in the same legislative session.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c) of Article I of the Florida Constitution, requires a two-thirds vote of the members present and voting for passage of a newly created or expanded public-records or public-meetings exemption. Therefore, this bill requires a two-thirds vote for passage.

Public Necessity Statement

Section 24(c) of Article I of the Florida Constitution, requires a public necessity statement for a newly created or expanded public-records or public-meetings exemption. The Constitution provides that an exemption must state with specificity the public necessity of the exemption. The bill appears to articulate the public policy necessitating the public records exemption with sufficient specificity.

Breadth of Exemption

Section 24(c) of Article I of the Florida Constitution, requires a public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill is no broader than necessary to accomplish the public policy purposes outlined in the public necessity statement.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The DACS may prove more efficient and therefore more effective in its investigations relating to regulated businesses and organizations. As a result, consumers harmed may see more timely results.

C. Government Sector Impact:

The fiscal impact is indeterminate, but likely minimal. The DACS will be required to train agency staff to exclude relevant information from public disclosure.

The bill may enable the DACS to obtain relevant information, leads, witness data, and victim data relating to unlicensed activity or violations committed by licensees more quickly. This may result in more efficient and less costly execution of the DACS' regulatory duties and may reduce the need for duplicative independent investigations or examinations. Participation in the FTC's Sentinel database is free to law enforcement agencies, including the DACS.

The DACS states that this provision will likely increase coordination between the DACS and various state and federal agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

CS/SB 772 and CS/SB 754 do not appear to be directly related to each other. CS/SB 754 exempts from public records certain types of investigatory information, while CS/SB 772 amends regulatory authority and duties in a manner that does not appear to require any change to public records laws.

After the 2015 Legislative session, Governor Rick Scott vetoed the same legislation (CS/CS/HB 997) because the linked bill (CS/CS/CS/HB 995) did not pass.³⁰

VIII. Statutes Affected:

The bill creates section 570.077 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on January 25, 2016:

Technical amendment to insert the bill number of the linked bill (CS/SB 772), the passage of which the effective date of CS/SB 754 is contingent.

- B. **Amendments:**

None.

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

³⁰ Letter from Governor Rick Scott to Secretary of State Kenneth W. Detzner, Dated June 16, 2015.
<http://www.flgov.com/wp-content/uploads/2015/06/Transmittal-Letter-6.16.15-HB-997.pdf>, (last visited February 4, 2016.)

By the Committee on Commerce and Tourism; and Senator Richter

577-02536-16

2016754c1

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 570.077, F.S.; providing an exemption from public
 4 records requirements for criminal or civil
 5 intelligence or investigative information or any other
 6 information held by the Department of Agriculture and
 7 Consumer Services as part of an examination or
 8 investigation with another state or federal
 9 regulatory, administrative, or criminal justice
 10 agency; providing exceptions to the exemption;
 11 providing applicability; providing for future
 12 legislative review and repeal of the exemption;
 13 providing a statement of public necessity; providing a
 14 contingent effective date.

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

17 Section 1. Section 570.077, Florida Statutes, is created to
 18 read:

19 570.077 Confidentiality of intelligence or investigative
 20 information.—

21 (1) Criminal or civil intelligence or investigative
 22 information or any other information held by the department as
 23 part of a joint or multiagency examination or investigation with
 24 another state or federal regulatory, administrative, or criminal
 25 justice agency which is confidential or exempt under the laws or
 26 regulations of that state or federal agency is confidential and
 27 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 28 Constitution. The department may obtain, use, and release the
 29 information in accordance with the conditions imposed by the
 30 joint or multiagency agreement.

31 (2) The department may release information that is made
 32

Page 1 of 3

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

577-02536-16

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33 confidential and exempt under subsection (1):

34 (a) In the furtherance of its official duties and
 35 responsibilities.

36 (b) To another governmental agency in the furtherance of
 37 its official duties and responsibilities.

38 (3) The public records exemption provided in subsection (1)
 39 does not apply to information held by the department as part of
 40 an independent examination or investigation conducted by the
 41 department.

42 (4) This section is subject to the Open Government Sunset
 43 Review Act in accordance with s. 119.15 and shall stand repealed
 44 on October 2, 2021, unless reviewed and saved from repeal
 45 through reenactment by the Legislature.

46 Section 2. The Legislature finds that it is a public
 47 necessity that criminal or civil intelligence or investigative
 48 information or any other information held by the Department of
 49 Agriculture and Consumer Services as part of a joint or
 50 multiagency examination or investigation with another state or
 51 federal regulatory, administrative, or criminal justice agency
 52 which is confidential or exempt under the laws or regulations of
 53 that state or federal agency be made confidential and exempt
 54 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
 55 the State Constitution. Without the exemption, the department
 56 will be unable to obtain information that could assist it in
 57 pursuing violations of law under its jurisdiction. With this
 58 exemption, the department should increase efficiency of
 59 investigations by saving time on developing investigative leads,
 60 witness data, and victim data. Furthermore, the exemption is
 61 necessary to enable the department to participate in joint or

Page 2 of 3

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

577-02536-16

2016754c1

62 multiagency investigations and examinations. Without the
63 exemption, the department would continue to be excluded from
64 information due to the inability to maintain investigative
65 confidentiality. Without the sharing and coordination of
66 information, governmental agencies may be required to conduct
67 duplicative independent investigations or examinations in order
68 to meet their regulatory responsibilities. With this exemption,
69 the department will strengthen relationships with other state
70 and federal agencies, allowing them to become more efficient by
71 sharing critical investigative data.

72 Section 3. This act shall take effect upon becoming a law
73 if SB 772 or similar legislation is adopted in the same
74 legislative session or an extension thereof and becomes a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/16
Meeting Date

SB 764
Bill Number (if applicable)

Topic Department of Agriculture and Consumer Services/Pub Rec. Amendment Barcode (if applicable)

Name Jonathan Rees

Job Title Deputy Director, Legislative Affairs

Address 400 S. Monroe St.
Street

Phone (850) 617-7700

Tallahassee FL 32399
City State Zip

Email Jonathan.Rees@freshfromflorida.com

Speaking: For Against Information

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

Representing Florida Department of Agriculture and Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2 / 9 / 2016

Meeting Date

Topic _____ Bill Number 754
(if applicable)

Name BRIAN PITTS Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705 E-mail JUSTICE2JESUS@YAHOO.COM
City State Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 1094

INTRODUCER: Banking and Insurance Committee and Senator Flores

SUBJECT: Public Records/Limited Purpose International Trust Company

DATE: February 8, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knudson</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1094 makes certain information held by the Office of Financial Regulation (OFR) relating to the regulation of limited purpose International Trust Company Representative Offices (ITCROs) confidential and exempt from the public records inspection and access requirements of Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S. The confidential and exempt records include:

- Personal identifying information appearing in records relating to an application, or a new or renewal registration of a limited purpose international trust company representative office.
- Personal identifying information appearing in reports, investigations, and records relating to an investigation of a limited purpose international trust company representative office.
- Names of existing or prospective clients of an affiliated international trust company.
- Information received by the OFR from another state, nation, or the federal government that is otherwise confidential or exempt pursuant to the laws of that state or nation, or pursuant to federal law.

The bill allows the OFR to disclose the otherwise confidential and exempt information in specified circumstances.

Under the bill, the willful disclosure of information made confidential and exempt by this public records exemption is a third degree felony.

The bill provides a statement of public necessity.

The public records exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Since this bill creates a new public records exemption, a two-thirds vote from each chamber is necessary for passage.

The bill will take effect on the same date that SB 1106, or similar legislation, is adopted during the same legislative session, or extension, and becomes a law.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So.2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ s. 119.01(1), F.S.

⁶ s. 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So.2d 633, 640 (Fla. 1980).

⁸ s. 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So.2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004).

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991).

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed; however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So.3d 379 (Fla. 2013).

¹⁶ s. 119.15(3), F.S.

Under the OGSR the purpose and necessity of reenacting the exemption are reviewed. The Legislature must consider the following questions during its review of an exemption:¹⁷

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁸ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁹

International Financial Services Market

SB 1106, the substantive bill linked to this public records exemption bill, creates a Limited Purpose ITCRO that will be subject to registration, clarifies that the administrative and compliance services do not involve discretionary investment or distribution of funds and clarifies such services do not constitute the activities of a financial institution and should be exempt from licensure and capital requirements that apply to financial institutions.

Providing fiduciary (trustee) services required for the implementation of estate, tax, and asset protection planning is a longstanding niche market within the international financial services market. These services traditionally have comprised the administration (documentation preparation, accounting, compliance, and accounting) for a trust and its underlying investments. Services, such as banking, asset management, and tax advice, are provided by third parties.²⁰ Proponents of the bill provided the following example:

A family from Latin America purchasing a residence in Florida has a banking relationship with a Florida-based bank and is advised by Florida counsel. To avoid exposure to U.S. estate tax, the family will be advised to own the property through a non-U.S. company, as the shares in the non-U.S. company are not subject to U.S. estate tax. To provide for the family's long-term planning (local and foreign tax laws and political and security risks), the family may be advised to place the shares in the company's foreign trust.²¹

¹⁷ s. 119.15(6)(a), F.S.

¹⁸ FLA. CONST., art. I, s. 24(c).

¹⁹ s. 119.15(7), F.S.

²⁰ Memorandum from McDonald Hopkins LLC, *International Trust Company Representative Offices*, (Mar. 8, 2015) (on file with Senate Committee on Banking and Insurance).

²¹ *Id.*

According to advocates of the bill, in the above example, responsibility for the administration of the trust and the underlying company is given to a trust company, which provides this service for an agreed fee. The trust company generally will be part of an organization that provides this service in multiple jurisdictions. The trust company, which acts as a trustee, is licensed and regulated in the jurisdiction in which it is domiciled. The trust company does not promote, sell, or accept any financial investments, money, or provide depository or custodial accounts.

The Florida-based marketing office for the aforementioned fiduciary services provided by a foreign trust company is an international trust company representative office (ITCRO). The advocates of the bill state that the primary function of the ITCRO of the foreign trust company and the organization of which it is a member is to market the trust company's services to lawyers, accountants, and financial advisors—not the general public.²² Because many of the families who establish foreign trusts travel to Miami, the ITCROs provide a convenient way for these families to monitor the services of the international trust company without having to travel to the jurisdiction where the trust company has its operations. Thus, advocates of the bill assert that ITCROs represent an important part of Miami's role as the financial capital of the Americas and contribute in an important way to the state's economy.²³

III. Effect of Proposed Changes:

The bill makes certain information held by the Office of Financial Regulation (OFR) relating to the regulation of limited purpose International Trust Company Representative Offices (ITCROs) confidential and exempt from the public records inspection and access requirements of Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S.

Scope of the Exemption

The records included in this public records exemption are:

- Personal identifying information appearing in records relating to an application, or a new or renewal registration of a limited purpose international trust company representative office.
- Personal identifying information appearing in reports, investigations, and records relating to an investigation of a limited purpose international trust company representative office.
- Names of existing or prospective clients of an affiliated international trust company. The purpose of this exemption is to shield the identities of high worth individuals who could be targets of criminal predators seeking access to their assets.
- Information received by the OFR from another state, nation, or the federal government that is otherwise confidential or exempt pursuant to the laws of that state or nation, or pursuant to federal law.

The bill authorizes the release of information subject to the public records exemption in the following circumstances:

- To the authorized representative(s) of the limited purpose ITCRO that is the subject of a report or investigation. Such persons shall be identified in a resolution or by written consent

²² *Id.*

²³ *Id.*

of the board of directors (if a corporation) or managers (if a limited liability company) of the limited purpose ITCRO.

- If the board of directors or managers of a limited purpose ITCRO consent in writing, to a fidelity insurance company or liability insurer. The OFR objects to the limited purpose ITCRO having authority to determine whether a record may be released.²⁴
- If the board of directors or managers of a limited purpose ITCRO consent in writing, to an independent auditor. The OFR objects to the limited purpose ITCRO having authority to determine whether a record may be released.²⁵
- To a liquidator, receiver, or conservator for a limited purpose ITCRO if a liquidator, receiver, or conservator is appointed; however, the identities of current or prospective clients must be redacted. The OFR believes that the requirement to redact such names would inhibit the ability of the liquidator, receiver, or conservator to fulfill its duties if it cannot identify the individuals and entities the limited purpose ITCRO has dealt with.²⁶ In addition, OFR notes that the substantive bill does not contain procedures for receivership, conservatorship or liquidation of a limited purpose ITCRO.²⁷
- To any other state, federal, or foreign agency responsible for the regulation or supervision of limited purpose ITCROs or an affiliated international trust company.
- To a law enforcement agency in the furtherance of the agency's official duties and responsibilities.
- Pursuant to a legislative subpoena. The legislative body must maintain the confidential status of such records or information except when the subpoena involves the investigation of charges against a public official subject to impeachment or removal.

The public records exemption does not apply to the name of the limited purpose ITCRO; the name of any affiliated international trust company; and the names and addresses of the directors, managers, officers, or registered agent of the limited purpose ITCRO or any affiliated international trust company. The public records exemption also does not prevent or apply to the publication of a report required by federal law.

Penalty for Willful Disclosure

Under the bill, the willful disclosure of information made confidential and exempt by this public records exemption is a third degree felony.

Repeal Date Pursuant to the Open Government Sunset Review Act

The public records exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S. It shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

²⁴ Office of Financial Regulation, 2016 Agency Legislative Bill Analysis SB 1094 (Jan. 19, 2016)(on file with the Senate Committee on Banking and Insurance).

²⁵ See Office of Financial Regulation, *supra* note 20.

²⁶ See Office of Financial Regulation, *supra* note 20.

²⁷ Office of Financial Regulation, 2016 Agency Legislative Bill Analysis SB 1094 (Jan. 19, 2016)(on file with the Senate Committee on Banking and Insurance).

Statement of Public Necessity and Legislative Findings

The bill states that the Legislature finds it a public necessity to hold exempt from public records requirements the information that is subject to this public records exemption. Specifically, the bill states that disclosure of the financial information and lists of names of clients or prospective clients would jeopardize the personal and financial safety of such persons because families with high net worth are targeted by criminal predators seeking access to their assets. The exposure of their identities and financial information could expose such persons to increased threats of extortion, kidnapping and other crimes, especially because many of the clients and prospective clients of affiliated international trust companies reside in or frequently travel to countries in which kidnapping and extortion are significant risks and public corruption impedes the rule of law.

The Legislature also finds that it is a public necessity to exempt from public records requirements information received by the OFR from a person from another state or nation or the Federal Government with is otherwise confidential or exempt pursuant to the laws of that state or nation or federal law. The Legislature finds that maintaining such confidentiality is necessary to protect the sensitive nature of the information and to facilitate the sharing of such information for the OFR's effective and efficient performance of its duties.

