

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Simpson, Chair
Senator Brandes, Vice Chair

MEETING DATE: Tuesday, March 31, 2015
TIME: 10:00 a.m.—12:00 noon
PLACE: 301 Senate Office Building

MEMBERS: Senator Simpson, Chair; Senator Brandes, Vice Chair; Senators Abruzzo, Bradley, Dean, Diaz de la Portilla, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 1372 Ethics and Elections / Gaetz (Similar CS/H 1063)	Government Accountability; Specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the Commissioner of Education may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements; revising reporting requirements applicable to the Florida Clerks of Court Operations Corporation; expanding the types of governmental entities that are subject to lobbyist registration requirements; revising the responsibilities of the governing board of a charter school to include the establishment and maintenance of internal controls, etc. EE 03/24/2015 Fav/CS CA 03/31/2015 Fav/CS RC	Fav/CS Yeas 6 Nays 0
2	SB 752 Hukill	Redevelopment Trust Fund; Adding certain hospital districts to the list of public bodies or taxing authorities that are exempt from appropriating certain revenues to the redevelopment trust fund, etc. CA 03/31/2015 Favorable FT FP	Favorable Yeas 5 Nays 0
3	SB 1388 Stargel (Similar CS/H 1155)	Special Districts; Revising legislative intent with respect to the Uniform Special District Accountability Act to include independent and dependent special districts; specifying the Legislature's authority to create dependent special districts by special act; requiring a newly created dependent special district, and authorizing an existing dependent special district, to identify the district as dependent in its charter; specifying that local general-purpose governments may review certain special districts, etc. CA 03/31/2015 Fav/CS ATD FP	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, March 31, 2015, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 238 Ring (Identical H 479)	Athletic Coaches; Requiring an independent sanctioning authority to dismiss an athletic coach ejected from a game for the remainder of that sport season under certain circumstances; authorizing such athletic coach to resume working under certain circumstances, etc. CF 03/12/2015 Favorable CA 03/31/2015 Favorable JU FP	Favorable Yeas 5 Nays 1
5	SB 164 Evers (Identical H 193)	Crime Stoppers Trust Fund; Authorizing a county that is awarded a grant from the trust fund to use such funds for the purchase and distribution of promotional items, etc. CJ 03/02/2015 Favorable CA 03/31/2015 Favorable ACJ FP	Favorable Yeas 5 Nays 0
6	SB 1430 Abruzzo (Similar CS/H 721, H 1095)	Discounts on Public Park Entrance Fees and Transportation Fares; Requiring counties to provide a partial or a full discount on park entrance fees to military members, veterans, and the spouse and parents of certain deceased military members, law enforcement officers, and firefighters; requiring regional transportation authorities to provide a partial or a full discount on fares and on other charges for certain disabled veterans; requiring municipalities to provide a partial or a full discount on park entrance fees to military members, veterans, and the spouse and parents of certain deceased military members, law enforcement officers, and firefighters, etc. MS 03/23/2015 Favorable CA 03/31/2015 Favorable FP	Favorable Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, March 31, 2015, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 832 Simpson (Compare CS/H 933)	Sector Plans; Requiring that plan amendments that propose an amendment to an adopted sector plan follow a specified state-coordinated review process; establishing that this section is intended to promote development of a long-term vision for conservation, development, and agriculture on a landscape scale; providing that an applicant may request a preapplication conference with the local government that has jurisdiction before filing an application for a detailed specific area plan, subject to certain requirements; requiring the applicant for a detailed specific area plan to transmit copies of the application to specified reviewing agencies for review and comment, etc.	Fav/CS Yeas 4 Nays 0
		CA 03/31/2015 Fav/CS EP FP	
Pending Reconsideration:			
8	CS/SB 934 Governmental Oversight and Accountability / Brandes (Similar CS/H 527)	Public Works Projects; Prohibiting the state and political subdivisions that contract for the construction, maintenance, repair, or improvement of public works from imposing certain conditions on certain contractors, subcontractors, or material suppliers or carriers; prohibiting the state and political subdivisions from imposing certain restrictions on qualified bidders, etc.	Pending Motion to Reconsider Abandoned -- Final Vote: Unfavorable Yeas 1 Nays 6
		GO 03/10/2015 Fav/CS CA 03/23/2015 Pending reconsider (Unfavorable) CA 03/31/2015 Abandoned reconsider (Unfavorable) AP	
Other Related Meeting Documents			



240196

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2015	.	
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The Committee on Community Affairs (Abruzzo) recommended the following:

Senate Amendment (with title amendment)

Delete lines 186 - 939

and insert:

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

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



240196

11 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:
12 (a) “Abuse” means behavior that is deficient or improper
13 when compared with behavior that a prudent person would consider
14 reasonable and necessary operational practice given the facts
15 and circumstances. The term includes the misuse of authority or
16 position for personal gain.
17 (b) ~~(a)~~ “Audit” means a financial audit, operational audit,
18 or performance audit.
19 (c) ~~(b)~~ “County agency” means a board of county
20 commissioners or other legislative and governing body of a
21 county, however styled, including that of a consolidated or
22 metropolitan government, a clerk of the circuit court, a
23 separate or ex officio clerk of the county court, a sheriff, a
24 property appraiser, a tax collector, a supervisor of elections,
25 or any other officer in whom any portion of the fiscal duties of
26 the above are under law separately placed.
27 (d) ~~(c)~~ “Financial audit” means an examination of financial
28 statements in order to express an opinion on the fairness with
29 which they are presented in conformity with generally accepted
30 accounting principles and an examination to determine whether
31 operations are properly conducted in accordance with legal and
32 regulatory requirements. Financial audits must be conducted in
33 accordance with auditing standards generally accepted in the
34 United States and government auditing standards as adopted by
35 the Board of Accountancy. When applicable, the scope of
36 financial audits shall encompass the additional activities
37 necessary to establish compliance with the Single Audit Act
38 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
39 applicable federal law.



240196

40 (e) "Fraud" means obtaining something of value through
41 willful misrepresentation, including, but not limited to, the
42 intentional misstatements or omissions of amounts or disclosures
43 in financial statements to deceive users of financial
44 statements, theft of an entity's assets, bribery, or the use of
45 one's position for personal enrichment through the deliberate
46 misuse or misapplication of an organization's resources.

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

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

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

57 (i)~~(g)~~ "Operational audit" means an audit whose purpose is
58 to evaluate management's performance in establishing and
59 maintaining internal controls, including controls designed to
60 prevent and detect fraud, waste, and abuse, and in administering
61 assigned responsibilities in accordance with applicable laws,
62 administrative rules, contracts, grant agreements, and other
63 guidelines. Operational audits must be conducted in accordance
64 with government auditing standards. Such audits examine internal
65 controls that are designed and placed in operation to promote
66 and encourage the achievement of management's control objectives
67 in the categories of compliance, economic and efficient
68 operations, reliability of financial records and reports, and



240196

69 safeguarding of assets, and identify weaknesses in those
70 internal controls.

71 (j)~~(h)~~ "Performance audit" means an examination of a
72 program, activity, or function of a governmental entity,
73 conducted in accordance with applicable government auditing
74 standards or auditing and evaluation standards of other
75 appropriate authoritative bodies. The term includes an
76 examination of issues related to:

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

78 2. Structure or design of the program to accomplish its
79 goals and objectives.

80 3. Adequacy of the program to meet the needs identified by
81 the Legislature or governing body.

82 4. Alternative methods of providing program services or
83 products.

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

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

88 7. Compliance of the program with appropriate policies,
89 rules, or laws.

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

92 (k)~~(i)~~ "Political subdivision" means a separate agency or
93 unit of local government created or established by law and
94 includes, but is not limited to, the following and the officers
95 thereof: authority, board, branch, bureau, city, commission,
96 consolidated government, county, department, district,
97 institution, metropolitan government, municipality, office,



240196

98 officer, public corporation, town, or village.

99 (1)~~(j)~~ "State agency" means a separate agency or unit of
100 state government created or established by law and includes, but
101 is not limited to, the following and the officers thereof:
102 authority, board, branch, bureau, commission, department,
103 division, institution, office, officer, or public corporation,
104 as the case may be, except any such agency or unit within the
105 legislative branch of state government other than the Florida
106 Public Service Commission.

107 (m) "Waste" means the act of using or expending resources
108 unreasonably, carelessly, extravagantly, or for no useful
109 purpose.

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

111 (j) Conduct audits of local governmental entities when
112 determined to be necessary by the Auditor General, when directed
113 by the Legislative Auditing Committee, or when otherwise
114 required by law. No later than 18 months after the release of
115 the audit report, the Auditor General shall perform such
116 appropriate followup procedures as he or she deems necessary to
117 determine the audited entity's progress in addressing the
118 findings and recommendations contained within the Auditor
119 General's previous report. The Auditor General shall notify each
120 member of the audited entity's governing body and the
121 Legislative Auditing Committee of the results of his or her
122 determination. For purposes of this paragraph, local
123 governmental entities do not include water management districts.

124

125 The Auditor General shall perform his or her duties
126 independently but under the general policies established by the



240196

127 Legislative Auditing Committee. This subsection does not limit
128 the Auditor General's discretionary authority to conduct other
129 audits or engagements of governmental entities as authorized in
130 subsection (3).

131 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
132 General may, pursuant to his or her own authority, or at the
133 direction of the Legislative Auditing Committee, conduct audits
134 or other engagements as determined appropriate by the Auditor
135 General of:

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

137 (y) Tourist development councils and county tourism
138 promotion agencies.

139 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

140 (i) The Auditor General shall annually transmit by July 15,
141 to the President of the Senate, the Speaker of the House of
142 Representatives, and the Department of Financial Services, a
143 list of all school districts, charter schools, charter technical
144 career centers, Florida College System institutions, state
145 universities, and local governmental entities ~~water management~~
146 ~~districts~~ that have failed to comply with the transparency
147 requirements as identified in the audit reports reviewed
148 pursuant to paragraph (b) and those conducted pursuant to
149 subsection (2).

150 Section 3. Paragraph (d) of subsection (2) of section
151 28.35, Florida Statutes, is amended to read:

152 28.35 Florida Clerks of Court Operations Corporation.—

153 (2) The duties of the corporation shall include the
154 following:

155 (d) Developing and certifying a uniform system of workload



240196

156 measures and applicable workload standards for court-related
157 functions as developed by the corporation and clerk workload
158 performance in meeting the workload performance standards. These
159 workload measures and workload performance standards shall be
160 designed to facilitate an objective determination of the
161 performance of each clerk in accordance with minimum standards
162 for fiscal management, operational efficiency, and effective
163 collection of fines, fees, service charges, and court costs. The
164 corporation shall develop the workload measures and workload
165 performance standards in consultation with the Legislature. When
166 the corporation finds a clerk has not met the workload
167 performance standards, the corporation shall identify the nature
168 of each deficiency and any corrective action recommended and
169 taken by the affected clerk of the court. For quarterly periods
170 ending on the last day of March, June, September, and December
171 of each year, the corporation shall notify the Legislature of
172 any clerk not meeting workload performance standards and provide
173 a copy of any corrective action plans. Such notifications shall
174 be submitted no later than 45 days after the end of the
175 preceding quarterly period. As used in this subsection, the
176 term:

177 1. "Workload measures" means the measurement of the
178 activities and frequency of the work required for the clerk to
179 adequately perform the court-related duties of the office as
180 defined by the membership of the Florida Clerks of Court
181 Operations Corporation.

182 2. "Workload performance standards" means the standards
183 developed to measure the timeliness and effectiveness of the
184 activities that are accomplished by the clerk in the performance



240196

185 of the court-related duties of the office as defined by the
186 membership of the Florida Clerks of Court Operations
187 Corporation.

188 Section 4. Present subsections (6) and (7) of section
189 43.16, Florida Statutes, are redesignated as subsections (7) and
190 (8), respectively, and a new subsection (6) is added to that
191 section, to read:

192 43.16 Justice Administrative Commission; membership, powers
193 and duties.—

194 (6) The commission, each state attorney, each public
195 defender, the criminal conflict and civil regional counsel, the
196 capital collateral regional counsel, and the Guardian Ad Litem
197 Program shall establish and maintain internal controls designed
198 to:

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

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

202 (c) Support economical and efficient operations.

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

204 (e) Safeguard assets.

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

207 112.31455 Collection methods for unpaid automatic fines for
208 failure to timely file disclosure of financial interests.—

209 (1) Before referring any unpaid fine accrued pursuant to s.
210 112.3144(5) or s. 112.3145(7) ~~s. 112.3145(6)~~ to the Department
211 of Financial Services, the commission shall attempt to determine
212 whether the individual owing such a fine is a current public
213 officer or current public employee. If so, the commission may



240196

214 notify the Chief Financial Officer or the governing body of the
215 appropriate county, municipality, school district, or special
216 district of the total amount of any fine owed to the commission
217 by such individual.

218 (a) After receipt and verification of the notice from the
219 commission, the Chief Financial Officer or the governing body of
220 the county, municipality, school district, or special district
221 shall begin withholding the lesser of 10 percent or the maximum
222 amount allowed under federal law from any salary-related
223 payment. The withheld payments shall be remitted to the
224 commission until the fine is satisfied.

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

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

231 112.31456 Garnishment of wages for unpaid automatic fines
232 for failure to timely file disclosure of financial interests.-

233 (1) Before referring any unpaid fine accrued pursuant to s.
234 112.3144(5) or s. 112.3145(7) to the Department of Financial
235 Services, the commission shall attempt to determine whether the
236 individual owing such a fine is a current public officer or
237 current public employee. If the commission determines that an
238 individual who is the subject of an unpaid fine accrued pursuant
239 to s. 112.3144(5) or s. 112.3145(7) is no longer a public
240 officer or public employee or if the commission cannot determine
241 whether the individual is a current public officer or current
242 public employee, the commission may, 6 months after the order



240196

243 becomes final, seek garnishment of any wages to satisfy the
244 amount of the fine, or any unpaid portion thereof, pursuant to
245 chapter 77. Upon recording the order imposing the fine with the
246 clerk of the circuit court, the order shall be deemed a judgment
247 for purposes of garnishment pursuant to chapter 77.

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

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

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

258 112.3261 Lobbying before governmental entities ~~water~~
259 ~~management districts~~; registration and reporting.-

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

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

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



240196

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

276 (c) "Lobbyist" has the same meaning as provided in s.
277 112.3215.

278 (d) "Principal" has the same meaning as provided in s.
279 112.3215.

280 (2) A person may not lobby a governmental entity ~~district~~
281 until such person has registered as a lobbyist with that entity
282 ~~district~~. Such registration shall be due upon initially being
283 retained to lobby and is renewable on a calendar-year basis
284 thereafter. Upon registration, the person shall provide a
285 statement signed by the principal or principal's representative
286 stating that the registrant is authorized to represent the
287 principal. The principal shall also identify and designate its
288 main business on the statement authorizing that lobbyist
289 pursuant to a classification system approved by the governmental
290 entity ~~district~~. Any changes to the information required by this
291 section must be disclosed within 15 days by filing a new
292 registration form. The registration form shall require each
293 lobbyist to disclose, under oath, the following:

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

295 (b) The name and business address of each principal
296 represented.

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



240196

301 (d) A governmental entity shall create a lobbyist
302 registration form modeled after the ~~In lieu of creating its own~~
303 ~~lobbyist registration forms, a district may accept a completed~~
304 legislative branch or executive branch lobbyist registration
305 form, which must be returned to the governmental entity.

306 (3) A governmental entity ~~district~~ shall make lobbyist
307 registrations available to the public. If a governmental entity
308 ~~district~~ maintains a website, a database of currently registered
309 lobbyists and principals must be available on the entity's
310 ~~district's~~ website.

311 (4) A lobbyist shall promptly send a written statement to
312 the governmental entity ~~district~~ canceling the registration for
313 a principal upon termination of the lobbyist's representation of
314 that principal. A governmental entity ~~district~~ may remove the
315 name of a lobbyist from the list of registered lobbyists if the
316 principal notifies the entity ~~district~~ that a person is no
317 longer authorized to represent that principal.

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

322 (6) A governmental entity ~~district~~ shall be diligent to
323 ascertain whether persons required to register pursuant to this
324 section have complied. A governmental entity ~~district~~ may not
325 knowingly authorize a person who is not registered pursuant to
326 this section to lobby the entity ~~district~~.

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



240196

330 a report or registration required under this section, the
331 commission shall investigate a lobbyist or principal pursuant to
332 the procedures established under s. 112.324. The commission
333 shall provide the Governor with a report of its findings and
334 recommendations in any investigation conducted pursuant to this
335 subsection. The Governor is authorized to enforce the
336 commission's findings and recommendations.

337 (8) A governmental entity ~~Water management districts~~ may
338 adopt rules to establish procedures to govern the registration
339 of lobbyists, including the adoption of forms and the
340 establishment of a lobbyist registration fee.

341 Section 8. Paragraph (c) of subsection (3) of section
342 129.03, Florida Statutes, is amended to read:

343 129.03 Preparation and adoption of budget.—

344 (3) The county budget officer, after tentatively
345 ascertaining the proposed fiscal policies of the board for the
346 next fiscal year, shall prepare and present to the board a
347 tentative budget for the next fiscal year for each of the funds
348 provided in this chapter, including all estimated receipts,
349 taxes to be levied, and balances expected to be brought forward
350 and all estimated expenditures, reserves, and balances to be
351 carried over at the end of the year.

352 (c) The board shall hold public hearings to adopt tentative
353 and final budgets pursuant to s. 200.065. The hearings shall be
354 primarily for the purpose of hearing requests and complaints
355 from the public regarding the budgets and the proposed tax
356 levies and for explaining the budget and any proposed or adopted
357 amendments. The tentative budget must be posted on the county's
358 official website at least 2 days before the public hearing to



240196

359 consider such budget and must remain on the website for at least
360 45 days. The final budget must be posted on the website within
361 30 days after adoption and must remain on the website for at
362 least 2 years. The tentative budgets, adopted tentative budgets,
363 and final budgets shall be filed in the office of the county
364 auditor as a public record. Sufficient reference in words and
365 figures to identify the particular transactions shall be made in
366 the minutes of the board to record its actions with reference to
367 the budgets.

368 Section 9. Paragraph (f) of subsection (2) of section
369 129.06, Florida Statutes, is amended to read:

370 129.06 Execution and amendment of budget.—

371 (2) The board at any time within a fiscal year may amend a
372 budget for that year, and may within the first 60 days of a
373 fiscal year amend the budget for the prior fiscal year, as
374 follows:

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

380 1. The public hearing must be advertised at least 2 days,
381 but not more than 5 days, before the date of the hearing. The
382 advertisement must appear in a newspaper of paid general
383 circulation and must identify the name of the taxing authority,
384 the date, place, and time of the hearing, and the purpose of the
385 hearing. The advertisement must also identify each budgetary
386 fund to be amended, the source of the funds, the use of the
387 funds, and the total amount of each fund's appropriations.



240196

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

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

394 166.241 Fiscal years, budgets, and budget amendments.—

395 (3) The tentative budget must be posted on the
396 municipality's official website at least 2 days before the
397 budget hearing, held pursuant to s. 200.065 or other law, to
398 consider such budget, and must remain on the website for at
399 least 45 days. The final adopted budget must be posted on the
400 municipality's official website within 30 days after adoption
401 and must remain on the website for at least 2 years. If the
402 municipality does not operate an official website, the
403 municipality must, within a reasonable period of time as
404 established by the county or counties in which the municipality
405 is located, transmit the tentative budget and final budget to
406 the manager or administrator of such county or counties who
407 shall post the budgets on the county's website.

408 (5) If the governing body of a municipality amends the
409 budget pursuant to paragraph (4) (c), the adopted amendment must
410 be posted on the official website of the municipality within 5
411 days after adoption and must remain on the website for at least
412 2 years. If the municipality does not operate an official
413 website, the municipality must, within a reasonable period of
414 time as established by the county or counties in which the
415 municipality is located, transmit the adopted amendment to the
416 manager or administrator of such county or counties who shall



240196

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

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

420 189.016 Reports; budgets; audits.-

421 (4) The tentative budget must be posted on the special
422 district's official website at least 2 days before the budget
423 hearing, held pursuant to s. 200.065 or other law, to consider
424 such budget, and must remain on the website for at least 45
425 days. The final adopted budget must be posted on the special
426 district's official website within 30 days after adoption and
427 must remain on the website for at least 2 years. If the special
428 district does not operate an official website, the special
429 district must, within a reasonable period of time as established
430 by the local general-purpose government or governments in which
431 the special district is located or the local governing authority
432 to which the district is dependent, transmit the tentative
433 budget or final budget to the manager or administrator of the
434 local general-purpose government or the local governing
435 authority. The manager or administrator shall post the tentative
436 budget or final budget on the website of the local general-
437 purpose government or governing authority. This subsection and
438 subsection (3) do not apply to water management districts as
439 defined in s. 373.019.

440 (7) If the governing body of a special district amends the
441 budget pursuant to paragraph (6) (c), the adopted amendment must
442 be posted on the official website of the special district within
443 5 days after adoption and must remain on the website for at
444 least 2 years. If the special district does not operate an
445 official website, the special district must, within a reasonable



240196

446 period of time as established by the local general-purpose
447 government or governments in which the special district is
448 located or the local governing authority to which the district
449 is dependent, transmit the adopted amendment to the manager or
450 administrator of the local general-purpose government or
451 governing authority. The manager or administrator shall post the
452 adopted amendment on the website of the local general-purpose
453 government or governing authority.

454 Section 12. Present subsections (1) through (5) of section
455 215.425, Florida Statutes, are redesignated as subsections (2)
456 through (6), respectively, present subsection (2) and paragraph
457 (a) of subsection (4) of that section are amended, and a new
458 subsection (1) and subsections (7) through (12) are added to
459 that section, to read:

460 215.425 Extra compensation claims prohibited; bonuses;
461 severance pay.—

462 (1) As used in this section, the term "public funds" means
463 any taxes, tuition, grants, fines, fees, or other charges or any
464 other type of revenue collected by the state or any county,
465 municipality, special district, school district, Florida College
466 System institution, state university, or other separate unit of
467 government created pursuant to law, including any office,
468 department, agency, division, subdivision, political
469 subdivision, board, bureau, commission, authority, or
470 institution of such entities.

471 (3)(2) This section does not apply to:

472 (a) a bonus or severance pay that is paid from sources
473 other than public funds wholly from nontax revenues and
474 nonstate-appropriated funds, the payment and receipt of which



240196

475 ~~does not otherwise violate part III of chapter 112, and which is~~
476 ~~paid to an officer, agent, employee, or contractor of a public~~
477 ~~hospital that is operated by a county or a special district; or~~
478 ~~(b) a clothing and maintenance allowance given to~~
479 plainclothes deputies pursuant to s. 30.49.

480 ~~(5) (a) (4) (a) On or after July 1, 2011,~~ A unit of government
481 that enters into a contract or employment agreement, or renewal
482 or renegotiation of an existing contract or employment
483 agreement, that contains a provision for severance pay with an
484 officer, agent, employee, or contractor must include the
485 following provisions in the contract:

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

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

493 (7) Upon discovery or notification that a unit of
494 government has provided prohibited compensation to any officer,
495 agent, employee, or contractor in violation of this section,
496 such unit of government shall investigate and take all necessary
497 action to recover the prohibited compensation.

498 (a) If the violation was unintentional, the unit of
499 government shall recover the prohibited compensation from the
500 individual receiving the prohibited compensation through normal
501 recovery methods for overpayments.

502 (b) If the violation was willful, the unit of government
503 shall recover the prohibited compensation from either the



240196

504 individual receiving the prohibited compensation or the
505 individual or individuals responsible for approving the
506 prohibited compensation. Each individual determined to have
507 willfully violated this section is jointly and severally liable
508 for repayment of the prohibited compensation.

509 (8) A person who willfully violates this section commits a
510 misdemeanor of the first degree, punishable as provided in s.
511 775.082 or s. 775.083.

512 (9) An officer who exercises the powers and duties of a
513 state or county officer and willfully violates this section is
514 subject to the Governor's power under s. 7(a), Art. IV of the
515 State Constitution. An officer who exercises powers and duties
516 other than that of a state or county officer and willfully
517 violates this section is subject to the suspension and removal
518 procedures under s. 112.51.

519 (10) (a) A person who reports a violation of this section is
520 eligible for a reward of at least \$500, or the lesser of 10
521 percent of the funds recovered or \$10,000 per incident of a
522 prohibited compensation payment recovered by the unit of
523 government, depending upon the extent to which the person
524 substantially contributed to the discovery, notification, and
525 recovery of such prohibited payment.

526 (b) In the event that the recovery of the prohibited
527 compensation is based primarily on disclosures of specific
528 information, other than information provided by such person,
529 relating to allegations or transactions in a criminal, civil, or
530 administrative hearing; a legislative, administrative, inspector
531 general, or other government report; auditor general report,
532 hearing, audit, or investigation; or from the news media, such



240196

533 person is not eligible for a reward, or for an award of a
534 portion of the proceeds or payment of attorney fees and costs
535 pursuant to s. 68.085.

536 (c) If it is determined that the person who reported a
537 violation of this section was involved in the authorization,
538 approval, or receipt of the prohibited compensation or is
539 convicted of criminal conduct arising from his or her role in
540 the authorization, approval, or receipt of the prohibited
541 compensation, such person is not eligible for a reward, or for
542 an award of a portion of the proceeds or payment of attorney
543 fees and costs pursuant to s. 68.085.

544 (11) An employee who is discharged, demoted, suspended,
545 threatened, harassed, or in any manner discriminated against in
546 the terms and conditions of employment by his or her employer
547 because of lawful acts done by the employee on behalf of the
548 employee or others in furtherance of an action under this
549 section, including investigation for initiation of, testimony
550 for, or assistance in an action filed or to be filed under this
551 section, has a cause of action under s. 112.3187.

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

556 (a) Recover state funds in accordance with ss. 68.082 and
557 68.083.

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



240196

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

566 Section 13. Section 215.86, Florida Statutes, is amended to
567 read:

568 215.86 Management systems and controls.—Each state agency
569 and the judicial branch as defined in s. 216.011 shall establish
570 and maintain management systems and internal controls designed
571 to:

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

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

575 (3) Support economical and ~~economic,~~ efficient, ~~and~~
576 effective operations.†

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

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

581 Section 14. Paragraph (a) of subsection (2) of section
582 215.97, Florida Statutes, is amended to read:

583 215.97 Florida Single Audit Act.—

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

585 (a) "Audit threshold" means the threshold amount used to
586 determine when a state single audit or project-specific audit of
587 a nonstate entity shall be conducted in accordance with this
588 section. Each nonstate entity that expends a total amount of
589 state financial assistance equal to or in excess of \$750,000
590 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be



240196

591 required to have a state single audit, or a project-specific
592 audit, for such fiscal year in accordance with the requirements
593 of this section. Periodically, Every 2 years the Auditor
594 General, after consulting with the Executive Office of the
595 Governor, the Department of Financial Services, and all state
596 awarding agencies, shall review the threshold amount for
597 requiring audits under this section and, if appropriate, may
598 recommend to the Legislature a statutory change to revise the
599 threshold amount in the annual report submitted pursuant to s.
600 11.45(7)(h) may adjust such threshold amount consistent with the
601 purposes of this section.

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

604 215.985 Transparency in government spending.—

605 (11) Each water management district shall provide a monthly
606 financial statement in the form and manner prescribed by the
607 Department of Financial Services to the district's its governing
608 board and make such monthly financial statement available for
609 public access on its website.

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

612 218.32 Annual financial reports; local governmental
613 entities.—

614 (1)

615 (d) Each local governmental entity that is required to
616 provide for an audit under s. 218.39(1) must submit a copy of
617 the audit report and annual financial report to the department
618 within 45 days after the completion of the audit report but no
619 later than 9 months after the end of the fiscal year. An



240196

620 independent certified public accountant completing an audit of a
621 local governmental entity pursuant to s. 218.39 shall report, as
622 part of the audit, as to whether the entity's annual financial
623 report is in agreement with the audited financial statements.
624 The accountant's audit report must be supported by the same
625 level of detail as required for the annual financial report. If
626 the accountant's audit report is not in agreement with the
627 annual financial report, the accountant shall specify and
628 explain the significant differences that exist between the
629 annual financial report and the audit report.

630 (2) The department shall annually by December 1 file a
631 verified report with the Governor, the Legislature, the Auditor
632 General, and the Special District Accountability Program of the
633 Department of Economic Opportunity showing the revenues, both
634 locally derived and derived from intergovernmental transfers,
635 and the expenditures of each local governmental entity, regional
636 planning council, local government finance commission, and
637 municipal power corporation that is required to submit an annual
638 financial report. In preparing the verified report, the
639 department may request additional information from the local
640 governmental entity. The information requested must be provided
641 to the department within 45 days of the request. If the local
642 governmental entity does not comply with the request, the
643 department shall notify the Legislative Auditing Committee,
644 which may take action pursuant to s. 11.40(2). The report must
645 include, but is not limited to:

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



240196

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

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

657 218.33 Local governmental entities; establishment of
658 uniform fiscal years and accounting practices and procedures.—

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

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

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

664 (c) Support economical and efficient operations.

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

666 (e) Safeguard assets.

667 Section 18. Present subsections (8) through (12) of section
668 218.39, Florida Statutes, are redesignated as subsections (9)
669 through (13), respectively, and a new subsection (8) is added to
670 that section, to read:

671 218.39 Annual financial audit reports.—

672 (8) If the audit report includes a recommendation that was
673 previously included in the preceding financial audit report, the
674 governing body of the audited entity, within 60 days after the
675 delivery of the audit report to the governing body and during a
676 regularly scheduled public meeting, shall indicate its intent
677 regarding corrective action, the corrective action to be taken,



240196

678 and when the corrective action will occur. If the governing body
679 does not intend to take corrective action, it shall explain why
680 such action will not be taken at the regularly scheduled public
681 meeting.

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

685 218.391 Auditor selection procedures.—

686 (2) The governing body of a ~~charter~~ county, municipality,
687 special district, district school board, charter school, or
688 charter technical career center shall establish an audit
689 committee.

690 (a) For a county, the ~~Each noncharter county shall~~
691 establish an audit committee that, at a minimum, shall consist
692 of each of the county officers elected pursuant to the county
693 charter or s. 1(d), Art. VIII of the State Constitution, or a
694 designee, and one member of the board of county commissioners or
695 its designee.

696 (b) For a municipality, special district, district school
697 board, charter school, or charter technical career center, the
698 audit committee shall consist of at least three members. One
699 member of the audit committee must be a member of the governing
700 body of an entity specified in this paragraph who shall also
701 serve as the chair of the committee.

702 (c) A member of the audit committee may not be an employee,
703 chief executive officer, or chief financial officer of the
704 county, municipality, special district, district school board,
705 charter school, or charter technical career center.

706 (d) The primary purpose of the audit committee is to assist



240196

707 the governing body in selecting an auditor to conduct the annual
708 financial audit required in s. 218.39; however, the audit
709 committee may serve other audit oversight purposes as determined
710 by the entity's governing body. The public may ~~shall~~ not be
711 excluded from the proceedings under this section.

712 (7) Every procurement of audit services shall be evidenced
713 by a written contract embodying all provisions and conditions of
714 the procurement of such services. For purposes of this section,
715 an engagement letter signed and executed by both parties shall
716 constitute a written contract. The written contract shall, at a
717 minimum, include the following:

718 (c) A provision specifying the contract period, including
719 renewals, and conditions under which the contract may be
720 terminated or renewed.

721

722 ===== T I T L E A M E N D M E N T =====

723 And the title is amended as follows:

724 Delete lines 26 - 85

725 and insert:

726 controls; amending s. 112.31455, F.S.; correcting a
727 cross-reference; revising provisions governing
728 collection methods for unpaid automatic fines for
729 failure to timely file disclosure of financial
730 interests to include school districts; creating s.
731 112.31456, F.S.; authorizing the Commission on Ethics
732 to seek wage garnishment of certain individuals to
733 satisfy unpaid fines; authorizing the commission to
734 refer unpaid fines to a collection agency;
735 establishing a statute of limitations with respect to



240196

736 the collection of an unpaid fine; amending s.
737 112.3261, F.S.; revising terms to conform to changes
738 made by the act; expanding the types of governmental
739 entities that are subject to lobbyist registration
740 requirements; requiring a governmental entity to
741 create a lobbyist registration form; amending ss.
742 129.03, 129.06, 166.241, and 189.016, F.S.; requiring
743 counties, municipalities, and special districts to
744 maintain certain budget documents on the entities'
745 websites for a specified period; amending s. 215.425,
746 F.S.; defining the term "public funds"; requiring a
747 unit of government to investigate and take necessary
748 action to recover prohibited compensation; specifying
749 methods of recovery and liability for unintentional
750 and willful violations; providing a penalty;
751 specifying applicability of procedures regarding
752 suspension and removal of an officer who commits a
753 willful violation; establishing eligibility criteria
754 and amounts for rewards; specifying circumstances
755 under which an employee has a cause of action under
756 the Whistle-blower's Act; establishing causes of
757 action if a unit of government fails to recover
758 prohibited compensation within a certain timeframe;
759 amending s. 215.86, F.S.; revising management systems
760 and controls to be employed by each state agency and
761 the judicial branch; amending s. 215.97, F.S.;
762 revising the definition of the term "audit threshold";
763 amending s. 215.985, F.S.; revising the requirements
764 for a monthly financial statement provided by a water



240196

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

766 revising the requirements of the annual financial

767 audit report of a local governmental entity;

768 authorizing the Department of Financial Services to

769 request additional information from a local

770 governmental entity; requiring a local governmental

771 entity to respond to such requests within a specified

772 timeframe; requiring the department to notify the

773 Legislative Auditing Committee of noncompliance;

774 amending s. 218.33, F.S.; requiring local governmental

775 entities to establish and maintain internal controls;

776 amending s. 218.39, F.S.; requiring an audited entity

777 to respond to audit recommendations under specified

778 circumstances; amending s. 218.391, F.S.; revising the

779 composition of an audit committee; prohibiting an

780 audit committee member from being an employee, chief

781 executive officer, or chief financial officer of the

782 respective governmental entity;



257090

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/31/2015	.	
	.	
	.	
	.	

The Committee on Community Affairs (Diaz de la Portilla)
recommended the following:

1 **Senate Amendment to Amendment (240196) (with title**
2 **amendment)**

3
4 Delete lines 471 - 477
5 and insert:

6 ~~(3)(2)~~ This section does not apply to:
7 ~~(a)~~ a bonus or severance pay that is paid from sources
8 other than public funds or revenues derived from patient
9 services wholly from nontax revenues and nonstate-appropriated
10 funds, the payment and receipt of which does not otherwise



257090

11 ~~violate part III of chapter 112,~~ and which is paid to an
12 officer, agent, employee, or contractor of a public hospital
13 that is operated by a county or a special district, or
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete line 746

18 and insert:

19 F.S.; defining the term "public funds"; revising
20 exceptions to the prohibition on extra compensation
21 claims; requiring a



418214

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/31/2015	.	
	.	
	.	
	.	