Effective Date

The public records exemption in this bill takes effect on the same date that SB 1106 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. This bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. This bill creates a new public record exemption and includes a public necessity statement that supports the exemption. The exemption may not be broader than necessary to accomplish the stated purpose of the law.

The bill provides a statement of public necessity for the current and prospective clients of the limited purpose ITCRO. No findings, however, are provided to support the public necessity statement for exempting personal identifying information appearing in an application or a new or renewal registration of a limited purpose ITCRO. Similarly, no findings are provided to support holding confidential and exempt from public disclosure the personal identifying information appearing in records relating to an OFR report or investigation of a limited purpose ITCRO. The findings provided for holding confidential and exempt the names and personal identifying information of clients and prospective clients support their nondisclosure if contained in the foregoing applications, registrations, records, reports, or investigations.

Finally, the bill provides that certain information is “confidential and exempt” but the public necessity statement provides that the relevant information is “exempt.”

The bill does not appear to meet constitutional requirements for a public records exemption.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

As previously noted, the bill creates a public records exemption for receivership, conservatorship or liquidation of a limited purpose ITCRO, but the substantive bill (SB 1106) does not include provisions for such a process. It is unclear why this provision has been included in the public records bill.

The bill provides that any personal identifying information contained in certain named records is confidential and exempt (lines 32-41), which would include the names of employees of a limited purpose ITCRO. At the same time, the bill provides that the information that is required by federal law may not be restricted and the names and address of officers and registered against of the limited purpose ITCRO are public (lines 95-101). If information is public through federal

law, or otherwise made public by the exemption itself, the rationale for making such information confidential and exempt from public disclosure is unclear.

It is not clear why the bill makes a distinction between a “law enforcement agency” and an “appropriate law enforcement agency” (lines 80-84), or why the two provisions permitting OIR to release confidential and exempt information to a law enforcement agency are separated.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 663.097 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance Committee on January 26, 2016:
The CS references the linked bill, SB 1106.

- B. **Amendments:**

None.



187568

LEGISLATIVE ACTION

Senate

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House

The Committee on Governmental Oversight and Accountability
(Ring) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 663.097, Florida Statutes, is created to
read:

663.097 Public records exemption.—

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

(a) "Reports or investigations" means records submitted to
or prepared by the office as part of the office's duties



187568

11 performed pursuant to s. 663.045, s. 663.046, or s. 663.09.

12 (b) "Working papers" means the records of the procedure
13 followed, the tests performed, the information obtained, and the
14 conclusions reached in an investigation under s. 663.045, s.
15 663.046, or s. 663.09. The term also includes books and records.

16 (2) PUBLIC RECORDS EXEMPTION.—The following information
17 held by the office is confidential and exempt from s. 119.07(1)
18 and s. 24(a), Art. I of the State Constitution:

19 (a) All records and information appearing in reports or
20 investigations, records, or working papers of a limited purpose
21 international trust company representative office, until such
22 investigation is completed or ceases to be active. For purposes
23 of this paragraph, an investigation is considered active while
24 such investigation is being conducted by the office with a
25 reasonable and good faith belief that it may lead to the
26 initiation of administrative or criminal proceedings. An
27 investigation does not cease to be active if the office is
28 proceeding with reasonable dispatch and there is a good faith
29 belief that action may be initiated by the office or other
30 administrative or law enforcement agency. After an investigation
31 is completed or ceases to be active, portions of the records,
32 reports, or investigation, including working papers, are
33 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
34 of the State Constitution to the extent that disclosure would:

- 35 1. Jeopardize the integrity of another active
36 investigation;
37 2. Reveal personal financial information;
38 3. Reveal the identity of a confidential source;
39 4. Defame or cause unwarranted damage to the good name or



187568

40 reputation of an individual or jeopardize the safety of an
41 individual; or

42 5. Reveal investigative techniques or procedures.

43 (b) Any personal identifying information of the clients of
44 a limited purpose international trust company representative
45 office.

46 (c) Information received by the office from a person from
47 another state or nation or the Federal Government which is
48 otherwise confidential or exempt pursuant to the laws of that
49 state or nation or pursuant to federal law.

50 (3) AUTHORIZED RELEASE OF CONFIDENTIAL AND EXEMPT
51 INFORMATION.—Information made confidential and exempt under
52 subsection (2) may be disclosed by the office:

53 (a) To the authorized representative or representatives of
54 the limited purpose international trust company representative
55 office that is the subject of a report or investigation. The
56 authorized representative or representatives shall be identified
57 in a resolution or by written consent of the board of directors
58 if the limited purpose international trust company
59 representative office is a corporation, or of the managers if
60 the limited purpose international trust company representative
61 office is a limited liability company.

62 (b) To a fidelity insurance company or liability insurer,
63 upon written consent of the limited purpose international trust
64 company representative office's board of directors if a
65 corporation, or of its managers if a limited liability company.

66 (c) To an independent auditor.

67 (d) To a liquidator, receiver, or conservator for a limited
68 purpose international trust company representative office if a



187568

69 liquidator, receiver, or conservator is appointed.

70 (e) To another governmental entity in the furtherance of
71 that entity's official duties and responsibilities.

72 (f) Pursuant to a legislative subpoena. A legislative body
73 or committee that receives records or information pursuant to a
74 subpoena must maintain the confidential status of such records
75 or information, except in a case involving the investigation of
76 charges against a public official subject to impeachment or
77 removal, in which case records or information may be disclosed
78 only to the extent necessary as determined by the legislative
79 body or committee.

80 (g) Pursuant to federal law.

81 (4) PUBLICATION OF INFORMATION.—Notwithstanding any
82 provision to the contrary, this section does not make
83 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
84 of the State Constitution:

85 (a) The name of the limited purpose international trust
86 company representative office or any affiliated international
87 trust company.

88 (b) The name and business address of the directors,
89 managers, officers, or registered agent of the limited purpose
90 international trust company representative office or any
91 affiliated international trust company.

92 (c) Personal identifying information that is already in the
93 public domain about the directors, officers, managers, or
94 persons who own or control, directly or indirectly, more than 25
95 percent of the voting stock or nonvoting stock that is
96 convertible to voting stock of the limited purpose international
97 trust company representative office.



187568

98 (5) PENALTY.—A person who willfully discloses information
99 made confidential and exempt by this section commits a felony of
100 the third degree, punishable as provided in s. 775.082, s.
101 775.083, or s. 775.084.

102 (6) OPEN GOVERNMENT SUNSET REVIEW.—This section is subject
103 to the Open Government Sunset Review Act in accordance with s.
104 119.15 and shall stand repealed on October 2, 2021, unless
105 reviewed and saved from repeal through reenactment by the
106 Legislature.

107 Section 2. (1) The Legislature finds that it is a public
108 necessity that the following information in records related to a
109 limited purpose internal trust company representative office
110 held by the Office of Financial Regulation be confidential and
111 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
112 Article I of the State Constitution: records and information in
113 reports or investigations, records, or working papers, by the
114 Office of Financial Regulation of a limited purpose
115 international trust company representative office; personal
116 identifying information of the clients of a limited purpose
117 international trust company representative office; and
118 information received by the Office of Financial Regulation from
119 a person from another state or country or the Federal Government
120 which is otherwise confidential or exempt pursuant to the laws
121 of that state or country or pursuant to federal law.

122 (2) The Office of Financial Regulation's regulatory
123 authority over registered limited purpose international trust
124 company representative offices requires the Office of Financial
125 Regulation to investigate information submitted to determine
126 whether the applicant has met the requirements for registration



187568

127 or renewal, including information about the directors, officers,
128 and certain employees of an international trust company
129 representative office. Such an investigation may include
130 information about suspected criminal acts or of pending criminal
131 or administrative proceedings against such officers or
132 employees. Public disclosure of suspected criminal acts or of
133 pending and nonfinal criminal or administrative proceedings may
134 impede related investigations if publicly known. Such
135 information, if released before an adjudication, may defame an
136 individual or an international trust company representative
137 office that is the subject of the investigation or proceeding.
138 Unsubstantiated information received by the Office of Financial
139 Regulation for the purposes of conducting background
140 investigations also may defame or cause unwarranted damage to
141 the good name or reputation of an individual. It is the intent
142 of the Legislature to grant such entities more protection from
143 public disclosure than is currently provided under ss. 655.057
144 and 655.059, Florida Statutes.

145 (3) Personal identifying information of the clients of
146 limited purpose international trust company representative
147 offices, if available for public access, could jeopardize the
148 personal and financial safety of the clients and their family
149 members. Clients of limited purpose international trust company
150 representative offices have a high net worth and are frequently
151 the targets of criminal predators seeking access to their
152 assets. It is important that the exposure of such clients and
153 their family members to threats of extortion, kidnapping, and
154 other crimes not be increased. Placing a client's personal
155 identifying information into the public domain would increase



187568

156 the risk that a client and his or her family would become the
157 target of criminal activity. This is especially important
158 because many of the clients of international trust company
159 representative offices reside in or frequently travel to
160 countries where kidnapping and extortion are significant risks
161 and where public corruption impedes the rule of law.

162 (4) The Legislature further finds that it is a public
163 necessity to exempt from public records requirements information
164 received by the Office of Financial Regulation from a person
165 from another state or nation or the Federal Government which is
166 otherwise confidential or exempt pursuant to the laws of that
167 state or nation or pursuant to federal law. The Legislature
168 finds that maintaining the confidentiality of the information
169 shared with the office by those persons is necessary to protect
170 the sensitive nature of the information and to facilitate the
171 sharing of such information for the office's effective and
172 efficient performance of its duties.

173 Section 3. This act shall take effect on the same date that
174 SB 1106 or similar legislation takes effect, if such legislation
175 is adopted in the same legislative session or an extension
176 thereof and becomes a law.

178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180 Delete everything before the enacting clause
181 and insert:

182 A bill to be entitled
183 An act relating to public records; creating s.
184 663.097, F.S.; defining terms; providing an exemption



187568

185 from public records requirements for certain
186 information held by the Office of Financial Regulation
187 relating to a limited purpose international trust
188 company representative office; authorizing the release
189 of certain confidential and exempt information by the
190 office; authorizing the publication of certain
191 information; providing a criminal penalty for willful
192 disclosure; providing for future legislative review
193 and repeal of the exemption; providing a statement of
194 public necessity; providing a contingent effective
195 date.

By the Committee on Banking and Insurance; and Senator Flores

597-02619-16

20161094c1

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 663.097, F.S.; defining terms; providing an exemption
 4 from public records requirements for certain
 5 information held by the Office of Financial Regulation
 6 relating to a limited purpose international trust
 7 company representative office; authorizing the release
 8 of certain confidential and exempt information by the
 9 office; authorizing the publication of certain
 10 information; providing a criminal penalty for willful
 11 disclosure; providing for future legislative review
 12 and repeal of the exemption; providing a statement of
 13 public necessity; providing a contingent effective
 14 date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Section 663.097, Florida Statutes, is created to
 19 read:
 20 663.097 Public records exemption.--
 21 (1) DEFINITIONS.--As used in this section, the term:
 22 (a) "Reports or investigations" means records submitted to
 23 or prepared by the office as part of the office's duties
 24 performed pursuant to s. 663.045, s. 663.046, or s. 663.09.
 25 (b) "Working papers" means the records of the procedure
 26 followed, the tests performed, the information obtained, and the
 27 conclusions reached in an investigation under s. 663.045, s.
 28 663.046, or s. 663.09. The term also includes books and records.
 29 (2) PUBLIC RECORDS EXEMPTION.--The following information
 30 held by the office is confidential and exempt from s. 119.07(1)
 31 and s. 24(a), Art. I of the State Constitution:
 32 (a) Any personal identifying information appearing in

Page 1 of 6

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

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33 records relating to an application, or a new or renewal
 34 registration, of a limited purpose international trust company
 35 representative office.
 36 (b) Any personal identifying information appearing in
 37 records relating to an investigation of a limited purpose
 38 international trust company representative office.
 39 (c) Any personal identifying information appearing in
 40 reports or investigations of a limited purpose international
 41 trust company representative office, including working papers.
 42 (d) Any portion of a list of names of the existing or
 43 prospective clients of an affiliated international trust
 44 company.
 45 (e) Information received by the office from a person from
 46 another state or nation or the Federal Government which is
 47 otherwise confidential or exempt pursuant to the laws of that
 48 state or nation or pursuant to federal law.
 49 (3) AUTHORIZED RELEASE OF CONFIDENTIAL AND EXEMPT
 50 INFORMATION.--Information made confidential and exempt under
 51 subsection (2) may be disclosed by the office:
 52 (a) To the authorized representative or representatives of
 53 the limited purpose international trust company representative
 54 office that is the subject of a report or investigation. The
 55 authorized representative or representatives shall be identified
 56 in a resolution or by written consent of the board of directors
 57 if the limited purpose international trust company
 58 representative office is a corporation, or of the managers if
 59 the limited purpose international trust company representative
 60 office is a limited liability company.
 61 (b) To a fidelity insurance company or liability insurer,

Page 2 of 6

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597-02619-16 20161094c1

62 upon written consent of the limited purpose international trust
 63 company representative office's board of directors if a
 64 corporation, or its managers if a limited liability company.

65 (c) To an independent auditor, upon written consent of the
 66 limited purpose international trust company representative
 67 office's board of directors if a corporation, or its managers if
 68 a limited liability company.

69 (d) To a liquidator, receiver, or conservator for a limited
 70 purpose international trust company representative office if a
 71 liquidator, receiver, or conservator is appointed. However, any
 72 portion of the information which discloses the identity of a
 73 current or prospective client of an affiliated international
 74 trust company must be redacted by the office before releasing
 75 such portion to the liquidator, receiver, or conservator.

76 (e) To any other state, federal, or foreign agency
 77 responsible for the regulation or supervision of limited purpose
 78 international trust company representative offices or an
 79 affiliated international trust company.

80 (f) To a law enforcement agency in the furtherance of the
 81 agency's official duties and responsibilities.

82 (g) To the appropriate law enforcement or prosecutorial
 83 agency for the purpose of reporting any suspected criminal
 84 activity.

85 (h) Pursuant to a legislative subpoena. A legislative body
 86 or committee that receives records or information pursuant to
 87 such a subpoena must maintain the confidential status of such
 88 records or information, except in a case involving the
 89 investigation of charges against a public official subject to
 90 impeachment or removal, in which case records or information may

Page 3 of 6

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

597-02619-16 20161094c1

91 be disclosed only to the extent necessary as determined by such
 92 legislative body or committee.

93 (4) PUBLICATION OF INFORMATION.—This section does not
 94 prevent or restrict the publication of:

95 (a) A report required by federal law.

96 (b) The name of the limited purpose international trust
 97 company representative office or any affiliated international
 98 trust company and the name and address of the directors,
 99 managers, officers, or registered agent of the limited purpose
 100 international trust company representative office or any
 101 affiliated international trust company.

102 (5) PENALTY.—A person who willfully discloses information
 103 made confidential and exempt by this section commits a felony of
 104 the third degree, punishable as provided in s. 775.082, s.
 105 775.083, or s. 775.084.

106 (6) OPEN GOVERNMENT SUNSET REVIEW.—This section is subject
 107 to the Open Government Sunset Review Act in accordance with s.
 108 119.15 and shall stand repealed on October 2, 2021, unless
 109 reviewed and saved from repeal through reenactment by the
 110 Legislature.

111 Section 2. (1) The Legislature finds that it is a public
 112 necessity to exempt from public records requirements any
 113 personal identifying information appearing in records relating
 114 to an application, or a new or renewal registration, of a
 115 limited purpose international trust company representative
 116 office; any personal identifying information appearing in
 117 records relating to an investigation of a limited purpose
 118 international trust company representative office; any personal
 119 identifying information appearing in reports or investigations

Page 4 of 6

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

597-02619-16 20161094c1

120 by the Office of Financial Regulation of a limited purpose
 121 international trust company representative office, including
 122 working papers; and any portion of a list of names of the
 123 existing or prospective clients of an affiliated international
 124 trust company.

125 (2) The Legislature finds that if financial information and
 126 lists of names of clients or prospective clients of affiliated
 127 international trust companies are available for public access,
 128 the personal and financial safety of the clients, the
 129 prospective clients, and their family members who are the
 130 subject of the information will be jeopardized. Families with
 131 high net worth are frequently the targets of criminal predators
 132 seeking access to their assets. It is important that the
 133 exposure of such clients or prospective clients and their family
 134 members to threats of extortion, kidnapping, and other crimes
 135 not be increased. Placing family names and their related private
 136 business records and methodologies into the public domain would
 137 increase the risk that a family would become the target of
 138 criminal activity. The Legislature further finds this is
 139 especially important because many of the clients and prospective
 140 clients of affiliated international trust companies reside in or
 141 frequently travel to countries in which kidnapping and extortion
 142 are significant risks and public corruption impedes the rule of
 143 law.

144 (3) The Legislature further finds that it is a public
 145 necessity to exempt from public records requirements information
 146 received by the office from a person from another state or
 147 nation or the Federal Government which is otherwise confidential
 148 or exempt pursuant to the laws of that state or nation or

Page 5 of 6

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

597-02619-16 20161094c1

149 pursuant to federal law. The Legislature finds that maintaining
 150 the confidentiality of the information shared with the office by
 151 those persons is necessary to protect the sensitive nature of
 152 the information and to facilitate the sharing of such
 153 information for the office's effective and efficient performance
 154 of its duties.

155 Section 3. This act shall take effect on the same date that
 156 SB 1106 or similar legislation takes effect, if such legislation
 157 is adopted in the same legislative session or an extension
 158 thereof and becomes a law.

Page 6 of 6

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

SB 1094

Bill Number (if applicable)

187568

Amendment Barcode (if applicable)

Topic Speaking on Amendment to SB 1094 (#187568)

Name Jamie Champion Mongiovi

Job Title Director of Communications & Govt. Affairs

Address Florida Office of Financial Regulation

Phone 850-410-9601

Street

Tallahassee

Florida

32399

Email jamie.mongiovi@flofr.com

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-9-2016

Meeting Date

2094

Bill Number (if applicable)

187568

Amendment Barcode (if applicable)

Topic International Trust Co. Representative Offices

Name Raquel A. Rodriguez

Job Title Attorney

Address 200 S. Biscayne Blvd., Suite 2600 Phone 305-704-3990

Street

Miami

City

FL

State

33149

Zip

Email rrodriguez@mcDonaldhoplun.com

Speaking: [] For [] Against [X] Information

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

Representing Florida International Administrators Assoc.

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-9-2016
Meeting Date

1094
Bill Number (if applicable)

Topic INTERNATIONAL TRUST COMPANY REP. OFFICE 187568
Amendment Barcode (if applicable)

Name SIATER BAYLISS

Job Title

Address 215 S. MONROE ST

Phone 850 222 8900

TALLAHASSEE FL 32304
City State Zip

Email swb@cardenasports.com

Speaking: For Against Information

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

Representing THE FLORIDA INTERNATIONAL ADMINISTRATORS ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

SB 1094

Bill Number (if applicable)

187568

Amendment Barcode (if applicable)

Topic Speaking on Amendment to SB 1094 (#187568)

Name Jamie Champion Mongiovi

Job Title Director of Communications & Govt. Affairs

Address Florida Office of Financial Regulation

Phone 850-410-9601

Street

Tallahassee

Florida

32399

Email jamie.mongiovi@flofr.com

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/16 Meeting Date

1094 Bill Number (if applicable)

Topic Mail order Drugs

Amendment Barcode (if applicable)

Name Greg Pound

Job Title

Address 9166 Sunrise Dr. Street

Phone

Largo Fla. 33773 City State Zip

Email

Speaking: For Against Information

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

Representing Pinellas County Florida Government Corruption

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2 19 2016

Meeting Date

Topic _____

Bill Number 1099

(if applicable)

Name BRIAN PITTS

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 780

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Garcia

SUBJECT: Provision of Pharmaceutical Services

DATE: February 10, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	Favorable
2.	Peacock	McVaney	GO	Fav/CS
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 780 prohibits an insurer offering individual or group health plans or health maintenance organization (HMO) from requiring an insured to obtain a prescription drug for the treatment of a chronic illness exclusively from a mail-order pharmacy. The bill defines the term “chronic illness” to mean human immunodeficiency virus infection (HIV), epilepsy, hypertension, or diabetes. The bill defines the term “excluded drug” to mean a drug subject to restricted distribution by the U.S. Food and Drug Administration or a drug that requires special handling, provider coordination, or patient education and cannot be provided by a retail pharmacy. The bill allows an insured to obtain prescription drugs for the treatment of a chronic illness through a retail pharmacy that accepts the same terms and reimbursements as those given to a mail-order pharmacy.

The bill requires insurers and HMOs that issue a major medical policy or health maintenance contract that provides coverage through a mail order pharmacy to disclose in the outline of coverage that an insured or subscriber may obtain prescription drugs for treatment of a chronic illness from a retail pharmacy and that the exclusive use of a mail order pharmacy is not required, unless the drug is an excluded drug. Currently, state law does not prohibit an insurer or HMO from requiring an insured to obtain prescription drugs from a mail-order pharmacy or from charging a higher copayment for the use of a retail pharmacy.

The bill is effective January 1, 2017.

According to the Division of State Group Insurance, the bill will have an indeterminate negative fiscal impact. The magnitude of the impact will be based on the change in behavior of the insureds, the number of drugs removed from the Specialty Drug List, and the negative impact to the pricing terms of the pharmacy benefit manager (PBM) contract.

II. Present Situation:

Access to Prescription Drugs

Private-sector entities that offer prescription drug insurance coverage, such as employers, labor unions, and managed care companies, often hire pharmacy benefit managers (PBMs) to manage these insurance benefits. The PBMs engage in many activities to manage their clients' prescription drug insurance coverage. The PBMs assemble networks of retail pharmacies so that a plan sponsor's members can fill prescriptions easily and in multiple locations by just paying a co-payment amount. The PBMs consult with plan sponsors to decide which drugs a plan sponsor will provide insurance coverage to treat each medical condition. The PBM manages this list of preferred drug products (formulary) for each of its plan sponsor clients. Consumers with insurance coverage are provided incentives, such as low copayments, to use formulary drugs.

Mail-Order Pharmacies

The PBMs may use mail-order pharmacies to manage prescription drug costs. Many plan sponsors encourage patients with chronic conditions who require repeated refills to seek the discounts that 90-day prescriptions and high-volume mail-order pharmacies can offer. Many PBMs own their own mail-order pharmacies. Insurers and PBMs use a variety of incentives to encourage the use of mail order pharmacies; especially for beneficiaries taking maintenance medications. Plans may offer lower copayments for mail order drugs, charge deductibles for retail purchases, or impose limitations on the number of prescriptions at a retail pharmacy. Some health plans have "mandatory mail order" programs that reimburse beneficiaries for maintenance medications only if the beneficiaries fill those prescriptions by mail. Some insurers are ambivalent about the savings offered by mail order or point to equivalent or better savings that can be achieved from filling 90-day supplies in network retail pharmacies. These payers contend that enrollees benefit from face-to-face contact with a pharmacist.¹

While PBMs provide pharmacy claims processing and mail-order pharmacy services to their customers, many provide additional services, including rebate negotiations with drug manufacturers, development of pharmacy networks, formulary management, prospective and retrospective drug utilization reviews, generic drug substitutions, and disease management programs. The decision of plan sponsors to use PBMs to control pharmacy benefit costs, however, can shift business away from retail pharmacies.

Concerns about Mail-Order Pharmacy

According to advocates of this bill, there is much documented reporting of inconsistencies across the healthcare system in the execution of the mail-order pharmacy model, as summarized below.

¹ Maryland Health Care Commission and Maryland Insurance Administration, Maintenance Drug Prescriptions-Mail Order Purchases Study (Dec. 23, 2005) (on file with Senate Committee on Banking and Insurance).

- Unlike specialty or many local pharmacies, mail-order pharmacies are often not consistent in proactively reaching out to the patients to provide refill reminders. The healthcare community has observed better health outcomes for chronically ill patients when pharmacies maintain close contact with their patients.
- Delivery methods are also inconsistent. Patients report privacy concerns (i.e., medication being delivered to family members, roommates, or neighbors who do not have knowledge of the patient's health status). Couriers sometimes leave medication requiring refrigeration outside, potentially rendering the medication ineffective. Leaving the medication package at the door also exposes it to possible theft.
- Although patient may save money through mail order, filling medication through mail order for a 90-day period can be cost prohibitive to the patient from a cash flow perspective. A copayment for a 30-day supply of medication is often more affordable for a patient than a copayment for a 90-day supply when required at the point of sale.²

Federal Patient Protection and Affordable Care Act

Health Insurance Reforms

The federal Patient Protection and Affordable Care Act (PPACA) was signed into law on March 23, 2010.³ The PPACA provides fundamental changes to the U.S. health care system by requiring health insurers to make coverage available to all individuals and employers, without exclusions for preexisting conditions and without basing premiums on any health-related factors. The PPACA imposes many insurance requirements including required essential health benefits, rating and underwriting standards, review of rate increases, and internal and external appeals of adverse benefit determinations.⁴ Section 1302 of the PPACA requires health plans that are required to provide coverage of essential health benefits (EHB), to meet cost-sharing limits and actuarial value requirements. The law directs that EHBs cover at least 10 specified categories, including prescription drugs.⁵

Prescription Drug Coverage

Currently, for purposes of a health plan complying with the essential health benefits, insurers and HMOs must include in their formulary drug list the greater of one drug for each U.S. Pharmacopeia (USP) category and class; or the same number of drugs in each USP category and class as the state's essential health benefit (EHB) benchmark plan. For plan years beginning on or after January 1, 2017, plans must also use a pharmacy and therapeutics (P&T) committee process that meets certain requirements. The P&T committee must design formularies using scientific evidence that will include consideration of safety and efficacy, cover a range of drugs in a broad distribution of therapeutic categories and classes, and provide access to drugs that are included in broadly accepted treatment guidelines.⁶

² AIDS Healthcare Foundation email (Jan. 28, 2016) (on file with Committee on Banking and Insurance).

³ The Patient Protection and Affordable Care Act (Pub. L. 111-148) was enacted on March 23, 2010. The Health Care and Education Reconciliation Act of 2010 (Pub. L. 111-152), which amended and revised several provisions of the Patient Protection and Affordable Care Act, was enacted on March 30, 2010. P.L. 111-148.

⁴ Most of the insurance regulatory provisions in PPACA amend Title XXVII of the Public Health Service Act (PHSA), (42 U.S.C. 300gg *et seq.*).

⁵ See <https://www.cms.gov/ccio/resources/data-resources/ehb.html> (last visited Jan.14, 2016) for Florida's benchmark plan.

⁶ 45 CFR s. 156.122.

Formulary Drug List

The regulations require a health plan to publish an up-to-date and complete list of all covered drugs on its formulary drug list, including any tiered structure and any restrictions on the manner in which a drug can be obtained, in a manner that is easily accessible to plan enrollees, prospective enrollees, the state, the marketplace, HHS, and the public. Additionally, insurers and HMOs must also make this information available in a standard-readable format to provide the opportunity for third parties to create resources that aggregate information on different plans.

Access at Retail Pharmacies

For plans years beginning on or after January 1, 2017, an individual or small group health plan⁷ providing essential health benefits must implement the following access procedures:

A health plan must allow enrollees to obtain prescription drug benefits at in-network retail pharmacies, unless:

- The drug is subject to restricted distribution by the U.S. Food and Drug Administration; or
- The drug requires special handling, provider coordination, or patient education that cannot be provided by a retail pharmacy.

A health plan may charge enrollees a different cost-sharing amount for obtaining a covered drug at a retail pharmacy, but all cost sharing will count towards the plan's annual limitation on cost sharing under 45 CFR 156.135.

The health plans retain the flexibility to charge a lower cost-sharing amount when obtaining the drug at an in-network retail pharmacy. While this provision requires coverage of a drug at an in-network retail pharmacy, for plans that do not have a network, the enrollee will be able to go to any pharmacy to access his prescription drug benefit and those plans will be in compliance with this standard.

The issuers need only provide enrollees with the option to access drugs that are not exempted under 45 CFR s. 156.122(e) at an in-network retail pharmacy. The HHS notes that there are instances in which obtaining a drug through a mail-order pharmacy may not be a viable option, such as when an individual does not have a stable living environment and does not have a permanent address, or when a retail pharmacy option better ensures that consumers can access their EHB prescription drug benefit on short notice.⁸

According to the HHS final rules, certain drugs have a Risk Evaluation and Mitigation Strategy (REMS) that includes Elements to Assure Safe Use that may require that pharmacies, practitioners, or health care settings that dispense the drug be specially certified and that may

⁷ The Patient Protection and Affordable Care Act (Pub. L. 111–148). This regulation would not apply to large group plans, self-insured plans, transitional plans, or grandfathered plans.