The Committee on Community Affairs (Diaz de la Portilla)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 687 - 693

and insert:

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

~~(a) a bonus or severance pay that is paid from sources
other than public funds or revenues derived from patient
services wholly from nontax revenues and nonstate-appropriated
funds, the payment and receipt of which does not otherwise
violate part III of chapter 112, and which is paid to an~~



418214

11 officer, agent, employee, or contractor of a public hospital
12 that is operated by a county or a special district, or
13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 Delete line 49

17 and insert:

18 F.S.; defining the term "public funds"; revising
19 exceptions to the prohibition on extra compensation
20 claims; requiring a

By the Committee on Ethics and Elections; and Senator Gaetz

582-02835-15

20151372c1

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

582-02835-15

20151372c1

30 payments of certain individuals; authorizing the Chief
31 Financial Officer or a governing body to reduce the
32 amount withheld if certain individuals demonstrate a
33 hardship; transferring a provision relating to the
34 garnishment of wages of specified individuals;
35 creating s. 112.31456, F.S.; authorizing the
36 Commission on Ethics to seek wage garnishment of
37 certain individuals to satisfy unpaid fines;
38 authorizing the commission to refer unpaid fines to a
39 collection agency; establishing a statute of
40 limitations with respect to the collection of an
41 unpaid fine; amending s. 112.3261, F.S.; revising
42 terms to conform to changes made by the act; expanding
43 the types of governmental entities that are subject to
44 lobbyist registration requirements; amending ss.
45 129.03, 129.06, 166.241, and 189.016, F.S.; requiring
46 counties, municipalities, and special districts to
47 maintain certain budget documents on the entities'
48 websites for a specified period; amending s. 215.425,
49 F.S.; defining the term "public funds"; requiring a
50 unit of government to investigate and take necessary
51 action to recover prohibited compensation; specifying
52 methods of recovery and liability for unintentional
53 and willful violations; providing a penalty;
54 specifying applicability of procedures regarding
55 suspension and removal of an officer who commits a
56 willful violation; establishing eligibility criteria
57 and amounts for rewards; specifying circumstances
58 under which an employee has a cause of action under

582-02835-15

20151372c1

59 the Whistle-blower's Act; establishing causes of
60 action if a unit of government fails to recover
61 prohibited compensation within a certain timeframe;
62 amending s. 215.86, F.S.; revising management systems
63 and controls to be employed by each state agency and
64 the judicial branch; amending s. 215.97, F.S.;
65 revising the definition of the term "audit threshold";
66 amending s. 215.985, F.S.; revising the requirements
67 for a monthly financial statement provided by a water
68 management district; amending s. 218.32, F.S.;
69 revising the requirements of the annual financial
70 audit report of a local governmental entity;
71 authorizing the Department of Financial Services to
72 request additional information from a local
73 governmental entity; requiring a local governmental
74 entity to respond to such requests within a specified
75 timeframe; requiring the department to notify the
76 Legislative Auditing Committee of noncompliance;
77 amending s. 218.33, F.S.; requiring local governmental
78 entities to establish and maintain internal controls;
79 amending s. 218.39, F.S.; requiring an audited entity
80 to respond to audit recommendations under specified
81 circumstances; amending s. 218.391, F.S.; revising the
82 composition of an audit committee; prohibiting an
83 audit committee member from exercising financial
84 management duties on behalf of the governmental
85 entity; restricting the length of a contract period;
86 requiring the chair of an audit committee to sign and
87 execute an affidavit affirming compliance with auditor

582-02835-15

20151372c1

88 selection procedures; prescribing procedures in the
89 event of noncompliance with auditor selection
90 procedures; amending s. 288.92, F.S.; prohibiting
91 specified officers and board members of Enterprise
92 Florida, Inc., from representing a person or entity
93 for compensation before Enterprise Florida, Inc., and
94 associated entities thereof, for a specified
95 timeframe; amending s. 288.9604, F.S.; prohibiting a
96 director of the board of directors of the Florida
97 Development Finance Corporation from representing a
98 person or entity for compensation before the
99 corporation for a specified timeframe; amending s.
100 373.536, F.S.; deleting obsolete language; requiring
101 water management districts to maintain certain budget
102 documents on the districts' websites for a specified
103 period; amending s. 1002.33, F.S.; revising the
104 responsibilities of the governing board of a charter
105 school to include the establishment and maintenance of
106 internal controls; amending s. 1002.37, F.S.;
107 requiring completion of an annual financial audit of
108 the Florida Virtual School; specifying audit
109 requirements; requiring an audit report to be
110 submitted to the board of trustees of the Florida
111 Virtual School and the Auditor General; removing an
112 obsolete provision; amending s. 1010.01, F.S.;
113 requiring each school district, Florida College System
114 institution, and state university to establish and
115 maintain certain internal controls; amending s.
116 1010.30, F.S.; requiring a district school board,

582-02835-15

20151372c1

117 Florida College System institution board of trustees,
118 or university board of trustees to respond to audit
119 recommendations under certain circumstances; amending
120 ss. 68.082, 68.083, 218.503, and 1002.455, F.S.;
121 conforming provisions and cross-references to changes
122 made by the act; declaring that the act fulfills an
123 important state interest; providing an effective date.
124

125 Be It Enacted by the Legislature of the State of Florida:
126

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

129 11.40 Legislative Auditing Committee.—

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

142 (a) In the case of a local governmental entity or district
143 school board, direct the Department of Revenue and the
144 Department of Financial Services to withhold any funds not
145 pledged for bond debt service satisfaction which are payable to

582-02835-15

20151372c1

146 such entity until the entity complies with the law. The
147 committee shall specify the date such action shall begin, and
148 the directive must be received by the Department of Revenue and
149 the Department of Financial Services 30 days before the date of
150 the distribution mandated by law. The Department of Revenue and
151 the Department of Financial Services may implement the
152 provisions of this paragraph.

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

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

169 2. A local ordinance, notify the chair or equivalent of the
170 local general-purpose government pursuant to s. 189.035(2) and
171 the Department of Economic Opportunity that the special district
172 has failed to comply with the law. Upon receipt of notification,
173 the department shall proceed pursuant to s. 189.062 or s.
174 189.067. If the special district remains in noncompliance after

582-02835-15

20151372c1

175 the process set forth in s. 189.034(3), or if a public hearing
176 is not held, the Legislative Auditing Committee may request the
177 department to proceed pursuant to s. 189.067(3).

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

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

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

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

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

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

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

200 (c)~~(b)~~ "County agency" means a board of county
201 commissioners or other legislative and governing body of a
202 county, however styled, including that of a consolidated or
203 metropolitan government, a clerk of the circuit court, a

582-02835-15

20151372c1

204 separate or ex officio clerk of the county court, a sheriff, a
205 property appraiser, a tax collector, a supervisor of elections,
206 or any other officer in whom any portion of the fiscal duties of
207 the above are under law separately placed.

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

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

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

231 (g)~~(e)~~ "Local governmental entity" means a county agency,
232 municipality, tourist development council, county tourism

582-02835-15

20151372c1

233 promotion agency, or special district as defined in s. 189.012.
234 The term, ~~but~~ does not include any housing authority established
235 under chapter 421.

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

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

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

- 258 1. Economy, efficiency, or effectiveness of the program.
- 259 2. Structure or design of the program to accomplish its
260 goals and objectives.
- 261 3. Adequacy of the program to meet the needs identified by

582-02835-15

20151372c1

262 the Legislature or governing body.

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

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

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

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

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

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

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

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

582-02835-15

20151372c1

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

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

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

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

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

582-02835-15

20151372c1

320 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

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

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

333 28.35 Florida Clerks of Court Operations Corporation.—

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

336 (d) Developing and certifying a uniform system of workload
337 measures and applicable workload standards for court-related
338 functions as developed by the corporation and clerk workload
339 performance in meeting the workload performance standards. These
340 workload measures and workload performance standards shall be
341 designed to facilitate an objective determination of the
342 performance of each clerk in accordance with minimum standards
343 for fiscal management, operational efficiency, and effective
344 collection of fines, fees, service charges, and court costs. The
345 corporation shall develop the workload measures and workload
346 performance standards in consultation with the Legislature. When
347 the corporation finds a clerk has not met the workload
348 performance standards, the corporation shall identify the nature

582-02835-15

20151372c1

349 of each deficiency and any corrective action recommended and
350 taken by the affected clerk of the court. For quarterly periods
351 ending on the last day of March, June, September, and December
352 of each year, the corporation shall notify the Legislature of
353 any clerk not meeting workload performance standards and provide
354 a copy of any corrective action plans. Such notifications shall
355 be submitted no later than 45 days after the end of the
356 preceding quarterly period. As used in this subsection, the
357 term:

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

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

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

373 43.16 Justice Administrative Commission; membership, powers
374 and duties.—

375 (6) The commission, each state attorney, each public
376 defender, the criminal conflict and civil regional counsel, the
377 capital collateral regional counsel, and the Guardian Ad Litem

582-02835-15

20151372c1

378 Program shall establish and maintain internal controls designed
379 to:

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

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

383 (c) Support economical and efficient operations.

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

385 (e) Safeguard assets.

386 Section 5. Section 112.31455, Florida Statutes, is amended
387 to read:

388 112.31455 Withholding of public salary-related payments
389 ~~Collection methods~~ for unpaid automatic fines for failure to
390 timely file disclosure of financial interests.-

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

400 (a) After receipt and verification of the notice from the
401 commission, the Chief Financial Officer or the governing body of
402 the county, municipality, or special district shall withhold 25
403 percent of the entire amount of any fine owed, and any
404 administrative costs incurred, from the individual's next public
405 salary-related payment. The same percentage of each successive
406 public salary-related payment must be withheld until the fine

582-02835-15

20151372c1

407 ~~and administrative costs are paid in full~~ begin withholding the
408 ~~lesser of 10 percent or the maximum amount allowed under federal~~
409 ~~law from any salary-related payment.~~ The Chief Financial Officer
410 or the governing body of the county, municipality, or special
411 district may retain an amount of each withheld payment, as
412 provided in s. 77.0305, to cover the administrative costs
413 incurred under this section. The withheld payments shall be
414 remitted to the commission until the fine is satisfied.

415 (b) If a current public officer or current public employee
416 demonstrates to the Chief Financial Officer or the governing
417 body responsible for paying him or her that the public salary is
418 his or her primary source of income and that withholding 25
419 percent of the entire amount of any fine owed from a public
420 salary-related payment would present an undue hardship, the
421 withheld amount may be reduced but must be at least 10 percent
422 of the public salary-related payment ~~The Chief Financial Officer~~
423 ~~or the governing body of the county, municipality, or special~~
424 ~~district may retain an amount of each withheld payment, as~~
425 ~~provided in s. 77.0305, to cover the administrative costs~~
426 ~~incurred under this section.~~

427 ~~(2) If the commission determines that the individual who is~~
428 ~~the subject of an unpaid fine accrued pursuant to s. 112.3144(5)~~
429 ~~or s. 112.3145(6) is no longer a public officer or public~~
430 ~~employee or if the commission is unable to determine whether the~~
431 ~~individual is a current public officer or public employee, the~~
432 ~~commission may, 6 months after the order becomes final, seek~~
433 ~~garnishment of any wages to satisfy the amount of the fine, or~~
434 ~~any unpaid portion thereof, pursuant to chapter 77. Upon~~
435 ~~recording the order imposing the fine with the clerk of the~~

582-02835-15

20151372c1

436 ~~circuit court, the order shall be deemed a judgment for purposes~~
437 ~~of garnishment pursuant to chapter 77.~~

438 ~~(2)(3)~~ The commission may refer unpaid fines to the
439 appropriate collection agency, as directed by the Chief
440 Financial Officer, to use ~~utilize~~ any collection methods
441 provided by law. Except as expressly limited by this section,
442 any other collection methods authorized by law are allowed.

443 ~~(3)(4)~~ Action may be taken to collect any unpaid fine
444 imposed by ss. 112.3144 and 112.3145 within 20 years after the
445 date the final order is rendered.

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

448 112.31456 Garnishment of wages for unpaid automatic fines
449 for failure to timely file disclosure of financial interests.-

450 (1) Before referring any unpaid fine accrued pursuant to s.
451 112.3144(5) or s. 112.3145(7) to the Department of Financial
452 Services, the commission shall attempt to determine whether the
453 individual owing such a fine is a current public officer or
454 current public employee. If the commission determines that an
455 individual who is the subject of an unpaid fine accrued pursuant
456 to s. 112.3144(5) or s. 112.3145(7) is no longer a public
457 officer or public employee or if the commission cannot determine
458 whether the individual is a current public officer or current
459 public employee, the commission may, 6 months after the order
460 becomes final, seek garnishment of any wages to satisfy the
461 amount of the fine, or any unpaid portion thereof, pursuant to
462 chapter 77. Upon recording the order imposing the fine with the
463 clerk of the circuit court, the order shall be deemed a judgment
464 for purposes of garnishment pursuant to chapter 77.

582-02835-15

20151372c1

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

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

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

475 112.3261 Lobbying before governmental entities ~~water~~
476 ~~management districts~~; registration and reporting.—

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

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

486 (b) "Lobbies" means seeking, on behalf of another person,
487 to influence a governmental entity ~~district~~ with respect to a
488 decision of the entity ~~district~~ in an area of policy or
489 procurement or an attempt to obtain the goodwill of an a
490 ~~district~~ official or employee of a governmental entity. The term
491 ~~"lobbies"~~ shall be interpreted and applied consistently with the
492 rules of the commission implementing s. 112.3215.

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

582-02835-15

20151372c1

494 112.3215.

495 (d) "Principal" has the same meaning as provided in s.
496 112.3215.

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

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

512 (b) The name and business address of each principal
513 represented.

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

518 (d) In lieu of creating its own lobbyist registration
519 forms, a governmental entity ~~district~~ may accept a completed
520 legislative branch or executive branch lobbyist registration
521 form.

522 (3) A governmental entity ~~district~~ shall make lobbyist

582-02835-15

20151372c1

523 registrations available to the public. If a governmental entity
524 ~~district~~ maintains a website, a database of currently registered
525 lobbyists and principals must be available on the entity's
526 ~~district's~~ website.

527 (4) A lobbyist shall promptly send a written statement to
528 the governmental entity ~~district~~ canceling the registration for
529 a principal upon termination of the lobbyist's representation of
530 that principal. A governmental entity ~~district~~ may remove the
531 name of a lobbyist from the list of registered lobbyists if the
532 principal notifies the entity ~~district~~ that a person is no
533 longer authorized to represent that principal.

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

538 (6) A governmental entity ~~district~~ shall be diligent to
539 ascertain whether persons required to register pursuant to this
540 section have complied. A governmental entity ~~district~~ may not
541 knowingly authorize a person who is not registered pursuant to
542 this section to lobby the entity ~~district~~.

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

582-02835-15

20151372c1

552 commission's findings and recommendations.

553 (8) A governmental entity ~~Water management districts~~ may
554 adopt rules to establish procedures to govern the registration
555 of lobbyists, including the adoption of forms and the
556 establishment of a lobbyist registration fee.

557 Section 8. Paragraph (c) of subsection (3) of section
558 129.03, Florida Statutes, is amended to read:

559 129.03 Preparation and adoption of budget.—

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

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

582-02835-15

20151372c1

581 figures to identify the particular transactions shall be made in
582 the minutes of the board to record its actions with reference to
583 the budgets.

584 Section 9. Paragraph (f) of subsection (2) of section
585 129.06, Florida Statutes, is amended to read:

586 129.06 Execution and amendment of budget.—

587 (2) The board at any time within a fiscal year may amend a
588 budget for that year, and may within the first 60 days of a
589 fiscal year amend the budget for the prior fiscal year, as
590 follows:

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

596 1. The public hearing must be advertised at least 2 days,
597 but not more than 5 days, before the date of the hearing. The
598 advertisement must appear in a newspaper of paid general
599 circulation and must identify the name of the taxing authority,
600 the date, place, and time of the hearing, and the purpose of the
601 hearing. The advertisement must also identify each budgetary
602 fund to be amended, the source of the funds, the use of the
603 funds, and the total amount of each fund's appropriations.

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

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

582-02835-15

20151372c1

610 166.241 Fiscal years, budgets, and budget amendments.—

611 (3) The tentative budget must be posted on the
612 municipality's official website at least 2 days before the
613 budget hearing, held pursuant to s. 200.065 or other law, to
614 consider such budget, and must remain on the website for at
615 least 45 days. The final adopted budget must be posted on the
616 municipality's official website within 30 days after adoption
617 and must remain on the website for at least 2 years. If the
618 municipality does not operate an official website, the
619 municipality must, within a reasonable period of time as
620 established by the county or counties in which the municipality
621 is located, transmit the tentative budget and final budget to
622 the manager or administrator of such county or counties who
623 shall post the budgets on the county's website.

624 (5) If the governing body of a municipality amends the
625 budget pursuant to paragraph (4)(c), the adopted amendment must
626 be posted on the official website of the municipality within 5
627 days after adoption and must remain on the website for at least
628 2 years. If the municipality does not operate an official
629 website, the municipality must, within a reasonable period of
630 time as established by the county or counties in which the
631 municipality is located, transmit the adopted amendment to the
632 manager or administrator of such county or counties who shall
633 post the adopted amendment on the county's website.

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

636 189.016 Reports; budgets; audits.—

637 (4) The tentative budget must be posted on the special
638 district's official website at least 2 days before the budget

582-02835-15

20151372c1

639 hearing, held pursuant to s. 200.065 or other law, to consider
640 such budget, and must remain on the website for at least 45
641 days. The final adopted budget must be posted on the special
642 district's official website within 30 days after adoption and
643 must remain on the website for at least 2 years. If the special
644 district does not operate an official website, the special
645 district must, within a reasonable period of time as established
646 by the local general-purpose government or governments in which
647 the special district is located or the local governing authority
648 to which the district is dependent, transmit the tentative
649 budget or final budget to the manager or administrator of the
650 local general-purpose government or the local governing
651 authority. The manager or administrator shall post the tentative
652 budget or final budget on the website of the local general-
653 purpose government or governing authority. This subsection and
654 subsection (3) do not apply to water management districts as
655 defined in s. 373.019.

656 (7) If the governing body of a special district amends the
657 budget pursuant to paragraph (6) (c), the adopted amendment must
658 be posted on the official website of the special district within
659 5 days after adoption and must remain on the website for at
660 least 2 years. If the special district does not operate an
661 official website, the special district must, within a reasonable
662 period of time as established by the local general-purpose
663 government or governments in which the special district is
664 located or the local governing authority to which the district
665 is dependent, transmit the adopted amendment to the manager or
666 administrator of the local general-purpose government or
667 governing authority. The manager or administrator shall post the

582-02835-15

20151372c1

668 adopted amendment on the website of the local general-purpose
669 government or governing authority.

670 Section 12. Present subsections (1) through (5) of section
671 215.425, Florida Statutes, are redesignated as subsections (2)
672 through (6), respectively, present subsection (2) and paragraph
673 (a) of subsection (4) of that section are amended, and a new
674 subsection (1) and subsections (7) through (12) are added to
675 that section, to read:

676 215.425 Extra compensation claims prohibited; bonuses;
677 severance pay.—

678 (1) As used in this section, the term "public funds" means
679 any taxes, tuition, grants, fines, fees, or other charges or any
680 other type of revenue collected by the state or any county,
681 municipality, special district, school district, Florida College
682 System institution, state university, or other separate unit of
683 government created pursuant to law, including any office,
684 department, agency, division, subdivision, political
685 subdivision, board, bureau, commission, authority, or
686 institution of such entities.

687 ~~(3)(2)~~ This section does not apply to:

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

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

696 ~~(5) (a) (4) (a)~~ (5) (a) ~~On or after July 1, 2011,~~ A unit of government

582-02835-15

20151372c1

697 that enters into a contract or employment agreement, or renewal
698 or renegotiation of an existing contract or employment
699 agreement, that contains a provision for severance pay with an
700 officer, agent, employee, or contractor must include the
701 following provisions in the contract:

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

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

709 (7) Upon discovery or notification that a unit of
710 government has provided prohibited compensation to any officer,
711 agent, employee, or contractor in violation of this section,
712 such unit of government shall investigate and take all necessary
713 action to recover the prohibited compensation.

714 (a) If the violation was unintentional, the unit of
715 government shall recover the prohibited compensation from the
716 individual receiving the prohibited compensation through normal
717 recovery methods for overpayments.

718 (b) If the violation was willful, the unit of government
719 shall recover the prohibited compensation from either the
720 individual receiving the prohibited compensation or the
721 individual or individuals responsible for approving the
722 prohibited compensation. Each individual determined to have
723 willfully violated this section is jointly and severally liable
724 for repayment of the prohibited compensation.

725 (8) A person who willfully violates this section commits a

582-02835-15

20151372c1

726 misdemeanor of the first degree, punishable as provided in s.
727 775.082 or s. 775.083.

728 (9) An officer who exercises the powers and duties of a
729 state or county officer and willfully violates this section is
730 subject to the Governor's power under s. 7(a), Art. IV of the
731 State Constitution. An officer who exercises powers and duties
732 other than that of a state or county officer and willfully
733 violates this section is subject to the suspension and removal
734 procedures under s. 112.51.

735 (10) (a) A person who reports a violation of this section is
736 eligible for a reward of at least \$500, or the lesser of 10
737 percent of the funds recovered or \$10,000 per incident of a
738 prohibited compensation payment recovered by the unit of
739 government, depending upon the extent to which the person
740 substantially contributed to the discovery, notification, and
741 recovery of such prohibited payment.

742 (b) In the event that the recovery of the prohibited
743 compensation is based primarily on disclosures of specific
744 information, other than information provided by such person,
745 relating to allegations or transactions in a criminal, civil, or
746 administrative hearing; a legislative, administrative, inspector
747 general, or other government report; auditor general report,
748 hearing, audit, or investigation; or from the news media, such
749 person is not eligible for a reward, or for an award of a
750 portion of the proceeds or payment of attorney fees and costs
751 pursuant to s. 68.085.

752 (c) If it is determined that the person who reported a
753 violation of this section was involved in the authorization,
754 approval, or receipt of the prohibited compensation or is

582-02835-15

20151372c1

755 convicted of criminal conduct arising from his or her role in
756 the authorization, approval, or receipt of the prohibited
757 compensation, such person is not eligible for a reward, or for
758 an award of a portion of the proceeds or payment of attorney
759 fees and costs pursuant to s. 68.085.

760 (11) An employee who is discharged, demoted, suspended,
761 threatened, harassed, or in any manner discriminated against in
762 the terms and conditions of employment by his or her employer
763 because of lawful acts done by the employee on behalf of the
764 employee or others in furtherance of an action under this
765 section, including investigation for initiation of, testimony
766 for, or assistance in an action filed or to be filed under this
767 section, has a cause of action under s. 112.3187.

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

772 (a) Recover state funds in accordance with ss. 68.082 and
773 68.083.

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

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

782 Section 13. Section 215.86, Florida Statutes, is amended to
783 read:

582-02835-15

20151372c1

784 215.86 Management systems and controls.—Each state agency
785 and the judicial branch as defined in s. 216.011 shall establish
786 and maintain management systems and internal controls designed
787 to:

- 788 (1) Prevent and detect fraud, waste, and abuse. ~~that~~
789 (2) Promote and encourage compliance with applicable laws,
790 rules, contracts, grant agreements, and best practices.†
791 (3) Support economical and ~~economic,~~ efficient, and
792 effective operations.†
793 (4) Ensure reliability of financial records and reports.†
794 (5) Safeguard and ~~safeguarding of~~ assets. ~~Accounting~~
795 ~~systems and procedures shall be designed to fulfill the~~
796 ~~requirements of generally accepted accounting principles.~~

797 Section 14. Paragraph (a) of subsection (2) of section
798 215.97, Florida Statutes, is amended to read:

799 215.97 Florida Single Audit Act.—

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

801 (a) "Audit threshold" means the threshold amount used to
802 determine when a state single audit or project-specific audit of
803 a nonstate entity shall be conducted in accordance with this
804 section. Each nonstate entity that expends a total amount of
805 state financial assistance equal to or in excess of \$750,000
806 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
807 required to have a state single audit, or a project-specific
808 audit, for such fiscal year in accordance with the requirements
809 of this section. Periodically, ~~Every 2 years~~ the Auditor
810 General, after consulting with the Executive Office of the
811 Governor, the Department of Financial Services, and all state
812 awarding agencies, shall review the threshold amount for

582-02835-15

20151372c1

813 requiring audits under this section and, if appropriate, may
814 recommend to the Legislature a statutory change to revise the
815 threshold amount in the annual report submitted pursuant to s.
816 11.45(7)(h) may adjust such threshold amount consistent with the
817 purposes of this section.

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

820 215.985 Transparency in government spending.—

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

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

828 218.32 Annual financial reports; local governmental
829 entities.—

830 (1)

831 (d) Each local governmental entity that is required to
832 provide for an audit under s. 218.39(1) must submit a copy of
833 the audit report and annual financial report to the department
834 within 45 days after the completion of the audit report but no
835 later than 9 months after the end of the fiscal year. An
836 independent certified public accountant completing an audit of a
837 local governmental entity pursuant to s. 218.39 shall report, as
838 part of the audit, as to whether the entity's annual financial
839 report is in agreement with the audited financial statements.
840 The accountant's audit report must be supported by the same
841 level of detail as required for the annual financial report. If

582-02835-15

20151372c1

842 the accountant's audit report is not in agreement with the
843 annual financial report, the accountant shall specify and
844 explain the significant differences that exist between the
845 annual financial report and the audit report.

846 (2) The department shall annually by December 1 file a
847 verified report with the Governor, the Legislature, the Auditor
848 General, and the Special District Accountability Program of the
849 Department of Economic Opportunity showing the revenues, both
850 locally derived and derived from intergovernmental transfers,
851 and the expenditures of each local governmental entity, regional
852 planning council, local government finance commission, and
853 municipal power corporation that is required to submit an annual
854 financial report. In preparing the verified report, the
855 department may request additional information from the local
856 governmental entity. The information requested must be provided
857 to the department within 45 days of the request. If the local
858 governmental entity does not comply with the request, the
859 department shall notify the Legislative Auditing Committee,
860 which may take action pursuant to s. 11.40(2). The report must
861 include, but is not limited to:

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

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

870 Section 17. Present subsection (3) of section 218.33,

582-02835-15

20151372c1

871 Florida Statutes, is redesignated as subsection (4), and a new
872 subsection (3) is added to that section, to read:

873 218.33 Local governmental entities; establishment of
874 uniform fiscal years and accounting practices and procedures.-

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

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

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

880 (c) Support economical and efficient operations.

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

882 (e) Safeguard assets.

883 Section 18. Present subsections (8) through (12) of section
884 218.39, Florida Statutes, are redesignated as subsections (9)
885 through (13), respectively, and a new subsection (8) is added to
886 that section, to read:

887 218.39 Annual financial audit reports.-

888 (8) If the audit report includes a recommendation that was
889 previously included in the preceding financial audit report, the
890 governing body of the audited entity, within 60 days after the
891 delivery of the audit report to the governing body and during a
892 regularly scheduled public meeting, shall indicate its intent
893 regarding corrective action, the corrective action to be taken,
894 and when the corrective action will occur. If the governing body
895 does not intend to take corrective action, it shall explain why
896 such action will not be taken at the regularly scheduled public
897 meeting.

898 Section 19. Subsection (2) and paragraph (c) of subsection
899 (7) of section 218.391, Florida Statutes, are amended, and a new

582-02835-15

20151372c1

900 subsection (9) is added to that section, to read:

901 218.391 Auditor selection procedures.—

902 (2) The governing body of a ~~charter~~ county, municipality,
903 special district, district school board, charter school, or
904 charter technical career center shall establish an audit
905 committee.

906 (a) For a county, the ~~Each noncharter county shall~~
907 ~~establish an~~ audit committee ~~that~~, at a minimum, shall consist
908 of each of the county officers elected pursuant to the county
909 charter or s. 1(d), Art. VIII of the State Constitution, or a
910 designee, and one member of the board of county commissioners or
911 its designee.

912 (b) For a municipality, special district, district school
913 board, charter school, or charter technical career center, the
914 audit committee shall consist of at least three members. One
915 member of the audit committee must be a member of the governing
916 body of an entity specified in this paragraph who shall also
917 serve as the chair of the committee.

918 (c) A member of the audit committee may not exercise
919 financial management responsibilities for the county,
920 municipality, special district, district school board, charter
921 school, or charter technical career center.

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

928 (7) Every procurement of audit services shall be evidenced

582-02835-15

20151372c1

929 by a written contract embodying all provisions and conditions of
930 the procurement of such services. For purposes of this section,
931 an engagement letter signed and executed by both parties shall
932 constitute a written contract. The written contract shall, at a
933 minimum, include the following:

934 (c) A provision specifying the contract period, including
935 renewals, and conditions under which the contract may be
936 terminated or renewed. The contract period may not exceed 5
937 years. Upon conclusion of the contract, the contracting firm is
938 ineligible to conduct a financial audit of the entity pursuant
939 to s. 218.39 for a period of 2 years.

940 (9) An audit report submitted pursuant to s. 218.39 must
941 include an affidavit executed by the chair of the audit
942 committee affirming that the committee complied with the
943 requirements of subsections (3) through (6) in selecting an
944 auditor. If the Auditor General determines that an entity failed
945 to comply with the requirements of subsections (3) through (6)
946 in selecting an auditor, the entity shall select a replacement
947 auditor in accordance with this section to conduct audits for
948 subsequent fiscal years if the original audit was performed
949 under a multiyear contract. If the replacement of an auditor
950 would preclude the entity from timely completing the annual
951 financial audit required by s. 218.39, the entity shall replace
952 an auditor in accordance with this section for the subsequent
953 annual financial audit. A multiyear contract between an entity
954 or an auditor may not prohibit or restrict an entity from
955 complying with this subsection.

956 Section 20. Paragraph (b) of subsection (2) of section
957 288.92, Florida Statutes, is amended to read:

582-02835-15

20151372c1

958 288.92 Divisions of Enterprise Florida, Inc.—

959 (2)

960 (b)1. The following officers and board members are subject
961 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
962 112.3143(2):

963 a. Officers and members of the board of directors of the
964 divisions of Enterprise Florida, Inc.

965 b. Officers and members of the board of directors of
966 subsidiaries of Enterprise Florida, Inc.

967 c. Officers and members of the board of directors of
968 corporations created to carry out the missions of Enterprise
969 Florida, Inc.

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

973 2. The officers and board members specified in subparagraph
974 1. may not represent another person or entity for compensation
975 before Enterprise Florida, Inc., or a division, subsidiary, or
976 the board of directors of corporations created to carry out the
977 missions of Enterprise Florida, Inc., or with which a division
978 is required by law to contract to carry out its missions, for a
979 period of 2 years after retirement from or termination of
980 service to a division.

981 ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),
982 (12), and (15); 112.3135; and 112.3143(2) to activities of the
983 officers and members of the board of directors specified in
984 subparagraph 1., those persons shall be considered public
985 officers or employees and the corporation shall be considered
986 their agency.

582-02835-15

20151372c1

987 ~~4.3.~~ It is not a violation of s. 112.3143(2) or (4) for the
988 officers or members of the board of directors of the Florida
989 Tourism Industry Marketing Corporation to:

990 a. Vote on the 4-year marketing plan required under s.
991 288.923 or vote on any individual component of or amendment to
992 the plan.

993 b. Participate in the establishment or calculation of
994 payments related to the private match requirements of s.
995 288.904(3). The officer or member must file an annual disclosure
996 describing the nature of his or her interests or the interests
997 of his or her principals, including corporate parents and
998 subsidiaries of his or her principal, in the private match
999 requirements. This annual disclosure requirement satisfies the
1000 disclosure requirement of s. 112.3143(4). This disclosure must
1001 be placed either on the Florida Tourism Industry Marketing
1002 Corporation's website or included in the minutes of each meeting
1003 of the Florida Tourism Industry Marketing Corporation's board of
1004 directors at which the private match requirements are discussed
1005 or voted upon.

1006 Section 21. Paragraph (a) of subsection (3) of section
1007 288.9604, Florida Statutes, is amended to read:

1008 288.9604 Creation of the authority.—

1009 (3) (a) 1. A director may not receive compensation for his or
1010 her services, but is entitled to necessary expenses, including
1011 travel expenses, incurred in the discharge of his or her duties.
1012 Each director shall hold office until his or her successor has
1013 been appointed.

1014 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
1015 and (15); 112.3135; and 112.3143(2). For purposes of applying

582-02835-15

20151372c1

1016 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1017 112.3143(2) to activities of directors, directors shall be
1018 considered public officers and the corporation shall be
1019 considered their agency.

1020 3. A director of the board of directors of the corporation
1021 may not represent another person or entity for compensation
1022 before the corporation for a period of 2 years following his or
1023 her service on the board of directors.

1024 Section 22. Paragraph (e) of subsection (4), paragraph (d)
1025 of subsection (5), and paragraph (d) of subsection (6) of
1026 section 373.536, Florida Statutes, are amended to read:

1027 373.536 District budget and hearing thereon.—

1028 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1029 (e) ~~By September 1, 2012,~~ Each district shall provide a
1030 monthly financial statement in the form and manner prescribed by
1031 the Department of Financial Services to the district's governing
1032 board and make such monthly financial statement available for
1033 public access on its website.

1034 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
1035 APPROVAL.—

1036 (d) Each district shall, by August 1 of each year, submit
1037 for review a tentative budget and a description of any
1038 significant changes from the preliminary budget submitted to the
1039 Legislature pursuant to s. 373.535 to the Governor, the
1040 President of the Senate, the Speaker of the House of
1041 Representatives, the chairs of all legislative committees and
1042 subcommittees having substantive or fiscal jurisdiction over
1043 water management districts, as determined by the President of
1044 the Senate or the Speaker of the House of Representatives, as

582-02835-15

20151372c1

1045 applicable, the secretary of the department, and the governing
1046 body of each county in which the district has jurisdiction or
1047 derives any funds for the operations of the district. The
1048 tentative budget must be posted on the district's official
1049 website at least 2 days before budget hearings held pursuant to
1050 s. 200.065 or other law and must remain on the website for at
1051 least 45 days.

1052 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1053 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1054 (d) The final adopted budget must be posted on the water
1055 management district's official website within 30 days after
1056 adoption and must remain on the website for at least 2 years.

1057 Section 23. Paragraph (j) of subsection (9) of section
1058 1002.33, Florida Statutes, is amended to read:

1059 1002.33 Charter schools.—

1060 (9) CHARTER SCHOOL REQUIREMENTS.—

1061 (j) The governing body of the charter school shall be
1062 responsible for:

1063 1. Establishing and maintaining internal controls designed
1064 to:

1065 a. Prevent and detect fraud, waste, and abuse.

1066 b. Promote and encourage compliance with applicable laws,
1067 rules, contracts, grant agreements, and best practices.

1068 c. Support economical and efficient operations.

1069 d. Ensure reliability of financial records and reports.

1070 e. Safeguard assets.

1071 2.1- Ensuring that the charter school has retained the
1072 services of a certified public accountant or auditor for the
1073 annual financial audit, pursuant to s. 1002.345(2), who shall

582-02835-15

20151372c1

1074 submit the report to the governing body.

1075 ~~3.2.~~ Reviewing and approving the audit report, including
1076 audit findings and recommendations for the financial recovery
1077 plan.

1078 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including
1079 monitoring a corrective action plan.

1080 b. Monitoring a financial recovery plan in order to ensure
1081 compliance.

1082 ~~5.4.~~ Participating in governance training approved by the
1083 department which must include government in the sunshine,
1084 conflicts of interest, ethics, and financial responsibility.