⁸ Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2016, 80 Fed. Reg. 10820, 10821.

limit access to the drugs to certain health care settings.⁹ If the health plan finds it necessary to restrict access to a drug for either of the reasons listed above, it must indicate this restricted access on the formulary drug list that plans must make publicly available under 45 CFR s. 156.122(d).¹⁰

Regulation of Insurers and Health Maintenance Organizations in Florida

The Office of Insurance Regulation (OIR) licenses and regulates the activities of insurers, HMOs, and other risk-bearing entities.¹¹ The Agency for Health Care Administration (agency) regulates the quality of care provided by HMOs under part III of ch. 641, F.S. Before receiving a certificate of authority from the OIR, an HMO must obtain a Health Care Provider Certificate from the agency.¹²

Florida's State Group Health Insurance Program

Under the authority of s. 110.123, F.S., the Department of Management Services (DMS), through the Division of State Group Insurance, administers the state group health insurance program under a cafeteria plan.¹³ To administer the state group health insurance program, the DMS contracts with third party administrators for self-insured health plans, insured health maintenance organizations (HMOs), and a pharmacy benefits manager (PBM) for the state employees' self-insured prescription drug program.¹⁴

Currently, the state employees' self-insured prescription drug program allows members receiving prescription drugs for chronic conditions specified in this bill, to use any retail pharmacy that accepts the same contractual terms, conditions, and reimbursement as the mail order pharmacy for up to a 90-day supply of all non-specialty maintenance medications. These retail pharmacies may be participating in either the PBM's retail pharmacy network or the State of Florida specific "maintenance 90 at retail" pharmacy network. Copayments and conditions for a 90-day supply at retail are the same as for mail order.

The DMS contract with the PBM requires specialty drugs to be dispensed by its specialty pharmacy, which is considered mail order. This exclusive arrangement means the state benefits from aggressive discounts off the average wholesale price, as well as a quarterly minimum rebate guarantee per specialty prescription payment, with an annual "true-up" of 100 percent of all rebates. An independent P&T committee determines which prescription drugs are specialty medications based on a variety of factors, including compliance, clinical indications, special handling (e.g., temperature requirements), and cost.

⁹ FDA requires a Risk Evaluation and Mitigation Strategies (REMS) for certain drugs to ensure that the benefits of a drug or biological product outweigh its risks. The following is FDA's list of currently approved REMS: <http://www.accessdata.fda.gov/scripts/cder/remis/index.cfm> (last visited Jan. 28, 2016).

¹⁰ Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2016, 80 Fed. Reg. 10820, 10821.

¹¹ Section 20.121(3)(a), F.S.

¹² Section 641.21(1), F.S.

¹³ 26 U.S.C. s. 125.

¹⁴ Section 110.12315, F.S.

III. Effect of Proposed Changes:

Sections 1, 2 and 3 prohibit insurers offering individual health coverage, insurers offering group health coverage, and health maintenance organizations, respectively, from requiring an insured or subscriber to obtain a prescription drug for the treatment of a chronic illness exclusively from a mail order pharmacy, unless the drug is an excluded drug. “Chronic illness” is defined as human immunodeficiency virus infection (HIV), epilepsy, hypertension or diabetes. “Excluded drug” is defined to mean a drug subject to restricted distribution by the U.S. Food and Drug Administration or a drug that requires special handling, provider coordination, or patient education and cannot be provided by a retail pharmacy.

The bill allows an insured or subscriber to obtain prescription drugs for the treatment of a chronic illness, through a retail pharmacy that agrees to the same terms and conditions, including credentialing, applicable to a mail order pharmacy and accepts payment or reimbursement from the health insurer or HMO. This reimbursement or payment may not exceed the amount paid to a network mail order pharmacy for the same prescription drugs for the treatment of a chronic illness.

Further, insurers and HMOs that issue a major medical policy or health maintenance contract that provides coverage for prescription drugs through a mail order pharmacy are required to disclose in the outline of coverage that an insured may obtain prescription drugs for the treatment of a chronic illness from a retail pharmacy, and that the exclusive use of a mail order pharmacy is not required unless the drug is an excluded drug.

The requirements in sections 1 and 2 (relating to individual and group health plans) do not apply to grandfathered plans as defined in s. 627.402, F.S., or to benefits set forth in s. 627.6561(5)(b), (c), (d), and (e), F.S.

The requirements in section 3 (relating to health maintenance organizations) do not apply to grandfathered health plans as defined in s. 641.313(1)(c), F.S., or to benefits set forth in s. 641.31071(b), (c), (d), and (e), F.S.

Section 4 provides that the bill takes effect January 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties’ or municipalities’ ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Retail pharmacies may experience greater pharmaceutical sales volume to the extent patients shift their prescription drug purchases from mail order pharmacies to retail pharmacies. Mail order pharmacies will experience a similar reduction in sales volume.

The provisions of the bill will not apply to employers that offer self-insured plans.¹⁵ In Florida, an estimated 63 percent of private sector enrollees are enrolled in self-insured plans.

It is not clear how the “retail pharmacy used by the insured” provision would affect the operations or contracts of health insurers or HMSs with defined networks.

C. Government Sector Impact:

The Division of State Group Insurance

If it is determined that CS/SB 780 applies to the state group health insurance plans (mostly self-insured plans with two fully insured HMOs for the 2016 plan year), then the state employees’ self-insured prescription drug program currently complies with the bill except for drugs on the specialty drug list. The Department of Management Services (DMS) could renegotiate its contract and pricing terms with the PBM regarding the method by which specialty drugs are dispensed. Removing the exclusivity provision of the contract most likely will negatively affect pricing terms (discount off average wholesale price and the quarterly minimum rebate guarantee per specialty prescription payment).¹⁶ The DMS notes that the bill takes effect July 1, 2016; however, the state group health insurance program typically makes benefits changes on a plan year basis, which is January 1 through December 31.

Office of Insurance Regulation

¹⁵ The federal Employee Retirement Income Security Act of 1975 (ERISA) allows employers to self-insure in order to offer uniform health benefits across states. A plan that is self-insured is subject to ERISA’s requirements. Such employers are not required to cover health care services for state-mandated benefits.

¹⁶ Department of Management Services, *2016 Agency Legislative Bill Analysis* (December 11, 2015) (on file with Senate Committee on Banking and Insurance).

Indeterminate. The OIR has not provided a fiscal impact of the bill on the OIR.¹⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

Limiting the effects of this bill to insureds with an immunodeficiency virus infection, epilepsy, hypertension or diabetes may be considered discriminatory. Under the federal regulations, a group health plan is not required to provide coverage for any particular benefits to any group of similarly situated individuals. However, benefits provided under a plan must be uniformly available to all similarly situated individuals.¹⁸

VIII. Statutes Affected:

This bill substantially amends section 641.31 of the Florida Statutes.

This bill creates sections 627.6442 and 627.6572 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on February 9, 2016:

- Creates a definition of “excluded drug;”
- Deletes provisions of the original bill regarding an insured living with a chronic illness;
- Provides that an insurer of individual and group health plans or HMO may not require an insured or subscriber to obtain a prescription drug for the treatment of a chronic illness exclusively from a mail order pharmacy, unless the prescription is for an excluded drug;
- Provides that an insured or subscriber may use a retail pharmacy to obtain a prescription drug for the treatment of a chronic illness if such pharmacy agrees to the same terms and conditions, including credentialing, applicable to a mail order pharmacy and accepts payment or reimbursement from the insurer;
- Requires a health insurer and HMO that issues a major medical policy or health maintenance contract that provides coverage for prescription drugs through a mail order pharmacy must disclose in the outline of coverage that an insured or subscriber may obtain prescription drugs for the treatment of a chronic illness from a retail pharmacy, and that the exclusive use of a mail order pharmacy is not required, unless the drug is an excluded drug; and
- Provides an exception for grandfathered plans and other benefits.

¹⁷ Office of Insurance Regulation, *2016 Agency Legislative Bill Analysis* (December 15, 2015) (on file with Senate Committee on Banking and Insurance).

¹⁸ 45 C.F.R. s. 146.121.

B. Amendments:

None.

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



753432

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/10/2016	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 627.6442, Florida Statutes, is created
to read:

627.6442 Access to prescription drugs.-

(1) As used in this section:

(a) "Chronic illness" means human immunodeficiency virus
infection, epilepsy, hypertension, or diabetes.



753432

11 (b) "Excluded drug" means a drug subject to restricted
12 distribution by the United States Food and Drug Administration
13 or a drug that requires special handling, provider coordination,
14 or patient education and cannot be provided by a retail
15 pharmacy.

16 (2) A health insurance policy issued, delivered, or renewed
17 in this state that provides major medical coverage and
18 prescription drug coverage may not require an insured to obtain
19 a prescription drug for the treatment of a chronic illness
20 exclusively from a mail order pharmacy, unless the prescription
21 drug is an excluded drug.

22 (3) An insured who elects not to use a mail order pharmacy
23 to obtain a prescription drug prescribed for the treatment of a
24 chronic illness may not be required to pay a copayment or
25 satisfy other conditions that are not imposed on an insured who
26 uses a mail order pharmacy if the retail pharmacy used by the
27 insured:

28 (a) Agrees to the same terms and conditions, including
29 credentialing, applicable to a mail order pharmacy; and

30 (b) Accepts payment or reimbursement from the insurer which
31 is no more than the amount that would be paid to a mail order
32 pharmacy for the same prescription drugs for the treatment of a
33 chronic illness.

34 (4) A health insurer that issues a major medical policy
35 that provides coverage for prescription drugs through a mail
36 order pharmacy shall disclose in the outline of coverage that an
37 insured may obtain prescription drugs for the treatment of a
38 chronic illness from a retail pharmacy, and that the exclusive
39 use of a mail order pharmacy is not required unless the drug is



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40 an excluded drug.

41 (5) This section does not apply to grandfathered health
42 plans as defined in s. 627.402, or to benefits set forth in s.
43 627.6561(5)(b), (c), (d), and (e).

44 Section 2. This act shall take effect January 1, 2017.

45

46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete everything before the enacting clause
49 and insert:

50 A bill to be entitled

51 An act relating to the provision of pharmaceutical
52 services; creating s. 627.6442, F.S.; defining terms;
53 providing that an insured may not be required to
54 obtain a prescription drug for the treatment of a
55 chronic illness exclusively from a mail order
56 pharmacy; providing an exception for excluded drugs;
57 prohibiting the imposition of copayments or conditions
58 on an insured living with a chronic illness if such
59 copayments or conditions are not imposed on an insured
60 who uses a mail order pharmacy that meets certain
61 requirements; requiring certain health insurers to
62 disclose in the outline of coverage that an insured
63 may obtain certain prescription drugs from a retail
64 pharmacy; providing an exception for excluded drugs;
65 providing applicability; providing an effective date.



217188

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

1 **Senate Substitute for Amendment (753432) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 627.6442, Florida Statutes, is created
7 to read:

8 627.6442 Access to prescription drugs.-

9 (1) As used in this section:

10 (a) "Chronic illness" means human immunodeficiency virus



217188

11 infection, epilepsy, hypertension, or diabetes.

12 (b) "Excluded drug" means a drug subject to restricted
13 distribution by the United States Food and Drug Administration
14 or a drug that requires special handling, provider coordination,
15 or patient education and cannot be provided by a retail
16 pharmacy.

17 (2) A health insurance policy issued, delivered, or renewed
18 in this state that provides major medical coverage and
19 prescription drug coverage may not require an insured to obtain
20 a prescription drug for the treatment of a chronic illness
21 exclusively from a mail order pharmacy, unless the prescription
22 drug is an excluded drug.

23 (3) An insured who elects not to use a mail order pharmacy
24 to obtain a prescription drug, other than an excluded drug,
25 prescribed for the treatment of a chronic illness may not be
26 required to pay a copayment or satisfy other conditions that are
27 not imposed on an insured who uses a mail order pharmacy if the
28 retail pharmacy used by the insured:

29 (a) Agrees to the same terms and conditions, including
30 credentialing, applicable to a mail order pharmacy; and

31 (b) Accepts payment or reimbursement from the insurer which
32 is no more than the amount that would be paid to a mail order
33 pharmacy for the same prescription drugs for the treatment of a
34 chronic illness.

35 (4) A health insurer that issues a major medical policy
36 that provides coverage for prescription drugs through a mail
37 order pharmacy shall disclose in the outline of coverage that an
38 insured may obtain prescription drugs for the treatment of a
39 chronic illness from a retail pharmacy, and that the exclusive



217188

40 use of a mail order pharmacy is not required unless the drug is
41 an excluded drug.

42 (5) This section does not apply to grandfathered plans as
43 defined in s. 627.402, or to benefits set forth in s.
44 627.6561(5) (b), (c), (d), and (e).

45 Section 2. Section 627.6572, Florida Statutes, is created
46 to read:

47 627.6572 Access to prescription drugs.—

48 (1) As used in this section:

49 (a) "Chronic illness" means human immunodeficiency virus
50 infection, epilepsy, hypertension, or diabetes.

51 (b) "Excluded drug" means a drug subject to restricted
52 distribution by the United States Food and Drug Administration
53 or a drug that requires special handling, provider coordination,
54 or patient education and cannot be provided by a retail
55 pharmacy.

56 (2) A health insurance policy issued, delivered, or renewed
57 in this state that provides major medical coverage and
58 prescription drug coverage may not require an insured to obtain
59 a prescription drug for the treatment of a chronic illness
60 exclusively from a mail order pharmacy, unless the prescription
61 drug is an excluded drug.

62 (3) An insured who elects not to use a mail order pharmacy
63 to obtain a prescription drug, other than an excluded drug,
64 prescribed for the treatment of a chronic illness may not be
65 required to pay a copayment or satisfy other conditions that are
66 not imposed on an insured who uses a mail order pharmacy if the
67 retail pharmacy used by the insured:

68 (a) Agrees to the same terms and conditions, including



217188

69 credentialing, applicable to a mail order pharmacy; and
70 (b) Accepts payment or reimbursement from the insurer which
71 is no more than the amount that would be paid to a mail order
72 pharmacy for the same prescription drugs for the treatment of a
73 chronic illness.
74 (4) A health insurer that issues a major medical policy
75 that provides coverage for prescription drugs through a mail
76 order pharmacy shall disclose in the outline of coverage that an
77 insured may obtain prescription drugs for the treatment of a
78 chronic illness from a retail pharmacy, and that the exclusive
79 use of a mail order pharmacy is not required unless the drug is
80 an excluded drug.
81 (5) This section does not apply to grandfathered plans as
82 defined in s. 627.402, or to benefits set forth in s.
83 627.6561(5)(b), (c), (d), and (e).
84 Section 3. Subsection (44) is added to section 641.31,
85 Florida Statutes, to read:
86 641.31 Health maintenance contracts.-
87 (44)(a) As used in this section:
88 1. "Chronic illness" means human immunodeficiency virus
89 infection, epilepsy, hypertension, or diabetes.
90 2. "Excluded drug" means a drug subject to restricted
91 distribution by the United States Food and Drug Administration
92 or a drug that requires special handling, provider coordination,
93 or patient education and cannot be provided by a retail
94 pharmacy.
95 (b) A health maintenance contract issued, delivered, or
96 renewed in this state that provides major medical coverage and
97 prescription drug coverage may not require a subscriber to



217188

98 obtain a prescription drug for the treatment of a chronic
99 illness exclusively from a mail order pharmacy, unless the
100 prescription drug is an excluded drug.

101 (c) A subscriber who elects not to use a mail order
102 pharmacy to obtain a prescription drug, other than an excluded
103 drug, prescribed for the treatment of a chronic illness may not
104 be required to pay a copayment or satisfy other conditions that
105 are not imposed on a subscriber who uses a mail order pharmacy
106 if the retail pharmacy used by the subscriber:

107 1. Agrees to the same terms and conditions, including
108 credentialing, applicable to a mail order pharmacy; and

109 2. Accepts payment or reimbursement from the health
110 maintenance organization which is no more than the amount that
111 would be paid to a mail order pharmacy for the same prescription
112 drugs for the treatment of a chronic illness.

113 (d) A health maintenance organization that issues a health
114 maintenance contract that provides coverage for prescription
115 drugs through a mail order pharmacy shall disclose in the
116 outline of coverage that a subscriber may obtain prescription
117 drugs for the treatment of a chronic illness from a retail
118 pharmacy, and that the exclusive use of a mail order pharmacy is
119 not required unless the drug is an excluded drug.

120 (e) This section does not apply to grandfathered health
121 plans as defined in s. 641.313(1)(c), or to benefits set forth
122 in s. 641.31071(5)(b), (c), (d), and (e).

123 Section 4. This act shall take effect January 1, 2017.

124
125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:



217188

127 Delete everything before the enacting clause
128 and insert:

129 A bill to be entitled
130 An act relating to the provision of pharmaceutical
131 services; creating ss. 627.6442 and 627.6572, F.S.;
132 defining terms; providing that an insured may not be
133 required to obtain a prescription drug for the
134 treatment of a chronic illness exclusively from a mail
135 order pharmacy; providing an exception for excluded
136 drugs; prohibiting the imposition of copayments or
137 conditions on an insured living with a chronic illness
138 if such copayments or conditions are not imposed on an
139 insured who uses a mail order pharmacy that meets
140 certain requirements; requiring certain health
141 insurers to disclose in the outline of coverage that
142 an insured may obtain certain prescription drugs from
143 a retail pharmacy; providing an exception for excluded
144 drugs; providing applicability; amending s. 641.31,
145 F.S.; defining terms; providing that a health
146 maintenance organization subscriber may not be
147 required to obtain a prescription drug for the
148 treatment of a chronic illness exclusively from a mail
149 order pharmacy; providing an exception for excluded
150 drugs; prohibiting the imposition of copayments or
151 conditions on a subscriber living with a chronic
152 illness if such copayments or conditions are not
153 imposed on a subscriber who uses a mail order pharmacy
154 that meets certain requirements; requiring certain
155 health maintenance organizations to disclose in the



217188

156 outline of coverage that a subscriber may obtain
157 certain prescription drugs from a retail pharmacy;
158 providing an exception for excluded drugs; providing
159 applicability; providing an effective date.

By Senator Garcia

38-00360A-16

2016780__

1 A bill to be entitled
 2 An act relating to the provision of
 3 pharmaceutical services; creating s. 627.6442, F.S.;
 4 providing that an insured living with a chronic
 5 illness may not be required to obtain pharmaceutical
 6 services exclusively from a mail order pharmacy;
 7 defining the term "chronic illness"; prohibiting the
 8 imposition of copayments or conditions on an insured
 9 living with a chronic illness if such copayments or
 10 conditions are not imposed on an insured who uses a
 11 mail order pharmacy that meets certain requirements;
 12 requiring health insurers to provide to an insured
 13 living with a chronic illness an explanation and
 14 comparison of payment methods and charges for
 15 pharmaceutical services from mail order pharmacies and
 16 other providers of pharmaceutical services; requiring
 17 health insurance contracts to require certain
 18 disclosures to insureds by mail order pharmacies;
 19 requiring health insurers to pay a pharmacy that is
 20 not a mail order pharmacy the same amount paid to a
 21 mail order pharmacy for the same services if the
 22 pharmacy agrees to the same terms and conditions that
 23 apply to a mail order pharmacy; amending s. 641.31,
 24 F.S.; providing that a health maintenance organization
 25 subscriber living with a chronic illness may not be
 26 required to obtain pharmaceutical services exclusively
 27 from a mail order pharmacy; defining the term "chronic
 28 illness"; prohibiting the imposition of copayments or
 29 conditions on a subscriber living with a chronic

Page 1 of 6

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

38-00360A-16

2016780__

30 illness if such copayments or conditions are not
 31 imposed on a subscriber who uses a mail order pharmacy
 32 that meets certain requirements; requiring health
 33 maintenance organizations to provide to subscribers
 34 living with a chronic illness an explanation and
 35 comparison of payment methods and charges for
 36 pharmaceutical services from mail order pharmacies and
 37 other providers of pharmaceutical services; requiring
 38 health maintenance organization contracts to require
 39 certain disclosures to subscribers by mail order
 40 pharmacies; requiring health maintenance organizations
 41 to pay a pharmacy that is not a mail order pharmacy
 42 the same amount paid to a mail order pharmacy for the
 43 same services if the pharmacy agrees to the same terms
 44 and conditions that apply to a mail order pharmacy;
 45 providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:48
49 Section 1. Section 627.6442, Florida Statutes, is created
50 to read:

51 627.6442 Provision of pharmaceutical services.—A health
 52 insurance policy, plan, or other contract for health care
 53 services issued, delivered, or renewed by a health insurer in
 54 this state may not require an insured living with a chronic
 55 illness to obtain pharmaceutical services, including
 56 prescription drugs, exclusively from a mail order pharmacy. As
 57 used in this section, the term "chronic illness" means human
 58 immunodeficiency virus infection, epilepsy, hypertension, or

Page 2 of 6

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

38-00360A-16

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59 diabetes.

60 (1) An insured living with a chronic illness who elects not
 61 to use a mail order pharmacy may not be required to pay a
 62 copayment or satisfy conditions for the receipt of
 63 pharmaceutical services if such copayments or conditions are not
 64 imposed on an insured who uses a mail order pharmacy and the
 65 pharmacy used by the insured living with a chronic illness:

66 (a) Agrees to the same terms and conditions applicable to a
 67 mail order pharmacy; and

68 (b) Accepts payment or reimbursement from the health
 69 insurer which is no more than the amount that would be paid to a
 70 mail order pharmacy for the same services.

71 (2) A health insurer that issues a policy, plan, or other
 72 contract that provides coverage for pharmaceutical services from
 73 a mail order pharmacy shall provide each insured living with a
 74 chronic illness an explanation of the payment or reimbursement
 75 method and charges applicable to the mail order pharmacy and a
 76 comparison of such method and charges to those of other
 77 providers of pharmaceutical services. For health insurers that
 78 provide an outline of coverage to an insured living with a
 79 chronic illness, the inclusion of such an explanation in an
 80 outline of coverage constitutes compliance with this subsection.

81 (3) A health insurer that contracts with a mail order
 82 pharmacy to provide pharmaceutical services under a group or
 83 blanket accident and sickness policy, plan, or other contract
 84 shall include a contract provision requiring the mail order
 85 pharmacy to disclose in its initial written correspondence with
 86 an insured living with a chronic illness that such insured may
 87 obtain pharmaceutical services from other providers of

38-00360A-16

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88 pharmaceutical services and that the exclusive use of a mail
 89 order pharmacy is not required.

90 (4) Upon written request to the health insurer, a pharmacy
 91 that desires to provide services to insureds living with a
 92 chronic illness in the pharmacy's service area shall be provided
 93 information pertaining to the terms and conditions applicable to
 94 mail order pharmacies available in that service area. If the
 95 pharmacy agrees in writing to the same terms and conditions and
 96 to be paid at no more than the amount that would be paid to a
 97 mail order pharmacy for the same services, the insurer shall pay
 98 the pharmacy the same amount paid to a mail order pharmacy for
 99 the same pharmaceutical services.

100 Section 2. Subsection (44) is added to section 641.31,
 101 Florida Statutes, to read:

102 641.31 Health maintenance contracts.—

103 (44) A health maintenance contract that provides
 104 pharmaceutical services in this state may not require
 105 subscribers living with a chronic illness to obtain
 106 pharmaceutical services, including prescription drugs,
 107 exclusively from a mail order pharmacy. As used in this
 108 subsection, the term "chronic illness" means human
 109 immunodeficiency virus infection, epilepsy, hypertension, or
 110 diabetes.

111 (a) A subscriber living with a chronic illness who elects
 112 not to use a mail order pharmacy may not be required to pay a
 113 copayment or satisfy conditions for the receipt of
 114 pharmaceutical services if such copayments or conditions are not
 115 imposed on a subscriber who uses a mail order pharmacy and the
 116 pharmacy used by a subscriber living with a chronic illness:

38-00360A-16

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117 1. Agrees to the same terms and conditions applicable to a
 118 mail order pharmacy; and
 119 2. Accepts payment or reimbursement from the health
 120 maintenance organization which is no more than the amount that
 121 would be paid to a mail order pharmacy for the same services.
 122 (b) A health maintenance organization that issues a
 123 contract that provides coverage for pharmaceutical services from
 124 a mail order pharmacy shall provide each subscriber living with
 125 a chronic illness an explanation of the payment or reimbursement
 126 method and charges applicable to the mail order pharmacy and a
 127 comparison of such method and charges to those of other
 128 providers of pharmaceutical services. For health maintenance
 129 organizations that provide a member handbook to a subscriber
 130 living with a chronic illness, the inclusion of such an
 131 explanation in the member handbook constitutes compliance with
 132 this paragraph.
 133 (c) A health maintenance organization that contracts with a
 134 mail order pharmacy to provide pharmaceutical services under a
 135 health maintenance contract shall include a contract provision
 136 requiring the mail order pharmacy to disclose in its initial
 137 written correspondence with a subscriber living with a chronic
 138 illness that such subscriber may obtain pharmaceutical services
 139 from other providers of pharmaceutical services and that the
 140 exclusive use of a mail order pharmacy is not required.
 141 (d) Upon written request to the health maintenance
 142 organization, a pharmacy that desires to provide services to
 143 subscribers living with a chronic illness in the pharmacy's
 144 service area shall be provided information pertaining to the
 145 terms and conditions applicable to mail order pharmacies

Page 5 of 6

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38-00360A-16

2016780__

146 available in that service area. If the pharmacy agrees in
 147 writing to the same terms and conditions and to be paid at no
 148 more than the amount that would be paid to a mail order pharmacy
 149 for the same services, the organization shall pay the pharmacy
 150 the same amount paid to a mail order pharmacy for the same
 151 pharmaceutical services.

152 Section 3. This act shall take effect July 1, 2016.

Page 6 of 6

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/14

Meeting Date

780

Bill Number (if applicable)

217188

Amendment Barcode (if applicable)

Topic _____

Name Claudia Davant

Job Title _____

Address 205 S. Adams St

Street

Phone 850-205-0885

Tallahassee

City

State

Zip

Email claudia@adamsstadvocates.com

Speaking: For Against Information

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

Representing Florida Pharmacy Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/16
Meeting Date

SR 780
Bill Number (if applicable)

Topic Mail order prescriptions

Amendment Barcode (if applicable)

Name Larry Gonzalez

Job Title General Counsel

Address 223 S. Gadsden

Phone 850-570-6307

Street

Tallahassee FL 32303

Email larrygonzalez@earthlink.net

City

State

Zip

Speaking: For Against Information

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

Representing Florida Society of Health-System Pharmacists

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

780

Bill Number (if applicable)

Topic Drugs

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9166 Sunrise Dr.

Phone _____

Street

Largo

Fla

33773

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Pinellas County Government Corruption

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

SB780

Bill Number (if applicable)

Topic PROVISION of PHARMACEUTICAL SERVICE

Amendment Barcode (if applicable)

Name Bill Mincy

Job Title VP

Address 3375-F Capital Circle NW Phone _____
Street

Tallahassee FL 32304 Email _____
City State Zip

Speaking: For Against Information

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

Representing PPSC (under Pheny Network)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

SB 780

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Paul Sanford

Job Title _____

Address 106 S. Monroe St

Phone 850-222-1200

Street

Tallahassee FL 32301

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-9-2014
Meeting Date

SB 780
Bill Number (if applicable)

Topic Pharmaceutical Services

Amendment Barcode (if applicable)

Name Joy Ryan

Job Title _____

Address 325 W. College Ave.
Street

Phone 425-4000

Tallahassee, FL 32301
City State Zip

Email joyryan@meenanlawfirm.com

Speaking: For Against Information

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

Representing ALTIP, Prime Therapeutics

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16
Meeting Date

SB 780
Bill Number (if applicable)

Topic PROVISION OF PHARMACEUTICAL SERVICES

Amendment Barcode (if applicable)

Name Bill Mincy

Job Title VP

Address 3375-I Capital Circle NE

Phone 850-322-7740

Tallahassee FL 32308
City State Zip

Email bill.mincy@ppsconline.com

Speaking: For Against Information

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

Representing PPSC Florida Independent Pharmacy Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

780

Meeting Date _____ Bill Number (if applicable) 780

Topic Prescription Freedom Act Amendment Barcode (if applicable) _____

Name Jason King

Job Title Legislative Affairs Mgr.

Address 700 SE 3rd Ave #400 Phone 954-610-3064

Street _____

Fort Lauderdale FL 33316 Email Jason.King@aidshca.org

City State Zip

Speaking: For Against Information

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

Representing AIDS Healthcare Foundation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16

Meeting Date

780

Bill Number (if applicable)

Topic Pharmacy

Amendment Barcode (if applicable)

Name Cynthia Henderson

Job Title _____

Address 108 E Jefferson St #A

Phone 800 210 5385

Street

Tall AL 32301

Email Cyhenderson@me.com

City

State

Zip

Speaking: For Against Information

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

Representing EPIC RX

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 1430

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Brandes

SUBJECT: State Technology

DATE: February 9, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	McVaney	GO	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1430 establishes a chief data officer within the Agency for State Technology (AST) who shall be appointed by the executive director.

The bill amends s. 282.0051, F.S., to expand AST's duties to include overseeing the transition of various licenses and identification cards to an optional digital proof of the licenses and identification cards for a specified fee and developing standards for the digitization of such licenses and identification cards. AST is authorized to access all identity, license and identification card data, and other pertinent information within possession of any state agency, commission or department, unless prohibited by federal law, and to adopt rules regarding such access. The AST must also consult with each state agency on various issues relating to commercial cloud computing services.

The Department of Highway Safety and Motor Vehicles (DHSMV), in conjunction with AST, must develop a secure and uniform system for issuing an optional digital proof of driver license. In coordination with AST, the DHSMV may adopt rules to ensure the valid authentication of digital proof of driver licenses.

In conjunction with AST, the DHSMV must implement a digital proof of driver license pilot program by July 1, 2017. The sum of \$500,000 in nonrecurring funds from the General Revenue Fund is appropriated to the DHSMV for implementing this pilot program for the 2016-2017 fiscal year.

In addition, AST is responsible for implementing the recommendations of the 2015 data feasibility study. The anticipated cost to AST to implement these recommendations is in excess of \$300,000 annually. No funds are provided in this bill to AST for this purpose.