1085 Section 24. Present subsections (6) through (10) of section
1086 1002.37, Florida Statutes, are redesignated as subsections (7)
1087 through (11), respectively, a new subsection (6) is added to
1088 that section, and present subsections (6) and (11) of that
1089 section are amended, to read:

1090 1002.37 The Florida Virtual School.—

1091 (6) The Florida Virtual School shall have an annual
1092 financial audit of its accounts and records completed by an
1093 independent auditor who is a certified public accountant
1094 licensed under chapter 473. The independent auditor shall
1095 conduct the audit in accordance with rules adopted by the
1096 Auditor General pursuant to s. 11.45 and, upon completion of the
1097 audit, shall prepare an audit report in accordance with such
1098 rules. The audit report must include a written statement of the
1099 board of trustees describing corrective action to be taken in
1100 response to each of the independent auditor's recommendations
1101 included in the audit report. The independent auditor shall
1102 submit the audit report to the board of trustees and the Auditor

582-02835-15

20151372c1

1103 General no later than 9 months after the end of the preceding
1104 fiscal year.

1105 (7)~~(6)~~ The board of trustees shall annually submit to the
1106 Governor, the Legislature, the Commissioner of Education, and
1107 the State Board of Education, the audit report prepared pursuant
1108 to subsection (6) and a complete and detailed report setting
1109 forth:

1110 (a) The operations and accomplishments of the Florida
1111 Virtual School within the state and those occurring outside the
1112 state as Florida Virtual School Global.

1113 (b) The marketing and operational plan for the Florida
1114 Virtual School and Florida Virtual School Global, including
1115 recommendations regarding methods for improving the delivery of
1116 education through the Internet and other distance learning
1117 technology.

1118 (c) The assets and liabilities of the Florida Virtual
1119 School and Florida Virtual School Global at the end of the
1120 fiscal year.

1121 ~~(d) A copy of an annual financial audit of the accounts and~~
1122 ~~records of the Florida Virtual School and Florida Virtual School~~
1123 ~~Global, conducted by an independent certified public accountant~~
1124 ~~and performed in accordance with rules adopted by the Auditor~~
1125 ~~General.~~

1126 ~~(e)~~ Recommendations regarding the unit cost of providing
1127 services to students through the Florida Virtual School and
1128 Florida Virtual School Global. In order to most effectively
1129 develop public policy regarding any future funding of the
1130 Florida Virtual School, it is imperative that the cost of the
1131 program is accurately identified. The identified cost of the

582-02835-15

20151372c1

1132 program must be based on reliable data.

1133 (e)~~(f)~~ Recommendations regarding an accountability
1134 mechanism to assess the effectiveness of the services provided
1135 by the Florida Virtual School and Florida Virtual School Global.

1136 ~~(11) The Auditor General shall conduct an operational audit
1137 of the Florida Virtual School, including Florida Virtual School
1138 Global. The scope of the audit shall include, but not be limited
1139 to, the administration of responsibilities relating to
1140 personnel; procurement and contracting; revenue production;
1141 school funds, including internal funds; student enrollment
1142 records; franchise agreements; information technology
1143 utilization, assets, and security; performance measures and
1144 standards; and accountability. The final report on the audit
1145 shall be submitted to the President of the Senate and the
1146 Speaker of the House of Representatives no later than January
1147 31, 2014.~~

1148 Section 25. Subsection (5) is added to section 1010.01,
1149 Florida Statutes, to read:

1150 1010.01 Uniform records and accounts.—

1151 (5) Each school district, Florida College System
1152 institution, and state university shall establish and maintain
1153 internal controls designed to:

1154 (a) Prevent and detect fraud, waste, and abuse.

1155 (b) Promote and encourage compliance with applicable laws,
1156 rules, contracts, grant agreements, and best practices.

1157 (c) Support economical and efficient operations.

1158 (d) Ensure reliability of financial records and reports.

1159 (e) Safeguard assets.

1160 Section 26. Subsection (2) of section 1010.30, Florida

582-02835-15

20151372c1

1161 Statutes, is amended to read:

1162 1010.30 Audits required.—

1163 (2) If a school district, Florida College System
 1164 institution, or university audit report includes a
 1165 recommendation that was previously included in the preceding
 1166 financial audit report, an audit contains a significant finding,
 1167 the district school board, the Florida College System
 1168 institution board of trustees, or the university board of
 1169 trustees, within 60 days after the delivery of the audit report
 1170 to the school district, Florida College System institution, or
 1171 university and shall conduct an audit overview during a
 1172 regularly scheduled public meeting, shall indicate its intent
 1173 regarding corrective action, the corrective action to be taken,
 1174 and when the corrective action will occur. If the district
 1175 school board, Florida College System institution board of
 1176 trustees, or university board of trustees does not intend to
 1177 take corrective action, it shall explain why such action will
 1178 not be taken at the regularly scheduled public meeting.

1179 Section 27. Subsection (2) of section 68.082, Florida
 1180 Statutes, is amended to read:

1181 68.082 False claims against the state; definitions;
 1182 liability.—

1183 (2) Any person who:

1184 (a) Knowingly presents or causes to be presented a false or
 1185 fraudulent claim for payment or approval;

1186 (b) Knowingly authorizes, approves, or receives payment of
 1187 prohibited compensation in violation of s. 215.425;

1188 (c) ~~(b)~~ Knowingly makes, uses, or causes to be made or used
 1189 a false record or statement material to a false or fraudulent

582-02835-15

20151372c1

1190 claim;

1191 (d)~~(e)~~ Conspires to commit a violation of this subsection;

1192 (e)~~(d)~~ Has possession, custody, or control of property or

1193 money used or to be used by the state and knowingly delivers or

1194 causes to be delivered less than all of that money or property;

1195 (f)~~(e)~~ Is authorized to make or deliver a document

1196 certifying receipt of property used or to be used by the state

1197 and, intending to defraud the state, makes or delivers the

1198 receipt without knowing that the information on the receipt is

1199 true;

1200 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an

1201 obligation or a debt, public property from an officer or

1202 employee of the state who may not sell or pledge the property;

1203 or

1204 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used

1205 a false record or statement material to an obligation to pay or

1206 transmit money or property to the state, or knowingly conceals

1207 or knowingly and improperly avoids or decreases an obligation to

1208 pay or transmit money or property to the state

1209

1210 is liable to the state for a civil penalty of not less than

1211 \$5,500 and not more than \$11,000 and for treble the amount of

1212 damages the state sustains because of the act of that person.

1213 Section 28. Subsection (1) of section 68.083, Florida

1214 Statutes, is amended to read:

1215 68.083 Civil actions for false claims.—

1216 (1) The department may diligently investigate a violation

1217 under s. 68.082. If the department finds that a person has

1218 violated or is violating s. 68.082, the department may bring a

582-02835-15

20151372c1

1219 civil action under the Florida False Claims Act against the
1220 person. The Department of Financial Services may bring a civil
1221 action under this section if the action arises from an
1222 investigation by that department and the Department of Legal
1223 Affairs has not filed an action under this act. For a violation
1224 of s. 68.082 regarding prohibited compensation paid from state
1225 funds, the Department of Financial Services may bring a civil
1226 action under this section if the action arises from an
1227 investigation by that department concerning a violation of s.
1228 215.425 by the state and the Department of Legal Affairs has not
1229 filed an action under this act.

1230 Section 29. Subsection (3) of section 218.503, Florida
1231 Statutes, is amended to read:

1232 218.503 Determination of financial emergency.—

1233 (3) Upon notification that one or more of the conditions in
1234 subsection (1) have occurred or will occur if action is not
1235 taken to assist the local governmental entity or district school
1236 board, the Governor or his or her designee shall contact the
1237 local governmental entity or the Commissioner of Education or
1238 his or her designee shall contact the district school board to
1239 determine what actions have been taken by the local governmental
1240 entity or the district school board to resolve or prevent the
1241 condition. The information requested must be provided within 45
1242 days after the date of the request. If the local governmental
1243 entity or the district school board does not comply with the
1244 request, the Governor or his or her designee or the Commissioner
1245 of Education or his or her designee shall notify ~~the members of~~
1246 the Legislative Auditing Committee, which ~~who~~ may take action
1247 pursuant to s. 11.40(2) ~~s. 11.40~~. The Governor or the

582-02835-15

20151372c1

1248 Commissioner of Education, as appropriate, shall determine
1249 whether the local governmental entity or the district school
1250 board needs state assistance to resolve or prevent the
1251 condition. If state assistance is needed, the local governmental
1252 entity or district school board is considered to be in a state
1253 of financial emergency. The Governor or the Commissioner of
1254 Education, as appropriate, has the authority to implement
1255 measures as set forth in ss. 218.50-218.504 to assist the local
1256 governmental entity or district school board in resolving the
1257 financial emergency. Such measures may include, but are not
1258 limited to:

1259 (a) Requiring approval of the local governmental entity's
1260 budget by the Governor or approval of the district school
1261 board's budget by the Commissioner of Education.

1262 (b) Authorizing a state loan to a local governmental entity
1263 and providing for repayment of same.

1264 (c) Prohibiting a local governmental entity or district
1265 school board from issuing bonds, notes, certificates of
1266 indebtedness, or any other form of debt until such time as it is
1267 no longer subject to this section.

1268 (d) Making such inspections and reviews of records,
1269 information, reports, and assets of the local governmental
1270 entity or district school board as are needed. The appropriate
1271 local officials shall cooperate in such inspections and reviews.

1272 (e) Consulting with officials and auditors of the local
1273 governmental entity or the district school board and the
1274 appropriate state officials regarding any steps necessary to
1275 bring the books of account, accounting systems, financial
1276 procedures, and reports into compliance with state requirements.

582-02835-15

20151372c1

1277 (f) Providing technical assistance to the local
1278 governmental entity or the district school board.

1279 (g)1. Establishing a financial emergency board to oversee
1280 the activities of the local governmental entity or the district
1281 school board. If a financial emergency board is established for
1282 a local governmental entity, the Governor shall appoint board
1283 members and select a chair. If a financial emergency board is
1284 established for a district school board, the State Board of
1285 Education shall appoint board members and select a chair. The
1286 financial emergency board shall adopt such rules as are
1287 necessary for conducting board business. The board may:

1288 a. Make such reviews of records, reports, and assets of the
1289 local governmental entity or the district school board as are
1290 needed.

1291 b. Consult with officials and auditors of the local
1292 governmental entity or the district school board and the
1293 appropriate state officials regarding any steps necessary to
1294 bring the books of account, accounting systems, financial
1295 procedures, and reports of the local governmental entity or the
1296 district school board into compliance with state requirements.

1297 c. Review the operations, management, efficiency,
1298 productivity, and financing of functions and operations of the
1299 local governmental entity or the district school board.

1300 d. Consult with other governmental entities for the
1301 consolidation of all administrative direction and support
1302 services, including, but not limited to, services for asset
1303 sales, economic and community development, building inspections,
1304 parks and recreation, facilities management, engineering and
1305 construction, insurance coverage, risk management, planning and

582-02835-15

20151372c1

1306 zoning, information systems, fleet management, and purchasing.

1307 2. The recommendations and reports made by the financial
1308 emergency board must be submitted to the Governor for local
1309 governmental entities or to the Commissioner of Education and
1310 the State Board of Education for district school boards for
1311 appropriate action.

1312 (h) Requiring and approving a plan, to be prepared by
1313 officials of the local governmental entity or the district
1314 school board in consultation with the appropriate state
1315 officials, prescribing actions that will cause the local
1316 governmental entity or district school board to no longer be
1317 subject to this section. The plan must include, but need not be
1318 limited to:

1319 1. Provision for payment in full of obligations outlined in
1320 subsection (1), designated as priority items, which are
1321 currently due or will come due.

1322 2. Establishment of priority budgeting or zero-based
1323 budgeting in order to eliminate items that are not affordable.

1324 3. The prohibition of a level of operations which can be
1325 sustained only with nonrecurring revenues.

1326 4. Provisions implementing the consolidation, sourcing, or
1327 discontinuance of all administrative direction and support
1328 services, including, but not limited to, services for asset
1329 sales, economic and community development, building inspections,
1330 parks and recreation, facilities management, engineering and
1331 construction, insurance coverage, risk management, planning and
1332 zoning, information systems, fleet management, and purchasing.

1333 Section 30. Subsection (2) of section 1002.455, Florida
1334 Statutes, is amended to read:

582-02835-15

20151372c1

1335 1002.455 Student eligibility for K-12 virtual instruction.-

1336 (2) A student is eligible to participate in virtual
1337 instruction if:

1338 (a) The student spent the prior school year in attendance
1339 at a public school in the state and was enrolled and reported by
1340 the school district for funding during October and February for
1341 purposes of the Florida Education Finance Program surveys;

1342 (b) The student is a dependent child of a member of the
1343 United States Armed Forces who was transferred within the last
1344 12 months to this state from another state or from a foreign
1345 country pursuant to a permanent change of station order;

1346 (c) The student was enrolled during the prior school year
1347 in a virtual instruction program under s. 1002.45 or a full-time
1348 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~
1349 ~~1002.37(8)(a)~~;

1350 (d) The student has a sibling who is currently enrolled in
1351 a virtual instruction program and the sibling was enrolled in
1352 that program at the end of the prior school year;

1353 (e) The student is eligible to enter kindergarten or first
1354 grade; or

1355 (f) The student is eligible to enter grades 2 through 5 and
1356 is enrolled full-time in a school district virtual instruction
1357 program, virtual charter school, or the Florida Virtual School.

1358 Section 31. The Legislature finds that a proper and
1359 legitimate state purpose is served when internal controls are
1360 established to prevent and detect fraud, waste, and abuse and to
1361 safeguard and account for government funds and property.
1362 Therefore, the Legislature determines and declares that this act
1363 fulfills an important state interest.

582-02835-15

20151372c1

1364

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/31/15
Meeting Date

1372
Bill Number (if applicable)

257090
Amendment Barcode (if applicable)

Topic Government Accountability

Name Nick Iarossi

Job Title _____

Address 101 E. College Ave Ste 502
Street

Phone 850-222-9075

Tallahassee FL 32301
City State Zip

Email niarossi@capacityconsult.com

Speaking: For Against Information
The Amendment

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

Representing Safety Net Hospitals

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/31/15

Meeting Date

1372

Bill Number (if applicable)

257090

Amendment Barcode (if applicable)

Topic Government Accountability

Name Ashley Boxer

Job Title Director, Government Relations

Address 1131 N. 35th Avenue, 3rd Floor

Street

Phone (305) 794-4801

Hollywood

City

FL

State

33021

Zip

Email aboxer@mhs.net

Speaking: For Against Information

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

Representing South Broward Hospital District

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)

3/31/2015
Meeting Date

1372
Bill Number (if applicable)

418214
Amendment Barcode (if applicable)

Topic Government Accountability

Name Ellen Anderson

Job Title Vice President, State Advocacy

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 FL Hospital 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.

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)

3/31/15
Meeting Date

1372
Bill Number (if applicable)

Topic Government Accountability

Amendment Barcode (if applicable)

Name Nick Iarossi

Job Title _____

Address 101 E College Ave. Ste 502

Phone 222-9075

Street

TLH
City

FL
State

32301
Zip

Email niarossi@capchwa.com

Speaking: For Against Information

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

Representing Safety Net Hospitals

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)

1372
Bill Number (if applicable)

240196
Amendment Barcode (if applicable)

Meeting Date _____

Topic _____

Name Monica Rodriguez

Job Title Ballard Partners

Address 403 ~~Co~~ Park Avenue

Street
Tallahassee
City State Zip

Phone 904 232 2222

Email ~~monica@ballardfl.com~~

Speaking: For Against Information

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

Representing Jackson Health System

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-31-15

Meeting Date

1372

Bill Number (if applicable)

240196

Amendment Barcode (if applicable)

Topic Governmental Accountability

Name Amber Hughes

Job Title Legislative Advocate

Address PO Box 1757

Street

Phone 701-3621

Tallahassee, FL

City

State

Zip

Email ahughes@flcities.com

Amendment

Speaking: For Against Information

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

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/CS/SB 1372

INTRODUCER: Community Affairs Committee; Ethics and Elections Committee; and Senator Gaetz

SUBJECT: Government Accountability

DATE: March 31, 2015

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1372 is an omnibus government accountability bill. The bill 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.

The bill also requires local governmental entities to keep their final budgets, and any amendments thereto, on their website for a period of 2 years after adoption.

The bill requires various governmental entities to adopt internal controls to prevent and detect fraud, waste, and abuse.

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

The bill allows the Governor or Commissioner of Education, 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.

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

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

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

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

II. Present Situation:

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

III. Effect of Proposed Changes:

Statement of Legislative Findings and Intent

The bill explains that the intent of the bill is to prevent fraud, waste, and abuse, and to safeguard government resources. Specifically, section 31 of the bill provides: “The Legislature finds that a proper and legitimate state purpose is served when internal controls are established to prevent and detect fraud, waste, and abuse and to safeguard and account for government funds and property. Therefore, the Legislature determines and declares that this act fulfills an important state interest.”

Governmental Ethics Laws

Collection Methods for Unpaid Financial Disclosure Fines

Present Situation:

Section 112.31455, F.S., authorizes the Florida Commission on Ethics to engage in common-law withholding of wages and to seek garnishment in order to collect unpaid financial disclosure fines. Prior to referring such a fine to the Department of Financial Services, the Florida Commission on Ethics must attempt to determine whether or not the filer is a current public officer or public employee.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 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. Additionally, 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 Proposed Changes:

The bill amends s. 112.31455, F.S., in two ways. First, the bill expressly authorizes 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.

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

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

¹ Section 112.31455(1), F.S.

² Section 112.31455(3), F.S.

³ Section 112.31455(4), F.S.

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

Effect of Proposed Changes:

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

Post Service Lobbying Restrictions

Present Situation:

Section 288.92, F.S., authorizes Enterprise Florida to create and dissolve divisions as necessary to carry out its mission. That section also requires Enterprise Florida to have certain divisions. The law also provides 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.

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 Proposed Changes:

The bill prohibits officers and members of the boards of directors of the divisions of Enterprise Florida, subsidiaries of Enterprise Florida, corporations created to carry out the missions of Enterprise Florida, and corporations with which a division is required by law to contract to carry out its missions, from representing another person or entity for compensation before Enterprise Florida, Inc., divisions of Enterprise Florida, subsidiaries of Enterprise Florida, corporations created to carry out the missions of Enterprise Florida, and corporations with which a division is required by law to contract to carry out its missions, for a period of 2 years after retirement or termination of service to a division.

The bill also prohibits directors of the Florida Development Finance Authority from representing another person or entity for compensation before the corporation, for a period of 2 years after retirement or termination of service.

⁴ Part III, Chapter 112, Florida Statutes.

⁵ Part III, Chapter 112, Florida Statutes.

Online Posting of Governmental Budgets

Counties, Municipalities, and Special Districts

Present Situation:

Counties⁶, municipalities⁷, and special districts⁸ 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. Current law does not specify how long those items must remain available on the website.

Effect of Proposed Changes:

The bill requires the tentative budget to remain on the county's, municipality's, or special district's website for at least 45 days. The bill also requires that the final adopted budget must remain on the county's, municipality's, or special district's website for at least 2 years. Finally, the bill requires an adopted amendment to the budget to remain on a county's, municipality's, or special district's website for at least 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 Proposed Changes:

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

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

Present Situation:

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

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

⁶ Section 129.03, F.S.

⁷ Section 166.241, F.S.

⁸ Section 189.016, F.S.

be designed to fulfill the requirements of generally accepted accounting principles.

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

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

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

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

Effect of Proposed Changes:

The bill requires each entity⁹ to maintain internal controls designed to: prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economic, efficient, and effective operations; ensure reliability of records and reports; and, safeguard assets.

Extra Compensation Claims and False Claims Act Changes***Extra Compensation Claims*****Present Situation:**

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

Effect of Proposed Changes:

The bill defines “public funds” as:

any taxes, tuition, grants, fines, fees, or other charges or any other type of revenue collected by the state or any county, municipality, special district, school district, Florida College System institution, state university, or other separate unit of government created pursuant to law, including any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, or institution of such entities.

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

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

⁹ This includes each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem program.

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

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

False Claims Against the State

Present Situation:

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

- Knowingly presenting a false or fraudulent claim for payment or approval;
- Knowingly making or using a false record or statement material to a false or fraudulent claim;
- Conspiring to commit a violation of this subsection;
- Having possession, custody, or control of property or money used or to be used by the state and knowingly delivering less than all of that money or property;
- Making or delivering a document certifying receipt of property used or to be used by the state and, intending to defraud the state, making or delivering the receipt without knowing that the information on the receipt is true;
- Knowingly buying or receiving, as a pledge of an obligation or a debt, public property from an officer or employee of the state who may not sell or pledge the property; or
- Knowingly making or using a false record or statement material to an obligation to pay or transmit money or property to the state, or knowingly concealing or knowingly and improperly avoiding or decreasing an obligation to pay or transmit money or property to the state.

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

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

¹⁰ Section 112.3187, F.S.

Effect of Proposed Changes:

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

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

Auditing***Joint Legislative Auditing Committee*****Present Situation:**

Section 11.40, F.S., provides:

Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7),¹¹ s. 218.32(1),¹² s. 218.38,¹³ or s. 218.503(3),¹⁴ the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action.

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

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

¹¹ Section 11.45, F.S., governs certain audits to be conducted by the Auditor General.

¹² Section 218.32(1), F.S., requires annual financial reports from local governmental entities.

¹³ Section 218.38, F.S., requires notice of bond issuance and contains verification requirements.

¹⁴ Section 218.503(3), F.S., requires those entities to disclose a financial emergency and provide certain information concerning a financial emergency.

Effect of Proposed Changes:

The bill provides that the Governor or his or her designee, or the Commissioner of Education or his or her designee, 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 defines the terms “abuse,” “fraud,” and “waste” in s. 11.45, F.S., as follows:

- “Abuse” means behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary operational practice given the facts and circumstances. The term includes the misuse of authority or position for personal gain.
- “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 Auditor General’s reporting requirement to the President of the Senate, the Speaker of the House of Representatives, and the Department of Financial Services, by removing the obsolete reference to water management districts and replacing it with the phrase “local governmental entity.”

Single Audit Act**Present Situation:**

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

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

Effect of Proposed Changes:

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

Local Government Entity Annual Financial Reports

Present Situation:

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

Additionally, the Department of Financial Services is required to file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Accountability Program of the Department of Economic Opportunity showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report.¹⁵

Effect of Proposed Changes:

The bill requires an independent certified public accountant completing an audit of a unit of local government pursuant to s. 218.39, F.S., to report, as part of the audit, whether or not the entity’s annual financial report is in agreement with the audit report. The accountant’s audit report must be supported by the same level of detail 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

¹⁵ Section 218.32(2), F.S.

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.¹⁶ 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 Proposed Changes:

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

Auditor Selection Procedures

Present Situation:

Section 218.391, F.S., lays out the process that specified governmental entities¹⁷ 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 lays out what must be considered in selecting the firm and discusses negotiating for compensation.

Effect of Proposed Changes:

The bill requires all counties to have an auditor selection committee consisting of each of its officers elected pursuant to the county charter or Florida Constitution. The bill requires municipalities, special districts, district school boards, charter schools, or charter technical career centers to create an audit committee with at least 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. Members of county, municipal, or special district audit committees may not exercise financial management responsibilities for the county, municipality, or special district. The bill provides that the contract period may not exceed 5 years. The bill creates a 2-year period of ineligibility for a firm to get a new contract after its 5-year contract has expired.

The audit report submitted pursuant to s. 218.39, F.S., must include an affidavit executed by the chair of the audit committee affirming that the committee complied with the auditor selection

¹⁶ Section 218.39, F.S.

¹⁷ The entities are: the governing body of a charter county, municipality, special district, district school board, charter school, or charter technical career center.

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 School is created to develop and deliver online and distance learning. The Commissioner of Education is charged with monitoring the Florida Virtual School. In pertinent part, the law requires the board of trustees to submit an annual report to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education. The report is required to address: operations and accomplishments of the Florida Virtual School within the state and those occurring outside the state as Florida Virtual School Global; marketing and 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.¹⁸

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

Effect of Proposed Changes:

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

¹⁸ Section 1002.37(6), F.S.

of the board of trustees describing corrective action to be taken in response to each finding of the independent auditor's recommendations included in the audit report.

Required Audits of Certain Educational Institutions

Present Situation:

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

Effect of Proposed Changes:

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

Other Provisions

Florida Clerk of Courts Corporation

Present Situation:

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

Effect of Proposed Changes:

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

Transparency in Government Spending

Present Situation:

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

Effect of Proposed Changes:

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

Financial Emergencies

Present Situation:

Local governmental entities, charter schools, charter technical career centers, and district school boards are subject to review and oversight by the Governor, the charter school sponsor, the charter technical career center sponsor, or the Commissioner of Education, as appropriate, under certain circumstances.¹⁹ 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.²⁰

Effect of Proposed Changes:

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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 exemption also may

¹⁹ Section 218.503(1), F.S.

²⁰ Section 218.503(3), F.S.

apply because similarly situated persons are all required to comply and the bill articulates a threshold finding of serving an important state interest.

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 court system, court-related entities, local governments, district school boards, charter schools, and state colleges and universities 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. It also requires the payment of rewards to individuals who report violations. The changes may result in the recovery of prohibited payments, but it also will have an associated increased workload cost for investigations and the payment of rewards.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 112.31456 of the Florida Statutes.

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

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Community Affairs on March 31, 2015:

Clarifies that the definition of “abuse” includes the misuse of authority or position for personal gain.

Reverts to the existing law regarding the withholding of a salary payment related to a public employee’s unpaid fine that resulted from an improper financial disclosure. Requires a school district that has received notification from the Florida Commission on Ethics that a current public employee owes such an unpaid fine to withhold the lesser of 10 percent or the amount allowed under federal law from any salary-related payment. The amended bill also authorizes the school district to withhold additional funds to offset the administrative costs of implementing these withholdings.

CS by Ethics and Elections on March 24, 2015:

- Allows the Auditor General to conduct audits or other engagements of tourist development councils and county tourism promotion agencies;
- Requires a governing body to withhold 25 percent of the amount of the fine from the filer’s next public salary-related payment, plus any administrative costs incurred;
- Requires withholding the same percentage of each successive public salary-related payment until the fine and administrative costs are paid in full;
- Defines “public funds” for purposes of the prohibited compensation statute in s. 215.425, F.S.;
- Clarifies that it is not prohibited compensation to pay a bonus or severance pay from sources other than public funds;
- Provides that state or county officers making or receiving prohibited compensation may be suspended by the Governor and removed by the Florida Senate;
- Allows the Governor to suspend and remove any other officer who makes or receives prohibited compensation pursuant to s. 112.51, F.S.;
- Requires the accountant’s audit to be supported by the same level of detail required for the annual financial report;
- Provides that the contract period may not exceed 5 years;
- Creates a 2-year period of ineligibility for a firm to get a new contract after its 5-year contract has expired;
- Requires the audit report submitted pursuant to s. 218.39, F.S., to include an affidavit executed by the chair of the audit committee affirming that the committee complied with the auditor selection requirements;
- Provides that entities that fail to comply with the requirements in selecting an auditor must replace the auditor for the remaining term of the contract;

- Extends applicability of the 2 year post-service lobbying restriction to prohibit representation before a division of Enterprise Florida, subsidiary of Enterprise Florida, or the board of directors of corporations created to carry out the missions of Enterprise Florida, Inc., or with which a division is required by law to contract to carry out its missions;
- Requires Florida Virtual Schools to include a written statement describing corrective action to be taken in response to each of the independent auditor's recommendations;
- Requires Florida Virtual Schools to submit its audit report in its annual report to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education; and
- Provides new effective date of October 1, 2015.

B. Amendments:

None.

By Senator Hukill

8-00720-15

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1 A bill to be entitled
2 An act relating to the redevelopment trust fund;
3 amending s. 163.387, F.S.; adding certain hospital
4 districts to the list of public bodies or taxing
5 authorities that are exempt from appropriating certain
6 revenues to the redevelopment trust fund; reenacting
7 s. 259.042(9), F.S., to incorporate the amendment made
8 to s. 163.387, F.S., in a reference thereto; providing
9 an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (a) of subsection (2) of section
14 163.387, Florida Statutes, is republished, and paragraph (c) of
15 that subsection is amended, to read:

16 163.387 Redevelopment trust fund.—

17 (2) (a) Except for the purpose of funding the trust fund
18 pursuant to subsection (3), upon the adoption of an ordinance
19 providing for funding of the redevelopment trust fund as
20 provided in this section, each taxing authority shall, by
21 January 1 of each year, appropriate to the trust fund for so
22 long as any indebtedness pledging increment revenues to the
23 payment thereof is outstanding (but not to exceed 30 years) a
24 sum that is no less than the increment as defined and determined
25 in subsection (1) or paragraph (3) (b) accruing to such taxing
26 authority. If the community redevelopment plan is amended or
27 modified pursuant to s. 163.361(1), each such taxing authority
28 shall make the annual appropriation for a period not to exceed
29 30 years after the date the governing body amends the plan but

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30 no later than 60 years after the fiscal year in which the plan
31 was initially approved or adopted. However, for any agency
32 created on or after July 1, 2002, each taxing authority shall
33 make the annual appropriation for a period not to exceed 40
34 years after the fiscal year in which the initial community
35 redevelopment plan is approved or adopted.

36 (c) The following public bodies or taxing authorities are
37 exempt from paragraph (a):

38 1. A special district that levies ad valorem taxes on
39 taxable real property in more than one county.

40 2. A special district for which the sole available source
41 of revenue the district has the authority to levy is ad valorem
42 taxes at the time an ordinance is adopted under this section.
43 However, revenues or aid that may be dispensed or appropriated
44 to a district as defined in s. 388.011 at the discretion of an
45 entity other than such district shall not be deemed available.

46 3. A library district, except a library district in a
47 jurisdiction where the community redevelopment agency had
48 validated bonds as of April 30, 1984.

49 4. A neighborhood improvement district created under the
50 Safe Neighborhoods Act.

51 5. A metropolitan transportation authority.

52 6. A water management district created under s. 373.069.

53 7. For a community redevelopment area created after July 1,
54 2015, a hospital district that is a special district as defined
55 in s. 189.012.

56 Section 2. Subsection (9) of s. 259.042, Florida Statutes,
57 is reenacted for the purpose of incorporating the amendment made
58 by this act to s. 163.387, Florida Statutes, in a reference

8-00720-15

2015752__

59 thereto.

60 Section 3. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/31/15

Meeting Date

SB 752

Bill Number (if applicable)

Topic Redevelopment Trust Fund

Amendment Barcode (if applicable)

Name David Cruz

Job Title Assistant General Counsel

Address P.O. Box 1757

Phone 701-3676

Street

Tallahassee

City

FL

State

32302

Zip

Email DCRUZ@FLcities.com

Speaking: For Against Information

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

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

APPEARANCE RECORD

March 31, 2015

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

SB 752

Meeting Date

Bill Number (if applicable)

Topic Relating to Redevelopment Trust Fund

Amendment Barcode (if applicable)

Name Darrick D. McGhee

Job Title V.P. of Government Relations - Johnson & Blanton, LLC

Address 537 East Park Avenue

Phone (850) 224-1900

Street
Tallahassee

FL

32301

Email darrick@teamjb.com

City

State

Zip

Speaking: For Against Information

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

Representing Halifax Health

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

Tallahassee, Florida 32399-1100

COMMITTEES:

Finance and Tax, *Chair*
Communications, Energy, and Public Utilities,
Vice Chair
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL
8th District

February 16, 2015

The Honorable Wilton Simpson
315 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 752 – Redevelopment Trust Fund

Dear Chairman Simpson:

Senate Bill 752, relating to Redevelopment Trust Fund has been referred to the Community Affairs Committee. I am requesting your consideration on placing SB 752 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Hukill".

Dorothy L. Hukill, District 8

cc: Tom Yeatman, Staff Director of the Community Affairs Committee
Ann Whittaker, Administrative Assistant of the Community Affairs Committee

REPLY TO:

- 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818
- Ocala City Hall, 110 SE Watula Avenue, 3rd Floor, Ocala, Florida 34471 (352) 694-0160

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 752

INTRODUCER: Senator Hukill

SUBJECT: Redevelopment Trust Fund

DATE: March 31, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Favorable
2.	_____	_____	FT	_____
3.	_____	_____	FP	_____

I. Summary:

SB 752 adds hospital districts to the list of taxing authorities in s. 163.387, F.S., that are exempt from making annual appropriations to a redevelopment trust fund in any community redevelopment area created after July 1, 2015.

II. Present Situation:

Community Redevelopment Act

The Community Redevelopment Act of 1969¹ authorizes a county or municipality to create community redevelopment areas (CRAs) as a means of redeveloping slums and blighted areas. In accordance with a community redevelopment plan,² CRAs can:

- Enter into contracts;
- Disseminate information;
- Acquire property within a slum or blighted area by voluntary methods;
- Demolish and remove buildings and improvements;
- Construct improvements; and
- Dispose of property at fair value.³

Counties and municipalities are prohibited from exercising the community redevelopment authority provided by the Community Redevelopment Act until they adopt an ordinance that declares an area to be a slum or a blighted area.⁴

¹ Chapter 163, part III, F.S.

² Section 163.360, F.S.

³ Section 163.370, F.S.

⁴ Sections 163.355(1) and 163.360(1), F.S.

Section 163.340(8), F.S., defines “blighted area” as follows:

An area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Inadequate and outdated building density patterns;
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- (h) Tax or special assessment delinquency exceeding the fair value of the land;
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

However, the term “blighted area” also means any area in which at least one of the factors identified in paragraphs (a) through (n) are present and all taxing authorities subject to s. 163.387(2)(a), F.S., agree, either by inter-local agreement or agreements with the agency or by resolution, that the area is blighted.

The TIF Mechanism for Funding CRAs

CRAs are not permitted to levy or collect taxes; however, the local governing body is permitted to establish a community redevelopment trust fund that is funded through tax increment financing (TIF).⁵ The TIF mechanism, as described in s. 163.387, F.S., requires taxing authorities to annually appropriate an amount to the redevelopment trust fund by January 1, each year. This revenue is used to back bonds issued to finance redevelopment projects in accordance

⁵ Through tax increment financing, a baseline tax amount is chosen, and then in future years, any taxes generated above that baseline amount are transferred into the trust fund. Section 163.387, F.S.

with a redevelopment plan.⁶ The increment revenue amount is calculated annually as 95 percent of the difference between:

- A frozen base year assessed value, which is the value of real property in the CRA determined as of a fixed starting date; and
- The amount of ad valorem taxes levied by each taxing authority on taxable real property within the CRA.

Thus, as the time period of the CRA increases, its property values increase, and the tax increment revenue increases, which is then available to repay public infrastructure and redevelopment costs of the CRA.

TIF Limitations and Exemptions

CRAs created before July 1, 2002, typically appropriate to the trust fund for a period not exceeding 30 years, unless the community redevelopment plan is amended.⁷ For CRAs created after July 1, 2002, taxing authorities make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the plan is approved or adopted. The following taxing authorities are exempt from paying the increment revenues:⁸

- A special district that levies ad valorem taxes on taxable real property in more than one county.
- A special district for which the sole available source of revenue the district has the authority to levy is ad valorem taxes at the time the ordinance is adopted.
- A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
- A neighborhood improvement district created under the Safe Neighborhoods Act.
- A metropolitan transportation authority.
- A water management district created under s. 373.069, F.S.
- A special district specifically made exempt by the local governing body that created the CRA, if the exemption is made in accordance with the requirements of s. 163.387(2)(d), F.S., which include a public hearing, public notice, and an interlocal agreement.