The effective date of the bill is October 1, 2016.

II. Present Situation:

Agency for State Technology

The Agency for State Technology (AST) was created on July 1, 2014.¹ The executive director of AST is appointed by the Governor and confirmed by the Senate.

For the 2015-2016 fiscal year, AST is authorized 25 full-time equivalent positions within its Executive Direction and Support Services budget entity. Of those positions, the executive director is required to designate the following:²

- Deputy executive director;
- Chief planning officer and six strategic planning coordinators;
- Chief operations officer;
- Chief information security officer; and
- Chief technology officer.

The duties and responsibilities of AST include:³

- Developing and publishing information technology (IT) policy for management of the state's IT resources.
- Establishing and publishing IT architecture standards.
- Establishing project management and oversight standards with which state agencies must comply when implementing IT projects.
- Performing project oversight on all state IT projects with total costs of \$10 million or more.
- Identifying opportunities for standardization and consolidation of IT services that support common business functions and operations.
- Establishing best practices for procurement of IT products in collaboration with DMS.
- Participating with DMS in evaluating, conducting and negotiating competitive solicitations for state term contracts for IT commodities, consultant services, or staff augmentation contractual services.
- Collaborating with DMS in IT resource acquisition planning.
- Developing standards for IT reports and updates.
- Upon request, assisting state agencies in development of IT related legislative budget requests.
- Conducting annual assessments of state agencies to determine compliance with IT standards and guidelines developed by AST.
- Providing operational management and oversight of the state data center.

¹ Chapter 2014-221, Laws of Florida.

² Section 20.61(2), F.S.

³ Section 282.0051, F.S.

- Recommending other IT services that should be designed, delivered, and managed as enterprise IT services.
- Recommending additional consolidations of agency data centers or computing facilities into the state data center.
- In consultation with state agencies, proposing methodology for identifying and collecting current and planned IT expenditure data at the state agency level.
- Performing project oversight on any cabinet agency IT project that has a total project cost of \$25 million or more and impacts one or more other agencies.
- Consulting with departments regarding risks and other effects for IT projects implemented by an agency that must be connected to or accommodated by an IT system administered by a cabinet agency.
- Reporting annually to the Governor, the President of the Senate and the Speaker of the House regarding state IT standards or policies that conflict with federal regulations or requirements.

Technology Advisory Council

The Technology Advisory Council,⁴ consisting of seven members, is established within AST. Four members of the council are appointed by the Governor of which two members must be from the private sector. The President of the Senate and the Speaker of the House of Representatives each appoint one member of the council. The Attorney General, the Commissioner of Agriculture and Consumer Services, and the Chief Financial Officer jointly appoint one member by agreement of a majority of these officers.

The Technology Advisory Council makes recommendations to the Executive Director on enterprise information technology policies, standards, services, and architecture.⁵ The council may also identify and recommend opportunities for the establishment of public-private partnerships when considering technology infrastructure and services in order to accelerate project delivery and provide a source of new or increased project funding.⁶ The Executive Director consults with the council with regards to executing the duties and responsibilities of the agency relating to statewide information technology strategic planning and policy.⁷

Digital Proof of Driver License

In 2014, the Legislature enacted s. 322.032, F.S.,⁸ requiring the Department of Highway Safety and Motor Vehicles (DHSMV) to prepare for the development of an optional digital proof of driver license in a format that allows law enforcement to verify the authenticity of the digital proof.

Section 322.059, F.S., requires that any person whose driver license or registration has been suspended must return that driver license immediately to the DHSMV. If he or she fails to return the license or registration, a law enforcement agent may seize the driver license. This section

⁴ Section 20.61(3), F.S.

⁵ Section 20.61(3)(a), F.S.

⁶ *Id.*

⁷ Section 20.61(3)(b), F.S.

⁸ Chapter 2014-216, s. 27, Laws of Fla.

further provides that the DHSMV shall invalidate the digital proof of driver license for such person whose driver license is suspended.

Section 322.15, F.S., requires that every licensee must have his or her driver license in his or her possession at all times while operating a motor vehicle and shall display that license upon demand of a law enforcement officer or an authorized representative of the DHSMV. Also, this section allows a licensee to present or submit a digital proof of driver license in lieu of a physical driver license.

A person who possesses a false digital proof of driver license commits a second degree misdemeanor punishable by imprisonment not to exceed 60 days.⁹

III. Effect of Proposed Changes:

Section 1 amends s. 20.61, F.S., to establish a Chief Data Officer position within AST.

Section 2 amends s. 282.0051, F.S., to expand the powers, duties, and functions of AST to include:

- Overseeing the transition of licenses and identification cards to digital proof of licenses and identification cards to be issued by state agencies, commissions, and departments at the option of licenseholders and cardholders upon payment of a \$5 fee;
- Developing standards for the digitization of individual types of licenses and identification cards when digital proofs of those licenses and identification cards are authorized by law;
- Developing a central digital platform that can store or access data for each type of digital proof of license and identification card;
- Contracting with a third party to assist in the fulfillment of the requirements of this subsection;
- Authorizing full access to all identity data, license and identification card data, and other pertinent information within the possession of any state agency, commission, or department unless otherwise prohibited by federal law; and
- Consulting with each state agency on the development of the agency's legislative budget request for the use of commercial cloud computing services, current plans for the expansion of cloud computing to leverage the utility-based model, security benefits of transitioning to cloud computing, and any other factors delaying or inhibiting the expansion of cloud computing usage.

The bill requires state agencies, commissions, and departments to consult with AST before contracting with any third-party entity to develop digital proof of license or identification card. If any state agency, commission or department seeks to develop its own digital proof of license or identification card without contracting services to a third party, AST must develop standards for such digital proof of license or identification card and AST must be consulted in the development of such license or identification card. All state agencies must evaluate and consider commercial cloud computing services before making any new information technology or telecommunications investment.

⁹ Section 322.032(4)(b), F.S. *Also, see* s. 775.082, F.S.

This section grants authority to AST to adopt rules governing its access to data held by other state agencies, commissions, and departments. The bill provides that if any data or information accessed by AST is exempt from public disclosure pursuant to general law, the section may not be construed to negate the exemption.

In consultation with other state agencies and giving consideration to the feasibility study¹⁰ conducted pursuant to s. 30, chapter 2014-221, Laws of Florida, the chief data officer is directed to:

- Establish a governance structure for managing state government data in a manner that promotes interoperability and openness;
- Establish a catalog of state government data which documents the acceptable use of, security and compliance requirements for, sharing agreements for, and format and methods available to access the data; and
- Ensure that, if legally permissible and not cost prohibitive, such data is readily available to other state agencies and the public in compliance with the public records requirements of ch. 119, F.S.

Section 3 amends s. 322.032, F.S., to require the Department of Highway Safety and Motor Vehicles (DHSMV), in coordination with AST, to develop a secure and uniform system for issuing an optional digital proof of driver's license for a fee of \$5. This fee must be deposited into the Highway Safety Operating Trust Fund. The DHSMV is authorized to contract with one or more private entities to develop a digital proof of driver license system.

The digital proof of driver license developed must be in a format that allows law enforcement to verify the authenticity of the digital proof and must display the same required information about the licenseholder as does a driver license issued under ch. 322, F.S.

The DHSMV, in coordination with AST, may adopt rules to ensure valid authentication of digital proof of driver licenses by law enforcement.

The DHSMV, in coordination with AST, must implement a digital proof of driver license pilot program by July 1, 2017, using the developed secure and uniform system. Program participants are limited to elected state officials and state employee volunteers. The DHSMV must provide a report on the results of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1, 2018.

The bill amends the criminal penalties for the offense of possession of a false digital proof of driver license, a second degree misdemeanor, to also include imposition of a fine not to exceed \$500.

¹⁰ The feasibility study directed AST to analyze, evaluate, and provide recommendations for managing state government data in a manner that promotes interoperability and openness; ensures that, whenever legally permissible and not cost prohibitive, such data is available to the public in ways that make the data easy to find and use; and complies with the provisions of ch. 119, F.S. AST submitted this report to the Governor, the President of the Senate, and the Speaker of the House on June 1, 2015. A copy of this study may be accessed at http://www.ast.myflorida.com/doc%20library/1%20-%20DEL6_GDFS_OUTLINE_FINAL_20150601.pdf.

Section 4 appropriates the sum of \$500,000 in nonrecurring funds from the General Revenue Fund to the DHSMV for the purpose of implementing the pilot program created by the amendment to s. 322.032, F.S., for the 2016-2017 fiscal year.

Section 5 provides an effective date of October 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

An additional fee of \$5 will be assessed for each license that a citizen wishes to have digital proof.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Section 2 (lines 144-158) requires AST to take steps consistent with the data feasibility study completed in 2015. According to that study, implementation of the recommendations are anticipated cost roughly \$320,000 annually for AST (this includes the new chief data officer position).¹¹

Other state agencies may incur additional costs associated with complying with the implementation of the data feasibility study recommendations.

For the 2016-2017 fiscal year, the sum of \$500,000 in nonrecurring funds from the General Revenue Fund is appropriated to the DHSMV for implementing a digital proof of driver license pilot program in coordination with the AST.

¹¹ See *supra* note 15.

The additional revenues associated with the \$5 fee for the digital proof of license have not been forecasted by the Revenue Estimating Conference. Because is it an optional program, the amount of revenues are indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.61, 282.0051, and 322.032.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Governmental Oversight and Accountability on February 9, 2016:

- Authorizes the AST to consult with each state agency on the development of the agency's legislative budget request for the use of commercial cloud computing services, current plans for expansion of cloud computing, security benefits of transitioning to cloud computing, and any factors delaying expansion of cloud computing;
- All state agencies must evaluate and consider commercial cloud computing services before making any new information technology or telecommunications investment;
- Specifies that the \$5 fee for issuing an optional digital proof of a driver license shall be deposited into the Highway Safety Operating Trust Fund;
- Deletes provisions of the original bill regarding FWC's development of a secure and uniform system for issuing an optional digital proof of boater safety identification card, vessel licenses and licenses for game, freshwater or saltwater fish, or fur-bearing animals; and
- The sum of \$500,000 in nonrecurring funds from the General Revenue Fund is appropriated to the DHSMV for implementing a digital proof of driver license pilot program, in coordination with the AST, for the 2016-2017 fiscal year.

B. Amendments:

None.



299626

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 158 and 159

insert:

(20) Consult with each state agency on the development of the agency's legislative budget request for the use of commercial cloud computing services, current plans for the expansion of cloud computing to leverage the utility-based model, security benefits of transitioning to cloud computing, and any factors delaying or inhibiting the expansion of cloud



299626

11 computing usage. All state agencies must evaluate and consider
12 commercial cloud computing services before making any new
13 information technology or telecommunications investment.

14
15 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

16 And the directory clause is amended as follows:

17 Delete lines 108 - 109

18 and insert:

19 282.0051, Florida Statutes, are redesignated as subsections (21)
20 and (22), respectively, and new subsections (17), (18), (19),
21 and (20)

22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete line 29

26 and insert:

27 F.S.; requiring the agency to consult with state
28 agencies on specified factors relating to cloud
29 computing; requiring state agencies to evaluate and
30 consider cloud computing services before making
31 certain investments; amending s. 322.032, F.S.;
32 requiring the



573846

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment (with title amendment)

1 Delete line 165
2
3 and insert:
4 optional digital proof of driver license for a fee of \$5. Such
5 fees shall be deposited into the Highway Safety Operating Trust
6 Fund. The

7
8
9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:



573846

11 Delete line 35
12 and insert:
13 subject to certain requirements; providing for deposit
14 of such fees; authorizing the



237312

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment (with title amendment)

Delete lines 198 - 523.

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

And the title is amended as follows:

Delete lines 46 - 89

and insert:

providing an



951280

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2016	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment

Delete line 526
and insert:
Revenue Fund to the Department of Highway Safety and Motor
Vehicles for the purpose

By Senator Brandes

22-00136E-16

20161430__

1 A bill to be entitled
 2 An act relating to state technology; amending s.
 3 20.61, F.S.; establishing a chief data officer within
 4 the Agency for State Technology who shall be appointed
 5 by the executive director; amending s. 282.0051, F.S.;
 6 authorizing the Agency for State Technology to oversee
 7 the transition of various licenses and identification
 8 cards to an optional digital proof of the licenses and
 9 identification cards for a specified fee; requiring
 10 the agency to develop standards for the digitization
 11 of individual licenses and identification cards;
 12 requiring the agency to develop a central digital
 13 platform that can store or access data for each type
 14 of digital proof of license and identification card;
 15 requiring state agencies, commissions, and departments
 16 to consult with the agency under certain
 17 circumstances; authorizing the agency to contract with
 18 a third party; providing that the agency has full
 19 access to certain data and information within the
 20 possession of any state agency, commission, or
 21 department under certain circumstances; authorizing
 22 the agency to adopt rules governing its access of such
 23 data; providing for construction; requiring the agency
 24 to direct the chief data officer to establish a
 25 governance structure for managing state government
 26 data, to establish a certain catalog of such data, and
 27 to ensure that such data is available to other state
 28 agencies and the public and complies with ch. 119,
 29 F.S.; amending s. 322.032, F.S.; requiring the
 30 Department of Highway Safety and Motor Vehicles, in
 31 coordination with the Agency for State Technology, to
 32 develop, rather than begin to review and prepare for

Page 1 of 19

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

22-00136E-16

20161430__

33 the development of, a system for issuing an optional
 34 digital proof of driver license for a specified fee,
 35 subject to certain requirements; authorizing the
 36 department, in coordination with the agency, to adopt
 37 rules to ensure valid authentication of digital proof
 38 of driver licenses; providing criteria for digital
 39 proof of driver licenses; requiring the department, in
 40 coordination with the agency, to implement a digital
 41 proof of driver license pilot program by a specified
 42 date, subject to certain requirements; requiring the
 43 department to provide a report to the Governor and the
 44 Legislature by a specified date; adding a penalty for
 45 possession of false digital proof of driver license;
 46 amending s. 327.395, F.S.; providing for an optional
 47 digital proof of the boater safety identification card
 48 under certain circumstances; providing for expiration
 49 of digital proof of the boater safety identification
 50 card within a specified timeframe; requiring the Fish
 51 and Wildlife Conservation Commission, in coordination
 52 with the Agency for State Technology, to develop a
 53 system for issuing an optional digital proof of the
 54 boater safety identification card for a specified fee,
 55 subject to certain requirements; authorizing the
 56 commission to contract with private entities;
 57 requiring digital proof of the card to be in a format
 58 that allows a law enforcement officer to verify its
 59 authenticity; authorizing the commission, in
 60 coordination with the agency, to adopt rules to ensure
 61 valid authentication of digital proof of the boater

Page 2 of 19

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

22-00136E-16

20161430__

62 safety identification card; providing criteria for
 63 digital proof of identification cards; providing
 64 criminal penalties for the manufacture or possession
 65 of a false boater safety identification card or false
 66 digital proof of the identification card; amending s.
 67 379.354, F.S.; providing for optional digital proof of
 68 vessel licenses and licenses for taking game,
 69 freshwater or saltwater fish, or fur-bearing animals
 70 under certain circumstances; requiring digital proof
 71 of a license for a vessel to be in the possession of
 72 the vessel owner under certain circumstances;
 73 providing criminal penalties for the manufacture or
 74 possession of false digital proof of the licenses;
 75 requiring the Fish and Wildlife Conservation
 76 Commission, in coordination with the Agency for State
 77 Technology, to develop a system for issuing an
 78 optional digital proof of vessel licenses and licenses
 79 for taking, attempting to take, or possessing game,
 80 freshwater or saltwater fish, or fur-bearing animals
 81 for a specified fee, subject to certain requirements;
 82 authorizing the commission to contract with private
 83 entities; requiring digital proof of the licenses to
 84 be in a format that allows a commission law
 85 enforcement officer to verify their authenticity;
 86 authorizing the commission, in coordination with the
 87 agency, to adopt rules to ensure valid authentication
 88 of digital proof of the licenses; providing criteria
 89 for digital proof of the licenses; providing an
 90 appropriation; providing an effective date.