Hospital Districts

First created in the 1920s to provide indigent care for county residents, hospital districts now differ greatly in roles, powers, and governance.⁹ There are currently six hospital districts created as dependent districts, and 24 created as independent special districts.¹⁰ Independent districts are generally created by special acts of the Legislature, whereas dependent districts are created by local governments with their governing bodies under the control of a county or municipal board. The North Sumter County Hospital District, created in 2004 by special act of the Legislature, is the most recently created hospital district.

⁶ Section 163.387(1)(a), F.S.

⁷ Section 163.387(2)(a), F.S.

⁸ Section 163.387(2)(c), F.S.

⁹ Florida TaxWatch, *Florida's Fragmented Hospital Taxing District System in Need of Reexamination*, Briefings (Feb. 2009).

¹⁰ Florida Dep't of Economic Opportunity, Official List of Special Districts Online, available at <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/selectfunctions.cfm> (last visited Mar. 26, 2015).

III. Effect of Proposed Changes:

Section 1 amends s. 163.387, F.S., to provide a new exemption for hospital districts to the list of taxing authorities exempt from providing funding for the redevelopment trust fund. Hospital districts in community redevelopment areas created before July 1, 2015, will continue to make appropriations to the trust fund, while not being liable for funding the redevelopment trust fund of and community redevelopment areas created after July 1, 2015.

Section 2 reenacts s. 259.042, F.S., to incorporate provisions related to tax increment financing for conservation lands to the changes made by Section 1 of the bill.

Section 3 of the bill provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Any new community redevelopment areas created after July 1, 2015, will not be able to rely on hospital districts for appropriations to the redevelopment trust fund.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Revenue and Department of Economic Opportunity have analyzed the bill and determined that it has no impact on their operations.¹¹

The bill will have a positive fiscal impact on hospital districts that otherwise would have had to appropriate funds to a community development trust fund associated with a newly created CRA. Newly created CRAs will experience a corresponding negative fiscal

¹¹ Florida Dep't of Revenue, *Agency Legislative Bill Analysis for SB 752* (Feb. 10, 2015); Florida Dep't of Economic Opportunity, *Agency Legislative Bill Analysis for SB 752* (Feb. 12, 2015).

impact, because hospital districts will be exempt from having to make annual appropriations to a community redevelopment trust fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 163.387 of the Florida Statutes.

This bill reenacts section 259.042 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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2015	.	
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	.	

The Committee on Community Affairs (Bradley) recommended the following:

Senate Amendment

Delete lines 421 - 448

and insert:

(3) Minutes of meetings of the special district's governing body for the previous fiscal year and the current fiscal year to date.

(4) A report for the previous fiscal year providing the following information:

(a) The purpose of the special district.



416336

- 11 (b) The sources of funding for the special district.
- 12 (c) A description of the major activities, programs, and
13 initiatives the special district undertook in the most recently
14 completed fiscal year and the benchmarks or criteria under which
15 the success or failure of the district was or will be determined
16 by its governing body.
- 17 (d) Any challenges or obstacles faced by the special
18 district in fulfilling its purpose and related responsibilities.
- 19 (e) Ways in which the special district's governing body
20 believes that it could better fulfill the purpose of the special
21 district and a description of the actions that it intends to
22 take during the next and subsequent fiscal years.
- 23 (f) Proposed changes to the special act, ordinance, or
24 resolution, as appropriate, which established the special
25 district and justification for such changes.
- 26 (g) Any other information reasonably required to provide
27 the reviewing entity with an accurate understanding of the
28 purpose of the special district and how it is acting to fulfill
29 that purpose.
- 30 (h) Any reasons for the district's noncompliance resulting
31 in the public hearing.
- 32 (i) Whether the district is currently in compliance.
- 33 (j) Plans to correct any recurring issues of noncompliance.
- 34 (k) Efforts to promote transparency, including a statement
35 as to whether the district's website complies with s. 189.069.

By Senator Stargel

15-00794B-15

20151388__

1 A bill to be entitled
2 An act relating to special districts; amending s.
3 11.40, F.S.; conforming cross-references; amending s.
4 189.011, F.S.; revising legislative intent with
5 respect to the Uniform Special District Accountability
6 Act to include independent and dependent special
7 districts; amending s. 189.016, F.S., deleting a
8 provision requiring a special district to transmit
9 certain budgets to the local government instead of
10 posting such information on the special district's
11 website under specific circumstances; specifying the
12 period in which certain budget information must be
13 posted on the special district's website; amending s.
14 189.02, F.S.; specifying the Legislature's authority
15 to create dependent special districts by special act;
16 creating s. 189.022, F.S.; requiring a newly created
17 dependent special district, and authorizing an
18 existing dependent special district, to identify the
19 district as dependent in its charter; amending s.
20 189.031, F.S.; requiring a newly created independent
21 special district, and authorizing an existing
22 independent special district, to identify the district
23 as independent in its charter; transferring,
24 renumbering, and amending ss. 189.034 and 189.035,
25 F.S., deleting provisions requiring that special
26 districts created by special act provide specified
27 information to the Legislative Auditing Committee or
28 requiring that special districts created by local
29 ordinance provide specified information to the local

15-00794B-15

20151388__

30 general-purpose government, to conform; deleting
31 related provisions requiring the Legislative Auditing
32 Committee to provide certain notice to the Legislature
33 or local general-purpose government, as appropriate,
34 when a special district fails to file certain required
35 reports or requested information, to conform; amending
36 s. 189.061, F.S.; conforming provisions; amending s.
37 189.064, F.S.; revising the required content of the
38 special district handbook; creating s. 189.0653, F.S.;
39 requiring special districts created by special act or
40 local ordinance to provide specified information to
41 the Legislative Auditing Committee or local general-
42 purpose government, as appropriate; amending s.
43 189.067, F.S.; conforming cross-references; amending
44 s. 189.068, F.S.; specifying that local general-
45 purpose governments may review certain special
46 districts; conforming cross-references; amending s.
47 189.069, F.S.; deleting a cross-reference, to conform;
48 revising the list of items required to be included on
49 the websites of special districts; reenacting ss.
50 165.0615(16) and 189.074(2)(e) and (3)(g), F.S.,
51 relating to municipal conversion of independent
52 special districts upon elector-initiated and approved
53 referendum and the voluntary merger of independent
54 special districts, respectively, to incorporate the
55 amendment made by the act to s. 189.016, F.S., in
56 references thereto; providing an effective date.

57
58 Be It Enacted by the Legislature of the State of Florida:

15-00794B-15

20151388__

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

11.40 Legislative Auditing Committee.—

(2) Following notification by the Auditor General, the Department of Financial Services, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

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

1. A special act, notify the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber, the legislators who represent a portion of the geographical jurisdiction of the special district ~~pursuant to s. 189.034(2)~~, and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0651(2) ~~189.034(3)~~, or if a public hearing is not held, the Legislative

15-00794B-15

20151388__

88 Auditing Committee may request the department to proceed
89 pursuant to s. 189.067(3).

90 2. A local ordinance, notify the chair or equivalent of the
91 local general-purpose government pursuant to s. 189.035(2) and
92 the Department of Economic Opportunity that the special district
93 has failed to comply with the law. Upon receipt of notification,
94 the department shall proceed pursuant to s. 189.062 or s.
95 189.067. If the special district remains in noncompliance after
96 the process set forth in s. 189.0652(2) ~~189.034(3)~~, or if a
97 public hearing is not held, the Legislative Auditing Committee
98 may request the department to proceed pursuant to s. 189.067(3).

99 3. Any manner other than a special act or local ordinance,
100 notify the Department of Economic Opportunity that the special
101 district has failed to comply with the law. Upon receipt of
102 notification, the department shall proceed pursuant to s.
103 189.062 or s. 189.067(3).

104 Section 2. For the purpose of incorporating the amendment
105 made by this act to section 189.016, Florida Statutes, in a
106 reference thereto, subsection (16) of section 165.0615, Florida
107 Statutes, is reenacted to read:

108 165.0615 Municipal conversion of independent special
109 districts upon elector-initiated and approved referendum.-

110 (16) If the incorporation plan is approved by a majority of
111 the votes cast in the independent special district, the district
112 shall notify the special district accountability program
113 pursuant to s. 189.016(2) and the local general-purpose
114 governments in which any part of the independent special
115 district is situated pursuant to s. 189.016(7).

116 Section 3. Subsection (2) of section 189.011, Florida

15-00794B-15

20151388__

117 Statutes, is amended to read:

118 189.011 Statement of legislative purpose and intent.—

119 (2) The Legislature finds that special districts serve a
120 necessary and useful function by providing services to residents
121 and property in the state. The Legislature finds further that
122 special districts operate to serve a public purpose and that
123 this is best secured by certain minimum standards of
124 accountability designed to inform the public and appropriate
125 local general-purpose governments of the status and activities
126 of special districts. It is the intent of the Legislature that
127 this public trust be secured by requiring each ~~independent~~
128 special district in the state to register and report its
129 financial and other activities. The Legislature further finds
130 that failure of a ~~an independent~~ special district to comply with
131 the minimum disclosure requirements set forth in this chapter
132 may result in action against the special ~~officers of such~~
133 ~~district body.~~

134 Section 4. Subsections (4) and (7) of section 189.016,
135 Florida Statutes, are amended to read:

136 189.016 Reports; budgets; audits.—

137 (4) The tentative budget must be posted on the special
138 district's official website at least 2 days before the budget
139 hearing, held pursuant to s. 200.065 or other law, to consider
140 such budget and must remain on the website for at least 45 days.
141 The final adopted budget must be posted on the special
142 district's official website within 30 days after adoption and
143 must remain on the website for at least 2 years. ~~If the special~~
144 ~~district does not operate an official website, the special~~
145 ~~district must, within a reasonable period of time as established~~

15-00794B-15

20151388__

146 ~~by the local general purpose government or governments in which~~
147 ~~the special district is located or the local governing authority~~
148 ~~to which the district is dependent, transmit the tentative~~
149 ~~budget or final budget to the manager or administrator of the~~
150 ~~local general purpose government or the local governing~~
151 ~~authority. The manager or administrator shall post the tentative~~
152 ~~budget or final budget on the website of the local general-~~
153 ~~purpose government or governing authority. This subsection and~~
154 subsection (3) do not apply to water management districts as
155 defined in s. 373.019.

156 (7) If the governing body of a special district amends the
157 budget pursuant to paragraph (6) (c), the adopted amendment must
158 be posted on the official website of the special district within
159 5 days after adoption and must remain on the website for at
160 least 2 years. If the special district does not operate an
161 official website, the special district must, within a reasonable
162 period of time as established by the local general-purpose
163 government or governments in which the special district is
164 located or the local governing authority to which the district
165 is dependent, transmit the adopted amendment to the manager or
166 administrator of the local general-purpose government or
167 governing authority. The manager or administrator shall post the
168 adopted amendment on the website of the local general-purpose
169 government or governing authority.

170 Section 5. Subsection (5) is added to section 189.02,
171 Florida Statutes, to read:

172 189.02 Dependent special districts.—

173 (5) The Legislature may create dependent special districts
174 by special act at the request or with the consent of the local

15-00794B-15

20151388__

175 government upon which it is dependent.

176 Section 6. Section 189.022, Florida Statutes, is created to
177 read:

178 189.022 Status statement.—The charter of a newly created
179 dependent special district shall contain, and where practical
180 and feasible, the charter of an existing dependent special
181 district shall be amended to contain, a reference to the status
182 of the special district as dependent. When necessary, the status
183 statement shall be amended to conform to the department's
184 determination or declaratory statement regarding the status of
185 the district.

186 Section 7. Subsection (5) of section 189.031, Florida
187 Statutes, is amended to read:

188 189.031 Legislative intent for the creation of independent
189 special districts; special act prohibitions; model elements and
190 other requirements; local general-purpose government/Governor
191 and Cabinet creation authorizations.—

192 (5) STATUS STATEMENT.—~~After October 1, 1997,~~ The charter of
193 a any newly created independent special district shall contain,
194 and, where as practical and feasible, the charter of an existing
195 independent ~~a preexisting~~ special district shall be amended to
196 contain, a reference to the status of the special district as
197 dependent or independent. When necessary, the status statement
198 shall be amended to conform to ~~with~~ the department's
199 determination or declaratory statement regarding the status of
200 the district.

201 Section 8. Section 189.034, Florida Statutes, is
202 transferred, renumbered as section 189.0651, Florida Statutes,
203 and amended to read:

15-00794B-15

20151388__

204 189.0651 ~~189.034~~ Oversight of special districts created by
205 special act of the Legislature.—

206 (1) This section applies to any special district created by
207 special act of the Legislature.

208 ~~(2) If a special district fails to file required reports or
209 requested information under s. 11.45(7), s. 218.32, s. 218.39,
210 or s. 218.503(3), with the appropriate state agency or office,
211 the Legislative Auditing Committee or its designee shall provide
212 written notice of the district's noncompliance to the President
213 of the Senate, the Speaker of the House of Representatives, the
214 standing committees of the Senate and the House of
215 Representatives charged with special district oversight as
216 determined by the presiding officers of each respective chamber,
217 and the legislators who represent a portion of the geographical
218 jurisdiction of the special district.~~

219 (2)~~(3)~~ The Legislative Auditing Committee may convene a
220 public hearing on the issue of noncompliance, as well as general
221 oversight of the special district as provided in s. 189.068, at
222 the direction of the President of the Senate and the Speaker of
223 the House of Representatives.

224 ~~(4) Before the public hearing as provided in subsection
225 (3), the special district shall provide the following
226 information at the request of the Legislative Auditing
227 Committee:~~

228 ~~(a) The district's annual financial report for the prior
229 fiscal year.~~

230 ~~(b) The district's audit report for the previous fiscal
231 year.~~

232 ~~(c) An annual report for the previous fiscal year providing~~

15-00794B-15

20151388__

233 ~~a detailed review of the performance of the special district,~~
234 ~~including the following information:~~

235 ~~1. The purpose of the special district.~~

236 ~~2. The sources of funding for the special district.~~

237 ~~3. A description of the major activities, programs, and~~
238 ~~initiatives the special district undertook in the most recently~~
239 ~~completed fiscal year and the benchmarks or criteria under which~~
240 ~~the success or failure of the district was determined by its~~
241 ~~governing body.~~

242 ~~4. Any challenges or obstacles faced by the special~~
243 ~~district in fulfilling its purpose and related responsibilities.~~

244 ~~5. Ways the special district believes it could better~~
245 ~~fulfill its purpose and related responsibilities and a~~
246 ~~description of the actions that it intends to take during the~~
247 ~~ensuing fiscal year.~~

248 ~~6. Proposed changes to the special act that established the~~
249 ~~special district and justification for such changes.~~

250 ~~7. Any other information reasonably required to provide the~~
251 ~~Legislative Auditing Committee with an accurate understanding of~~
252 ~~the purpose for which the special district exists and how it is~~
253 ~~fulfilling its responsibilities to accomplish that purpose.~~

254 ~~8. Any reasons for the district's noncompliance.~~

255 ~~9. Whether the district is currently in compliance.~~

256 ~~10. Plans to correct any recurring issues of noncompliance.~~

257 ~~11. Efforts to promote transparency, including maintenance~~
258 ~~of the district's website in accordance with s. 189.069.~~

259 Section 9. Section 189.035, Florida Statutes, is
260 transferred, renumbered as section 189.0652, Florida Statutes,
261 and amended to read:

15-00794B-15

20151388__

262 189.0652 ~~189.035~~ Oversight of special districts created by
263 local ordinance or enacted by local resolution.-

264 (1) This section applies to any special district created by
265 local ordinance or enacted by local resolution.

266 ~~(2) If a special district fails to file required reports or~~
267 ~~requested information under s. 11.45(7), s. 218.32, s. 218.39,~~
268 ~~or s. 218.503(3) with the appropriate state agency or office,~~
269 ~~the Legislative Auditing Committee or its designee shall provide~~
270 ~~written notice of the district's noncompliance to the chair or~~
271 ~~equivalent of the local general-purpose government.~~

272 (2) ~~(3)~~ The chair or equivalent of the local general-purpose
273 government may convene a public hearing on the issue of
274 noncompliance, as well as general oversight of the special
275 district as provided in s. 189.068, within 3 months after
276 receipt of notice of noncompliance from the Legislative Auditing
277 Committee. Within 30 days after receiving written notice of
278 noncompliance, the local general-purpose government shall notify
279 the Legislative Auditing Committee as to whether a hearing under
280 this section will be held and, if so, provide the date, time,
281 and place of the hearing.

282 ~~(4) Before the public hearing as provided in subsection~~
283 ~~(3), the special district shall provide the following~~
284 ~~information at the request of the local general-purpose~~
285 ~~government:~~

286 ~~(a) The district's annual financial report for the previous~~
287 ~~fiscal year.~~

288 ~~(b) The district's audit report for the previous fiscal~~
289 ~~year.~~

290 ~~(c) An annual report for the previous fiscal year, which~~

15-00794B-15

20151388__

291 ~~must provide a detailed review of the performance of the special~~
292 ~~district and include the following information:~~

293 ~~1. The purpose of the special district.~~

294 ~~2. The sources of funding for the special district.~~

295 ~~3. A description of the major activities, programs, and~~
296 ~~initiatives the special district undertook in the most recently~~
297 ~~completed fiscal year and the benchmarks or criteria under which~~
298 ~~the success or failure of the district was determined by its~~
299 ~~governing body.~~

300 ~~4. Any challenges or obstacles faced by the special~~
301 ~~district in fulfilling its purpose and related responsibilities.~~

302 ~~5. Ways in which the special district believes that it~~
303 ~~could better fulfill its purpose and related responsibilities~~
304 ~~and a description of the actions that it intends to take during~~
305 ~~the ensuing fiscal year.~~

306 ~~6. Proposed changes to the ordinance or resolution that~~
307 ~~established the special district and justification for such~~
308 ~~changes.~~

309 ~~7. Any other information reasonably required to provide the~~
310 ~~reviewing entity with an accurate understanding of the purpose~~
311 ~~for which the special district exists and how it is fulfilling~~
312 ~~its responsibilities to accomplish that purpose.~~

313 ~~8. Any reasons for the district's noncompliance.~~

314 ~~9. Whether the district is currently in compliance.~~

315 ~~10. Plans to correct any recurring issues of noncompliance.~~

316 ~~11. Efforts to promote transparency, including maintenance~~
317 ~~of the district's website in accordance with s. 189.069.~~

318 ~~(3)-(5)~~ If the local general-purpose government convenes a
319 public hearing under s. 189.0652(2) ~~this section~~, it shall

15-00794B-15

20151388__

320 provide the department and the Legislative Auditing Committee
321 with a report containing its findings and conclusions within 60
322 days after completion of the public hearing.

323 Section 10. Section 189.061, Florida Statutes, is amended
324 to read:

325 189.061 Official list of special districts.—

326 (1) The department shall maintain the official list of
327 special districts. The official list of special districts shall
328 include all special districts in this state and shall indicate
329 the independent or dependent status of each district. All
330 special districts on the list shall be sorted by county. The
331 definitions in s. 189.012 shall be the criteria for
332 determination of the independent or dependent status of each
333 special district on the official list. The status of community
334 development districts shall be independent on the official list
335 of special districts.

336 (2) The official list shall be produced by the department
337 after the department has notified each special district that is
338 currently reporting to the department, the Department of
339 Financial Services pursuant to s. 218.32, or the Auditor General
340 pursuant to s. 218.39. Upon notification, each special district
341 shall submit, within 60 days, its determination of its status.
342 If a special district does not submit its status to the
343 department within 60 days, the department may determine the
344 status of that district. After such determination of status is
345 completed, the department shall render the determination to an
346 agent of the special district. The determination submitted by a
347 special district shall be consistent with the status reported in
348 the most recent local government audit of district activities

15-00794B-15

20151388__

349 submitted to the Auditor General pursuant to s. 218.39.

350 (3) The Department of Financial Services shall provide the
351 department with a list of dependent special districts reporting
352 pursuant to s. 218.32 for inclusion on the official list of
353 special districts.

354 ~~(4) If a special district does not submit its status to the~~
355 ~~department within the required time period, then the department~~
356 ~~shall have the authority to determine the status of said~~
357 ~~district. After such determination of status is completed, the~~
358 ~~department shall render the determination to an agent of the~~
359 ~~special district.~~

360 (4)~~(5)~~ The official list of special districts shall be
361 available on the department's website and must include a link to
362 the website of each special district that provides web-based
363 access to the public of the information and documentation
364 required under s. 189.069.

365 (5)~~(6)~~ The official list of special districts or the
366 determination of status does not constitute final agency action
367 pursuant to chapter 120. If the status of a special district on
368 the official list is inconsistent with the status submitted by
369 the district, the district may request the department to issue a
370 declaratory statement setting forth the requirements necessary
371 to resolve the inconsistency. If necessary, upon issuance of a
372 declaratory statement by the department which is not appealed
373 pursuant to chapter 120, the governing body of any special
374 district receiving such a declaratory statement shall apply to
375 the entity which originally established the district for an
376 amendment to its charter correcting the specified defects in its
377 original charter. This amendment shall be for the sole purpose

15-00794B-15

20151388__

378 of resolving inconsistencies between a district charter and the
379 status of a district as it appears on the official list.

380 Section 11. Subsections (1), (2), and (3) of section
381 189.064, Florida Statutes, are amended to read:

382 189.064 Special District Accountability Program; duties and
383 responsibilities.—The Special District Accountability Program of
384 the department has the following duties:

385 (1) Electronically publishing special district
386 noncompliance status reports from the Department of Management
387 Services, the Department of Financial Services, the Division of
388 Bond Finance of the State Board of Administration, the Auditor
389 General, and the Legislative Auditing Committee, for the
390 reporting required in ss. 112.63, 218.32, 218.38, and 218.39.
391 The noncompliance reports must list those special districts that
392 did not comply with the statutory reporting requirements and be
393 made available to the public electronically.

394 (2) Maintaining the official list of special districts as
395 set forth in s. 189.061.

396 (3) Publishing and updating of a "Florida Special District
397 Handbook" that contains, at a minimum:

398 (a) A section that specifies definitions of special
399 districts and status distinctions in the statutes.

400 (b) A section or sections that specify current statutory
401 provisions for special district creation, implementation,
402 modification, dissolution, and operating procedures.

403 (c) A section that summarizes the reporting requirements
404 applicable to all types of special districts as provided in ss.
405 189.015 and 189.016.

406 (d) A summary of the most recent public facilities report,

15-00794B-15

20151388__

407 the evaluation and appraisal notification schedule as required
408 under s. 189.08(2)(a), and the Internet address of the full
409 report and schedule.

410 Section 12. Section 189.0653, Florida Statutes, is created
411 to read:

412 189.0653 Public hearing on noncompliance.—Before the public
413 hearing as provided in s. 189.0651(2) or s. 189.0652(2) is held,
414 the special district shall provide the following information at
415 the request of the local general-purpose government or the
416 Legislative Auditing Committee, as appropriate:

417 (1) The district's annual financial report for the previous
418 fiscal year.

419 (2) The district's audit report for the previous fiscal
420 year.

421 (3) An annual report for the previous fiscal year, which
422 must provide a detailed review of the performance of the special
423 district and include the following information:

424 (a) The purpose of the special district.

425 (b) The sources of funding for the special district.

426 (c) A description of the major activities, programs, and
427 initiatives the special district undertook in the most recently
428 completed fiscal year and the benchmarks or criteria under which
429 the success or failure of the district was determined by its
430 governing body.

431 (d) Any challenges or obstacles faced by the special
432 district in fulfilling its purpose and related responsibilities.

433 (e) Ways in which the special district believes that it
434 could better fulfill its purpose and related responsibilities
435 and a description of the actions that it intends to take during

15-00794B-15

20151388__

436 the ensuing fiscal year.

437 (f) Proposed changes to the ordinance or resolution that
438 established the special district and justification for such
439 changes.

440 (g) Any other information reasonably required to provide
441 the reviewing entity with an accurate understanding of the
442 purpose for which the special district exists and how it is
443 fulfilling its responsibilities to accomplish that purpose.

444 (h) Any reasons for the district's noncompliance.

445 (i) Whether the district is currently in compliance.

446 (j) Plans to correct any recurring issues of noncompliance.

447 (k) Efforts to promote transparency, including maintenance
448 of the district's website in accordance with s. 189.069.

449 Section 13. Subsection (2) of section 189.067, Florida
450 Statutes, is amended to read:

451 189.067 Failure of district to disclose financial reports.-

452 (2) Failure of a special district to comply with the
453 actuarial and financial reporting requirements under s. 112.63,
454 s. 218.32, or s. 218.39 after the procedures of subsection (1)
455 are exhausted shall be deemed final action of the special
456 district. The actuarial and financial reporting requirements are
457 declared to be essential requirements of law. Remedies for
458 noncompliance with ss. 218.32 and 218.39 shall be as provided in
459 ss. 189.0651 and 189.0652 ~~189.034 and 189.035~~. Remedy for
460 noncompliance with s. 112.63 shall be as set forth in subsection
461 (4).

462 Section 14. Paragraphs (a), (b), and (c) of subsection (2)
463 of section 189.068, Florida Statutes, are amended to read:

464 189.068 Special districts; authority for oversight; general

15-00794B-15

20151388__

465 oversight review process.-

466 (2) Special districts may be reviewed for general oversight
467 purposes under this section as follows:

468 (a) All special districts created by special act may be
469 reviewed by the Legislature using the public hearing process
470 provided in s. 189.0651(2) ~~189.034~~.

471 (b) All special districts created by local ordinance or
472 resolution may be reviewed by the local general-purpose
473 government that enacted the ordinance or resolution using the
474 public hearing process provided in s. 189.0652(2) ~~189.035~~.

475 (c) All dependent special districts not created by special
476 act may be reviewed by the local general-purpose government upon
477 ~~to~~ which they are dependent.

478 Section 15. Section 189.069, Florida Statutes, is amended
479 to read:

480 189.069 Special districts; required reporting of
481 information; web-based public access.-

482 (1) Beginning on October 1, 2015, or by the end of the
483 first full fiscal year after its creation, each special district
484 shall maintain an official Internet website containing the
485 information required by this section ~~in accordance with s.~~
486 ~~189.016~~. Special districts shall submit their official Internet
487 website addresses to the department.

488 (a) Independent special districts shall maintain a separate
489 Internet website.

490 (b) Dependent special districts shall be prominently
491 ~~preeminently~~ displayed on the home page of the Internet website
492 of the local general-purpose government upon which it is
493 dependent ~~that created the special district~~ with a hyperlink to

15-00794B-15

20151388__

494 such webpages as are necessary to provide the information
495 required by this section. Dependent special districts may
496 maintain a separate Internet website providing the information
497 required by this section.

498 (2) (a) A special district shall post the following
499 information, at a minimum, on the district's official website:

500 1. The full legal name of the special district.

501 2. The public purpose of the special district.

502 3. The name, address, e-mail address, and, if applicable,
503 the term and appointing authority for each member of the
504 governing body of the special district.

505 4. The fiscal year of the special district.

506 5. The full text of the special district's charter, the
507 date of establishment, the establishing entity, and the statute
508 or statutes under which the special district operates, if
509 different from the statute or statutes under which the special
510 district was established. Community development districts may
511 reference chapter 190 as the uniform charter, but must include
512 information relating to any grant of special powers.

513 6. The mailing address, e-mail address, telephone number,
514 and Internet website uniform resource locator of the special
515 district.

516 7. A description of the boundaries or service area of, and
517 the services provided by, the special district.

518 8. A listing of all taxes, fees, assessments, or charges
519 imposed and collected by the special district, including the
520 rates or amounts for the fiscal year and the statutory authority
521 for the levy of the tax, fee, assessment, or charge. For
522 purposes of this subparagraph, charges do not include patient

15-00794B-15

20151388__

523 charges by a hospital or other health care provider.

524 9. The primary contact information for the special district
525 for purposes of communication from the department.

526 10. A code of ethics adopted by the special district, if
527 applicable, and a hyperlink to generally applicable ethics
528 provisions.

529 11. The budget of each special district, in addition to
530 amendments in accordance with s. 189.016.

531 12. The final, complete audit report for the most recent
532 completed fiscal year, and audit reports required by law or
533 authorized by the governing body of the special district.

534 13. A listing of its regularly scheduled public meetings
535 for the year. The schedule shall include the date, time, and
536 location of each such meeting.

537 14. The link to the Department of Financial Services'
538 website as set forth in s. 218.32(1)(g).

539 (b) The department's Internet website list of special
540 districts in the state required under s. 189.061 shall include a
541 link for each special district that provides web-based access to
542 the public for all information and documentation required for
543 submission to the department pursuant to subsection (1).

544 Section 16. For the purpose of incorporating the amendment
545 made by this act to section 189.016, Florida Statutes, in
546 references thereto, paragraph (e) of subsection (2) and
547 paragraph (g) of subsection (3) of section 189.074, Florida
548 Statutes, are reenacted to read:

549 189.074 Voluntary merger of independent special districts.-
550 Two or more contiguous independent special districts created by
551 special act which have similar functions and elected governing

15-00794B-15

20151388__

552 bodies may elect to merge into a single independent district
553 through the act of merging the component independent special
554 districts.

555 (2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies
556 of two or more contiguous independent special districts may, by
557 joint resolution, endorse a proposed joint merger plan to
558 commence proceedings to merge the districts pursuant to this
559 section.

560 (e) After the final public hearing, the governing bodies
561 shall notify the supervisors of elections of the applicable
562 counties in which district lands are located of the adoption of
563 the resolution by each governing body. The supervisors of
564 elections shall schedule a separate referendum for each
565 component independent special district. The referenda may be
566 held in each district on the same day, or on different days, but
567 no more than 20 days apart.

568 1. Notice of a referendum on the merger of independent
569 special districts must be provided pursuant to the notice
570 requirements in s. 100.342. At a minimum, the notice must
571 include:

572 a. A brief summary of the resolution and joint merger plan;

573 b. A statement as to where a copy of the resolution and
574 joint merger plan may be examined;

575 c. The names of the component independent special districts
576 to be merged and a description of their territory;

577 d. The times and places at which the referendum will be
578 held; and

579 e. Such other matters as may be necessary to call, provide
580 for, and give notice of the referendum and to provide for the

15-00794B-15

20151388__

581 conduct thereof and the canvass of the returns.

582 2. The referenda must be held in accordance with the
583 Florida Election Code and may be held pursuant to ss. 101.6101-
584 101.6107. All costs associated with the referenda shall be borne
585 by the respective component independent special district.

586 3. The ballot question in such referendum placed before the
587 qualified electors of each component independent special
588 district to be merged must be in substantially the following
589 form:

590

591 "Shall ...(name of component independent special
592 district)... and ...(name of component independent special
593 district or districts)... be merged into ...(name of newly
594 merged independent district)...?"

595

596YES

597NO"

598

599 4. If the component independent special districts proposing
600 to merge have disparate millage rates, the ballot question in
601 the referendum placed before the qualified electors of each
602 component independent special district must be in substantially
603 the following form:

604

605 "Shall ...(name of component independent special
606 district)... and ...(name of component independent special
607 district or districts)... be merged into ...(name of newly
608 merged independent district)... if the voter-approved maximum
609 millage rate within each independent special district will not

15-00794B-15

20151388__

610 increase absent a subsequent referendum?

611

612 ...YES

613 ...NO"

614

615 5. In any referendum held pursuant to this section, the
616 ballots shall be counted, returns made and canvassed, and
617 results certified in the same manner as other elections or
618 referenda for the component independent special districts.

619 6. The merger may not take effect unless a majority of the
620 votes cast in each component independent special district are in
621 favor of the merger. If one of the component districts does not
622 obtain a majority vote, the referendum fails, and merger does
623 not take effect.

624 7. If the merger is approved by a majority of the votes
625 cast in each component independent special district, the merged
626 independent district is created. Upon approval, the merged
627 independent district shall notify the Special District
628 Accountability Program pursuant to s. 189.016(2) and the local
629 general-purpose governments in which any part of the component
630 independent special districts is situated pursuant to s.
631 189.016(7).

632 8. If the referendum fails, the merger process under this
633 subsection may not be initiated for the same purpose within 2
634 years after the date of the referendum.

635 (3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified
636 electors of two or more contiguous independent special districts
637 may commence a merger proceeding by each filing a petition with
638 the governing body of their respective independent special

15-00794B-15

20151388__

639 district proposing to be merged. The petition must contain the
640 signatures of at least 40 percent of the qualified electors of
641 each component independent special district and must be
642 submitted to the appropriate component independent special
643 district governing body no later than 1 year after the start of
644 the qualified elector-initiated merger process.

645 (g) After the final public hearing, the governing bodies
646 shall notify the supervisors of elections of the applicable
647 counties in which district lands are located of the adoption of
648 the resolution by each governing body. The supervisors of
649 elections shall schedule a date for the separate referenda for
650 each district. The referenda may be held in each district on the
651 same day, or on different days, but no more than 20 days apart.

652 1. Notice of a referendum on the merger of the component
653 independent special districts must be provided pursuant to the
654 notice requirements in s. 100.342. At a minimum, the notice must
655 include:

656 a. A brief summary of the resolution and elector-initiated
657 merger plan;

658 b. A statement as to where a copy of the resolution and
659 petition for merger may be examined;

660 c. The names of the component independent special districts
661 to be merged and a description of their territory;

662 d. The times and places at which the referendum will be
663 held; and

664 e. Such other matters as may be necessary to call, provide
665 for, and give notice of the referendum and to provide for the
666 conduct thereof and the canvass of the returns.

667 2. The referenda must be held in accordance with the

15-00794B-15

20151388__

668 Florida Election Code and may be held pursuant to ss. 101.6101-
669 101.6107. All costs associated with the referenda shall be borne
670 by the respective component independent special district.

671 3. The ballot question in such referendum placed before the
672 qualified electors of each component independent special
673 district to be merged must be in substantially the following
674 form:

675

676 "Shall ...(name of component independent special
677 district)... and ...(name of component independent special
678 district or districts)... be merged into ...(name of newly
679 merged independent district)...?"

680

681YES

682NO"

683

684 4. If the component independent special districts proposing
685 to merge have disparate millage rates, the ballot question in
686 the referendum placed before the qualified electors of each
687 component independent special district must be in substantially
688 the following form:

689

690 "Shall ...(name of component independent special
691 district)... and ...(name of component independent special
692 district or districts)... be merged into ...(name of newly
693 merged independent district)... if the voter-approved maximum
694 millage rate within each independent special district will not
695 increase absent a subsequent referendum?"

696

15-00794B-15

20151388__

697 YES

698 NO"

699

700 5. In any referendum held pursuant to this section, the
701 ballots shall be counted, returns made and canvassed, and
702 results certified in the same manner as other elections or
703 referenda for the component independent special districts.

704 6. The merger may not take effect unless a majority of the
705 votes cast in each component independent special district are in
706 favor of the merger. If one of the component independent special
707 districts does not obtain a majority vote, the referendum fails,
708 and merger does not take effect.

709 7. If the merger is approved by a majority of the votes
710 cast in each component independent special district, the merged
711 district shall notify the Special District Accountability
712 Program pursuant to s. 189.016(2) and the local general-purpose
713 governments in which any part of the component independent
714 special districts is situated pursuant to s. 189.016(7).

715 8. If the referendum fails, the merger process under this
716 subsection may not be initiated for the same purpose within 2
717 years after the date of the referendum.

718 Section 17. This act shall take effect October 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Higher Education, *Chair*
Appropriations Subcommittee on Education
Fiscal Policy
Judiciary
Military and Veterans Affairs, Space, and Domestic
Security
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR KELLI STARGEL

15th District

March 31, 2015

Chairman Simpson
315 Knott Building

Dear Chair Simpson:

I am requesting permission for my LA, Rachel Barnes, to present SB 1388 which is dealing with Special Districts. During the Community Affairs committee timeframe, I will be in the Military and Veterans Affairs and Space Committee. If this committee ends early, I may be able to present, but I wanted the committee to be aware of this conflict and be prepared for my bill to be heard.

Thank you for this consideration,

Sincerely,

A handwritten signature in cursive script that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 15

Cc: John Phelps / Rules Staff Director
Tom Yeatman / Staff Director
Ann Whittaker / CAA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1388

INTRODUCER: Community Affairs Committee and Senator Stargel

SUBJECT: Special Districts

DATE: March 31, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1388 makes clarifying changes to provisions of the Uniform Special District Accountability Act to conform cross-references, reorganize oversight provisions to avoid duplication, and recognize that dependent special districts have been and may be created by special act.

Additionally, the bill requires special districts to publish additional information on their website, and ensure that budgets are accessible for longer periods of time.

II. Present Situation:

Special Districts

Special districts are local units of special purpose government, within limited geographical areas, which are utilized to manage, own, operate, maintain, and finance basic capital infrastructure, facilities, and services. Special districts serve a limited purpose, function as an administrative unit separate and apart from the county or city in which they may be located, and are often referred to as a local unit of special purpose. Special districts may be created by general law (an act of the Legislature), by special act (a law enacted by the Legislature at the request of a local government and affecting only that local government), by local ordinance, or by rule of the Governor and Cabinet.

According to the Department of Economic Opportunity (DEO) Special District Accountability Program “master” list, the state currently has 1,635 active special districts and 12 inactive ones, comprised of 636 dependent and 1,011 independent special districts.¹

Special districts have existed in Florida since 1845 when the Legislature authorized five commissioners to drain the “Alachua Savannah,” also known as Paynes Prairie. The project was financed by special assessments made on landowners based on the number of acres owned and the benefit derived. Since that time, special districts have been useful to local governments in providing a broad range of government services. Some of the functions that special districts serve include community development districts, community redevelopment districts, downtown development districts, drainage and water control districts, economic development districts, fire control and rescue districts, mosquito control districts, and soil and water conservation districts.

All special districts must comply with the requirements of the Uniform Special District Accountability Act of 1989 (Act) which was enacted by the Legislature to reform and consolidate laws relating to special districts. The Act provides for the definitions, creation, operation, financial report, taxation and non-ad valorem assessments, elections and dissolution of most special districts. The Act also charges the DEO Special District Accountability Program with a number of duties relating to special districts, including publishing and updating a “Florida Special District Handbook” that contains specified content.

In 2014, the Act was revised extensively.² Chapter 2014-22, Laws of Florida, made significant changes to provisions concerning independent special districts and special district oversight and accountability,³ and reorganized the statute into eight parts:

- Part I: General Provisions
- Part II: Dependent Special Districts
- Part III: Independent Special Districts
- Part IV: Elections
- Part V: Finance
- Part VI: Oversight and Accountability
- Part VII: Merger and Dissolution
- Part VIII: Comprehensive Planning

As part of those changes, each special district is required to maintain an official website containing essential information⁴ about the district.⁵ Independent special districts are required to maintain their own website,⁶ while a link to information about dependent special districts only

¹ Florida DEO, Official List of Special Districts Online, *available at* <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/StateTotals.cfm> (last visited Mar. 26, 2015).

² Ch. 2014-22, Laws of Fla.

³ Ch. 2014-22, s. 34, Laws of Fla.

⁴ Section 189.069(2)(a), F.S. The website must include the district’s legal name, public purpose, vital information about the governing body, fiscal year, charter and associated information, contact information, geographic area, table of all taxes and fees, contact information for district’s spokesperson, code of ethics, budget, and audit report for the most recently completed fiscal year.

⁵ Section 189.069(1), F.S.

⁶ Section 189.069(1)(a), F.S.

must be displayed on the home page of the local general-purpose government that created the district.⁷

Dependent Special Districts

A dependent district meets at least one of the following criteria:

- The special district governing body members are the same as the governing body members of the county or city that created the district;
- The special district governing board members are appointed by the governing body of the county or city that created the district;
- During the terms of membership, the governing board members of the special district are subject to removal at will by the governing body of the county or city that created the district;
- The special district budget must be approved by an affirmative vote of the governing body of the county or city that created the district; or
- The special district budget can be vetoed by the governing body of the county or city that created the district.

The ordinance creating a dependent special district must provide the following:

- A statement referencing the district's dependent status, including a statement that explains why the special district is the best way to provide the service being provided;
- The purpose, powers, functions, authority, and duties of the district;
- District boundaries;
- The membership, organization, compensation, and administrative duties of the special district governing board;
- Applicable financial disclosure, noticing, and reporting requirements;
- The method by which the special district will be financed; and
- A declaration that the creation of the special district is consistent with the approved local government comprehensive plan.

Independent Special Districts

An independent special district does not have any of the characteristics of a dependent district, may encompass more than one county unless the district lies wholly within the boundaries of one city, and generally is created by an act of the Legislature. However, counties and cities may create community development districts of less than 1,000 acres,⁸ public hospital districts,⁹ county children's services districts,¹⁰ and county health and mental health care districts.¹¹ Two or more counties may create regional jail districts,¹² and any combination of counties or cities, or both, may create regional water supply authorities.¹³ Regional transportation authorities may be created by any combination of contiguous counties, cities, or other political subdivisions.¹⁴

⁷ Section 189.069(1)(b), F.S. Dependent special districts may maintain their own webpage, but are not required to.

⁸ Chapter 190.005(2), F.S.

⁹ Chapter 155.04 and 155.05, F.S.

¹⁰ Section 125.901, F.S.

¹¹ Section 154.331, F.S.

¹² Section 950.001, F.S.

¹³ Section 373.713, F.S.

¹⁴ Section 163.567, F.S.

Finally, the Governor and the Cabinet, sitting as the Florida Land and Water Adjudicatory Commission, have the authority to create community development districts.¹⁵

With the exception of a community development district, the charter creating an independent special district must contain the following information:

- The purpose of the special district;
- The powers, functions and duties of the special district relating to ad valorem taxes, bonds and other revenue-raising abilities, budget preparation and approval, liens and lien foreclosures, and the use of tax deeds and certificates for non-ad valorem assessments and contractual agreements;
- Method for establishing the district and amending the district charter;
- The membership, organization, compensation, and administrative duties of the governing board and its members;
- Applicable financial disclosure, noticing, and reporting requirements;
- Procedures and requirements for bond issues, if the special district will issue bonds;
- Election procedures and requirements;
- Method for financing the district;
- Authorized millage rate, and methods for collecting non-ad valorem assessments, fees, or service charges;
- Planning requirements; and
- District boundaries.

III. Effect of Proposed Changes:

Section 1 amends s. 11.40, F.S., Legislative Auditing Committee, by conforming cross-references to renumbered sections.

Section 2 reenacts s. 165.0615, F.S., Municipal Conversion of Independent Special Districts Upon Elector-Initiated and Approved Referendum, for the purpose of incorporating the amendment made by this bill to s. 189.016, F. S. (Reports; Budgets; Audits).

Section 3 amends s. 189.011, F.S., Statement of Legislative Purpose and Intent, to conform that the purpose and intent of ch. 189, F.S., applies to all special districts, instead of only the independent special districts, and to conform that failure of a special district to comply with minimum disclosure requirements may result in action against the special district, instead of the officers of the special district's governing body.

Section 4 amends s. 189.016, F.S., Reports; Budgets; Audits, to specify that a special district's tentative budget must remain on the special district's website for at least 45 days; that the final adopted budget must remain on the special district's website for at least two years; and, that any budget amendment must remain on the website for at least two years. The bill also repeals outdated language addressing procedures for a special district to follow if it does not have a website since all special districts must have a website by October 1, 2015.

¹⁵ Section 190.005(1), F.S.

Section 5 amends s. 189.02, F.S., Dependent Special Districts, to conform that the Legislature may create dependent special districts by special act at the request or consent of the local government upon which it is dependent.

Section 6 creates s. 189.022, F.S., Status Statement, requiring a statement to be included in the charter of a newly created dependent special district referencing that the special district is dependent (as opposed to independent), and that if necessary, the status statement shall be amended to conform to the DEO determination or declaratory statement regarding the status of the district. This conforms to existing language that applies to all special districts but is in s. 189.031, F.S., which relates to independent special districts.

Section 7 amends s. 189.031, F.S., Legislative Intent for the Creation of Independent Special Districts), clarifying that the status statement requirement applies to independent special districts.

Section 8 renumbers s. 189.034, F.S., Oversight of Special Districts Created by Special Act of the Legislature, as s. 189.0651, F.S., to move it to Part VI of the Act, which is titled “Oversight and Accountability.” The bill moves language concerning the public hearing process to a newly created section (see Section 12 of this bill). It also repeals the requirement that the Joint Legislative Auditing Committee or its designee provide written notice to the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and House charged with special district oversight, and the legislators who represent a portion of a special district’s jurisdiction when a special district fails to file a required report.

Section 9 renumbers s. 189.035, F.S., Oversight of Special Districts Created by Local Ordinance or Resolution, as s. 189.0652, F.S., to move it to Part VI of the Act, which is titled “Oversight and Accountability.” The bill clarifies that the section also applies to special districts enacted by a local resolution. The bill repeals and moves language concerning the public hearing process to a new section (see Section 12 of this bill).

Section 10 amends s. 189.061, F.S., Official List of Special Districts, by moving a sentence in paragraph (4) to paragraph (2). The bill renumbers the remainder of the section.

Section 11 amends s. 189.064, F.S., Special District Accountability Program, to restore a reference to the Department of Management Services that was inadvertently deleted in SB 1632 (2014). The bill clarifies the responsibilities associated with maintaining the Official List of Special Districts by correcting cross-references, and requiring the DEO to include in the Florida Special District Handbook:

- A summary of the most recent public facilities report;
- The evaluation and appraisal notification schedule, required under s. 189.08(2)(a), F.S.; and
- The Internet address of the full report and schedule.

Section 12 creates s. 189.0653, F.S., Public Hearing on Noncompliance, in place of the repealed provisions from Sections 8 and 9 of this bill. The list of information that a noncompliant special district is to provide the appropriate oversight authority prior to the public hearing is amended for clarification, and to specifically include the special district’s most recent meeting minutes, and those for the previous fiscal year.

Section 13 amends s. 189.067, F.S., Failure of District to Disclose Financial Reports, to conform cross references.

Section 14 amends s. 189.068, F.S., Special District; Authority for Oversight; General Oversight Review Process, to conform cross-references. The bill clarifies that all dependent special districts not created by special act may be reviewed by the local general-purpose government upon which they are dependent.

Section 15 amends s. 189.069, F.S., Special districts; Required Reporting of Information; Web-Based Public Access, to clarify that the website of a dependent special district must be prominently displayed on the home page of the local general purpose government upon which it is dependent, as opposed to the local general-purpose government that created the special district since dependent special districts can also be created by special act of the Legislature. The bill requires each special district to post on its website its regularly scheduled public meeting notice for the year. The bill also conforms cross-references, including one related to the requirement that special districts must provide a link to the Department of Financial Services website.

Section 16 reenacts ss. 189.074(2)(e) and 189.074 (3)(g), F.S., Voluntary Merger of Independent Special Districts, for the purpose of incorporating the changes made by this bill to s. 189.016, F.S., Reports; Budgets; Audits.

Section 17 provides an effective date of October 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. **Government Sector Impact:**

The DEO has analyzed the bill and determined it will have a minimal fiscal impact on its operations.¹⁶

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 11.40, 189.016, 189.011, 189.02, 189.031, 189.034, 189.0651, 189.035, 189.0652, 189.061, 189.064, 189.067, 189.068, and 189.069.

This bill creates the following sections of the Florida Statutes: 189.022, and 189.0653.

This bill reenacts the following sections of the Florida Statutes: 165.0615, and 189.074.

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 Community Affairs on March 31, 2015:

Clarifies the types of information a special district would be required to provide to the appropriate oversight authority prior to a public hearing on noncompliance, pursuant to s. 189.0653, F.S.

B. **Amendments:**

None.

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

¹⁶ DEO, *2015 Agency Legislative Bill Analysis for SB 1388*, at 4 (Mar. 3, 2015).

By Senator Ring

29-00149-15

2015238__

1 A bill to be entitled
2 An act relating to athletic coaches; amending s.
3 943.0438, F.S.; requiring an independent sanctioning
4 authority to dismiss an athletic coach ejected from a
5 game for the remainder of that sport season under
6 certain circumstances; authorizing such athletic coach
7 to resume working under certain circumstances;
8 requiring an independent sanctioning authority to
9 establish a procedure for an athletic coach to appeal
10 certain decisions; providing an effective date.

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

13
14 Section 1. Paragraph (h) is added to subsection (2) of
15 section 943.0438, Florida Statutes, to read:

16 943.0438 Athletic coaches for independent sanctioning
17 authorities.—

18 (2) An independent sanctioning authority shall:

19 (h) Immediately dismiss an athletic coach who is ejected
20 from a game in a league of children 12 years of age or younger
21 for the remainder of the sport season.

22 1. Except as provided in subparagraph 2., the independent
23 sanctioning authority may allow an athletic coach dismissed
24 under this paragraph to resume working as an athletic coach for
25 the league the following sport season or any time thereafter if
26 the authority determines that the person remains qualified to
27 work as an athletic coach.

28 2. The independent sanctioning authority must establish a
29 procedure of due process to ensure that an athletic coach

29-00149-15

2015238__

30 ejected from a game in a league of children 12 years of age or
31 younger has the opportunity to appeal the ejection to the
32 independent sanctioning authority. The authority shall expedite
33 the appeal process so that disposition of the appeal can be made
34 before the end of the applicable sport season, if possible. If
35 the athletic coach is successful in his or her appeal, the
36 athletic coach shall be reinstated and allowed to continue
37 coaching for the remainder of the sport season and thereafter.

38 Section 2. This act shall take effect July 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, *Chair*
Appropriations Subcommittee on Finance and
Tax, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Commerce and Tourism
Judiciary
Rules

JOINT COMMITTEES:

Joint Legislative Auditing Committee
Joint Select Committee on Collective Bargaining

SENATOR JEREMY RING

29th District

March 13, 2015

Honorable Senator Wilton Simpson
Committee on Community Affairs
315 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simpson,

I am writing to respectfully request your cooperation in placing Senate Bill 238, relating to Athletic Coaches, on the Committee on Community Affairs agenda at your earliest convenience. I would greatly appreciate the opportunity to discuss the bill at greater length before your committee.

Thank you in advance for your assistance. As always, please do not hesitate to contact me with any questions or comments you may have.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator District 29

cc: Tom Yeatman, Staff Director
Ann Whittaker, Committee Administrative Assistant

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 238

INTRODUCER: Senator Ring

SUBJECT: Athletic Coaches

DATE: March 25, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>JU</u>	_____
4.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 238 requires an independent sanctioning authority to dismiss an athletic coach who is ejected from a game in a league of children who are 12 years of age or younger. The dismissal remains in effect at least until the following sport season.

The bill also requires an independent sanctioning authority to establish a process for coaches to appeal an ejection.

II. Present Situation:

Current law defines the term “athletic coach” as a person who is authorized by an independent sanctioning authority to work as a coach, assistant coach, or referee for 20 or more hours within a calendar year, whether for compensation or as a volunteer, for a youth athletic team based in this state and who has direct contact with one or more minors on the youth athletic team.¹

The term “independent sanctioning authority” is defined as a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team in this state if the team includes one or more minors and is not affiliated with a private school as defined in s. 1002.01, F.S.² An independent sanctioning authority is required to do the following:

- Conduct a level 1 background screening pursuant to s. 435.03, F.S., of each current and prospective athletic coach and maintain certain documentation of those screenings for at least 5 years.

¹ Section 943.0438, F.S.

² *Id.*

- Adopt policies related to requirements for parents or guardians of a young athlete to annually sign and return an informed consent that explains the nature and risk of concussion and head injury, including the risk of continuing to play after a concussion or head injury.
- Adopt policies related to continued participation and return to participation by a young athlete who is suspected of sustaining a concussion or head injury.³

III. Effect of Proposed Changes:

Section 1 amends s. 943.0438, F.S., to require an independent sanctioning authority to immediately dismiss an athletic coach who has been ejected from a game in a league in which the children are 12 years of age or younger. The dismissed coach may resume work as a coach the following sport season or any time thereafter if the authority determines the coach is still qualified. A procedure for a coach to appeal an ejection is also required to be established by a sanctioning authority.

Section 2 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

³ *Id.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.0438 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.

By Senator Evers

2-00188-15

2015164__

1 A bill to be entitled
2 An act relating to the Crime Stoppers Trust Fund;
3 amending s. 16.555, F.S.; authorizing a county that is
4 awarded a grant from the trust fund to use such funds
5 for the purchase and distribution of promotional
6 items; making technical changes; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Subsection (5) of section 16.555, Florida
12 Statutes, is amended to read:

13 16.555 Crime Stoppers Trust Fund; rulemaking.—

14 (5) (a) The department shall be the disbursing authority for
15 the distribution of funding to units of local government which
16 apply, ~~upon their application~~ to the department for funding
17 assistance.

18 (b) Funds deposited in the trust fund pursuant to paragraph
19 (4) (b) shall be disbursed as provided in this paragraph. A ~~Any~~
20 county may apply to the department under s. 938.06 for a grant
21 from the funds collected in the judicial circuit in which the
22 county is located ~~under s. 938.06~~. A grant may be awarded only
23 to counties that ~~which~~ are served by an official member of the
24 Florida Association of Crime Stoppers and may ~~only~~ be used only
25 to support Crime Stoppers and its ~~their~~ crime fighting programs.
26 Only one such official member is ~~shall be~~ eligible for support
27 within any county. ~~In order~~ To aid the department in determining
28 eligibility, the secretary of the Florida Association of Crime
29 Stoppers shall furnish the department with a schedule of

2-00188-15

2015164__

30 authorized crime stoppers programs and shall update the schedule
31 as necessary. The department shall award grants to eligible
32 counties from available funds and shall distribute funds as
33 equitably as possible, based on amounts collected within each
34 county, ~~if when~~ more than one county is eligible within a
35 judicial circuit.

36 (c) A county that is awarded a grant under this section may
37 use such funds to purchase and distribute promotional items to
38 increase public awareness of, and to educate the public about,
39 Crime Stoppers.

40 Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

3/31/2015

Meeting Date

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

SB 164

Bill Number (if applicable)

Topic Crime Stoppers Trust Fund

Amendment Barcode (if applicable)

Name Frank Fabrizio

Job Title Police Chief

Address 4301 S. Peninsula Drive

Phone #386-275-9377

Street

Ponce Inlet FL 32127

Email ffabrizio@ponce-inlet.org

City

State

Zip

Speaking: For Against Information

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

Representing The Florida Police Chiefs 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)

3/31/15
Meeting Date

164
Bill Number (if applicable)

Topic Crime Stoppers

Amendment Barcode (if applicable)

Name Lisa Henning

Job Title Director of Legislative Affairs

Address 242 Office Plaza Dr.

Phone 850-766-8808

Street

Tallahassee

FL

32301

City

State

Zip

Email lhenning@legislative.com

Speaking: For Against Information

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

Representing Fraternal Order of Police

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-31-15

Meeting Date

168

Bill Number (if applicable)

Topic CRIME STOPPERS TRUST FUND

Amendment Barcode (if applicable)

Name MIKE FEWLESS

Job Title CAPTAIN

Address 2500 W COLONIAL DR

Phone

Street

ORLANDO

FL

State

32804

Zip

Email

Speaking: [] For [] Against [] Information

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

Representing ORANGE COUNTY SHERIFF'S OFFICE

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/31/15
Meeting Date

SB 0164
Bill Number (if applicable)

Topic CRIME STOPPERS TRUST FUND

Amendment Barcode (if applicable)

Name ERIC DIETRICH

Job Title CAPTAIN - VOLUSIA COUNTY SHERIFF'S OFFICE

Address 951 SINGLETON DR
Street

Phone 386-804-8537

DELAND FL 32720
City State Zip

Email EDIETRICH@VCSO.US

Speaking: For Against Information

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

Representing FLORIDA SHERIFF'S 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.

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)

3/31/15
Meeting Date

SB 164
Bill Number (if applicable)

Topic Crime Stoppers Trust Fund

Amendment Barcode (if applicable)

Name Donald Clark

Job Title Captain - Walton County Sheriff Office

Address 752 Triple G Rd

Phone

Street DFS FL 32433
City State Zip

Email

Speaking: For Against Information

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

Representing Walton County Sheriff Office

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)

3/31/2015

Meeting Date

SB164

Bill Number (if applicable)

Topic SB164 Amending FSS 16.555 Crime Stoppers Trust Fund

Amendment Barcode (if applicable)

Name Daniel Valentino

Job Title Crime Stoppers Coordinator

Address P.O. Box 25531

Street

Phone 941-343-7710

Sarasota

Fl

34277

Email dvalenti1412@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Crime Stoppers of Sarasota & Florida Association of Crime Stoppers

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)

APPEARANCE RECORD

3/31/2015

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

SB164

Meeting Date

Bill Number (if applicable)

Topic SB164 Amending FSS 16.555 Crime Stoppers Trust Fund

Amendment Barcode (if applicable)

Name Lisa Haber

Job Title Executive Director

Address P.O. Box 5766

Phone 813-867-4414

Street
Tampa FL 33675

Email lhhaber@crimestopperstb.com

City *State* *Zip*

Speaking: For Against Information

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

Representing Crime Stoppers of Tampa Bay & Florida Assoc of Crime Stoppers

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

Tallahassee, Florida 32399-1100

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Communications, Energy, and Public Utilities
Environmental Preservation and Conservation
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

SENATOR GREG EVERS

2nd District

March 30, 2015

Dear Chair Simpson,

Senator Evers must be in the Committee on Veterans Affairs, Space and Domestic Security at the same time as the Community Affairs Committee meets tomorrow, so with your permission, his legislative assistant, Dave Murzin, will present SB 164 on his behalf.

Thank you,

Greg Evers

REPLY TO:

- 209 East Zaragoza Street, Pensacola, Florida 32502-6048 (850) 595-0213 FAX: (888) 263-0013
- 308 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002
- 5234 Willing Street, Milton, FL 32570 (850) 564-1026 FAX: (850) 564-1170

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



The Florida Senate

Committee Agenda Request

To: Senator Simpson
Chair, Community Affairs Committee

Subject: Committee Agenda Request

Date: March 19, 2015

I respectfully request that **Senate Bill 164**, relating to Crime Stoppers Trust Fund, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Greg Evers".

Senator Greg Evers
Florida Senate, District 2

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 164
 INTRODUCER: Senators Evers and Grimsley
 SUBJECT: Crime Stoppers Trust Fund
 DATE: March 24, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sumner	Cannon	CJ	Favorable
2.	Wagoner	Yeatman	CA	Favorable
3.			ACJ	
4.			FP	

I. Summary:

SB 164 authorizes counties that are awarded a grant from the Crime Stoppers Trust Fund to use the funds for the purchase and distribution of promotional items to increase public awareness and educate the public about Crime Stoppers.

II. Present Situation:

Section 16.555, F.S., provides a funding mechanism for Crime Stopper programs. The Department of Legal Affairs is required to make applications for all federal and state or private grants which meet the purposes of advancing Crime Stoppers in the state; establish a trust fund to administer grants to fund Crime Stoppers and its crime fighting programs within the units of local government; and administer and disburse the funds.

In 1998, the Legislature added a funding source in s. 938.06, F.S., by imposing a \$20 court cost on persons convicted of any criminal offense.¹ The proceeds from the \$20 court cost are deposited in a separate account within the trust fund. The clerks retain \$3 per assessment as a service charge and forward the money to the Department of Revenue for deposit in the Crime Stoppers Trust Fund. The funds are to be designated according to the judicial circuit where it was collected. However, grants may be awarded only to counties which are served by an official member of the Florida Association of Crime Stoppers. Approximately \$4.4 million in grants were awarded to the Crime Stoppers Trust Fund during the 2013-2014 fiscal year.²

¹ Ch. 98-319, L.O.F.

² Department of Legal Affairs, *Division of Victim Services and Criminal Justice Programs Annual Report 2013-2014*, pg. 11, available at [http://myfloridalegal.com/webfiles.nsf/WF/RMAS-9S3LLL/\\$file/2013-2014AnnualReport.pdf](http://myfloridalegal.com/webfiles.nsf/WF/RMAS-9S3LLL/$file/2013-2014AnnualReport.pdf) (last visited March 26, 2015).

Crime Stoppers began in Albuquerque, New Mexico in 1976. A homicide detective with the Albuquerque Police asked a local television station to broadcast a re-enactment of an unsolved murder on its newscast. A reward was offered and a caller contacted the police the next day with a tip that led the police to the two men who were responsible. The success of this concept launched a program which is now internationally known as “Crime Stopper.” There are now over 1,200 Crime Stoppers programs worldwide.³

The Central Florida Crime Watch Program, now Central Florida Crimeline, was formed one year after the first Crime Stoppers program. Today there are 32 programs in Florida operating under the name Florida Association of Crime Stoppers, Inc.⁴ Florida Crime Stoppers programs reported 56,069 crime tips, 9,857 cleared cases, 4,679 arrests, and 3,885 approved rewards for tipsters during the 2013-2014 fiscal year.⁵

III. Effect of Proposed Changes:

The bill amends s. 16.555, F.S., to authorize counties that are awarded a grant from the Crime Stoppers Trust Fund to use the funds for the purchase and distribution of promotional items to increase public awareness and educate the public about Crime Stoppers.

The bill provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

The bill would allow for trust funds to be used to purchase and distribute promotional items.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

³ Florida Association of Crime Stoppers, *Where It All Started*, <http://www.floridacrimestoppers.com/pages/where> (last visited March 24, 2015).

⁴ Florida Association of Crime Stoppers, *Who We Are*, <http://www.floridacrimestoppers.com/pages/who> (last visited March 24, 2015).

⁵ *Division of Victim Services and Criminal Justice Programs Annual Report 2013-2014*, pg. 10.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 16.555 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.

By Senator Abruzzo

25-00321B-15

20151430__

1 A bill to be entitled
2 An act relating to discounts on public park entrance
3 fees and transportation fares; creating s. 125.029,
4 F.S.; requiring counties to provide a partial or a
5 full discount on park entrance fees to military
6 members, veterans, and the spouse and parents of
7 certain deceased military members, law enforcement
8 officers, and firefighters; requiring that individuals
9 seeking the discount present written documentation
10 satisfactory to the county department which evidences
11 eligibility; defining the term "park entrance fee";
12 providing certain exclusions; creating s. 163.58,
13 F.S.; requiring regional transportation authorities to
14 provide a partial or a full discount on fares and on
15 other charges for certain disabled veterans; creating
16 s. 166.0447, F.S.; requiring municipalities to provide
17 a partial or a full discount on park entrance fees to
18 military members, veterans, and the spouse and parents
19 of certain deceased military members, law enforcement
20 officers, and firefighters; requiring that individuals
21 seeking the discount present written documentation
22 satisfactory to the municipal department which
23 evidences eligibility; defining the term "park
24 entrance fee"; providing certain exclusions; providing
25 an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 125.029, Florida Statutes, is created to

25-00321B-15

20151430__

30 read:

31 125.029 Military, law enforcement, and firefighter county
32 park entrance fee discounts.-

33 (1) A county park or recreation department shall provide a
34 partial or a full discount on park entrance fees to the
35 following individuals who present written documentation
36 satisfactory to the county department which evidences
37 eligibility for the discount:

38 (a) A current member of the United States Armed Forces, the
39 National Guard, or their reserve components.

40 (b) An honorably discharged veteran of the United States
41 Armed Forces, the National Guard, or their reserve components.

42 (c) An honorably discharged veteran of the United States
43 Armed Forces, the National Guard, or their reserve components,
44 who has a service-connected disability as determined by the
45 United States Department of Veterans Affairs.

46 (d) A surviving spouse and parents of a deceased member of
47 the United States Armed Forces, the National Guard, or their
48 reserve components, who died in the line of duty under combat-
49 related conditions.

50 (e) A surviving spouse and parents of a law enforcement
51 officer, as defined in s. 943.10(1), or a firefighter, as
52 defined in s. 633.102, who died in the line of duty.

53 (2) As used in this section, the term "park entrance fee"
54 means a fee charged to access lands managed by a county park or
55 recreation department. The term does not include expanded
56 amenity fees for amenities, such as campgrounds, aquatic
57 facilities, stadiums or arenas, facility rentals, special
58 events, boat launching, golf, zoos, museums, gardens, or

25-00321B-15

20151430__

59 programs taking place within public lands.

60 Section 2. Section 163.58, Florida Statutes, is created to
61 read:

62 163.58 Transportation fare discounts.—An authority shall
63 provide a partial or a full discount on fares and on other
64 charges for the use of a transportation system or a
65 transportation facility owned or operated by the authority to a
66 disabled veteran as described in s. 295.07(1) (a) who presents
67 written documentation satisfactory to the authority which
68 evidences eligibility for the discount.

69 Section 3. Section 166.0447, Florida Statutes, is created
70 to read:

71 166.0447 Military, law enforcement, and firefighter
72 municipal park entrance fee discounts.—

73 (1) A municipal park or recreation department shall provide
74 a partial or a full discount on park entrance fees to the
75 following individuals who present written documentation
76 satisfactory to the municipal department which evidences
77 eligibility for the discount:

78 (a) A current member of the United States Armed Forces, the
79 National Guard, or their reserve components.

80 (b) An honorably discharged veteran of the United States
81 Armed Forces, the National Guard, or their reserve components.

82 (c) An honorably discharged veteran of the United States
83 Armed Forces, the National Guard, or their reserve components,
84 who has a service-connected disability as determined by the
85 United States Department of Veterans Affairs.

86 (d) A surviving spouse and parents of a deceased member of
87 the United States Armed Forces, the National Guard, or their

25-00321B-15

20151430__

88 reserve components, who died in the line of duty under combat-
89 related conditions.

90 (e) A surviving spouse and parents of a law enforcement
91 officer, as defined in s. 943.10(1), or a firefighter, as
92 defined in s. 633.102, who died in the line of duty.

93 (2) As used in this section, the term "park entrance fee"
94 means a fee charged to access lands managed by a municipal park
95 or recreation department. The term does not include expanded
96 amenity fees for amenities, such as campgrounds, aquatic
97 facilities, stadiums or arenas, facility rentals, special
98 events, boat launching, golf, zoos, museums, gardens, or
99 programs taking place within public lands.

100 Section 4. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/31/15
Meeting Date

1430
Bill Number (if applicable)

Topic Discents for Vets

Amendment Barcode (if applicable)

Name Lisa Beest

Job Title Executive Director

Address PO Box 10168
Street

Phone 800-445-8329

Talley FL 32317
City State Zip

Email lisa.beest@floridatransit.org

Speaking: For Against Information

Waive Speaking: In Support Against ⁹⁹
(The Chair will read this information into the record.)

Representing Florida Public Transportation 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)

03-31-15

Meeting Date

1430

Bill Number (if applicable)

Topic RTA FARES

Amendment Barcode (if applicable)

Name VICKI WOOLDRIDGE

Job Title GOV. AFFES. MGR.

Address 800 NW 33rd ST.

Phone 954-213-8690

Street

POMPANO BECH

FL

33064

Email wooldridgev@sfvta.fl.gov

City

State

Zip

Speaking: For Against Information

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

Representing SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/31/15

Meeting Date

SB 1430

Bill Number (if applicable)

Topic DISCOUNTS ON PUBLIC PARK ENT. FEES

Amendment Barcode (if applicable)

Name COLLEEN KREPSTELER

Job Title LEGISLATIVE AFFAIRS DIR

Address The Capitol, Suite 2105

Phone (850) 487-1533

Street

Tallahassee

FL

32399

Email

City

State

Zip

Speaking: For Against Information

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

Representing The Florida Dept. of Veterans' Affairs

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)

3/31/15

Meeting Date

1430

Bill Number (if applicable)

Topic Discounts on Public Park Fees & Transportation Fares

Amendment Barcode (if applicable)

Name Justin Day

Job Title Director

Address 701 S. Howard Ave, Suite 106-326

Phone 850-222-8900

Street

Tampa

City

FL

State

33604

Zip

Email jd@cardenaspartners.com

Speaking: For Against Information

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

Representing Hillsborough Area Regional Transit Agency

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-31-15

Meeting Date

1430

Bill Number (if applicable)

Topic Public Parks

Amendment Barcode (if applicable)

Name Marty Cassini

Job Title Legislative Counsel

Address 115 S. Andrews Ave

Phone 954-357-7575

Street

Fort Lauderdale FL 33301

Email mcassini@broward.org

City

State

Zip

Speaking: For Against Information

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

Representing Broward County

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 Community Affairs

BILL: SB 1430

INTRODUCER: Senator Abruzzo

SUBJECT: Discounts on Public Park Entrance Fees and Transportation Fares

DATE: March 31, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	Favorable
2.	<u>White</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1430 requires county and municipal departments of parks and recreation to provide a full or partial discount on park entrance fees to the following individuals:

- Currently serving military servicemembers;
- Honorably discharged veterans;
- Honorably discharged veterans with a service-connected disability;
- The surviving spouse or parents of a military servicemember who died in combat; and
- The surviving spouse or parent of a law enforcement officer or a firefighter who died in the line of duty.

The bill also requires regional transportation authorities to provide disabled veterans with discounts on fares or charges.

II. Present Situation:

Veteran and Military Presence in Florida

The composition of military personnel who reside in Florida consists of the following:

- 1.6 million veterans;¹
- 249,000 veterans with a service-connected disability;²
- 58,590 active duty personnel;³
- 35,714 reservists;⁴ and
- 12,000 Florida National Guard members.⁵

¹ Florida Dep't of Veterans' Affairs, *Fast Facts*, http://floridavets.org/?page_id=50 (last visited Mar. 25, 2015).

² *Id.*

³ Data provided by Haas Center for Business Research and Economic Development at the University of West Florida.

⁴ *Id.*

⁵ Florida Dep't of Military Affairs, *About Us*, <http://www.floridaguard.army.mil/about-us> (last visited Mar. 25, 2015).

After their military service, veterans may qualify for a variety of benefits administered by the U.S. Department of Veteran’s Affairs (USDVA), and by the State of Florida. The USDVA assigns disability ratings to veterans who suffer from service-related injuries and seek USDVA benefits. Family members of veterans also may qualify for benefits, and for monthly VA payments as survivors of disabled or pensioned veterans.⁶

State Park Entrance Fee Discounts

The Division of Recreation and Parks (DRP) within the Department of Environmental Protection oversees Florida’s 161 state parks. The DRP offers two types of annual entrance passes: the individual annual entrance pass for \$60 and the family annual entrance pass for \$120. The DRP currently provides park entrance fee discounts pursuant to the following:⁷

- Active duty members and honorably discharged veterans of the U.S. Armed Forces, National Guard, or reserve components receive a 25 percent discount on an annual entrance pass;
- Veterans with service-connected disabilities receive lifetime family annual entrance passes at no charge;
- Surviving spouses and parents of deceased members of the U.S. Armed Forces, National Guard, or reserve components who have fallen in combat receive a lifetime family annual entrance passes at no charge; and
- Surviving spouses and parents of a law enforcement officer or firefighter who died in the line of duty receive lifetime family annual entrance passes at no charge.