Page 3 of 19

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22-00136E-16

20161430__

91
 92 Be It Enacted by the Legislature of the State of Florida:
 93
 94 Section 1. Paragraph (f) is added to subsection (2) of
 95 section 20.61, Florida Statutes, to read:
 96 20.61 Agency for State Technology.—The Agency for State
 97 Technology is created within the Department of Management
 98 Services. The agency is a separate budget program and is not
 99 subject to control, supervision, or direction by the Department
 100 of Management Services, including, but not limited to,
 101 purchasing, transactions involving real or personal property,
 102 personnel, or budgetary matters.
 103 (2) The following positions are established within the
 104 agency, all of whom shall be appointed by the executive
 105 director:
 106 (f) Chief data officer.
 107 Section 2. Present subsections (17) and (18) of section
 108 282.0051, Florida Statutes, are redesignated as subsections (20)
 109 and (21), respectively, and new subsections (17), (18), and (19)
 110 are added to that section, to read:
 111 282.0051 Agency for State Technology; powers, duties, and
 112 functions.—The Agency for State Technology shall have the
 113 following powers, duties, and functions:
 114 (17) Oversee the transition of licenses and identification
 115 cards to digital proof of licenses and identification cards to
 116 be issued by state agencies, commissions, and departments at the
 117 option of licenseholders and cardholders upon payment of a \$5
 118 fee. The agency shall develop standards for the digitization of
 119 individual types of licenses and identification cards when

Page 4 of 19

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

22-00136E-16 20161430__

120 digital proofs of those licenses and identification cards are
 121 authorized by law. The agency shall also develop a central
 122 digital platform that can store or access data for each type of
 123 digital proof of license and identification card. State
 124 agencies, commissions, and departments must consult with the
 125 agency before contracting with any third-party entity to develop
 126 digital proof of license or identification card. If any state
 127 agency, commission, or department seeks to develop its own
 128 digital proof of license or identification card without
 129 contracting services to a third party, the agency shall develop
 130 standards for such digital proof of license or identification
 131 card and must be consulted in the development of such license or
 132 identification card. The agency may contract with a third party
 133 to assist in the fulfillment of the requirements of this
 134 subsection.

135 (18) Have full access to all identity data, license and
 136 identification card data, and other pertinent information within
 137 the possession of any state agency, commission, or department
 138 unless otherwise prohibited by federal law. The agency may adopt
 139 rules governing its access to data held by other state agencies,
 140 commissions, and departments. If any data or information
 141 accessed by the agency is exempt from public disclosure pursuant
 142 to general law, this section may not be construed to negate the
 143 exemption.

144 (19) In consultation with other state agencies and giving
 145 consideration to the feasibility study conducted pursuant to s.
 146 30, chapter 2014-221, Laws of Florida, direct the chief data
 147 officer to:

148 (a) Establish a governance structure for managing state

22-00136E-16 20161430__

149 government data in a manner that promotes interoperability and
 150 openness;
 151 (b) Establish a catalog of state government data which
 152 documents the acceptable use of, security and compliance
 153 requirements for, sharing agreements for, and format and methods
 154 available to access the data; and
 155 (c) Ensure that, if legally permissible and not cost
 156 prohibitive, such data is readily available to other state
 157 agencies and the public in compliance with the public records
 158 requirements of chapter 119.

159 Section 3. Section 322.032, Florida Statutes, is amended to
 160 read:

161 322.032 Digital proof of driver license.—

162 (1) The department, in coordination with the Agency for
 163 State Technology, shall develop ~~begin to review and prepare for~~
 164 ~~the development of~~ a secure and uniform system for issuing an
 165 optional digital proof of driver license for a fee of \$5. The
 166 department may contract with one or more private entities to
 167 develop a digital proof of driver license system pursuant to s.
 168 282.0051(17).

169 (2) ~~The~~ Digital proof of driver license developed by the
 170 department or by an entity contracted by the department must be
 171 in ~~such~~ a format that allows as to allow law enforcement to
 172 verify the authenticity of ~~such the~~ digital proof ~~of driver~~
 173 license. The department, in coordination with the Agency for
 174 State Technology, may adopt rules to ensure valid authentication
 175 of digital ~~proof of~~ driver licenses by law enforcement.

176 (3) Digital proof of driver license must display the same
 177 required information about the licenseholder as does a driver

22-00136E-16

20161430__

178 license under this chapter.

179 ~~(4)(3)~~ A person may not be issued a digital proof of driver
180 license until he or she has satisfied all of the requirements of
181 this chapter for issuance of a physical driver license ~~as~~
182 ~~provided in this chapter.~~

183 (5) The department, in coordination with the Agency for
184 State Technology, shall implement a digital proof of driver
185 license pilot program by July 1, 2017, using the developed
186 secure and uniform system. Program participants must be limited
187 to elected state officials and state employee volunteers. The
188 department shall provide a report on the results of the pilot
189 program to the Governor, the President of the Senate, and the
190 Speaker of the House of Representatives by March 1, 2018.

191 ~~(6)(4)~~ A person who:

192 (a) Manufactures a false digital proof of driver license
193 commits a felony of the third degree, punishable as provided in
194 s. 775.082, s. 775.083, or s. 775.084.

195 (b) Possesses a false digital proof of driver license
196 commits a misdemeanor of the second degree, punishable as
197 provided in s. 775.082 or s. 775.083.

198 Section 4. Subsections (1), (2), (4), (5), and paragraph
199 (c) of subsection (6) of section 327.395, Florida Statutes, are
200 amended, present subsections (11) and (12) of that section are
201 redesignated as subsections (12) and (13), respectively, and a
202 new subsection (11) is added to that section, to read:

203 327.395 Boating safety identification cards.—

204 (1) A person born on or after January 1, 1988, may not
205 operate a vessel powered by a motor of 10 horsepower or greater
206 unless such person has in his or her possession aboard the

22-00136E-16

20161430__

207 vessel photographic identification and a boater safety
208 identification card issued by the commission which shows that he
209 or she has:

210 (a) Completed a commission-approved boater education course
211 that meets the minimum 8-hour instruction requirement
212 established by the National Association of State Boating Law
213 Administrators;

214 (b) Passed a course equivalency examination approved by the
215 commission; or

216 (c) Passed a temporary certificate examination developed or
217 approved by the commission.

218 Digital proof of the boater safety identification card may be
219 issued for meeting the requirements of paragraph (a) or
220 paragraph (b), but not for meeting the requirement of paragraph
221 (c).

222 (2) Any person may obtain a boater safety identification
223 card or digital proof of the identification card by complying
224 with the requirements of this section.

225 (4) The commission may appoint liveries, marinas, or other
226 persons as its agents to administer the course, course
227 equivalency examination, or temporary certificate examination
228 and issue identification cards or digital proof of the
229 identification cards under guidelines established by the
230 commission. An agent must charge the \$2 examination fee, which
231 must be forwarded to the commission with proof of passage of the
232 examination and may charge and keep a \$1 service fee.

233 (5) An identification card issued to a person who has
234 completed a boating education course or a course equivalency
235

22-00136E-16 20161430__

236 examination is valid for life. Digital proof of the
 237 identification card is valid for 5 years after the date of
 238 issuance. A card issued to a person who has passed a temporary
 239 certification examination is valid for 12 months after ~~from~~ the
 240 date of issuance.

241 (6) A person is exempt from subsection (1) if he or she:
 242 (c) Is accompanied in the vessel by a person who is exempt
 243 from this section or who holds an identification card or digital
 244 proof of the identification card in compliance with this
 245 section, is 18 years of age or older, and is attendant to the
 246 operation of the vessel and responsible for the safe operation
 247 of the vessel and for any violation that occurs during the
 248 operation of the vessel.

249 (11) (a) The commission, in coordination with the Agency for
 250 State Technology, shall develop a secure and uniform system for
 251 issuing an optional digital proof of the boater safety
 252 identification card for a fee of \$5. The commission may contract
 253 with one or more private entities to develop the digital proof
 254 of the identification card system pursuant to s. 282.0051(17).

255 (b) Digital proof of the boater safety identification card
 256 developed by the commission or by an entity contracted by the
 257 commission must be in a format that allows a law enforcement
 258 officer to verify the authenticity of such digital proof. The
 259 commission, in coordination with the Agency for State
 260 Technology, may adopt rules to ensure valid authentication of
 261 digital proof of the identification card by a law enforcement
 262 officer.

263 (c) Digital proof of the boater safety identification card
 264 must display the same required information about the cardholder

22-00136E-16 20161430__

265 as does an identification card under this section.

266 (d) A person may not be issued digital proof of the boater
 267 safety identification card until he or she has satisfied all of
 268 the requirements of this chapter for issuance of an
 269 identification card.

270 (e) A person who:

271 1. Manufactures a false boater safety identification card
 272 or false digital proof of an identification card commits a
 273 misdemeanor of the second degree, punishable as provided in s.
 274 775.082 or s. 775.083.

275 2. Possesses a false boater safety identification card or
 276 false digital proof of an identification card commits a
 277 misdemeanor of the second degree, punishable as provided in s.
 278 775.082 or s. 775.083.

279 Section 5. Subsections (1), (2), (3), (7), (9), (10), (11),
 280 (12), (15), and (16) of section 379.354, Florida Statutes, are
 281 amended, and subsection (18) is added to that section, to read:
 282 379.354 Recreational licenses, permits, and authorization
 283 numbers; fees established.—

284 (1) LICENSE, PERMIT, OR AUTHORIZATION NUMBER REQUIRED.—
 285 Except as provided in s. 379.353, a person may not ~~no person~~
 286 ~~shall~~ take game, freshwater or saltwater fish, or fur-bearing
 287 animals within this state without having first obtained a
 288 license or digital proof of such license, a permit, or an
 289 authorization number and paid the fees set forth in this
 290 chapter. Such license or digital proof of such license, permit,
 291 or authorization number shall authorize the person to whom it is
 292 issued to take game, freshwater or saltwater fish, or fur-
 293 bearing animals, and participate in outdoor recreational

22-00136E-16 20161430__

294 activities in accordance with the laws of the state and rules of
295 the commission.

296 (2) NONTRANSFERABILITY; INFORMATION AND DOCUMENTATION.—

297 (a) Licenses or digital proof of such licenses, permits,
298 and authorization numbers issued under this part are not
299 transferable. Each license and permit must bear on its face in
300 indelible ink the name of the person to whom it is issued and
301 other information as deemed necessary by the commission.
302 Licenses issued to the owner, operator, or custodian of a vessel
303 that directly or indirectly collects fees for taking or
304 attempting to take or possess saltwater fish for noncommercial
305 purposes must include the vessel registration number or federal
306 documentation number.

307 (b) The lifetime licenses and 5-year licenses authorized in
308 this section shall be embossed with the name, date of birth,
309 date of issuance, and other pertinent information as deemed
310 necessary by the commission. A certified copy of the applicant's
311 birth certificate shall accompany each application for a
312 lifetime license for a resident 12 years of age or younger.

313 (c) A positive form of identification is required when
314 using a free license, a lifetime license, a 5-year license, or
315 an authorization number issued under this chapter, or when
316 otherwise required by a license or permit.

317 (3) PERSONAL POSSESSION REQUIRED.—Each license or digital
318 proof of such license, permit, or authorization number must be
319 in the personal possession of the person to whom it is issued
320 while such person is taking, attempting to take, or possessing
321 game, freshwater or saltwater fish, or fur-bearing animals. Any
322 person taking, attempting to take, or possessing game,

22-00136E-16 20161430__

323 freshwater or saltwater fish, or fur-bearing animals who fails
324 to produce a license or digital proof of such license, permit,
325 or authorization number at the request of a commission law
326 enforcement officer commits a violation of the law.

327 (7) VESSEL LICENSES.—

328 (a) Except as provided in paragraph (f), a person may not
329 operate any vessel wherein a fee is paid, either directly or
330 indirectly, for the purpose of taking, attempting to take, or
331 possessing any saltwater fish for noncommercial purposes unless
332 she or he has obtained a license or digital proof of such
333 license for each vessel for that purpose, and has paid the
334 license fee pursuant to paragraphs (b) and (c) for such vessel.

335 (b) A license for any person who operates any vessel
336 licensed to carry more than 10 customers, wherein a fee is paid,
337 either directly or indirectly, for the purpose of taking or
338 attempting to take saltwater fish, is \$800 per year. The license
339 must be kept aboard the vessel at all times or digital proof of
340 such license must be in the possession of the vessel owner while
341 operating the vessel.

342 (c)1. A license for any person who operates any vessel
343 licensed to carry no more than 10 customers, or for any person
344 licensed to operate any vessel carrying 6 or fewer customers,
345 wherein a fee is paid, either directly or indirectly, for the
346 purpose of taking or attempting to take saltwater fish, is \$400
347 per year.

348 2. A license for any person licensed to operate any vessel
349 carrying 6 or fewer customers but who operates a vessel carrying
350 4 or fewer customers, wherein a fee is paid, either directly or
351 indirectly, for the purpose of taking or attempting to take

22-00136E-16 20161430__

352 saltwater fish, is \$200 per year. The license must be kept
 353 aboard the vessel at all times or digital proof of such license
 354 must be in the possession of the vessel owner while operating
 355 the vessel.

356 3. A person who operates a vessel required to be licensed
 357 pursuant to paragraph (b) or this paragraph may obtain a license
 358 in her or his own name, and such license shall be transferable
 359 and apply to any vessel operated by the purchaser, provided that
 360 the purchaser has paid the appropriate license fee.