The table below reflects the application of the Florida state park entrance fee discounts provided in s. 258.0145, F.S., for Fiscal Year 2013-14.⁸

State Park Entrance Fee Discounts: FY 2013-14 (Pursuant to s. 258.0145, F.S.)	
Individual Entrance Pass (25% discount: active duty servicemembers and veterans)	1,295
<u>Value of Discount</u>	\$19,425
Family Annual Entrance Pass (25% discount: active duty servicemembers and veterans)	4,103
<u>Value of Discount</u>	\$123,090
Lifetime Family Annual Entrance Pass (Full discount: disabled veterans; the spouse and parents of a fallen military servicemember, law enforcement officer, or firefighter)	9,804
<u>Value of Discount</u>	\$1,176,480
Total Passes FY 2013-14	15,202
<u>Total Value of Discount</u>	<u>\$1,318,995</u>

⁶ U.S. Dep’t of Veterans Affairs, Office of Public Affairs, *State Summary: Florida* (2014); Florida Dep’t of Veteran’s Affairs, *Florida Veteran’s Benefits Guide* (2014), http://floridavets.org/?page_id=110 (last visited Mar. 25, 2015).

⁷ Section 258.0145, F.S.

⁸ E-mail correspondence with the Florida Department of Environmental Protection on Mar. 20, 2015. (On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.)

Current law does not address entrance fee discounts for county and municipal parks for current and former military personnel and their families or the families of deceased first responders. There are approximately 267 county and municipal parks and recreation agencies in Florida, each managing a number of park areas, which offer a variety of amenities.⁹

Regional Transportation Authorities

Section 163.567, F.S., states that any two or more contiguous counties, municipalities, other political subdivisions, or combinations thereof in this state are authorized and empowered to convene a charter committee for the purpose of developing a regional transportation authority.¹⁰ However, no county, municipality, or other political subdivision may be a member in more than one authority created under this part.¹¹

A regional transportation authority has the authority to:

- Purchase, own, or operate, or provide for the operation of, transportation facilities;
- Contract for transit services;
- Exercise power of eminent domain limited to right-of-way and contiguous transportation facility acquisition and subject to any further limitations set forth in the authority charter;
- Conduct studies; and
- Contract with other governmental agencies, private companies and individuals.¹²

Chapters 163, 343, 348, and 349, F.S., govern the regional transportation authorities. Chapter 343, F.S., provides for the creation of:

- Northeast Florida Regional Transportation Commission
- South Florida Regional Transportation Authority
- Central Florida Regional Transportation Authority
- Northwest Florida Transportation Corridor Authority
- Tampa Bay Area Regional Transportation Authority

Chapter 348, F.S., provides for the creation of:

- Tampa-Hillsborough County Expressway Authority
- Central Florida Expressway Authority
- Santa Rosa Bay Bridge Authority
- Osceola County Expressway Authority

Chapter 349, F.S., establishes the Jacksonville Transportation Authority.

Other authorities either created in the above statutes or in special law include:

- Miami-Dade Expressway Authority
- Pinellas Suncoast Transit Authority
- Hillsborough Area Regional Transit Authority

⁹ Telephone conversation between Florida Recreation and Parks Association, Inc., staff and Senate Military and Veterans Affairs, Space, and Domestic Security Committee staff (Mar. 20, 2015).

¹⁰ Section 163.597, F.S.

¹¹ *Id.*

¹² Section 163.568, F.S.

Of these regional transportation authorities, two provide commuter services. Tri-Rail, operated by the South Florida Regional Transportation Authority, is the only publicly funded passenger rail system in the state.¹³ Tri-Rail currently offers a 50 percent discount on Fare EASY Cards to persons with disabilities.¹⁴ The second commuter service is Lynx, which is operated by the Central Florida Regional Transportation Authority.

III. Effect of Proposed Changes:

The bill creates sections 125.029, 163.58, and 166.0447, F.S., to require counties and municipalities to provide a partial or a full discount on park entrance fees to the following persons:

- A current member of the United States Armed Forces, the National Guard, or their reserve components;
- An honorably discharged veteran of the United States Armed Forces, the National Guard, or their reserve components;
- An honorably discharged veteran of the United States Armed Forces, the National Guard, or their reserve components who has a service-connected disability as determined by the United States Department of Veterans Affairs;
- A surviving spouse and parents of a deceased member of the United States Armed Forces, the National Guard, or their reserve components, who died in the line of duty under combat-related conditions; and
- A surviving spouse and parents of a law enforcement officer or firefighter who died in the line of duty.

The bill defines the term “park entrance fee” to mean a fee charged to access lands managed by a county or city park or recreation department. The term does not include expanded amenity fees for amenities such as campgrounds, aquatic facilities, stadiums or arenas, facility rentals, special events, boat launching, golf, zoos, museums, gardens, or programs taking place within public lands.

The bill also provides disabled veterans, as described in section 295.07(1)(a), with discounts when using a transportation system or facility owned or operated by a regional transportation authority. The regional transportation authority may offer either a full or partial discount to a disabled veteran, upon a showing of written documentation evidencing eligibility.

The bill provides an effective date of July 1, 2015.

¹³ South Florida Regional Transportation Authority, *Overview*, <http://www.sfrta.fl.gov/overview.aspx> (last visited Mar. 25, 2015).

¹⁴ A few of the acceptable forms of documentation to present at the ticket kiosk include a Disabled Veterans ID, a letter from a physician, a Driver’s License indicating disability, a Medicare Card, or Social Security documentation for Disability Benefits. See Tri-Rail, *Discount Policy*, <http://www.tri-rail.com/fares/discount-policy/> (last visited Mar. 25, 2015).

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

Article VII, section 18(b) of the Florida Constitution requires any general law that reduces a local government's authority to raise revenues in the aggregate, to be passed by a two-thirds vote of the membership of each house of the Legislature.¹⁵ This bill has the effect of reducing municipal and county revenues generated from park entrance fees by adding discounts for the military, their families, and the families of deceased first responders. The bill may be exempt from needing a two-thirds vote due to insignificant fiscal impact,¹⁶ but the Revenue Estimating Commission has reported that the fiscal impact is indeterminate at this time.¹⁷

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:

Current and former military personnel, spouses and parents of deceased military service members who have fallen in combat and also the spouses and parents of law enforcement officers or firefighters who have fallen in the line of duty will be eligible for a full or partial discount on entrance fees at county and municipal parks. Disabled military veterans will be eligible for a full or partial discount when using a transportation system or facility owned or operated by a regional transportation authority.

C. Government Sector Impact:

County and municipal departments of parks and recreation will experience a decrease in revenue generated from park entrance fees because of this bill. To the extent disabled veterans use the discount provided at transportation systems, regional transportation authorities will experience a decrease in revenue from tickets and fees.

¹⁵ FLA. CONST. art. VII, s. 18(b).

¹⁶ FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact means an amount not greater than ten cents times the average statewide population for the applicable fiscal year.

¹⁷ Revenue Estimating Conference, Impact Conference Results for CS/HB721, p.247 (Mar. 13, 2015).

VI. Technical Deficiencies:

None.

VII. Related Issues:

To the extent that a regional transportation authority has issued revenue bonds for any of their systems or facilities, the authority and the state would be limited by the bond covenants prescribed by the bond holders. Expanding the group of non-revenue users may be in violation of the bond covenants. The state is specifically limited by a statutory pledge to bondholders to not restrict a regional transportation authority's power to establish and collect fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation of the authority's system.¹⁸

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 125.029, 163.58, and 166.0447.

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.

¹⁸ See ss 343.67 and 343.57, F.S.



772204

LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsection (13) of section 163.3245,
Florida Statutes, is redesignated as subsection (14),
subsections (3) and (9) of that section are amended, and new
subsections (13) and (15) are added to that section, to read:

163.3245 Sector plans.—

(3) Sector planning encompasses two levels: adoption



772204

11 pursuant to s. 163.3184 of a long-term master plan for the
12 entire planning area as part of the comprehensive plan, and
13 adoption by local development order of two or more detailed
14 specific area plans that implement the long-term master plan and
15 within which s. 380.06 is waived.

16 (a) In addition to the other requirements of this chapter,
17 except for those that are inconsistent with or superseded by the
18 planning standards of this paragraph, a long-term master plan
19 pursuant to this section must include maps, illustrations, and
20 text supported by data and analysis to address the following:

21 1. A framework map that, at a minimum, generally depicts
22 areas of urban, agricultural, rural, and conservation land use;
23 identifies allowed uses in various parts of the planning area;
24 specifies maximum and minimum densities and intensities of use;
25 and provides the general framework for the development pattern
26 in developed areas with graphic illustrations based on a
27 hierarchy of places and functional place-making components.

28 2. A general identification of the water supplies needed
29 and available sources of water, including water resource
30 development and water supply development projects, and water
31 conservation measures needed to meet the projected demand of the
32 future land uses in the long-term master plan.

33 3. A general identification of the transportation
34 facilities to serve the future land uses in the long-term master
35 plan, including guidelines to be used to establish each modal
36 component intended to optimize mobility.

37 4. A general identification of other regionally significant
38 public facilities necessary to support the future land uses,
39 which may include central utilities provided onsite within the



772204

40 planning area, and policies setting forth the procedures to be
41 used to mitigate the impacts of future land uses on public
42 facilities.

43 5. A general identification of regionally significant
44 natural resources within the planning area based on the best
45 available data and policies setting forth the procedures for
46 protection or conservation of specific resources consistent with
47 the overall conservation and development strategy for the
48 planning area.

49 6. General principles and guidelines addressing the urban
50 form and the interrelationships of future land uses; the
51 protection and, as appropriate, restoration and management of
52 lands identified for permanent preservation through recordation
53 of conservation easements consistent with s. 704.06, which shall
54 be phased or staged in coordination with detailed specific area
55 plans to reflect phased or staged development within the
56 planning area; achieving a more clean, healthy environment;
57 limiting urban sprawl; providing a range of housing types;
58 protecting wildlife and natural areas; advancing the efficient
59 use of land and other resources; creating quality communities of
60 a design that promotes travel by multiple transportation modes;
61 and enhancing the prospects for the creation of jobs.

62 7. Identification of general procedures and policies to
63 facilitate intergovernmental coordination to address
64 extrajurisdictional impacts from the future land uses.

65

66 A long-term master plan adopted pursuant to this section may be
67 based upon a planning period longer than the generally
68 applicable planning period of the local comprehensive plan,



772204

69 shall specify the projected population within the planning area
70 during the chosen planning period, and may include a phasing or
71 staging schedule that allocates a portion of the local
72 government's future growth to the planning area through the
73 planning period. A long-term master plan adopted pursuant to
74 this section is not required to demonstrate need based upon
75 projected population growth or on any other basis.

76 (b) In addition to the other requirements of this chapter,
77 except for those that are inconsistent with or superseded by the
78 planning standards of this paragraph, the detailed specific area
79 plans shall be consistent with the long-term master plan and
80 must include conditions and commitments that provide for:

81 1. Development or conservation of an area of at least 1,000
82 acres consistent with the long-term master plan. The local
83 government may approve detailed specific area plans of less than
84 1,000 acres based on local circumstances if it is determined
85 that the detailed specific area plan furthers the purposes of
86 this part and part I of chapter 380.

87 2. Detailed identification and analysis of the maximum and
88 minimum densities and intensities of use and the distribution,
89 extent, and location of future land uses.

90 3. Detailed identification of water resource development
91 and water supply development projects and related infrastructure
92 and water conservation measures to address water needs of
93 development in the detailed specific area plan.

94 4. Detailed identification of the transportation facilities
95 to serve the future land uses in the detailed specific area
96 plan.

97 5. Detailed identification of other regionally significant



772204

98 public facilities, including public facilities outside the
99 jurisdiction of the host local government, impacts of future
100 land uses on those facilities, and required improvements
101 consistent with the long-term master plan.

102 6. Public facilities necessary to serve development in the
103 detailed specific area plan, including developer contributions
104 in a 5-year capital improvement schedule of the affected local
105 government.

106 7. Detailed analysis and identification of specific
107 measures to ensure the protection and, as appropriate,
108 restoration and management of lands within the boundary of the
109 detailed specific area plan identified for permanent
110 preservation through recordation of conservation easements
111 consistent with s. 704.06, which easements shall be effective
112 before or concurrent with the effective date of the detailed
113 specific area plan and other important resources both within and
114 outside the host jurisdiction. Any such conservation easement
115 may be based on rectified aerial photographs without the need
116 for a survey and may include a right of adjustment authorizing
117 the grantor to modify portions of the area protected by a
118 conservation easement and substitute other lands in their place
119 if the lands to be substituted contain no less gross acreage
120 than the lands to be removed; have equivalent values in the
121 proportion and quality of wetlands, uplands, and wildlife
122 habitat; and are contiguous to other lands protected by the
123 conservation easement. Substitution is accomplished by recording
124 an amendment to the conservation easement as accepted by the
125 grantee.

126 8. Detailed principles and guidelines addressing the urban



772204

127 form and the interrelationships of future land uses; achieving a
128 more clean, healthy environment; limiting urban sprawl;
129 providing a range of housing types; protecting wildlife and
130 natural areas; advancing the efficient use of land and other
131 resources; creating quality communities of a design that
132 promotes travel by multiple transportation modes; and enhancing
133 the prospects for the creation of jobs.

134 9. Identification of specific procedures to facilitate
135 intergovernmental coordination to address extrajurisdictional
136 impacts from the detailed specific area plan.

137
138 A detailed specific area plan adopted by local development order
139 pursuant to this section may be based upon a planning period
140 longer than the generally applicable planning period of the
141 local comprehensive plan and shall specify the projected
142 population within the specific planning area during the chosen
143 planning period. A detailed specific area plan adopted pursuant
144 to this section is not required to demonstrate need based upon
145 projected population growth or on any other basis. All lands
146 identified in the long-term master plan for permanent
147 preservation shall be subject to a recorded conservation
148 easement consistent with s. 704.06 before or concurrent with the
149 effective date of the final detailed specific area plan to be
150 approved within the planning area. Any such conservation
151 easement may be based on rectified aerial photographs without
152 the need for a survey and may include a right of adjustment
153 authorizing the grantor to modify portions of the area protected
154 by a conservation easement and substitute other lands in their
155 place if the lands to be substituted contain no less gross



772204

156 acreage than the lands to be removed; have equivalent values in
157 the proportion and quality of wetlands, uplands, and wildlife
158 habitat; and are contiguous to other lands protected by the
159 conservation easement. Substitution is accomplished by recording
160 an amendment to the conservation easement as accepted by the
161 grantee.

162 (c) In its review of a long-term master plan, the state
163 land planning agency shall consult with the Department of
164 Agriculture and Consumer Services, the Department of
165 Environmental Protection, the Fish and Wildlife Conservation
166 Commission, and the applicable water management district
167 regarding the design of areas for protection and conservation of
168 regionally significant natural resources and for the protection
169 and, as appropriate, restoration and management of lands
170 identified for permanent preservation.

171 (d) In its review of a long-term master plan, the state
172 land planning agency shall consult with the Department of
173 Transportation, the applicable metropolitan planning
174 organization, and any urban transit agency regarding the
175 location, capacity, design, and phasing or staging of major
176 transportation facilities in the planning area.

177 (e) Whenever a local government issues a development order
178 approving a detailed specific area plan, a copy of such order
179 shall be rendered to the state land planning agency and the
180 owner or developer of the property affected by such order, as
181 prescribed by rules of the state land planning agency for a
182 development order for a development of regional impact. Within
183 45 days after the order is rendered, the owner, the developer,
184 or the state land planning agency may appeal the order to the



772204

185 Florida Land and Water Adjudicatory Commission by filing a
186 petition alleging that the detailed specific area plan is not
187 consistent with the comprehensive plan or with the long-term
188 master plan adopted pursuant to this section. The appellant
189 shall furnish a copy of the petition to the opposing party, as
190 the case may be, and to the local government that issued the
191 order. The filing of the petition stays the effectiveness of the
192 order until after completion of the appeal process. However, if
193 a development order approving a detailed specific area plan has
194 been challenged by an aggrieved or adversely affected party in a
195 judicial proceeding pursuant to s. 163.3215, and a party to such
196 proceeding serves notice to the state land planning agency, the
197 state land planning agency shall dismiss its appeal to the
198 commission and shall have the right to intervene in the pending
199 judicial proceeding pursuant to s. 163.3215. Proceedings for
200 administrative review of an order approving a detailed specific
201 area plan shall be conducted consistent with s. 380.07(6). The
202 commission shall issue a decision granting or denying permission
203 to develop pursuant to the long-term master plan and the
204 standards of this part and may attach conditions or restrictions
205 to its decisions.

206 (f) The applicant for a detailed specific area plan shall
207 transmit copies of the application to the reviewing agencies
208 specified in s. 163.3184(1)(c), or their successor agencies, for
209 review and comment as to whether the detailed specific area plan
210 is consistent with the comprehensive plan and the long-term
211 master plan. Any comments from the reviewing agencies shall be
212 submitted in writing to the local government with jurisdiction
213 and to the state land planning agency within 30 days after the



772204

214 applicant's transmittal of the application.

215 (g) ~~(f)~~ This subsection does not prevent preparation and
216 approval of the sector plan and detailed specific area plan
217 concurrently or in the same submission.

218 (h) If an applicant seeks to use wetland or upland
219 preservation achieved by granting conservation easements as
220 compensatory mitigation for permitting purposes under chapter
221 373 or chapter 379, the Department of Environmental Protection,
222 the Fish and Wildlife Conservation Commission, or the water
223 management district may accept such mitigation under the
224 criteria established in the uniform assessment method required
225 by s. 373.414, or pursuant to chapter 379, as applicable,
226 without considering the fact that a conservation easement
227 encumbering the same real property was previously recorded
228 pursuant to paragraph (b).

229 (9) The adoption of a long-term master plan or a detailed
230 specific area plan pursuant to this section does not limit the
231 right to continue existing agricultural or silvicultural uses or
232 other natural resource-based operations or to establish similar
233 new agricultural or silvicultural uses that are consistent with
234 the plans approved pursuant to this section.

235 (13) An applicant with an approved master development order
236 may request that the applicable water management district issue
237 a consumptive use permit as set forth in s. 373.236(8) for the
238 same period of time as the approved master development order.

239 (15) The more specific provisions of this section shall
240 supersede the generally applicable provisions of this chapter
241 which otherwise would apply. This section does not preclude a
242 local government from requiring data and analysis beyond the



772204

243 minimum criteria established in this section.

244 Section 2. Subsection (8) is added to section 373.236,
245 Florida Statutes, to read:

246 373.236 Duration of permits; compliance reports.-

247 (8) A water management district may issue a permit to an
248 applicant, as set forth in s. 163.3245(13), for the same period
249 of time as the applicant's approved master development order if
250 the master development order was issued under s. 380.06(21) by a
251 county which, at the time the order issued, was designated as a
252 rural area of opportunity under s. 288.0656, was not located in
253 an area encompassed by a regional water supply plan as set forth
254 in s. 373.709(1), and was not located within the basin area
255 management plan of a first-order magnitude spring. In reviewing
256 the permit application, the water management district shall
257 apply the permitting criteria in s. 373.223 based on the
258 projected population and approved densities and intensities of
259 use and their distribution in the master development order.
260 However, the district may phase in the water allocation over the
261 duration of the permit to correspond to actual projected needs.
262 This subsection does not supersede the public interest test
263 established in s. 373.223.

264 Section 3. This act shall take effect July 1, 2015.

265
266

267 ===== T I T L E A M E N D M E N T =====

268 And the title is amended as follows:

269 Delete everything before the enacting clause
270 and insert:

271 A bill to be entitled



772204

272 An act relating to sector plans; amending s. 163.3245,
273 F.S.; providing that other requirements of this
274 chapter inconsistent with or superseded by certain
275 planning standards relating to a long-term master plan
276 do not apply; providing that other requirements of
277 this chapter inconsistent with or superseded by
278 certain planning standards relating to detailed
279 specific area plans do not apply; providing that
280 conservation easements may be based on rectified
281 aerial photographs without the need for a survey and
282 may include a right of adjustment subject to certain
283 requirements; providing that substitution is
284 accomplished by recording an amendment to a
285 conservation easement as accepted by the grantee;
286 requiring the applicant for a detailed specific area
287 plan to transmit copies of the application to
288 specified reviewing agencies for review and comment;
289 requiring such agency comments to be submitted to the
290 local government having jurisdiction and to the state
291 land planning agency, subject to certain requirements;
292 authorizing the Department of Environmental
293 Protection, the Fish and Wildlife Conservation
294 Commission, or the water management district to accept
295 compensatory mitigation under certain circumstances,
296 pursuant to a specified section or chapter; providing
297 that the adoption of a long-term master plan or a
298 detailed specific area plan pursuant to this section
299 does not limit the right to establish new agricultural
300 or silvicultural uses under certain circumstances;



772204

301 allowing an applicant with an approved master
302 development order to request that the applicable water
303 management district issue a specified consumptive use
304 permit for the same period of time as the approved
305 master development order; providing applicability;
306 providing that a local government is not precluded
307 from requiring data and analysis beyond the minimum
308 criteria established in this section; amending s.
309 373.236, F.S.; authorizing a water management district
310 to issue a permit to an applicant for the same period
311 of time as the applicant's approved master development
312 order, subject to certain requirements and
313 restrictions; providing an effective date.
314

By Senator Simpson

18-00777-15

2015832__

1 A bill to be entitled
2 An act relating to sector plans; amending s. 163.3184,
3 F.S.; requiring that plan amendments that propose an
4 amendment to an adopted sector plan follow a specified
5 state-coordinated review process; amending s.
6 163.3245, F.S.; establishing that this section is
7 intended to promote development of a long-term vision
8 for conservation, development, and agriculture on a
9 landscape scale; providing that the purpose of a
10 scoping meeting is to identify the data and resources
11 available to assist in the preparation of the long-
12 term master plan; providing that if the entire
13 planning area proposed for the long-term master plan
14 is within the jurisdiction of two or more local
15 governments, some or all of them may enter into a
16 joint planning agreement with respect to the
17 geographic area that is subject to the long-term
18 master plan; providing that other requirements of this
19 chapter inconsistent with or superseded by certain
20 planning standards relating to a long-term master plan
21 do not apply; requiring that certain maps,
22 illustrations, and text included in a long-term master
23 plan identify general procedures and policies to be
24 followed in facilitating intergovernmental
25 coordination that addresses extrajurisdictional
26 impacts from the future land uses if not addressed in
27 other plan elements; providing that a long-term master
28 plan is not required to project certain factors
29 relating to public facilities or to prescribe certain

18-00777-15

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30 application or review procedures for a detailed
31 specific area plan under certain circumstances;
32 providing that other requirements of this chapter
33 inconsistent with or superseded by certain planning
34 standards relating to detailed specific area plans do
35 not apply; requiring detailed specific area plans to
36 identify certain factors related to transportation and
37 other public facilities in a 5-year capital
38 improvement schedule of the affected local government;
39 requiring detailed specific area plans to record
40 conservation easements effective by a certain date;
41 requiring detailed specific area plans to identify
42 specific procedures to facilitate intergovernmental
43 coordination to address certain extrajurisdictional
44 impacts if not addressed in other plan elements;
45 requiring that all lands identified in the long-term
46 master plan for permanent preservation be subject to a
47 recorded conservation easement by a certain date;
48 providing that an applicant may request a
49 preapplication conference with the local government
50 that has jurisdiction before filing an application for
51 a detailed specific area plan, subject to certain
52 requirements; requiring the local government to
53 document and provide to participants the findings and
54 agreements within a certain timeframe following the
55 conference; providing that the participants may
56 comment, agree, or disagree in writing with the
57 documentation within a certain timeframe; prohibiting
58 the local government and reviewing agencies from

18-00777-15

2015832__

59 objecting to assumptions and methodologies agreed upon
60 by participants under certain circumstances; requiring
61 the applicant for a detailed specific area plan to
62 transmit copies of the application to specified
63 reviewing agencies for review and comment; requiring
64 such comments to be submitted to the local government
65 having jurisdiction and to the state land planning
66 agency, subject to certain requirements; requiring
67 that natural resources within the planning area
68 identified in a legally effective long-term master
69 plan as significant for preservation or conservation
70 be considered regionally significant natural resources
71 for certain permitting purposes; conforming a cross-
72 reference; authorizing a water management district to
73 issue a requesting applicant a consumptive use permit
74 for a duration commensurate with an approved master
75 development order subject to certain requirements and
76 restrictions; providing applicability; providing an
77 effective date.

78

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

80

81 Section 1. Paragraph (c) of subsection (2) of section
82 163.3184, Florida Statutes, is amended to read:

83 163.3184 Process for adoption of comprehensive plan or plan
84 amendment.—

85 (2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

86 (c) Plan amendments that are in an area of critical state
87 concern designated pursuant to s. 380.05; propose a rural land

18-00777-15

2015832__

88 stewardship area pursuant to s. 163.3248; propose a sector plan
89 pursuant to s. 163.3245 or an amendment to an adopted sector
90 plan; update a comprehensive plan based on an evaluation and
91 appraisal pursuant to s. 163.3191; propose a development
92 pursuant to s. 380.06(24) (x); or are new plans for newly
93 incorporated municipalities adopted pursuant to s. 163.3167
94 shall follow the state coordinated review process in subsection
95 (4).

96 Section 2. Section 163.3245, Florida Statutes, is amended
97 to read:

98 163.3245 Sector plans.—

99 (1) In recognition of the benefits of developing a long-
100 term vision and long-range plans ~~planning~~ for specific areas,
101 local governments or combinations of local governments may adopt
102 into their comprehensive plans a sector plan in accordance with
103 this section. This section is intended to promote and encourage
104 development of a long-term vision and long-range plans ~~planning~~
105 for conservation, development, and agriculture on a landscape
106 scale; to further support innovative and flexible planning and
107 development strategies, and the purposes of this part and part I
108 of chapter 380; to facilitate protection of regionally
109 significant resources, including, but not limited to, regionally
110 significant water courses and wildlife corridors; and to avoid
111 duplication of effort in terms of the level of data and analysis
112 required for a development of regional impact, while ensuring
113 the adequate mitigation of impacts to applicable regional
114 resources and facilities, including those within the
115 jurisdiction of other local governments, as would otherwise be
116 provided. Sector plans are intended for substantial geographic

18-00777-15

2015832__

117 areas that include at least 15,000 acres of one or more local
118 governmental jurisdictions and are to emphasize urban form and
119 protection of regionally significant resources and public
120 facilities. A sector plan may not be adopted in an area of
121 critical state concern.

122 (2) Upon the request of a local government having
123 jurisdiction, the applicable regional planning council shall
124 conduct a scoping meeting with affected local governments and
125 those agencies identified in s. 163.3184(1)(c) before
126 preparation of the sector plan. The purpose of this meeting is
127 to assist the state land planning agency and the local
128 government in the identification of the relevant planning issues
129 to be addressed and the data and resources available to assist
130 in the preparation of the long-term master ~~sector~~ plan. If a
131 scoping meeting is conducted, the regional planning council
132 shall make written recommendations to the state land planning
133 agency and affected local governments on the issues requested by
134 the local government. The scoping meeting shall be noticed and
135 open to the public. If the entire planning area proposed for the
136 long-term master ~~sector~~ plan is within the jurisdiction of two
137 or more local governments, some or all of them may enter into a
138 joint planning agreement pursuant to s. 163.3171 with respect to
139 the geographic area to be subject to the long-term master ~~sector~~
140 plan, the planning issues that will be emphasized, procedures
141 for intergovernmental coordination to address
142 extrajurisdictional impacts, supporting application materials
143 including data and analysis, procedures for public
144 participation, or other issues.

145 (3) Sector planning encompasses two levels: adoption

18-00777-15

2015832__

146 pursuant to s. 163.3184 of a long-term master plan for the
147 entire planning area as part of the comprehensive plan, and
148 adoption by local development order of two or more detailed
149 specific area plans that implement the long-term master plan and
150 within which s. 380.06 is waived.

151 (a) In addition to the other requirements of this chapter,
152 except for those that are inconsistent with or superseded by the
153 planning standards of this paragraph, a long-term master plan
154 pursuant to this section must include maps, illustrations, and
155 text supported by data and analysis to address the following:

156 1. A framework map that, at a minimum, generally depicts
157 areas of urban, agricultural, rural, and conservation land use;
158 identifies allowed uses in various parts of the planning area;
159 specifies maximum and minimum densities and intensities of use;
160 and provides the general framework for the development pattern
161 in developed areas with graphic illustrations based on a
162 hierarchy of places and functional place-making components.

163 2. A general identification of the water supplies needed
164 and available sources of water, including water resource
165 development and water supply development projects, if any, and
166 water conservation measures needed to meet the projected demand
167 of the future land uses in the long-term master plan.

168 3. A general identification of the transportation
169 facilities to serve the future land uses in the long-term master
170 plan, including guidelines to be used to establish each modal
171 component intended to optimize mobility.

172 4. A general identification of other regionally significant
173 public facilities necessary to support the future land uses,
174 which may include central utilities provided onsite within the

18-00777-15

2015832__

175 planning area, and policies setting forth the procedures to be
176 used to mitigate the impacts of future land uses on public
177 facilities.

178 5. A general identification of regionally significant
179 natural resources within the planning area based on the best
180 available data and policies setting forth the procedures for
181 protection or conservation of specific resources consistent with
182 the overall conservation and development strategy for the
183 planning area.

184 6. General principles and guidelines addressing the urban
185 form and the interrelationships of future land uses; the
186 protection and, as appropriate, restoration and management of
187 lands identified for permanent preservation through recordation
188 of conservation easements consistent with s. 704.06, which shall
189 be phased or staged in coordination with detailed specific area
190 plans to reflect phased or staged development within the
191 planning area; achieving a more clean, healthy environment;
192 limiting urban sprawl; providing a range of housing types;
193 protecting wildlife and natural areas; advancing the efficient
194 use of land and other resources; creating quality communities of
195 a design that promotes travel by multiple transportation modes;
196 and enhancing the prospects for the creation of jobs.

197 7. Identification of general procedures and policies to
198 facilitate intergovernmental coordination to address
199 extrajurisdictional impacts from the future land uses if not
200 addressed in other plan elements.

201

202 A long-term master plan adopted pursuant to this section may be
203 based upon a planning period longer than the generally

18-00777-15

2015832__

204 applicable planning period of the local comprehensive plan,
205 shall specify the projected population within the planning area
206 during the chosen planning period, and may include a phasing or
207 staging schedule that allocates a portion of the local
208 government's future growth to the planning area through the
209 planning period. A long-term master plan adopted pursuant to
210 this section is not required to demonstrate need based upon
211 projected population growth or on any other basis; to project
212 the costs, locations, phasing or staging, or means of financing
213 transportation or other public facilities needed to support the
214 future land uses within the planning area; or to prescribe
215 application or review procedures for a detailed specific area
216 plan that would differ from the local government's generally
217 applicable requirements for local development orders except as
218 required by this section.

219 (b) In addition to the other requirements of this chapter,
220 except for those that are inconsistent with or superseded by the
221 planning standards of this paragraph, the detailed specific area
222 plans shall be consistent with the long-term master plan and
223 must include conditions and commitments that provide for:

224 1. Development or conservation of an area of at least 1,000
225 acres consistent with the long-term master plan. The local
226 government may approve detailed specific area plans of less than
227 1,000 acres based on local circumstances if it is determined
228 that the detailed specific area plan furthers the purposes of
229 this part and part I of chapter 380.

230 2. Detailed identification and analysis of the maximum and
231 minimum densities and intensities of use and the distribution,
232 extent, and location of future land uses.

18-00777-15

2015832__

233 3. Detailed identification of water resource development
234 and water supply development projects, if any, and related
235 infrastructure and water conservation measures to address water
236 needs of development in the detailed specific area plan.

237 4. Detailed identification of the transportation facilities
238 to serve the future land uses in the detailed specific area
239 plan, including the costs, locations, phasing or staging, and
240 means of financing such facilities, in a 5-year capital
241 improvement schedule of the affected local government.

242 5. Detailed identification of other regionally significant
243 public facilities, including public facilities outside the
244 jurisdiction of the host local government, impacts of future
245 land uses on those facilities, and required improvements
246 consistent with the long-term master plan.

247 6. Public facilities necessary to serve development in the
248 detailed specific area plan, including the costs, locations,
249 phasing or staging, and means of financing such facilities,
250 including developer contributions, in a 5-year capital
251 improvement schedule of the affected local government.

252 7. Detailed analysis and identification of specific
253 measures to ensure the protection and, as appropriate,
254 restoration and management of lands within the boundary of the
255 detailed specific area plan identified for permanent
256 preservation through recordation of conservation easements
257 consistent with s. 704.06, which easements shall be effective
258 before or concurrent with the effective date of the latter of
259 the detailed specific area plan or the environmental permits
260 necessary to develop lands within the detailed specific area
261 plan, and other important resources both within and outside the

18-00777-15

2015832__

262 host jurisdiction.

263 8. Detailed principles and guidelines addressing the urban
264 form and the interrelationships of future land uses; achieving a
265 more clean, healthy environment; limiting urban sprawl;
266 providing a range of housing types; protecting wildlife and
267 natural areas; advancing the efficient use of land and other
268 resources; creating quality communities of a design that
269 promotes travel by multiple transportation modes; and enhancing
270 the prospects for the creation of jobs.

271 9. Identification of specific procedures to facilitate
272 intergovernmental coordination to address extrajurisdictional
273 impacts from the detailed specific area plan if not addressed in
274 other plan elements.

275
276 A detailed specific area plan adopted by local development order
277 pursuant to this section may be based upon a planning period
278 longer than the generally applicable planning period of the
279 local comprehensive plan and shall specify the projected
280 population within the specific planning area during the chosen
281 planning period. A detailed specific area plan adopted pursuant
282 to this section is not required to demonstrate need based upon
283 projected population growth or on any other basis. All lands
284 identified in the long-term master plan for permanent
285 preservation shall be subject to a recorded conservation
286 easement consistent with s. 704.06 before or concurrent with the
287 latter of the effective date of the final detailed specific area
288 plan to be approved within the planning area or the
289 environmental permits necessary to develop the final detailed
290 specific area plan.

18-00777-15

2015832__

291 (c) In its review of a long-term master plan, the state
292 land planning agency shall consult with the Department of
293 Agriculture and Consumer Services, the Department of
294 Environmental Protection, the Fish and Wildlife Conservation
295 Commission, and the applicable water management district
296 regarding the design of areas for protection and conservation of
297 regionally significant natural resources and for the protection
298 and, as appropriate, restoration and management of lands
299 identified for permanent preservation.

300 (d) In its review of a long-term master plan, the state
301 land planning agency shall consult with the Department of
302 Transportation, the applicable metropolitan planning
303 organization, and any urban transit agency regarding the
304 location, capacity, design, and phasing or staging of major
305 transportation facilities in the planning area.

306 (e) Before filing an application for approval of a detailed
307 specific area plan, the applicant may contact the local
308 government having jurisdiction over the proposed development to
309 request a preapplication conference. Before the conference, the
310 applicant shall provide preliminary information regarding the
311 proposed detailed specific area plan, including the project
312 location, the type and magnitude of land uses, preliminary site
313 and environmental information, preliminary phasing and buildout
314 dates, and specific methodology proposals. Upon the request of
315 the applicant or the local government, other state and regional
316 agencies shall participate in this conference and shall identify
317 the level of information required for purposes of review of the
318 proposed development and the types of permits issued by, and the
319 permit issuance procedures of, the respective agencies with

18-00777-15

2015832__

320 respect to the proposed development. The level-of-service
321 standards, standards for determining significant impacts, and
322 mitigation standards and procedures required in the
323 transportation methodology must be the same as those used to
324 evaluate the other developments in the jurisdiction. No more
325 than 14 days after the conference, the local government shall
326 document the findings and agreements made by the participants,
327 including a summary of all assumptions and methodologies agreed
328 upon at the conference. The documentation shall be provided to
329 all participants, who have 14 days to comment, agree, or
330 disagree in writing with the summary. For any assumptions or
331 methodologies agreed upon by participants, the local government
332 and reviewing agencies may not subsequently object to those
333 assumptions and methodologies unless subsequent changes to the
334 project or information obtained during the review invalidate
335 those assumptions and methodologies.

336 (f) The applicant for a detailed specific area plan shall
337 transmit copies of the application to the reviewing agencies
338 specified in s. 163.3184(1)(c), or their successor agencies, for
339 review and comment as to whether the detailed specific area plan
340 is consistent with the comprehensive plan and the long-term
341 master plan. Any comments from the reviewing agencies shall be
342 submitted in writing to the local government with jurisdiction
343 and to the state land planning agency within 30 days after the
344 applicant's transmittal of the application.

345 (g) ~~(e)~~ Whenever a local government issues a development
346 order approving a detailed specific area plan, a copy of such
347 order shall be rendered to the state land planning agency and
348 the owner or developer of the property affected by such order,

18-00777-15

2015832__

349 as prescribed by rules of the state land planning agency for a
350 development order for a development of regional impact. Within
351 45 days after the order is rendered, the owner, the developer,
352 or the state land planning agency may appeal the order to the
353 Florida Land and Water Adjudicatory Commission by filing a
354 petition alleging with particularity that the detailed specific
355 area plan is not consistent with the comprehensive plan or with
356 the long-term master plan adopted pursuant to this section. The
357 appellant shall furnish a copy of the petition to the opposing
358 party, as the case may be, and to the local government that
359 issued the order. The filing of the petition stays the
360 effectiveness of the order until after completion of the appeal
361 process. However, if a development order approving a detailed
362 specific area plan has been challenged by an aggrieved or
363 adversely affected party in a judicial proceeding pursuant to s.
364 163.3215, and a party to such proceeding serves notice to the
365 state land planning agency, the state land planning agency shall
366 dismiss its appeal to the commission and shall have the right to
367 intervene in the pending judicial proceeding pursuant to s.
368 163.3215. Proceedings for administrative review of an order
369 approving a detailed specific area plan shall be conducted
370 consistent with s. 380.07(6). The commission shall issue a
371 decision granting or denying permission to develop pursuant to
372 the long-term master plan and the standards of this part and may
373 attach conditions or restrictions to its decisions.

374 (h) ~~(f)~~ This subsection does not prevent preparation and
375 approval of the sector plan and detailed specific area plan
376 concurrently or in the same submission.

377 (4) Upon the long-term master plan becoming legally

18-00777-15

2015832__

378 effective:

379 (a) Any long-range transportation plan developed by a
380 metropolitan planning organization pursuant to s. 339.175(7)
381 must be consistent, to the maximum extent feasible, with the
382 long-term master plan, including, but not limited to, the
383 projected population and the approved uses and densities and
384 intensities of use and their distribution within the planning
385 area. The transportation facilities identified in adopted plans
386 pursuant to subparagraphs (3)(a)3. and (b)4. must be developed
387 in coordination with the adopted M.P.O. long-range
388 transportation plan.

389 (b) The water needs, sources and water resource
390 development, and water supply development projects identified in
391 adopted plans pursuant to subparagraphs (3)(a)2. and (b)3. shall
392 be incorporated into the applicable district and regional water
393 supply plans adopted in accordance with ss. 373.036 and 373.709.
394 Accordingly, and notwithstanding the permit durations stated in
395 s. 373.236, an applicant may request and the applicable district
396 may issue consumptive use permits for durations commensurate
397 with the long-term master plan or detailed specific area plan,
398 considering the ability of the master plan area to contribute to
399 regional water supply availability and the need to maximize
400 reasonable-beneficial use of the water resource. The permitting
401 criteria in s. 373.223 shall be applied based upon the projected
402 population and the approved densities and intensities of use and
403 their distribution in the long-term master plan; however, the
404 allocation of the water may be phased over the permit duration
405 to correspond to actual projected needs. This paragraph does not
406 supersede the public interest test set forth in s. 373.223.

18-00777-15

2015832__

407 (c) All natural resources within the planning area
408 identified in the long-term master plan as regionally
409 significant natural resources for preservation or conservation
410 must be considered regionally significant natural resources for
411 purposes of permitting pursuant to chapter 373.

412 (5) When a detailed specific area plan has become effective
413 for a portion of the planning area governed by a long-term
414 master plan adopted pursuant to this section, s. 380.06 does not
415 apply to development within the geographic area of the detailed
416 specific area plan. However, any development-of-regional-impact
417 development order that is vested from the detailed specific area
418 plan may be enforced pursuant to s. 380.11.

419 (a) The local government adopting the detailed specific
420 area plan is primarily responsible for monitoring and enforcing
421 the detailed specific area plan. Local governments may not issue
422 any permits or approvals or provide any extensions of services
423 to development that are not consistent with the detailed
424 specific area plan.

425 (b) If the state land planning agency has reason to believe
426 that a violation of any detailed specific area plan has occurred
427 or is about to occur, it may institute an administrative or
428 judicial proceeding to prevent, abate, or control the conditions
429 or activity creating the violation, using the procedures in s.
430 380.11.

431 (c) In instituting an administrative or judicial proceeding
432 involving a sector plan or detailed specific area plan,
433 including a proceeding pursuant to paragraph (b), the
434 complaining party shall comply with the requirements of s.
435 163.3215(4), (5), (6), and (7), except as provided by paragraph

18-00777-15

2015832__

436 (3) (g) ~~(3) (e)~~.

437 (d) The detailed specific area plan shall establish a
438 buildout date until which the approved development is not
439 subject to downzoning, unit density reduction, or intensity
440 reduction, unless the local government can demonstrate that
441 implementation of the plan is not continuing in good faith based
442 on standards established by plan policy, that substantial
443 changes in the conditions underlying the approval of the
444 detailed specific area plan have occurred, that the detailed
445 specific area plan was based on substantially inaccurate
446 information provided by the applicant, or that the change is
447 clearly established to be essential to the public health,
448 safety, or welfare.

449 (6) Concurrent with or subsequent to review and adoption of
450 a long-term master plan pursuant to paragraph (3) (a), an
451 applicant may apply for master development approval pursuant to
452 s. 380.06(21) for the entire planning area in order to establish
453 a buildout date until which the approved uses and densities and
454 intensities of use of the master plan are not subject to
455 downzoning, unit density reduction, or intensity reduction,
456 unless the local government can demonstrate that implementation
457 of the master plan is not continuing in good faith based on
458 standards established by plan policy, that substantial changes
459 in the conditions underlying the approval of the master plan
460 have occurred, that the master plan was based on substantially
461 inaccurate information provided by the applicant, or that change
462 is clearly established to be essential to the public health,
463 safety, or welfare. Review of the application for master
464 development approval shall be at a level of detail appropriate

18-00777-15

2015832__

465 for the long-term and conceptual nature of the long-term master
466 plan and, to the maximum extent possible, may only consider
467 information provided in the application for a long-term master
468 plan. Notwithstanding s. 380.06, an increment of development in
469 such an approved master development plan must be approved by a
470 detailed specific area plan pursuant to paragraph (3)(b) and is
471 exempt from review pursuant to s. 380.06.

472 (7) A developer within an area subject to a long-term
473 master plan that meets the requirements of paragraph (3)(a) and
474 subsection (6) or a detailed specific area plan that meets the
475 requirements of paragraph (3)(b) may enter into a development
476 agreement with a local government pursuant to ss. 163.3220-
477 163.3243. The duration of such a development agreement may be
478 through the planning period of the long-term master plan or the
479 detailed specific area plan, as the case may be, notwithstanding
480 the limit on the duration of a development agreement pursuant to
481 s. 163.3229.

482 (8) Any owner of property within the planning area of a
483 proposed long-term master plan may withdraw his or her consent
484 to the master plan at any time prior to local government
485 adoption, and the local government shall exclude such parcels
486 from the adopted master plan. Thereafter, the long-term master
487 plan, any detailed specific area plan, and the exemption from
488 development-of-regional-impact review under this section do not
489 apply to the subject parcels. After adoption of a long-term
490 master plan, an owner may withdraw his or her property from the
491 master plan only with the approval of the local government by
492 plan amendment adopted and reviewed pursuant to s. 163.3184.

493 (9) The adoption of a long-term master plan or a detailed

18-00777-15

2015832__

494 specific area plan pursuant to this section does not limit the
495 right to continue existing agricultural or silvicultural uses or
496 other natural resource-based operations or to establish similar
497 new agricultural or silvicultural uses that are consistent with
498 the plans approved pursuant to this section.

499 (10) The state land planning agency may enter into an
500 agreement with a local government that, on or before July 1,
501 2011, adopted a large-area comprehensive plan amendment
502 consisting of at least 15,000 acres that meets the requirements
503 for a long-term master plan in paragraph (3) (a), after notice
504 and public hearing by the local government, and thereafter,
505 notwithstanding s. 380.06, this part, or any planning agreement
506 or plan policy, the large-area plan shall be implemented through
507 detailed specific area plans that meet the requirements of
508 paragraph (3) (b) and shall otherwise be subject to this section.

509 (11) Notwithstanding this section, a detailed specific area
510 plan to implement a conceptual long-term buildout overlay,
511 adopted by a local government and found in compliance before
512 July 1, 2011, shall be governed by this section.

513 (12) Notwithstanding s. 380.06, this part, or any planning
514 agreement or plan policy, a landowner or developer who has
515 received approval of a master development-of-regional-impact
516 development order pursuant to s. 380.06(21) may apply to
517 implement this order by filing one or more applications to
518 approve a detailed specific area plan pursuant to paragraph
519 (3) (b).

520 (13) A water management district may issue to an applicant,
521 upon request, a consumptive use permit for a period of time
522 commensurate with an approved master development order if the

18-00777-15

2015832__

523 master development order was issued under s. 380.06(21) by a
524 county designated as a rural area of opportunity under s.
525 288.0656 and if the development is not located in an area
526 encompassed by a regional water supply plan as set forth in s.
527 373.709(1). The water management district shall apply the
528 permitting criteria specified in s. 373.223, based on the
529 projected population and approved densities and intensities of
530 use and their distribution in the master development order.
531 However, the water management district may phase in the water
532 allocation over the period during which the permit is valid to
533 correspond to actual projected needs. This subsection does not
534 supersede the public interest test established in s. 373.223.

535 (14)~~(13)~~ This section may not be construed to abrogate the
536 rights of any person under this chapter.

537 (15) The more specific provisions of this section shall
538 supersede the generally applicable provisions of this chapter
539 which otherwise would apply.

540 Section 3. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/31/15
Meeting Date

832
Bill Number (if applicable)

Topic Seater Plan

Amendment Barcode (if applicable)

Name Eric Poole

Job Title Asst. Leg. Director

Address 100 Monroe St

Phone 972 4300

Tallahassee City FL State 32309 Zip

Email _____

Speaking: For Against Information

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

Representing Florida Assn. Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/31/15

Meeting Date

832

Bill Number (if applicable)

Topic Sector plans

Amendment Barcode (if applicable)

Name Katie Kelly

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 FL Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/31/15 Meeting Date

832 Bill Number (if applicable)

Topic S.B. 832

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St. Suite 300 Street

Phone 222-7500

Tallahassee FL 32301 City State Zip

Email ghunter@hgsllaw.com

Speaking: [X] For [] Against [] Information

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

Representing Association of Florida Community Developers

Appearing at request of Chair: [] Yes [X] 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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/31/15

Meeting Date

SB 832

Bill Number (if applicable)

Topic bill as amended sector plans

772204

Amendment Barcode (if applicable)

Name CHARLES PATTON

Job Title POLICY DIRECTOR

Address 308 N. MOULDER

Phone 227-6277

Street

TAL

32301

Email cpatton@wwaf.org

City

State

Zip

Speaking: For Against Information

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

Representing 1000 FRIENDS OF 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.

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 Community Affairs

BILL: CS/SB 832

INTRODUCER: Community Affairs Committee and Senator Simpson

SUBJECT: Sector Plans

DATE: March 31, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Fav/CS
2.			EP	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 832 primarily clarifies the sector plan law. It states that the planning standards of the sector planning statute supersede generally applicable planning standards elsewhere in ch. 163, F.S. The bill provides more flexibility in the designation of conservation easements related to sector plans, but still requires they be designated prior to the beginning of construction. The bill requires a local government to send an application for development of a detailed specific area plan to the Department of Economic Opportunity and certain state agencies for their review as to whether the development would be consistent with the comprehensive plan and the long-term master plan. It provides that a water management district may issue a consumptive use permit for the same time period as a master development of regional impact development order, so long as the project meets a number of requirements. The water management district would be allowed to phase in the water allocation over the duration of the permit to correspond to actual needs.

II. Present Situation:

Originally authorized as a pilot program in 1998, the Legislature enacted s. 163.3245, F.S., in 2011 to permit all local governments to adopt a sector plan into their comprehensive plans. The Legislature stated that the sector planning process is “designed to promote and encourage long-term planning for conservation, development and agriculture on a landscape scale as well as facilitate protection of regionally significant resources, including, but not limited to, regionally significant water courses and wildlife corridors.”

Sector plans must be a minimum of 15,000 acres and may not be created within a designated area of critical state concern.¹ The sector planning process requires two levels of planning:²

- Adoption of a long-term master plan (formerly a “conceptual long-term buildout overlay”) for the entire planning area as an amendment to the local comprehensive plan adopted pursuant to the state coordinated review process in s. 163.3184(4), F.S., and
- Adoption by a local development order of two or more detailed specific area plans (DSAP) that implement the long-term master plan and within which development of regional impact (DRI) requirements are waived.

The law allows a local government, prior to preparing a sector plan, to request a scoping meeting with a developer proposing a sector plan.³ The scoping meeting must be noticed and open to the public and is conducted by the applicable RPC with affected local governments and certain state agencies. If a scoping meeting is conducted, the RPC must make written recommendations to the state land planning agency (the Department of Economic Opportunity) and affected local governments on the issues requested by the local government.

Section 163.3245, F.S., specifies that the long-term master plan must include maps, illustrations, and text supported by data and analysis to address and identify:

- A framework map that, at a minimum, generally depicts conservation land use, identifies allowed uses in the planning area, specifies maximum and minimum densities and intensities of use, and provides the general framework for the development pattern;
- A general identification of the water supplies needed and available sources of water, including water resource development and water supply development projects, and water conservation measures needed to meet the projected demand of the future land uses in the long-term master plan;
- A general identification of the transportation facilities to serve the future land uses in the long-term master plan;
- A general identification of other regionally significant public facilities necessary to support the future land uses;
- A general identification of regionally significant natural resources within the planning area and policies setting forth the procedures for protection or conservation of specific resources consistent with the overall conservation and development strategy for the planning area;
- General principles and guidelines addressing, among other things, future land uses, the use of lands identified for permanent preservation through recordation of conservation easements, achieving a healthy environment, limiting urban sprawl, and providing housing types; and
- Identification of general procedures and policies to facilitate intergovernmental coordination to address extrajurisdictional impacts from the future land uses.⁴

The two level planning process provides that a long-term master plan and a DSAP may be based upon a planning period longer than the planning period of the local comprehensive plan.⁵ Both the long-term master plan and the DSAP must specify the projected population within the

¹ Section 163.3245(1), F.S.

² Section 163.3245(3), F.S.

³ Section 163.3245(2), F.S.

⁴ Section 163.3245(3)(a), F.S.

⁵ Section 163.3245(3)(a) and (b), F.S.

planning area during the chosen planning period. A long-term master plan may include a phasing or staging schedule that allocates a portion of the local government's future growth to the planning area through the planning period. Neither the long-term master plan nor a DSAP are required to demonstrate need based upon projected population growth or on any other basis.

The state land planning agency must consult with certain state and governmental agencies when it is reviewing a long-term master plan.⁶

When a local government issues a development order approving a DSAP, it must provide copies of the order to the state land planning agency and the owner or developer of the property affected by the order according to the rules established for DRI development orders.⁷ This order may be appealed by the owner, developer, or state land planning agency to the Florida Land and Water Adjudicatory Commission (Governor and Cabinet) by filing a petition alleging that the DSAP is not consistent with the long-term master plan or the local government's comprehensive plan.⁸ The administrative proceeding for review of a DSAP is to be conducted according to s. 380.07(6), F.S., and the commission must grant or deny permission to develop according to the long-term master plan and may attach conditions or restrictions to its decision.

If a development order is challenged by an aggrieved and adversely affected party in a judicial proceeding pursuant to s. 163.3215, F.S., the state land planning agency, if it has received notice, must dismiss its appeal to the commission and may intervene in the pending judicial proceeding.⁹

Once a long-term master plan becomes legally effective, s. 163.3245, F.S., requires the plan to be connected to any long-range transportation plan developed by a metropolitan planning organization and the regional water supply plan.¹⁰ A water management district also may issue consumptive use permits for durations commensurate with the long-term master plan or DSAP in considering the ability of the master plan area to contribute to regional water supply availability and the need to maximize reasonable-beneficial use of the water resource. The permitting criteria must be applied based upon the projected population, the approved densities and intensities of use and their distribution in the long-term master plan, but the allocation of the water may be phased over the duration of the permit to reflect actual projected needs.

When a DSAP becomes effective for a portion of the planning area governed by a long-term master plan, developments within the DSAP are not subject to DRI review.¹¹ A developer may enter into a development agreement with the local government.¹² The duration of the agreement may be through the planning period of the long-term master plan or the DSAP.¹³

Property owners within the planning area of a proposed long-term master plan may withdraw their consent to the master plan prior to adoption by the local government, and the parcels

⁶ Section 163.3245(3)(c), F.S.

⁷ Section 163.3245(3)(e), F.S.

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 163.3245(4), F.S.

¹¹ Section 163.3245(5), F.S.

¹² Section 163.3245(7), F.S.

¹³ *Id.*

withdrawn will not be subject to the long-term master plan, any DSAP, or the exemption from DRI review.¹⁴ After the local government adopts the long-term master plan, a property owner may withdraw from the master plan only if the local government approves by adopting a plan amendment.¹⁵

Existing agricultural, silvicultural, and other natural resource activities are protected by s. 163.3245, F.S., within a long-term master plan or a DSAP.¹⁶ The law also protects properties against downzoning, unit density reduction, or intensity reduction in the DSAP until the buildout date.¹⁷

III. Effect of Proposed Changes:

Section 1 amends s. 163.3245, F.S., to update the sector plan law. The bill clarifies that the planning standards of the sector planning statute supersede generally applicable planning standards elsewhere in ch. 163, F.S.

The bill allows conservation easements associated with a long-term master plan or a DSAP to be based on rectified aerial photographs without the need for a survey and to include a right of adjustment authorizing the developer to modify portions of the area protected by the easement to substitute other lands by recording an amendment to the conservation easement. The bill requires that those substitute lands:

- Contain no less gross acreage than the lands to be removed;
- Have equivalent values in the proportion and quality of wetlands, uplands, and wildlife habitat; and
- Be contiguous to other lands protected by the easement.

The bill requires the applicant for a DSAP to transmit copies of the application to the reviewing agencies specified in s. 163.3184(1)(c), F.S., or their successor agencies, for review and comment as to whether the DSAP would be consistent with the comprehensive plan and the long-term master plan. Any comments from those reviewing agencies must be submitted in writing to the host local government within 30 days after the applicant's transmittal of the application.

The bill authorizes the Department of Environmental Protection and the Fish and Wildlife Conservation Commission to accept wetland or upland preservation lands previously designated as conservation lands in relation to the development of a sector plan for the purposes of compensatory mitigation related to permitting under chs. 373 or 379, F.S., regardless of the fact that those lands are already encumbered by a conservation easement.

The bill clarifies that neither a long-term master plan nor a DSAP limits the right to establish new agricultural or silvicultural uses that are consistent with the sector plan.

¹⁴ Section 163.3245(8), F.S.

¹⁵ *Id.*

¹⁶ Section 163.3245(9), F.S.

¹⁷ Section 163.3245(5)(d), F.S.

The bill authorizes an applicant with an approved master development order to request that the applicable water management district issue a consumptive use permit for the same period of time as the approved master development order.

The bill states that the more specific provisions of s. 163.3245, F.S., shall supersede the generally applicable provisions of ch. 163, F.S., which would otherwise apply. However, the bill clarifies that the sector plan law does not preclude a local government from requiring data and analysis beyond the minimum criteria it establishes.

Section 2 amends s. 373.236, F.S., to authorize a water management district to issue a permit to an applicant for the same time period as the applicant's approved master development order if the order was issued subject to the following requirements:

- It was issued by a county which, at the time the order was issued, was designated as a rural area of opportunity pursuant to s. 288.0656, F.S.;
- It was not located in an area encompassed by a regional water supply plan as set forth in s. 373.709(1), F.S.; and
- It was not located within the basin area management plan of a first-order magnitude spring.

In reviewing the permit application, the water management district must apply the permitting criteria in s. 373.223, F.S., based on the projected population and approved densities and intensities of use and their distribution in the master development order. However, the district may phase in the water allocation over the duration of the permit to correspond to actual projected needs. This subsection does not supersede the public interest test established in s. 373.223, F.S.

Section 3 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3245 and 373.236.

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

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

CS by Community Affairs on March 31, 2015:

The amended bill primarily clarifies the sector plan law.

- It clarifies the planning standards of the sector planning statute supersede generally applicable planning standards elsewhere in ch. 163, F.S.
- It provides more flexibility in the designation of a conservation easement associated with a sector plan, but still requires they be designated prior to the beginning of construction.
- Requires a local government to send an application for development of a DSAP to the Department of Economic Opportunity and state agencies so that they may comment on its consistency with the comprehensive plan and long-term master sector plan.
- It authorizes the Department of Environmental Protection and the Fish and Wildlife Conservation Commission to accept as mitigation for purposes of permitting lands that have already been designated as a conservation easement associated with a sector plan.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Before line 15

insert:

Section 1. Paragraphs (b) and (c) of subsection (1) of section 255.20, Florida Statutes, are amended to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking



208382

11 to construct or improve a public building, structure, or other
12 public construction works must competitively award to an
13 appropriately licensed contractor each project that is estimated
14 in accordance with generally accepted cost-accounting principles
15 to cost more than \$300,000. For electrical work, the local
16 government must competitively award to an appropriately licensed
17 contractor each project that is estimated in accordance with
18 generally accepted cost-accounting principles to cost more than
19 \$75,000. As used in this section, the term "competitively award"
20 means to award contracts based on the submission of sealed bids,
21 proposals submitted in response to a request for proposal,
22 proposals submitted in response to a request for qualifications,
23 or proposals submitted for competitive negotiation. This
24 subsection expressly allows contracts for construction
25 management services, design/build contracts, continuation
26 contracts based on unit prices, and any other contract
27 arrangement with a private sector contractor permitted by any
28 applicable municipal or county ordinance, by district
29 resolution, or by state law. For purposes of this section, cost
30 includes the cost of all labor, except inmate labor, and the
31 cost of equipment and materials to be used in the construction
32 of the project. Subject to the provisions of subsection (3), the
33 county, municipality, special district, or other political
34 subdivision may establish, by municipal or county ordinance or
35 special district resolution, procedures for conducting the
36 bidding process.

37 (b) For contractors who are not prequalified by the
38 Department of Transportation, the governmental entity shall
39 publish prequalification criteria and procedures prior to



208382

40 advertisement or notice of solicitation. In establishing
41 prequalification criteria, the governmental entity may not
42 impose more stringent qualification standards than such
43 standards required by the Department of Transportation to
44 perform the type of work described in the advertisement or
45 notice of solicitation. Such publications must include notice of
46 a public hearing for comment on such criteria and procedures
47 prior to adoption. The procedures must provide for an appeal
48 process within the authority for making objections to the
49 prequalification process with de novo review based on the record
50 below to the circuit court within 30 days.

51 (c) The provisions of this subsection do not apply:

52 1. If the project is undertaken to replace, reconstruct, or
53 repair an existing public building, structure, or other public
54 construction works damaged or destroyed by a sudden unexpected
55 turn of events such as an act of God, riot, fire, flood,
56 accident, or other urgent circumstances, and such damage or
57 destruction creates:

58 a. An immediate danger to the public health or safety;

59 b. Other loss to public or private property which requires
60 emergency government action; or

61 c. An interruption of an essential governmental service.

62 2. If, after notice by publication in accordance with the
63 applicable ordinance or resolution, the governmental entity does
64 not receive any responsive bids or proposals.

65 3. To construction, remodeling, repair, or improvement to a
66 public electric or gas utility system if such work on the public
67 utility system is performed by personnel of the system.

68 4. To construction, remodeling, repair, or improvement by a



69 utility commission whose major contracts are to construct and
70 operate a public electric utility system.

71 5. If the project is undertaken as repair or maintenance of
72 an existing public facility. For the purposes of this paragraph,
73 the term "repair" means a corrective action to restore an
74 existing public facility to a safe and functional condition and
75 the term "maintenance" means a preventive or corrective action
76 to maintain an existing public facility in an operational state
77 or to preserve the facility from failure or decline. Repair or
78 maintenance includes activities that are necessarily incidental
79 to repairing or maintaining the facility. Repair or maintenance
80 does not include the construction of any new building,
81 structure, or other public construction works or any substantial
82 addition, extension, or upgrade to an existing public facility.
83 Such additions, extensions, or upgrades shall be considered
84 substantial if the estimated cost of the additions, extensions,
85 or upgrades included as part of the repair or maintenance
86 project exceeds the threshold amount in subsection (1) and
87 exceeds 20 percent of the estimated total cost of the repair or
88 maintenance project using generally accepted cost-accounting
89 principles that fully account for all costs associated with
90 performing and completing the work, including employee
91 compensation and benefits, equipment cost and maintenance,
92 insurance costs, and materials. An addition, extension, or
93 upgrade shall not be considered substantial if it is undertaken
94 pursuant to the conditions specified in subparagraph 1. Repair
95 and maintenance projects and any related additions, extensions,
96 or upgrades may not be divided into multiple projects for the
97 purpose of evading the requirements of this subparagraph.



98 6. If the project is undertaken exclusively as part of a
99 public educational program.

100 7. If the funding source of the project will be diminished
101 or lost because the time required to competitively award the
102 project after the funds become available exceeds the time within
103 which the funding source must be spent.

104 8. If the local government competitively awarded a project
105 to a private sector contractor and the contractor abandoned the
106 project before completion or the local government terminated the
107 contract.

108 9. If the governing board of the local government complies
109 with all of the requirements of this subparagraph, conducts a
110 public meeting under s. 286.011 after public notice, and finds
111 by majority vote of the governing board that it is in the
112 public's best interest to perform the project using its own
113 services, employees, and equipment. The public notice must be
114 published at least 21 days before the date of the public meeting
115 at which the governing board takes final action. The notice must
116 identify the project, the components and scope of the work, and
117 the estimated cost of the project using generally accepted cost-
118 accounting principles that fully account for all costs
119 associated with performing and completing the work, including
120 employee compensation and benefits, equipment cost and
121 maintenance, insurance costs, and materials. The notice must
122 specify that the purpose for the public meeting is to consider
123 whether it is in the public's best interest to perform the
124 project using the local government's own services, employees,
125 and equipment. Upon publication of the public notice and for 21
126 days thereafter, the local government shall make available for



208382

127 public inspection, during normal business hours and at a
128 location specified in the public notice, a detailed itemization
129 of each component of the estimated cost of the project and
130 documentation explaining the methodology used to arrive at the
131 estimated cost. At the public meeting, any qualified contractor
132 or vendor who could have been awarded the project had the
133 project been competitively bid shall be provided with a
134 reasonable opportunity to present evidence to the governing
135 board regarding the project and the accuracy of the local
136 government's estimated cost of the project. In deciding whether
137 it is in the public's best interest for the local government to
138 perform a project using its own services, employees, and
139 equipment, the governing board must consider the estimated cost
140 of the project and the accuracy of the estimated cost in light
141 of any other information that may be presented at the public
142 meeting and whether the project requires an increase in the
143 number of government employees or an increase in capital
144 expenditures for public facilities, equipment, or other capital
145 assets. The local government may further consider the impact on
146 local economic development, the impact on small and minority
147 business owners, the impact on state and local tax revenues,
148 whether the private sector contractors provide health insurance
149 and other benefits equivalent to those provided by the local
150 government, and any other factor relevant to what is in the
151 public's best interest.

152 10. If the governing board of the local government
153 determines upon consideration of specific substantive criteria
154 that it is in the best interest of the local government to award
155 the project to an appropriately licensed private sector



208382

156 contractor pursuant to administrative procedures established by
157 and expressly set forth in a charter, ordinance, or resolution
158 of the local government adopted before July 1, 1994. The
159 criteria and procedures must be set out in the charter,
160 ordinance, or resolution and must be applied uniformly by the
161 local government to avoid awarding a project in an arbitrary or
162 capricious manner. This exception applies only if all of the
163 following occur:

164 a. The governing board of the local government, after
165 public notice, conducts a public meeting under s. 286.011 and
166 finds by a two-thirds vote of the governing board that it is in
167 the public's best interest to award the project according to the
168 criteria and procedures established by charter, ordinance, or
169 resolution. The public notice must be published at least 14 days
170 before the date of the public meeting at which the governing
171 board takes final action. The notice must identify the project,
172 the estimated cost of the project, and specify that the purpose
173 for the public meeting is to consider whether it is in the
174 public's best interest to award the project using the criteria
175 and procedures permitted by the preexisting charter, ordinance,
176 or resolution.

177 b. The project is to be awarded by any method other than a
178 competitive selection process, and the governing board finds
179 evidence that:

180 (I) There is one appropriately licensed contractor who is
181 uniquely qualified to undertake the project because that
182 contractor is currently under contract to perform work that is
183 affiliated with the project; or

184 (II) The time to competitively award the project will



208382

185 jeopardize the funding for the project, materially increase the
186 cost of the project, or create an undue hardship on the public
187 health, safety, or welfare.

188 c. The project is to be awarded by any method other than a
189 competitive selection process, and the published notice clearly
190 specifies the ordinance or resolution by which the private
191 sector contractor will be selected and the criteria to be
192 considered.

193 d. The project is to be awarded by a method other than a
194 competitive selection process, and the architect or engineer of
195 record has provided a written recommendation that the project be
196 awarded to the private sector contractor without competitive
197 selection, and the consideration by, and the justification of,
198 the government body are documented, in writing, in the project
199 file and are presented to the governing board prior to the
200 approval required in this paragraph.

201 11. To projects subject to chapter 337 ~~336~~.

202
203 ===== T I T L E A M E N D M E N T =====

204 And the title is amended as follows:

205 Delete line 2

206 and insert:

207 An act relating to public works projects; amending s.
208 255.20, F.S.; providing a limitation with respect to
209 prequalification criteria that a governmental entity
210 may require in connection with bids and contracts for
211 public construction works; revising an exception to
212 the competitive bid requirements; providing



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LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Before line 15

insert:

Section 1. Subsection (5) of section 336.41, Florida Statutes, is amended to read:

336.41 Counties; employing labor and providing road equipment; accounting; when competitive bidding required.—

(5) (a) For contracts in excess of \$250,000, any county may require that persons interested in performing work under the



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11 contract first be certified or qualified to do the work. Any
12 contractor prequalified and considered eligible to bid by the
13 department to perform the type of work described under the
14 contract shall be presumed to be qualified to perform the work
15 so described. In establishing qualification criteria, a county
16 may not impose more stringent qualification standards than such
17 standards required by the Department of Transportation for the
18 type of work to be performed under the contract. Any contractor
19 may be considered ineligible to bid by the county if the
20 contractor is behind an approved progress schedule by 10 percent
21 or more on another project for that county at the time of the
22 advertisement of the work. The county may provide an appeal
23 process to overcome such consideration with de novo review based
24 on the record below to the circuit court.

25 (b) The county shall publish prequalification criteria and
26 procedures prior to advertisement or notice of solicitation. In
27 establishing prequalification criteria, a county may not impose
28 more stringent standards than such standards required by the
29 Department of Transportation to perform the type of work
30 described in the advertisement or notice of solicitation. Such
31 publications shall include notice of a public hearing for
32 comment on such criteria and procedures prior to adoption. The
33 procedures shall provide for an appeal process within the county
34 for objections to the prequalification process with de novo
35 review based on the record below to the circuit court.

36 (c) The county shall also publish for comment, prior to
37 adoption, the selection criteria and procedures to be used by
38 the county if such procedures would allow selection of other
39 than the lowest responsible bidder. The selection criteria shall



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40 include an appeal process within the county with de novo review
41 based on the record below to the circuit court.

42

43 ===== T I T L E A M E N D M E N T =====

44 And the title is amended as follows:

45 Delete line 2

46 and insert:

47 An act relating to public works projects; amending s.
48 336.41, F.S.; providing limitations with respect to
49 qualification and prequalification criteria that a
50 county may require in connection with certain road and
51 bridge construction and reconstruction projects;
52 providing



901552

LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 31 - 94

and insert:

1. Imposes requirements, controls, or limitations on staffing, sources of employee referrals, assignments of work, sources of insurance or benefits, including health, life, and disability insurance and retirement pensions, or training; or

2. Requires a contractor to enter into any sort of agreement as a condition of submitting a bid that directly or



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11 indirectly limits or requires the contractor to recruit, train,
12 or hire employees from a particular source to perform work on
13 public works or a public works project.

14 (c) "Public works" or "public works project" means a
15 building, road, street, sewer, storm drain, water system, site
16 development, irrigation system, reclamation project, gas or
17 electrical distribution system, gas or electrical substation, or
18 other facility, project, or portion thereof, including repair,
19 renovation, or remodeling, owned, in whole or in part, by any
20 political subdivision that is to be paid for in whole or in part
21 with state funds.

22 (2) (a) Except as provided in paragraph (b) or as required
23 by federal or state law, the state or any political subdivision
24 that contracts for the construction, maintenance, repair, or
25 improvement of public works may not require that a contractor,
26 subcontractor, or material supplier or carrier engaged in the
27 construction, maintenance, repair, or improvement of public
28 works:

29 1. Provide employees a specified type, amount, or rate of
30 employee benefits;

31 2. Control or limit staffing;

32 3. Recruit, train, or hire employees from a designated or
33 single source;

34 4. Designate any particular assignment of work for
35 employees; or

36 5. Enter into any type of project labor agreement.

37 (b) Paragraph (a) does not apply if the payment of
38 prevailing or minimum wages to persons working on projects
39 funded in whole or in part by federal funds is required under



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40 federal law.