361 (d) A license for a recreational vessel not for hire and
 362 for which no fee is paid, either directly or indirectly, by
 363 guests for the purpose of taking or attempting to take saltwater
 364 fish noncommercially is \$2,000 per year. The license may be
 365 purchased at the option of the vessel owner. The license and
 366 must be kept aboard the vessel at all times or digital proof of
 367 such license must be in the possession of the vessel owner while
 368 operating the vessel. A log of species taken and the date the
 369 species were taken shall be maintained and a copy of the log
 370 filed with the commission at the time of renewal of the license.

371 (e) The owner, operator, or custodian of a vessel the
 372 operator of which has been licensed pursuant to paragraph (a)
 373 must maintain and report such statistical data as required by,
 374 and in a manner set forth in, the rules of the commission.

375 (f) If the operator of a vessel that carries scuba divers
 376 for a fee, either directly or indirectly, maintains the
 377 appropriate vessel license or digital proof of such license
 378 under this subsection based upon the number of persons the
 379 vessel is licensed to carry and the applicable permits, the
 380 individual scuba divers engaging in taking or attempting to take

22-00136E-16 20161430__

381 saltwater products are not required to obtain individual fishing
 382 licenses, digital proof of such licenses, or any applicable
 383 permits. However, if the operator of such a vessel does not have
 384 the appropriate license or digital proof of such license and
 385 applicable permits, the individual scuba divers engaging in
 386 taking or attempting to take saltwater products must have
 387 individual fishing licenses or digital proof of such licenses
 388 and any applicable permits.

389 (9) RESIDENT 5-YEAR HUNTING AND FISHING LICENSES.--

390 (a) Five-year licenses or digital proof of such licenses
 391 are available for residents only, as follows:

392 1. A 5-year freshwater fishing or saltwater fishing license
 393 is \$77.50 for each type of license and authorizes the person to
 394 whom the license or digital proof of such license is issued to
 395 take or attempt to take or possess freshwater fish or saltwater
 396 fish consistent with the state and federal laws and regulations
 397 and rules of the commission in effect at the time of taking.

398 2. A 5-year hunting license is \$77.50 and authorizes the
 399 person to whom the license or digital proof of such license ~~is~~
 400 is issued to take or attempt to take or possess game consistent
 401 with the state and federal laws and regulations and rules of the
 402 commission in effect at the time of taking.

403 3. The commission is authorized to sell the hunting,
 404 fishing, and recreational activity permits authorized in
 405 subsection (8) for a 5-year period to match the purchase of 5-
 406 year fishing and hunting licenses. The fee for each permit
 407 issued under this paragraph shall be five times the annual cost
 408 established in subsection (8).

409 (b) Proceeds from the sale of all 5-year licenses and

22-00136E-16 20161430__

410 permits shall be deposited into the Dedicated License Trust
 411 Fund, to be distributed in accordance with ~~the provisions of s.~~
 412 379.203.

413 (10) RESIDENT LIFETIME FRESHWATER OR SALTWATER FISHING
 414 LICENSES.—

415 (a) Lifetime freshwater fishing licenses, ~~or~~ saltwater
 416 fishing licenses, or digital proof of such licenses are
 417 available for residents only, as follows, for:

418 1. Persons 4 years of age or younger, for a fee of \$125.
 419 2. Persons 5 years of age or older, but under 13 years of
 420 age, for a fee of \$225.

421 3. Persons 13 years of age or older, for a fee of \$300.

422 (b) The following activities are authorized by the purchase
 423 of a lifetime freshwater fishing license:

424 1. Taking, or attempting to take or possess, freshwater
 425 fish consistent with the state and federal laws and regulations
 426 and rules of the commission in effect at the time of the taking.

427 2. All activities authorized by a management area permit,
 428 excluding hunting.

429 (c) The following activities are authorized by the purchase
 430 of a lifetime saltwater fishing license:

431 1. Taking, or attempting to take or possess, saltwater fish
 432 consistent with the state and federal laws and regulations and
 433 rules of the commission in effect at the time of the taking.

434 2. All activities authorized by a snook permit and a spiny
 435 lobster permit.

436 3. All activities for which an additional license, digital
 437 proof of such license, permit, or fee is required to take or
 438 attempt to take or possess saltwater fish, which additional

22-00136E-16 20161430__

439 license, digital proof of such license, permit, or fee was
 440 imposed subsequent to the date of the purchase of the lifetime
 441 saltwater fishing license.

442 (11) RESIDENT LIFETIME HUNTING LICENSES.—

443 (a) Lifetime hunting licenses or digital proof of such
 444 licenses are available to residents only, as follows, for:

445 1. Persons 4 years of age or younger, for a fee of \$200.
 446 2. Persons 5 years of age or older, but under 13 years of
 447 age, for a fee of \$350.

448 3. Persons 13 years of age or older, for a fee of \$500.

449 (b) The following activities are authorized by the purchase
 450 of a lifetime hunting license:

451 1. Taking, or attempting to take or possess, game
 452 consistent with the state and federal laws and regulations and
 453 rules of the commission in effect at the time of the taking.

454 2. All activities authorized by a muzzle-loading gun season
 455 permit, a crossbow season permit, a turkey permit, an archery
 456 season permit, a Florida waterfowl permit, a deer permit, and a
 457 management area permit, excluding fishing.

458 (12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.—

459 (a) Lifetime sportsman's licenses or digital proof of such
 460 licenses are available to residents only, as follows, for:

461 1. Persons 4 years of age or younger, for a fee of \$400.
 462 2. Persons 5 years of age or older, but under 13 years of
 463 age, for a fee of \$700.

464 3. Persons 13 years of age or older, for a fee of \$1,000.

465 (b) The following activities are authorized by the purchase
 466 of a lifetime sportsman's license:

467 1. Taking, or attempting to take or possess, freshwater and

22-00136E-16 20161430__

468 saltwater fish, and game, consistent with the state and federal
 469 laws and regulations and rules of the commission in effect at
 470 the time of taking.

471 2. All activities authorized by a management area permit, a
 472 muzzle-loading gun season permit, a crossbow season permit, a
 473 turkey permit, an archery season permit, a Florida waterfowl
 474 permit, a deer permit, a snook permit, and a spiny lobster
 475 permit.

476 (15) FREE FISHING DAYS.—The commission may designate by
 477 rule no more than 4 consecutive or nonconsecutive days in each
 478 year as free freshwater fishing days and no more than 4
 479 consecutive or nonconsecutive days in each year as free
 480 saltwater fishing days. Notwithstanding any other provision of
 481 this chapter, any person may take freshwater fish for
 482 noncommercial purposes on a free freshwater fishing day and may
 483 take saltwater fish for noncommercial purposes on a free
 484 saltwater fishing day, without obtaining or possessing a
 485 license, digital proof of such license, or permit or paying a
 486 license or permit fee as prescribed in this section. A person
 487 who takes freshwater or saltwater fish on a free fishing day
 488 must comply with all laws, rules, and regulations governing the
 489 holders of a fishing license or permit and all other conditions
 490 and limitations regulating the taking of freshwater or saltwater
 491 fish as are imposed by law or rule.

492 (16) PROHIBITED LICENSES OR PERMITS.—A person may not make,
 493 forge, counterfeit, or reproduce a license, digital proof of
 494 such license, or permit required under this section, except for
 495 those persons authorized by the commission to make or reproduce
 496 such a license, digital proof of such license, or permit. A

22-00136E-16 20161430__

497 person may not knowingly possess a forgery, counterfeit, or
 498 unauthorized reproduction of such a license, digital proof of
 499 such license, or permit. A person who violates this subsection
 500 commits a Level Four violation under s. 379.401.

501 (18) DIGITAL PROOF OF RECREATIONAL LICENSES.—

502 (a) The commission, in coordination with the Agency for
 503 State Technology, shall develop a secure and uniform system for
 504 issuing an optional digital proof of vessel licenses under
 505 subsection (7) and licenses for taking, attempting to take, or
 506 possessing game, freshwater or saltwater fish, or fur-bearing
 507 animals under subsections (9)-(12) for a fee of \$5. The
 508 commission may contract with one or more private entities to
 509 develop the digital proof of license system pursuant to s.
 510 282.0051(17).

511 (b) Digital proof of the licenses developed by the
 512 commission or by an entity contracted by the commission must be
 513 in a format that allows a commission law enforcement officer to
 514 verify the authenticity of such digital proof. The commission,
 515 in coordination with the Agency for State Technology, may adopt
 516 rules to ensure valid authentication of digital proof of the
 517 licenses by a commission law enforcement officer.

518 (c) Digital proof of a license must display the same
 519 required information about the licenseholder as does a license
 520 under this section.

521 (d) A person may not be issued digital proof of a license
 522 until he or she has satisfied all of the requirements of this
 523 chapter for issuance of a license.

524 Section 6. For the 2016-2017 fiscal year, the sum of
 525 \$500,000 in nonrecurring funds is appropriated from the General

22-00136E-16

20161430__

526 Revenue Fund to the Agency for State Technology for the purpose
527 of implementing the pilot program created by the amendment to s.
528 322.032, Florida Statutes.

529 Section 7. This act shall take effect October 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 1438
Bill Number (if applicable)

Meeting Date _____

Topic STATE TECHNOLOGY

Amendment Barcode (if applicable) _____

Name JAMES TAYLOR

Job Title EXECUTIVE DIRECTOR

Address 115 E PARK AVE

Phone (407) 718-2780

Street

TALLI _____
City State Zip

Email _____

Speaking: For Against Information

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

Representing FLORIDA TECHNOLOGY COUNCIL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/9/16
Meeting Date

1430 brandy
Bill Number (if applicable)

Topic IT

Amendment Barcode (if applicable)

Name Chuck Cliburn

Job Title President, New Capitol

IT

Address 101 N. Monroe

Phone 559 7900

Street

Tallahassee FL

City

State

Zip

Email

Speaking: For Against Information

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

Representing AIF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2 / 9 / 2016

Meeting Date

Topic _____ Bill Number 1430
(if applicable)

Name BRIAN PITTS Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

City

State

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

CourtSmart Tag Report

Room: SB 401
Caption: Senate Governmental Oversight and Accountability Committee

Case No.:

Type:
Judge:

Started: 2/9/2016 10:00:28 AM

Ends: 2/9/2016 11:38:26 AM

Length: 01:37:59

10:00:37 AM Meeting called to order - roll call
10:00:57 AM Tab 2 CS/SB 686, Senator Gaetz - Government Accountability
10:01:31 AM Amendment barcode 637650
10:02:30 AM Senator Gaetz explains amendment
10:04:09 AM Senator Latvala speaks on amendment barcode 214662
10:08:29 AM Adopt amendments
10:09:09 AM Brian Pitts, Justice-2-Jesus, St. Petersburg, FL
10:11:18 AM Wiley Horton, Member Florida Comm on Ethics
10:14:52 AM Roll Call for CS/SB 686
10:15:30 AM Tab 6 CS/SB 1416, Senator Simmons - Public Records/Own-risk and Solvency
10:16:46 AM Amendment Barcode 894704, Senator Hays
10:17:01 AM Senator Simmons explains amendment
10:17:16 AM Amendment adopted
10:17:22 AM Brian Pitts, Justice-2-Jesus, St. Petersburg, FL
10:18:57 AM Roll Call for CS/SB 1416
10:19:32 AM Tab 3 SB 1150, Senator Bean - Legislative Reauthorization of Agency Rulemaking A
10:21:04 AM Amendment Barcode 535736, Senator Hays
10:21:18 AM Senator Bean explains amendment
10:21:41 AM Amendment adopted
10:21:48 AM Senator Latvala asks a question
10:22:42 AM Senator Bean responds
10:26:29 AM Greg Pound, Pinellas County Florida Government Corruption
10:27:34 AM Brian Pitts, Justice-2-Jesus, St. Petersburg, Florida
10:30:32 AM Senator Latvala has questions and comments about SB 1150
10:33:28 AM Senator Ring makes comments on bill.
10:34:51 AM Senator Bean makes comments on bill.
10:37:09 AM Roll Call for SB 1150
10:38:11 AM Tab 10 SB 1430, Senator Brandes - State Technology
10:38:28 AM Amendment Barcode 299626, Senator Hays
10:38:33 AM amendment adopted
10:38:51 AM Amendment Barcode 573846, Senator Hays
10:39:07 AM amendment adopted
10:39:17 AM Amendment Barcode 237312, Senator Hays
10:39:20 AM amendment adopted
10:39:39 AM Amendment Barcode 951280, Senator Hays
10:39:41 AM amendment adopted
10:39:59 AM Roll Call for SB 1430
10:40:25 AM Tab 9 SB 780, Senator Garcia - Provision of Pharmaceutical Services
10:41:00 AM Amendment Barcode 217188-late filed, Senator Hays
10:41:49 AM amendment adopted
10:42:56 AM Paul Sanforx, Tallahassee, FL
10:44:53 AM Senator Ring asks a question about ordering medicine
10:46:05 AM Claudia Davant, Florida Pharmacy Association
10:48:18 AM Senator Hayes answers question put to him from Senator Ring.
10:50:40 AM Senator Ring asks Ms. Davant question
10:50:58 AM Ms. Davant responds
10:54:46 AM Bill Mincy, PPSC, Independent Pharmacy Network
10:58:24 AM Greg Pound, Pinellas County Government Corruption
10:59:03 AM Senator Hays reads a letter from a patient on ordering prescriptions.
11:02:16 AM Senator Evers speaks on the bill.
11:03:46 AM Senator Bullard comments on bill on filling prescriptions.
11:04:43 AM Senator Rings speaks on bill about mail order prescriptions.

11:08:10 AM Senator Garcia closes on bill
11:10:48 AM Roll Call for CS/SB 780
11:11:32 AM Tab 1 Senate Confirmation Hearing: Investment Advisory Council
11:11:44 AM Roll Call for confirmation of Gary C. Wendt, Investment Advisory Council
11:12:07 AM Tab 7 CS/SB 754, Senator Richter - Public Records/Department of Agriculture and
11:12:39 AM Roll Call for CS/SB 754
11:13:02 AM Tab 8 CS/SB 1094, Senator Flores - Public Records/Limited Purpose International Tr
11:13:40 AM Amendment Barcode 187568, late filed, Senator Ring
11:14:57 AM Senator Flores explains amendment
11:15:01 AM Senator Latvala asks question to Senator Flores
11:16:30 AM Raquel A. Rodriguez, Florida International Administrators Assoc.
11:18:17 AM Slater Bayliss, Florida International Administrator's Assoc.
11:21:36 AM Senator Hays asked a question
11:27:31 AM Senator Flores speaks on CS/SB 1094
11:32:08 AM SB CS/SB 1094 tp'd
11:33:59 AM Tab 5 CS/SB 1364, Senator Hays \u8212? Public Records/Personal Information Obtained in
11:34:38 AM Senator Latvala asks a question.
11:35:14 AM Brian Pitts, Justice-2-Jesus, St. Petersburg, FL
11:37:53 AM Roll Call for CS/SB 1364
11:38:08 AM Meeting adjourned