41 (3) The state or any political subdivision that contracts
42 for the construction, maintenance, repair, or improvement of
43 public works may not require or prohibit a contractor,
44 subcontractor, or material supplier or carrier engaged in the
45 construction, maintenance, repair, or improvement of public
46 works from executing or otherwise becoming a party to any
47 agreement with employees, their representatives, or any labor
48 organization as described in 29 U.S.C. s. 152(5) and 42 U.S.C.
49 s. 2000e(d), including any area-wide, regional, or state
50 building or construction trade or crafts council, organization,
51 association, or similar body, as a condition of bidding,
52 negotiating, being awarded any bid or contract, or performing
53 work on a public works project.

54
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete lines 8 - 10

58 and insert:

59 carriers; providing an exception; providing an



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Community Affairs (Bradley) recommended the following:

Senate Amendment

Delete line 52
and insert:
improvement of public works in which 30 percent or more of the
cost will be paid from state-appropriated funds may not require
that a contractor,

By the Committee on Governmental Oversight and Accountability;
and Senator Brandes

585-02129-15

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1 A bill to be entitled
2 An act relating to public works projects; providing
3 definitions; prohibiting the state and political
4 subdivisions that contract for the construction,
5 maintenance, repair, or improvement of public works
6 from imposing certain conditions on certain
7 contractors, subcontractors, or material suppliers or
8 carriers; providing an exception; prohibiting the
9 state and political subdivisions from imposing certain
10 restrictions on qualified bidders; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Project labor agreements for certain publicly
16 funded public works projects.—

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

18 (a) "Political subdivision" means a separate agency or unit
19 of local government created or established by law or ordinance
20 and the officers thereof. The term includes, but is not limited
21 to, a county; a city, town, or other municipality; or a
22 department, commission, authority, school district, tax
23 district, water management district, board, public corporation,
24 institution of higher education, or other public agency or body
25 authorized to expend public funds for construction, maintenance,
26 repair, or improvement of public works.

27 (b) "Project labor agreement" means an arrangement
28 mentioned, detailed, or outlined within the project plans, the
29 specifications, or any bidding document of a public works

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30 project that:

31 1. Imposes requirements, controls, or limitations on
32 staffing, sources of employee referrals, assignments of work,
33 sources of insurance or benefits, including health, life, and
34 disability insurance and retirement pensions, training programs
35 or standards, or wages; or

36 2. Requires a contractor to enter into any sort of
37 agreement as a condition of submitting a bid that directly or
38 indirectly limits or requires the contractor to recruit, train,
39 or hire employees from a particular source to perform work on
40 public works or a public works project.

41 (c) "Public works" or "public works project" means a
42 building, road, street, sewer, storm drain, water system, site
43 development, irrigation system, reclamation project, gas or
44 electrical distribution system, gas or electrical substation, or
45 other facility, project, or portion thereof, including repair,
46 renovation, or remodeling, owned, in whole or in part, by any
47 political subdivision that is to be paid for in whole or in part
48 with state funds.

49 (2) (a) Except as provided in paragraph (b) or as required
50 by federal or state law, the state or any political subdivision
51 that contracts for the construction, maintenance, repair, or
52 improvement of public works may not require that a contractor,
53 subcontractor, or material supplier or carrier engaged in the
54 construction, maintenance, repair, or improvement of public
55 works:

56 1. Pay employees a predetermined amount of wages or wage
57 rate;

58 2. Provide employees a specified type, amount, or rate of

585-02129-15

2015934c1

59 employee benefits;

60 3. Control or limit staffing;

61 4. Recruit, train, or hire employees from a designated or
62 single source;

63 5. Designate any particular assignment of work for
64 employees;

65 6. Participate in proprietary training programs, unless
66 such training is a condition of a product warranty or guarantee;
67 or

68 7. Enter into any type of project labor agreement.

69 (b) Paragraph (a) does not apply if the payment of
70 prevailing or minimum wages to persons working on projects
71 funded in whole or in part by federal funds is required under
72 federal law.

73 (3) The state or any political subdivision that contracts
74 for the construction, maintenance, repair, or improvement of
75 public works shall not require that a contractor, subcontractor,
76 or material supplier or carrier engaged in the construction,
77 maintenance, repair, or improvement of public works execute or
78 otherwise become a party to any agreement with employees, their
79 representatives, or any labor organization as described in 29
80 U.S.C. s. 152(5) and 42 U.S.C. s. 2000e(d), including any area-
81 wide, regional, or state building or construction trade or
82 crafts council, organization, association, or similar body, as a
83 condition of bidding, negotiating, being awarded any bid or
84 contract, or performing work on a public works project.

85 (4) The state or any political subdivision that contracts
86 for the construction, maintenance, repair, or improvement of any
87 public works project may not prohibit any contractor,

585-02129-15

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88 subcontractor, or material supplier or carrier engaged in the
89 construction, maintenance, repair, or improvement of public
90 works who is qualified, licensed, or certified as required by
91 state law to perform such work from submitting a bid, being
92 awarded a bid or contract upon being selected, negotiating a
93 contract upon being awarded, or performing work on a public
94 works project.

95 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/31/15
Meeting Date

934
Bill Number (if applicable)

Topic Public Works

Amendment Barcode (if applicable)

Name Eric Pook

Job Title Asst Leg Director

Address 100 Myrtle St
Street

Phone 972 4300

T-11 FL
City State Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3/31/15
Meeting Date

SB-934
Bill Number (if applicable)

Topic LOCAL GOV'T. PRE-EMPTION

Amendment Barcode (if applicable)

Name J. B. CLARK

Job Title LOBBYIST

Address 2071 CYNTHIA DRIVE
Street

Phone 850-556-8143

TALL. FL 32303
City State Zip

Email _____

Speaking: For Against Information

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

Representing FL. ELECTRICAL WORKERS ASSN.

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

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3/31/15

Meeting Date

934

Bill Number (if applicable)

Topic Project Labor Agreements

Amendment Barcode (if applicable)

Name Paul Temple

Job Title

Address 135 S. Monroe Street

Phone

Tallahassee City

FL State

32301 Zip

Email

Speaking: [] For [X] Against [] Information

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

Representing Florida AFL - CIO

Appearing at request of Chair: [] Yes [X] 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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THE FLORIDA SENATE

APPEARANCE RECORD

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3/31/15
Meeting/Date

934

Bill Number (if applicable)

Topic public projects BILL

Amendment Barcode (if applicable)

Name WINBELL PAIGE

Job Title President

Address 1028 E DARK AVE
Street

Phone 850 577-0789

TALLAHASSEE
City State Zip

Email _____

Speaking: For Against Information

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

Representing Big Bend Minority Chamber of Commerce

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

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3-31-15

Meeting Date

934

Bill Number (if applicable)

Topic Public Works Projects

Amendment Barcode (if applicable)

Name Marty Cassini

Job Title Legislative Counsel

Address 115 S Andrews Ave

Phone 954-357-7575

Street

Fort Lauderdale FL 33301

Email mcassini@broward.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing Broward County

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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APPEARANCE RECORD

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3/31/15
Meeting Date

934
Bill Number (if applicable)

Topic Public Works Projects

Amendment Barcode (if applicable)

Name Arthur Rosenberg

Job Title Attorney

Address 3000 Biscayne Blvd, #102

Phone 850-509-2085

Miami, FL 33137
City State Zip

Email arthur@floridalegal.org

Speaking: For Against Information

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

Representing Florida Legal 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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3/31/15
Meeting Date

SB 934
Bill Number (if applicable)

Topic BAN ON PLA'S

Amendment Barcode (if applicable)

Name DEBRA GRECO

Job Title BUSINESS REP.

Address 2153 W. DAKELIDGE RD

Phone

Street
Orlando FL 32809
City State Zip

Email dgreco@dc78.org

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.

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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)

3-31-15

Meeting Date

SB 934

Bill Number (if applicable)

Topic BAN ON PLA

Amendment Barcode (if applicable)

Name MARY HELEN VELKOFF

Job Title REPRESENTATIVE

Address 2153 N. OAK RIDGE
Street

Phone 321-704-8360

ORLANDO FL 32809
City State Zip

Email MVELKOFF@M78.ORG

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.

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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)

3-31-2015
Meeting Date

SB 934
Bill Number (if applicable)

Topic PROHIBITION OF PROJECT LABOR AGREEMENTS
Amendment Barcode (if applicable)

Name ALICE-MARIE TUCKER

Job Title WDW VACATION PLANNER

Address 6075 Waterloo Ave
Street

Phone 321-635-8032

PORT ST JOHN FL 32927
City State Zip

Email amkjtucker@msn.com

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.

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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)

3-31-15

Meeting Date

SB 934

Bill Number (if applicable)

Topic Public Works Projects

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Retired Environmental Planner

Address 1130 Crestview Ave.

Phone 850 322-7599

Street

Tallahassee, FL 32303

City

State

Zip

Email amali@datz@mac.com

Speaking: For Against Information

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

Representing Environmental Caucus of FL.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: March 10, 2015

I respectfully request that **Senate Bill #934**, relating to **Public Works Projects**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", with a long horizontal line extending to the right.

Senator Jeff Brandes
Florida Senate, District 22

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 934

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Brandes

SUBJECT: Public Works Projects

DATE: March 20, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	McVaney	GO	Fav/CS
2.	Stearns	Yeatman	CA	Unfavorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 934 creates an unnumbered section of law relating to public works projects. The bill defines the terms “political subdivision,” “project labor agreement,” and “public works” or “public works project.” The bill prohibits state and political subdivisions that contract for construction, maintenance, repair, or improvement of public works from imposing certain conditions on contractors, subcontractors, or material suppliers or carriers.

Except as required by federal or state law, the bill prohibits the state or a political subdivision from requiring a contractor, subcontractor, or material supplier or carrier to become a party to any agreement with employees, their representatives, or any labor organization, including any area-wide, regional, or state building or construction trade or crafts council, organization, association, or similar body, as a condition of bidding, negotiating, being awarded any bid or contract, or performing work on a public works project.

CS/SB 934 also prohibits the state or a political subdivision from restricting a qualified contractor, subcontractor, or material supplier or carrier from submitting bids, being awarded a bid or contract, or performing work on a public works project.

II. Present Situation:

The Consultants' Competitive Negotiation Act

In 1972, Congress passed the Brooks Act (Public Law 92-582), which codified Qualifications-Based Selection (QBS) as the federal procurement method for design professional services. The QBS process entails first soliciting statements of qualifications from licensed architectural and engineering providers, selecting the most qualified respondent, and then negotiating a fair and reasonable price. The vast majority of states currently require a QBS process when selecting the services of design professionals.

Florida's Consultants' Competitive Negotiation Act (CCNA), was enacted by the Legislature in 1973¹ to specify the procedures to be followed when procuring professional services by an agency.²

Currently, the CCNA, codified in s. 287.055, F.S., specifies the process to be followed when state and local government agencies procure the professional services of an architect, professional engineer, landscape architect, or registered surveyor and mapper. The CCNA requires that state agencies publicly announce, in a consistent and uniform manner, each occasion when professional services must be purchased for one of the following:³

- A project, when the basic construction cost is estimated by the agency to exceed \$325,000.
- A planning or study activity, when the fee for professional services exceeds \$35,000.

The public notice must provide a general description of the project and describe how the interested consultants may apply for consideration.

The CCNA provides a two-phase selection process.⁴ In the first phase, the "competitive selection," the agency evaluates the qualifications and past performance of no fewer than three bidders. The agency selects the bidders, ranked in order of preference, and considers the most highly qualified to perform the required services. The CCNA requires consideration of several factors in determining the most highly qualified bidders.⁵

The CCNA prohibits the agency from requesting, accepting, and considering, during the selection process, proposals for the compensation to be paid.⁶ Section 287.055(2)(d), F.S., defines the term "compensation" to mean "the amount paid by the agency for professional services regardless of whether stated as compensation" or as other types of rates.

¹ Chapter 73-19, L.O.F.

² Section 287.055(2)(b), F.S., defines "Agency" as "the state, a state agency, a municipality, a political subdivision, a school district, or a school board. The term "agency" does not extend to a nongovernmental developer that contributes public facilities to a political subdivision under s. 380.06, F.S., or ss. 163.3220-163.3243, F.S."

³ Section 287.055(3)(a)1., F.S.

⁴ Sections 287.055(4) and (5), F.S.

⁵ The following is a full listing of the factors that s. 287.055(4)(b), F.S., requires agencies to consider: the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and, the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms.

⁶ Section 287.055(4)(b), F.S.

In the second phase, the “competitive negotiation,” the agency then negotiates compensation with the most qualified of the three selected firms for professional services at compensation which the agency determines is “fair, competitive, and reasonable.”⁷ If a satisfactory contract cannot be negotiated, the agency must formally terminate negotiations with that firm and must then negotiate with the second most qualified firm. The agency must negotiate with the third most qualified firm if the negotiation with the second most qualified firm fails to produce a satisfactory contract.⁸ If a satisfactory contract cannot be negotiated with any of the three selected, the agency must select additional firms in order of their competence and qualifications and continue negotiations until a contract is reached.⁹ Once negotiations with a firm are terminated, the agency cannot resume negotiations with that firm for the project.

In October 2011, the Attorney General opined that local governments could not create a hybrid procurement process for awarding projects but instead is limited to utilizing the statutorily defined procedures.¹⁰

Procurement of Construction Services for Public Property and Publicly Owned Buildings

Chapter 255, F.S., specifies the procedures to be followed in the procurement of construction services for public property and publicly owned buildings. Section 255.29, F.S., requires the Department of Management Services (DMS) establish, through the adoption of rules,¹¹ the following construction contract procedures:

- For determining the qualifications and responsibility of potential bidders prior to advertisement for and receipt of bids for building construction contracts, including procedures for the rejection of bidders who are reasonably determined from prior experience to be unqualified or irresponsible to perform the work required by a proposed contract.
- For awarding each state agency construction project to the lowest qualified bidder as well as procedures to be followed in cases in which DMS declares a valid emergency to exist which would necessitate the waiver of the rules governing the award of state construction contracts to the lowest qualified bidder.
- For governing negotiations for construction contracts and modifications to contract documents when such negotiations are determined by the DMS secretary to be in the best interest of the state.
- For entering into performance-based contracts for the development of public facilities when DMS determines the use of such contracts to be in the best interest of the state.

These procedures must include, but are not limited to:¹²

- Prequalification of bidders;

⁷ Section 287.055(5)(a), F.S.

⁸ Section 287.055(5)(b), F.S.

⁹ Section 287.055(5)(c), F.S.

¹⁰ Op. Att’y Gen. Fla. 2011-21 (2011).

¹¹ Chapter 60D-5, F.A.C., establishes the procedures for s. 255.29, F. S., which requires procedures be followed in advertising for bids for construction contracts; in determining the eligibility of potential bidders to submit proposals for construction contracts; in awarding construction contracts; for waiver of non-material bid deviations; for rejection of bids; for disqualification of contractors; and in requesting authority to negotiate contracts and in negotiating contracts.

¹² Section 255.29(4)(a)-(d), F.S.

- Criteria to be used in developing requests for proposals which may provide for singular responsibility for design and construction, developer flexibility in material selection, construction techniques, and application of state-of-the-art improvements;
- Accelerated scheduling, including the development of plans, designs, and construction simultaneously; and
- Evaluation of proposals and award of contracts considering such factors as price, quality, and concept of the proposal.

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.¹³ County, municipal, or other political subdivision contracts for construction projects that are projected to cost in excess of \$200,000 must also be competitively bid.¹⁴ Counties, municipalities, special districts,¹⁵ or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the projected cost is in excess of \$300,000.¹⁶

The solicitation of competitive bids or proposals for any state construction project that is projected to cost more than \$200,000 must be publicly advertised in the Florida Administrative Register (FAR) at least 21 days prior to the established bid opening.¹⁷ If the construction project is projected to exceed \$500,000, the advertisement must be published in the FAR at least 30 days prior to the bid opening, and at least once in a newspaper of general circulation in the county where the project is located 30 days prior to the bid opening.¹⁸

Preference for Employment of State Residents in Construction Contracts Funded By State Funds

Florida law provides a preference for the employment of state residents in construction contracts funded by money appropriated with state funds.¹⁹ Such contracts must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work if state residents have substantially equal qualifications²⁰ to those of non-residents.²¹ If a construction contract is funded by local funds, the contract may contain such a provision.²² In addition, a contractor required to employ state residents must contact the Department of Economic Opportunity to post the contractor's employment needs in the state's job bank system.²³

¹³ Section 255.0525(1), F.S. Also, see Rules 60D-5.002(2) and 60D-5.0073, F.A.C.

¹⁴ Section 255.0525(2), F.S.

¹⁵ Section 255.20(1), F.S. (Special district as defined in ch. 189, F.S.).

¹⁶ *Id.* For electrical work, local governments must competitively bid projects estimated to cost more than \$75,000.

¹⁷ Section 255.0525(1), F.S.

¹⁸ *Id.* Similar publishing provisions apply to construction projects projected to cost more than \$200,000 for counties, municipalities, and political subdivisions. *See* Section 255.0525(2), F.S.

¹⁹ Section 255.099(1), F.S.

²⁰ Section 255.099(1)(a), F.S., defines "substantially equal qualifications" as the "qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are better suited for the position than the qualifications held by the other person or persons."

²¹ Section 255.099(1), F.S.

²² *Id.*

²³ Section 255.099(1)(b), F.S.

Department of Transportation Construction Projects

Chapter 337, F.S., governs contracting by the Department of Transportation (DOT). Any person who wants to bid for a construction contract in excess of \$250,000 must be certified by DOT as qualified.²⁴ Certification is also required to bid on road, bridge, or public transportation construction projects of more than \$250,000.²⁵ The purpose of certification is to ensure professional and financial competence relating to the performance of construction contracts by evaluating bidders “with respect to equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification.”²⁶

Each application for certification of qualification must be accompanied by the latest annual financial statement of the applicant completed within the last 12 months.²⁷ If the application or the annual financial statement shows the financial condition of the applicant more than 4 months prior to the date on which the application is received by DOT, then an audited interim financial statement must be submitted and accompanied by an updated application.²⁸ If the applicant meets the qualifications, DOT issues a certificate of qualification that is valid for 18 months after the date of the applicant’s financial statement, or shorter time period as DOT prescribes.²⁹ Such certificate of qualification may be revoked by DOT for a contractor who is deemed delinquent on a previously awarded contract.³⁰

DOT does not prohibit a qualified, licensed or certified contractor from bidding; however, a contract may not be awarded if the bid is determined to be irregular or non-responsive. DOT does require training for certain work categories, such as bridge work and other technical road and bridge areas.

Federal Labor and Wage Laws

The National Labor Relations Act of 1935³¹ and the Labor Management Relations Act of 1947³² constitute a comprehensive scheme of regulations guaranteeing employees the right to organize, to bargain collectively through chosen representatives, and to engage in concerted activities to secure their rights in industries involved in or affected by interstate commerce.

²⁴ Section 337.14(1), F.S. and ch. 14-22, F.A.C.

²⁵ Section 337.14(2), F.S.

²⁶ Section 337.14(1), F.S.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 337.14(4), F.S.

³⁰ Section 337.16, F.S.

³¹ 29 U.S.C. ss. 151 to 169 (encouraging the practice and procedure of collective bargaining and protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection).

³² 29 U.S.C. ss. 141 to 187 (prescribing the rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce).

The Fair Labor Standards Act (FLSA) establishes a federal minimum wage, which is the lowest hourly wage that can be paid in the United States.³³ A state may set the rate higher than the federal minimum, but not lower.³⁴ It also requires employers to pay time and a half to its employees for overtime hours worked,³⁵ and establishes standards for recordkeeping³⁶ and child labor.³⁷ Over 135 million workers are covered under the act,³⁸ most jobs are covered by the FLSA, but not all jobs are covered. In addition, some jobs are covered, but are considered “exempt” from the FLSA overtime requirements.³⁹

On February 12, 2014, President Obama signed Executive Order 13658, which establishes a minimum wage for certain federal contractors.⁴⁰ The Executive Order requires parties who contract with the federal government to pay workers performing work on or in connection with covered federal contracts at least \$10.10 per hour beginning on January 1, 2015. Beginning January 1, 2016, and annually thereafter, such workers must be paid an amount determined by the Secretary of Labor in accordance with the Executive Order. The order stated that “[r]aising the pay of low-wage workers increases their morale and the productivity and quality of their work, lowers turnover and its accompanying costs, and reduces supervisory costs.”⁴¹

State Labor and Wage Regulations

Article I, Section 6 of the State Constitution creates a constitutional right to collectively bargain for public sector employees. It provides, in pertinent part, that “[t]he right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.” The Florida Supreme Court has held that public employees maintain the same rights to collectively bargain as do private employees.⁴²

In addition, the State Constitution provides that “[a]ll working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on taxpayer-funded public services in order to avoid economic hardship.”⁴³ The State Constitution requires that employers pay employees no less than the minimum wage for all hours

³³ 29 U.S.C. s. 206.

³⁴ 29 U.S.C. s. 218(a).

³⁵ 29 U.S.C. s. 207.

³⁶ 29 U.S.C. s. 211.

³⁷ 29 U.S.C. s. 212.

³⁸ <http://www.dol.gov/whd/workers.htm> (last visited March 18, 2015).

³⁹ 29 U.S.C. s. 213; www.dol.gov/whd/regs/compliance/whdfs14.pdf (last visited March 18, 2015).

⁴⁰ A copy of the Executive Order can be found online at: <http://www.whitehouse.gov/the-press-office/2014/02/12/executive-order-minimum-wage-contractors> (last visited March 18, 2015).

⁴¹ *Id.*

⁴² See *Hillsborough Cnty. Gov'tl Emps. Ass'n, Inc. v. Hillsborough Cnty. Aviation Auth.*, 522 So.2d 358 (Fla. 1988); *City of Tallahassee v. Public Employees Relations Comm'n*, 410 So.2d 487 (Fla. 1981); *Dade Cnty. Classroom Teachers Ass'n v. Legislature of Fla.*, 269 So.2d 684 (Fla. 1972).

⁴³ Article X, s. 24(a), FLA. CONST. and s. 448.110, F.S.

worked in Florida.⁴⁴ The current state minimum wage is \$8.05 per hour,⁴⁵ which is higher than the federal rate.⁴⁶

Federal Project Labor Agreements

In 2009, President Barack Obama signed Executive Order 13502 authorizing the use of project labor agreements for federal construction projects.⁴⁷ The Executive Order defines the term “project labor agreement” as “a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. 158(f).” The Executive Order provides that executive agencies may, on a project-by-project basis, require the use of a project labor agreement by a contractor where such an agreement will advance the federal government’s goal of achieving economy and efficiency in procurement, produce labor-management stability, and ensure compliance with laws and regulations concerning safety, health, equal employment opportunity, and labor and employment standards.

Federal Prevailing Wage Requirements

The Davis-Bacon Act applies to contractors and subcontractors performing work on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair of public works projects or public buildings.⁴⁸ The United States Department of Labor, Wage and Hour Division, issues two types of wage determinations: general determinations (also known as area determinations) and project determinations. The wage and fringe benefits⁴⁹ in the applicable Davis-Bacon wage determination must be the minimum paid by contractors and subcontractors to laborers and mechanics.⁵⁰

III. Effect of Proposed Changes:

Section 1 creates an unnumbered section of law relating to public works projects. The following terms are defined:

- “Political subdivision” means a separate agency or unit of local government created or established by law or ordinance and the officers thereof⁵¹ and is authorized to expend public funds for construction, maintenance, repair, or improvement of public works.

⁴⁴ Article X, s. 24(c), FLA. CONST.

⁴⁵ <http://www.floridajobs.org/business-growth-and-partnerships/for-employers/display-posters-and-required-notice> (last visited March 18, 2015).

⁴⁶ The federal minimum wage is \$7.25 per hour. For more information about federal minimum wage provisions, see <http://www.dol.gov/whd/minimumwage.htm> (last visited March 18, 2015).

⁴⁷ A copy of the Executive Order can be found online at:

http://www.whitehouse.gov/the_press_office/ExecutiveOrderUseofProjectLaborAgreementsforFederalConstructionProjects (last visited March 18, 2015); the Executive Order is codified in subpart 22.5 of the Federal Acquisition Regulation.

⁴⁸ 40 U.S.C. s. 3142(a).

⁴⁹ Examples of fringe benefits include life insurance, health insurance, pension, vacation, holidays, sick leave, and other “bona fide” fringe benefits. <http://www.dol.gov/whd/programs/dbra/faqs/fringes.htm#Fringe> (last visited March 18, 2015).

⁵⁰ 40 U.S.C. s. 3142(b).

⁵¹ The bill notes that the term “political subdivision” includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, tax district, water management district, board, public corporation, institution of higher education, or other public agency or body.

- “Project labor agreement” means an arrangement mentioned, detailed, or outlined within the project plans, the specifications, or any bidding document of a public works project that:
 - Imposes requirements, controls, or limitations on:
 - Staffing,
 - Sources of employee referrals,
 - Assignments of work,
 - Sources of insurance or benefits, including health, life, and disability insurance and retirement pensions, training programs or standards, or wages; or
 - Requires a contractor to enter into any sort of agreement as a condition of submitting a bid that directly or indirectly limits or requires the contractor to recruit, train, or hire employees from a particular source to perform work on public works or a public works project.
- “Public works” or “public works project” means a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof, including repair, renovation, or remodeling, owned, in whole or in part, by any political subdivision that is to be paid in whole or in part with state funds.

This section prohibits the state or any political subdivision from requiring a contractor, subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair, or improvement of public works to:

- Pay employees a predetermined amount of wages or wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control or limit staffing;
- Recruit, train, or hire employees from a designated or single source;
- Designate any particular assignment of work for employees;
- Participate in proprietary training programs unless such training is a condition or a product warranty or guarantee; or
- Enter into any type of project labor agreement.

However, the prohibition on the imposition of certain conditions by a state or any political subdivision does not apply if the payment of prevailing or minimum wages to persons working on projects funded in whole or in part by federal funds is required by federal law. The prohibition also does not apply if it would conflict with the requirements of another federal or state law.

The bill also prohibits the state or a political subdivision that contracts for a public works project from requiring a contractor, subcontractor, or material supplier or carrier to become a party to any agreement with employees, their representatives, or any labor organization, including any area-wide, regional, or state building or construction trade or crafts council, organization, association, or similar body, as a condition of bidding, negotiating, being awarded any bid or contract, or performing work on a public works project.

Additionally, the bill provides that the state or a political subdivision that contracts for a public works project may not prohibit a contractor, subcontractor, or material supplier or carrier who is

qualified, licensed, or certified as required by state law from submitting bids, being awarded a bid or contract, negotiating a contract, or performing work on a public works project.

Section 2 provides that this act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Right to Work

Florida is a “right to work” state. Article I, Section 6 of the State Constitution protects Florida citizens from employers’ actions relating to their membership, or non-membership, in a labor union. This section also protects employees’ right to collectively bargain and prohibits public employees from striking. The Florida Supreme Court has stated that “[t]here is little question that Article I, section 6 was intended to, and does, benefit all employees, public or private.”⁵² The right to collectively bargain is a fundamental right vested in all Florida employees by the State Constitution and any government action attempting to restrict the enjoyment thereof is subject to strict scrutiny and must be justified by a compelling state interest.⁵³

The bill may impact existing agreements that local government subdivisions have with labor organizations.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁵² *Hillsborough*, 522 So.2d at 362.

⁵³ *Coastal Fla. Police Benevolent Ass’n, Inc. v. Williams*, 838 So.2d 543 (Fla. 2003).

B. Private Sector Impact:

Indeterminate. The bill appears to conflict with Florida's law providing a preference for employment of state residents in construction projects funded by state funds,⁵⁴ and this could potentially result in fewer qualified Floridians being hired for these projects.

C. Government Sector Impact:

Significant. Fiscal impacts could be realized by DOT due to the proposed relief from certain warranty requirements imposed by suppliers since the bill would operate to prohibit DOT from requiring specific training certifications from designated or single sources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill appears to conflict with Florida's law providing a preference for employment of state residents in construction projects funded by state funds,⁵⁵ and this could potentially result in fewer qualified Floridians being hired for these projects.

Impact on DOT

DOT noted the following concerns regarding this legislation.⁵⁶

- The bill imposes a wide-ranging and general prohibition against DOT placing any requirement upon a bidding contractor or supplier beyond simply being either qualified, licensed or certified in order for that contractor or supplier to submit bids, to be awarded any bid or contract, or to perform work on a public works project. Given the nature of DOT projects, simply being a qualified, licensed or certified contractor or supplier is not necessarily sufficient; e.g., a general contractor should not be qualified to bid on a bridge contract. Currently, DOT does not award contracts in response to non-compliant bidders for any number of reasons, including the failure of the bidder to meet specification requirements crucial to the safe and effective completion of transportation projects. The broad provision within the bill removes the authority of DOT to impose these requirements.
- Also, the bill is inconsistent with pre-certification requirements found in ch. 337, F.S., which require that bidders must first be certified by DOT as qualified pursuant to statute and rules of the agency. The existing mandated pre-qualification process set forth in ch. 14-22, F.A.C., imposes more stringent requirements than the bill's requirements that the contractor be qualified, licensed or certified.
- Additionally, the bill will impact DOT procurement and contract procedures with its suppliers and contractors. The potential elimination of the pre-qualification process will have

⁵⁴ Section 255.099, F.S.

⁵⁵ Section 255.099, F.S.

⁵⁶ See DOT legislative bill analysis dated February 12, 2015. A copy of this analysis is on file with the Governmental Oversight and Accountability Committee.

effects on the quality and durability of DOT projects. The specific bidding and certification requirements of ch. 14-22, F.A.C., could be abrogated by the bill. The bill expands the number of contractors and suppliers that will be eligible to bid on public works projects by reducing or eliminating certain pre-qualification standards. The bill appears to be less stringent in its requirements than current procurement methods, contract administration and governance used by DOT.

- The legislation may impede DOT's ability to provide a quality and safe product. Contractors or subcontractors may be authorized to work or provide a product without the proper training. Also, the contractor may prevail in a contract award bid protest whereby the bid did not meet the advertisement criteria or specifications of the project. A contractor using this bill as a result of not being awarded a contract would delay projects and jeopardize the safety, health and welfare of the traveling public.
- Further, the provision contained in subsection (4) of section 1 of the bill in which the state or a political subdivision cannot prohibit any contractor, subcontractor, or material supplier or carrier from negotiating a contract upon being awarded a public works contract concerns DOT as ch. 337, F.S., does not allow such negotiation after a contract is awarded.⁵⁷

Impact on State Agencies and Local Government

The bill allows “any” bidder to submit a bid and this would make it difficult for DMS or state agencies to compare bids because it prevents DMS from coordinating scopes of work in bid packages, and effectively eliminate the authority of DMS and all agencies to prequalify bidders as required under ss. 255.29(1) and 287.055, F. S. The lack of tangible qualifications may also create a significant increase in workload for agencies due to an increase in the receipt of bids from “unqualified” bidders.

VIII. Statutes Affected:

This bill creates an unnumbered section of law relating to public works projects.

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 March 10, 2015:

Provides that participation in proprietary training programs cannot be prohibited if such training is a condition of a product warranty or guarantee. Also, the committee substitute clarifies that the requirement for certification is “as required by state law.” Additionally, the state or political subdivision cannot prohibit any contractor, subcontractor, or material supplier or carrier from negotiating a contract upon being awarded a public works contract.

⁵⁷ Meeting with DOT and Government Oversight and Accountability Committee Staff on March 11, 2015.

B. Amendments:

None.

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

CourtSmart Tag Report

Room: SB 301

Case:

Type:

Caption: Senate Community Affairs Committee Judge:

Started: 3/31/2015 10:02:12 AM

Ends: 3/31/2015 10:47:12 AM Length: 00:45:01

10:02:37 AM Call to order
10:03:38 AM Tab 4 SB 238 Senator Ring
10:05:40 AM Roll call on SB 238
10:05:55 AM Bill reported favorably
10:06:16 AM Tab 1 SB 1372 Senator Gaetz
10:07:27 AM Senator Brandes
10:07:57 AM Amendment Barcode 240196
10:08:52 AM Amendment to the Amendment Barcode 257090
10:09:38 AM Amendment to the Amendment withdrawn
10:10:44 AM Senator Diaz de la Portilla
10:12:15 AM Amendment adopted
10:12:40 AM Amendment Barcode 418214
10:12:45 AM Amendment withdrawn
10:13:02 AM Nick Iarossi, Safety Net Hospitals
10:16:07 AM Senator Dean
10:21:33 AM Senator Thompson
10:23:58 AM Senator Gaetz close
10:26:49 AM Roll call on SB 1372
10:27:02 AM Bill reported favorably
10:27:21 AM Tab 2 SB 752 Senator Hukill
10:28:32 AM David Cruz, Florida League of Cities
10:28:50 AM Roll call on SB 752
10:29:00 AM Bill reported favorably
10:29:19 AM Tab 3 SB 1388 Senator Stargel
10:29:27 AM Rachel Barnes, Senator Stargel LA
10:30:04 AM Amendment Barcode 416336
10:30:32 AM Amendment adopted
10:30:49 AM Roll call on SB 1388
10:30:59 AM Bill reported favorably
10:31:22 AM Tab 5 SB 164 Senator Evers
10:31:34 AM Dave Murzin, Senator Evers LA
10:31:40 AM Senator Dean
10:33:07 AM Lisa Haber, Crime Stoppers of Tampa Bay
10:35:37 AM Daniel Valentino, Crime Stoppers of Sarasota
10:36:45 AM Senator Diaz de la Portilla
10:38:05 AM Senator Simpson
10:39:14 AM Roll call on SB 164
10:39:25 AM Bill reported favorably
10:39:44 AM Tab 6 SB 1430 Senator Abruzzo
10:40:32 AM Marty Cassini, Broward County
10:41:29 AM Roll call on SB 1430
10:41:41 AM Bill reported favorably
10:42:04 AM Tab 7 SB 832 Senator Simpson
10:42:15 AM Amendment Barcode 772204
10:43:45 AM Charles Pattison, 1000 Friends of Florida
10:44:58 AM Amendment adopted
10:45:44 AM Eric Poole, Florida Association of Counties
10:46:09 AM Roll call on SB 832
10:46:22 AM Bill reported favorably
10:46:50 AM Tab 8 SB 934 Senator Brandes
10:47:05 AM Not considered
10:47:07 AM Adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Regulated Industries, *Chair*
Fiscal Policy, *Vice Chair*
Appropriations Subcommittee on Criminal and
Civil Justice
Communications, Energy, and Public Utilities
Community Affairs
Criminal Justice

JOINT COMMITTEES:
Joint Legislative Auditing Committee
Joint Select Committee on Collective
Bargaining

SENATOR ROB BRADLEY

7th District

MEMORANDUM

To: Senator Wilton Simpson
From: Senator Rob Bradley *RB*
Subject: Community Affairs Favorable Votes
Date: March 31, 2015

Please show my favorable votes for the following bills heard today in Community Affairs:

- SB 1372
- SB 752
- SB 1388
- SB 238
- SB 164
- SB 1430
- SB 832

I was unable to vote favorably for these bills due to my presentation of the SB 7066: Low-THC Cannabis in the Health Policy Committee meeting at the same time as Community Affairs.

Thanks so very much for considering my favorable vote.

Cc: Mr. Tom Yeatman
Staff Director Community Affairs

REPLY TO:

- 2233 Park Avenue, Suite 303, Orange Park, Florida 32073 (904) 278-2085
- 208 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5007

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore