

By Senator Thrasher

8-01919-11

20111204

1 A bill to be entitled
2 An act relating to joint legislative organizations;
3 repealing ss. 11.511 and 11.513, F.S., relating to the
4 Office of Program Policy Analysis and Government
5 Accountability; repealing s. 11.60, F.S., relating to
6 the Joint Administrative Procedures Committee;
7 repealing s. 11.70, F.S., relating to the Legislative
8 Committee on Intergovernmental Relations; repealing s.
9 11.80, F.S., relating to the Joint Legislative
10 Committee on Everglades Oversight; repealing ss.
11 11.901-11.920, F.S., relating to the Florida
12 Government Accountability Act; repealing s.
13 163.3247(4)(g), F.S., relating to creation of a joint
14 select committee to review the findings and
15 recommendations of the Century Commission for a
16 Sustainable Florida for potential action; repealing
17 ss. 216.0446, 216.163(2)(f), and 282.322, F.S.,
18 relating to the review of information technology
19 resources needs and a special monitoring process for
20 designated information resources management projects;
21 repealing s. 350.012, F.S., relating to the Committee
22 on Public Counsel Oversight; repealing ss. 450.201,
23 450.221, 450.231, and 450.241, F.S., relating to the
24 Legislative Commission on Migrant and Seasonal Labor;
25 amending s. 1.01, F.S.; defining the terms
26 "Administrative Procedures Committee," "Legislative
27 Auditing Committee," "Office of Program Policy
28 Analysis and Government Accountability," and "Office
29 of Economic and Demographic Research," applicable

8-01919-11

20111204

30 throughout the statutes; amending s. 11.147, F.S.;

31 revising provisions relating to creation and duties of

32 the Office of Legislative Services; amending s. 11.40,

33 F.S.; revising duties of the Legislative Auditing

34 Committee; conforming provisions to changes made by

35 the act; amending s. 11.51, F.S.; revising provisions

36 relating to creation and duties of the Office of

37 Program Policy Analysis and Government Accountability;

38 amending s. 409.146, F.S.; revising reporting duties

39 of the Department of Children and Family Services with

40 respect to the children and families client and

41 management information system; conforming provisions

42 to changes made by the act; amending s. 1000.01, F.S.;

43 deleting provisions relating to creation of the

44 Council for Education Policy Research and Improvement;

45 amending ss. 11.45, 29.0085, 112.313, 112.3189,

46 112.324, 125.045, 163.055, 163.3245, 166.021, 189.421,

47 216.181, 218.32, 218.38, 287.0943, 288.7001, 350.061,

48 350.0614, 373.026, 373.036, 373.45926, 450.261, and

49 590.33, F.S.; conforming provisions to changes made by

50 the act; providing an effective date.

51

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

53

54 Section 1. Sections 11.511 and 11.513, Florida Statutes,

55 are repealed.

56 Section 2. Section 11.60, Florida Statutes, is repealed.

57 Section 3. Section 11.70, Florida Statutes, is repealed.

58 Section 4. Section 11.80, Florida Statutes, is repealed.

8-01919-11

20111204

59 Section 5. Sections 11.901, 11.902, 11.903, 11.904, 11.905,
60 11.9055, 11.906, 11.907, 11.908, 11.910, 11.911, 11.917, 11.918,
61 11.919, and 11.920, Florida Statutes, are repealed.

62 Section 6. Paragraph (g) of subsection (4) of section
63 163.3247, Florida Statutes, is repealed.

64 Section 7. Section 216.0446, paragraph (f) of subsection
65 (2) of section 216.163, and section 282.322, Florida Statutes,
66 are repealed.

67 Section 8. Section 350.012, Florida Statutes, is repealed.

68 Section 9. Sections 450.201, 450.221, 450.231, and 450.241,
69 Florida Statutes, are repealed.

70 Section 10. Subsections (16) through (19) are added to
71 section 1.01, Florida Statutes, to read:

72 1.01 Definitions.—In construing these statutes and each and
73 every word, phrase, or part hereof, where the context will
74 permit:

75 (16) The term "Administrative Procedures Committee" means a
76 committee designated by joint rule of the Legislature or by
77 agreement between the President of the Senate and the Speaker of
78 the House of Representatives.

79 (17) The term "Legislative Auditing Committee" means a
80 committee or committees designated by joint rule of the
81 Legislature, by the President of the Senate or the Speaker of
82 the House of Representatives, or by agreement between the
83 President of the Senate and the Speaker of the House of
84 Representatives.

85 (18) The term "Office of Program Policy Analysis and
86 Government Accountability" means an entity designated by joint
87 rule of the Legislature or by agreement between the President of

8-01919-11

20111204

88 the Senate and the Speaker of the House of Representatives.

89 (19) The term "Office of Economic and Demographic Research"
90 means an entity designated by joint rule of the Legislature or
91 by agreement between the President of the Senate and the Speaker
92 of the House of Representatives.

93 Section 11. Section 11.147, Florida Statutes, is amended to
94 read:

95 11.147 Office of Legislative Services.-

96 (1) ~~There is created~~ The Office of Legislative Services,
97 designated as such by joint rule of the Legislature or by
98 agreement between the President of the Senate and the Speaker of
99 the House of Representatives, shall ~~to~~ provide support services
100 that are determined by the President of the Senate and the
101 Speaker of the House of Representatives to be necessary and that
102 can be effectively and efficiently provided jointly to both
103 houses.

104 ~~(2) The President of the Senate and the Speaker of the~~
105 ~~House of Representatives may select a coordinator for the Office~~
106 ~~of Legislative Services, who shall report directly to the~~
107 ~~President of the Senate and the Speaker of the House of~~
108 ~~Representatives or their respective designees.~~

109 ~~(3)~~ The joint committees and other joint units of the
110 Legislature shall be governed by joint rules of the Senate and
111 House of Representatives which shall remain in effect until
112 repealed or amended by concurrent resolution.

113 (3)~~(4)~~ The Office of Legislative Services shall deliver
114 such vouchers covering legislative expenses as required to the
115 Chief Financial Officer and, if found to be correct, state
116 warrants shall be issued therefor.

8-01919-11

20111204

117 Section 12. Section 11.40, Florida Statutes, is amended to
118 read:

119 11.40 Legislative Auditing Committee.-

120 ~~(1) There is created a standing joint committee of the~~
121 ~~Legislature designated the Legislative Auditing Committee,~~
122 ~~composed of 10 members as follows: 5 members of the Senate, to~~
123 ~~be appointed by the President of the Senate, and 5 members of~~
124 ~~the House of Representatives, to be appointed by the Speaker of~~
125 ~~the House of Representatives. The terms of members shall be for~~
126 ~~2 years and shall run from the organization of one Legislature~~
127 ~~to the organization of the next Legislature. Vacancies occurring~~
128 ~~during the interim period shall be filled in the same manner as~~
129 ~~the original appointment. The members of the committee shall~~
130 ~~elect a chair and vice chair. During the 2-year term, a member~~
131 ~~of each house shall serve as chair for 1 year.~~

132 ~~(2) The committee shall be governed by joint rules of the~~
133 ~~Senate and House of Representatives which shall remain in effect~~
134 ~~until repealed or amended by concurrent resolution.~~

135 ~~(3) The Legislative Auditing Committee may direct the~~
136 ~~Auditor General or the Office of Program Policy Analysis and~~
137 ~~Government Accountability to conduct an audit, review, or~~
138 ~~examination of any entity or record described in s. 11.45(2) or~~
139 ~~(3).~~

140 (1)(4) The Legislative Auditing Committee:

141 (a) may take under investigation any matter within the
142 scope of an audit, review, or examination either completed or
143 then being conducted by the Auditor General or the Office of
144 Program Policy Analysis and Government Accountability, and, in
145 connection with such investigation, may exercise the powers of

8-01919-11

20111204

146 subpoena by law vested in a standing committee of the
147 Legislature.

148 ~~(b) Shall provide oversight and management of the website~~
149 ~~developed pursuant to s. 215.985.~~

150 (2)~~(5)~~ Following notification by the Auditor General, the
151 Department of Financial Services, or the Division of Bond
152 Finance of the State Board of Administration of the failure of a
153 local governmental entity, district school board, charter
154 school, or charter technical career center to comply with the
155 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
156 s. 218.38, the Legislative Auditing Committee may schedule a
157 hearing to. ~~If a hearing is scheduled, the committee shall~~
158 ~~determine if the entity should be subject to further state~~
159 ~~action. If the committee determines that the entity should be~~
160 ~~subject to further state action, the committee shall:~~

161 (a) In the case of a local governmental entity or district
162 school board, direct the Department of Revenue and the
163 Department of Financial Services to withhold any funds not
164 pledged for bond debt service satisfaction which are payable to
165 such entity until the entity complies with the law. The
166 committee shall specify the date such action shall begin, and
167 the directive must be received by the Department of Revenue and
168 the Department of Financial Services 30 days before the date of
169 the distribution mandated by law. The Department of Revenue and
170 the Department of Financial Services may implement the
171 provisions of this paragraph.

172 (b) In the case of a special district, notify the
173 Department of Community Affairs that the special district has
174 failed to comply with the law. Upon receipt of notification, the

8-01919-11

20111204

175 Department of Community Affairs shall proceed pursuant to the
176 provisions specified in s. 189.421.

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

180 (3)~~(6)~~(a) As used in this subsection, "independent contract
181 auditor" means a state-licensed certified public accountant or
182 firm with which a state-licensed certified public accountant is
183 currently employed or associated who is actively engaged in the
184 accounting profession.

185 (b) Audits specified in this subsection cover the quarterly
186 compensation reports for the previous calendar year for a random
187 sample of 3 percent of all legislative branch lobbying firms and
188 a random sample of 3 percent of all executive branch lobbying
189 firms calculated using as the total number of such lobbying
190 firms those filing a compensation report for the preceding
191 calendar year. The committee shall provide for a system of
192 random selection of the lobbying firms to be audited.

193 (c) The committee shall create and maintain a list of not
194 less than 10 independent contract auditors approved to conduct
195 the required audits. Each lobbying firm selected for audit in
196 the random audit process may designate one of the independent
197 contract auditors from the committee's approved list. Upon
198 failure for any reason of a lobbying firm selected in the random
199 selection process to designate an independent contract auditor
200 from the committee's list within 30 calendar days after being
201 notified by the committee of its selection, the committee shall
202 assign one of the available independent contract auditors from
203 the approved list to perform the required audit. No independent

8-01919-11

20111204

204 contract auditor, whether designated by the lobbying firm or by
205 the committee, may perform the audit of a lobbying firm where
206 the auditor and lobbying firm have ever had a direct personal
207 relationship or any professional accounting, auditing, tax
208 advisory, or tax preparing relationship with each other. The
209 committee shall obtain a written, sworn certification subject to
210 s. 837.06, both from the randomly selected lobbying firm and
211 from the proposed independent contract auditor, that no such
212 relationship has ever existed.

213 (d) Each independent contract auditor shall be engaged by
214 and compensated solely by the state for the work performed in
215 accomplishing an audit under this subsection.

216 (e) Any violations of law, deficiencies, or material
217 misstatements discovered and noted in an audit report shall be
218 clearly identified in the audit report and be determined under
219 the rules of either house of the Legislature or under the joint
220 rules, as applicable.

221 (f) If any lobbying firm fails to give full, frank, and
222 prompt cooperation and access to books, records, and associated
223 backup documents as requested in writing by the auditor, that
224 failure shall be clearly noted by the independent contract
225 auditor in the report of audit.

226 (g) The committee shall establish procedures for the
227 selection of independent contract auditors desiring to enter
228 into audit contracts pursuant to this subsection. Such
229 procedures shall include, but not be limited to, a rating system
230 that takes into account pertinent information, including the
231 independent contract auditor's fee proposals for participating
232 in the process. All contracts under this subsection between an

8-01919-11

20111204

233 independent contract auditor and the Speaker of the House of
234 Representatives and the President of the Senate shall be
235 terminable by either party at any time upon written notice to
236 the other, and such contracts may contain such other terms and
237 conditions as the Speaker of the House of Representatives and
238 the President of the Senate deem appropriate under the
239 circumstances.

240 (h) The committee shall adopt guidelines that govern random
241 audits and field investigations conducted pursuant to this
242 subsection. The guidelines shall ensure that similarly situated
243 compensation reports are audited in a uniform manner. The
244 guidelines shall also be formulated to encourage compliance and
245 detect violations of the legislative and executive lobbying
246 compensation reporting requirements in ss. 11.045 and 112.3215
247 and to ensure that each audit is conducted with maximum
248 efficiency in a cost-effective manner. In adopting the
249 guidelines, the committee shall consider relevant guidelines and
250 standards of the American Institute of Certified Public
251 Accountants to the extent that such guidelines and standards are
252 applicable and consistent with the purposes set forth in this
253 subsection.

254 (i) All audit reports of legislative lobbying firms shall,
255 upon completion by an independent contract auditor, be delivered
256 to the President of the Senate and the Speaker of the House of
257 Representatives for their respective review and handling. All
258 audit reports of executive branch lobbyists, upon completion by
259 an independent contract auditor, shall be delivered by the
260 auditor to the Commission on Ethics.

261 Section 13. Subsections (1) and (6) and paragraphs (a),

8-01919-11

20111204

262 (b), and (d) of subsection (7) of section 11.45, Florida
263 Statutes, are amended to read:

264 11.45 Definitions; duties; authorities; reports; rules.—

265 (1) DEFINITIONS.—As used in ss. 11.40-11.511 ~~11.40-11.513~~,
266 the term:

267 (a) "Audit" means a financial audit, operational audit, or
268 performance audit.

269 (b) "County agency" means a board of county commissioners
270 or other legislative and governing body of a county, however
271 styled, including that of a consolidated or metropolitan
272 government, a clerk of the circuit court, a separate or ex
273 officio clerk of the county court, a sheriff, a property
274 appraiser, a tax collector, a supervisor of elections, or any
275 other officer in whom any portion of the fiscal duties of the
276 above are under law separately placed.

277 (c) "Financial audit" means an examination of financial
278 statements in order to express an opinion on the fairness with
279 which they are presented in conformity with generally accepted
280 accounting principles and an examination to determine whether
281 operations are properly conducted in accordance with legal and
282 regulatory requirements. Financial audits must be conducted in
283 accordance with generally accepted auditing standards and
284 government auditing standards as adopted by the Board of
285 Accountancy.

286 (d) "Governmental entity" means a state agency, a county
287 agency, or any other entity, however styled, that independently
288 exercises any type of state or local governmental function.

289 (e) "Local governmental entity" means a county agency,
290 municipality, or special district as defined in s. 189.403, but

8-01919-11

20111204

291 does not include any housing authority established under chapter
292 421.

293 (f) "Management letter" means a statement of the auditor's
294 comments and recommendations.

295 (g) "Operational audit" means a financial-related audit
296 whose purpose is to evaluate management's performance in
297 administering assigned responsibilities in accordance with
298 applicable laws, administrative rules, and other guidelines and
299 to determine the extent to which the internal control, as
300 designed and placed in operation, promotes and encourages the
301 achievement of management's control objectives in the categories
302 of compliance, economic and efficient operations, reliability of
303 financial records and reports, and safeguarding of assets.

304 (h) "Performance audit" means an examination of a program,
305 activity, or function of a governmental entity, conducted in
306 accordance with applicable government auditing standards or
307 auditing and evaluation standards of other appropriate
308 authoritative bodies. The term includes an examination of issues
309 related to:

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

311 2. Structure or design of the program to accomplish its
312 goals and objectives.

313 3. Adequacy of the program to meet the needs identified by
314 the Legislature or governing body.

315 4. Alternative methods of providing program services or
316 products.

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

319 6. The accuracy or adequacy of public documents, reports,

8-01919-11

20111204

320 or requests prepared under the program by state agencies.

321 7. Compliance of the program with appropriate policies,
322 rules, or laws.

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

325 (i) "Political subdivision" means a separate agency or unit
326 of local government created or established by law and includes,
327 but is not limited to, the following and the officers thereof:
328 authority, board, branch, bureau, city, commission, consolidated
329 government, county, department, district, institution,
330 metropolitan government, municipality, office, officer, public
331 corporation, town, or village.

332 (j) "State agency" means a separate agency or unit of state
333 government created or established by law and includes, but is
334 not limited to, the following and the officers thereof:
335 authority, board, branch, bureau, commission, department,
336 division, institution, office, officer, or public corporation,
337 as the case may be, except any such agency or unit within the
338 legislative branch of state government other than the Florida
339 Public Service Commission.

340 (6) REQUEST BY A LOCAL GOVERNMENTAL ENTITY FOR AN AUDIT BY
341 THE AUDITOR GENERAL.—Whenever a local governmental entity
342 requests the Auditor General to conduct an audit of all or part
343 of its operations and the Auditor General conducts the audit
344 under his or her own authority or at the direction of the
345 Legislative Auditing Committee, the expenses of the audit shall
346 be paid by the local governmental entity. The Auditor General
347 shall estimate the cost of the audit. Fifty percent of the cost
348 estimate shall be paid by the local governmental entity before

8-01919-11

20111204

349 the initiation of the audit and deposited into the General
350 Revenue Fund of the state. After the completion of the audit,
351 the Auditor General shall notify the local governmental entity
352 of the actual cost of the audit. The local governmental entity
353 shall remit the remainder of the cost of the audit to the
354 Auditor General for deposit into the General Revenue Fund of the
355 state. If the local governmental entity fails to comply with
356 paying the remaining cost of the audit, the Auditor General
357 shall notify the Legislative Auditing Committee. ~~The committee~~
358 ~~shall proceed in accordance with s. 11.40(5).~~

359 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

360 (a) The Auditor General shall notify the Legislative
361 Auditing Committee of any local governmental entity, district
362 school board, charter school, or charter technical career center
363 that does not comply with the reporting requirements of s.
364 218.39. ~~The committee shall proceed in accordance with s.~~
365 ~~11.40(5).~~

366 (b) The Auditor General, in consultation with the Board of
367 Accountancy, shall review all audit reports submitted pursuant
368 to s. 218.39. The Auditor General shall request any significant
369 items that were omitted in violation of a rule adopted by the
370 Auditor General. The items must be provided within 45 days after
371 the date of the request. If the governmental entity does not
372 comply with the Auditor General's request, the Auditor General
373 shall notify the Legislative Auditing Committee. ~~The committee~~
374 ~~shall proceed in accordance with s. 11.40(5).~~

375 (d) During the Auditor General's review of audit reports,
376 he or she shall contact those units of local government, as
377 defined in s. 218.403, that are not in compliance with s.

8-01919-11

20111204

378 218.415 and request evidence of corrective action. The unit of
379 local government shall provide the Auditor General with evidence
380 of corrective action within 45 days after the date it is
381 requested by the Auditor General. If the unit of local
382 government fails to comply with the Auditor General's request,
383 the Auditor General shall notify the Legislative Auditing
384 Committee. ~~The committee shall proceed in accordance with s.~~
385 ~~11.40(5).~~

386 Section 14. Section 11.51, Florida Statutes, is amended to
387 read:

388 11.51 Office of Program Policy Analysis and Government
389 Accountability.—

390 ~~(1) There is hereby created the Office of Program Policy~~
391 ~~Analysis and Government Accountability as a unit of the Office~~
392 ~~of the Auditor General appointed pursuant to s. 11.42. The~~
393 ~~office shall perform independent examinations, program reviews,~~
394 ~~and other projects as provided by general law, as provided by~~
395 ~~concurrent resolution, or as directed by the Legislative~~
396 ~~Auditing Committee, and shall provide recommendations, training,~~
397 ~~or other services to assist the Legislature.~~

398 ~~(2) The Office of Program Policy Analysis and Government~~
399 ~~Accountability is independent of the Auditor General appointed~~
400 ~~pursuant to s. 11.42 for purposes of general policies~~
401 ~~established by the Legislative Auditing Committee.~~

402 ~~(3) The Office of Program Policy Analysis and Government~~
403 ~~Accountability shall maintain a schedule of examinations of~~
404 ~~state programs.~~

405 (1)~~(4)~~ The Office of Program Policy Analysis and Government
406 Accountability is authorized to examine all entities and records

8-01919-11

20111204

407 listed in s. 11.45(3).

408 (2)~~(5)~~ At the conclusion of an examination, the designated
409 representative of ~~the director of~~ the Office of Program Policy
410 Analysis and Government Accountability shall discuss the
411 examination with the official whose office is examined and
412 submit to that official the Office of Program Policy Analysis
413 and Government Accountability's preliminary findings. If the
414 official is not available for receipt of the preliminary
415 findings, clearly designated as such, delivery thereof is
416 presumed to be made when it is delivered to his or her office.
417 Whenever necessary, the Office of Program Policy Analysis and
418 Government Accountability may request the official to submit his
419 or her written statement of explanation or rebuttal within 15
420 days after the receipt of the findings. If the response time is
421 not requested to be within 15 days, the official shall submit
422 his or her response within 30 days after receipt of the
423 preliminary findings.

424 (3)~~(6)~~ No later than 18 months after the release of a
425 report of the Office of Program Policy Analysis and Government
426 Accountability, the agencies that are the subject of that report
427 shall provide data and other information that describes with
428 specificity what the agencies have done to respond to the
429 recommendations contained in the report. The Office of Program
430 Policy Analysis and Government Accountability may verify the
431 data and information provided by the agencies. If the data and
432 information provided by the agencies are deemed sufficient and
433 accurate, the Office of Program Policy Analysis and Government
434 Accountability shall report to the Legislative Auditing
435 Committee and to the legislative standing committees concerned

8-01919-11

20111204

436 with the subject areas of the audit. The report shall include a
437 summary of the agencies' responses, the evaluation of those
438 responses, and any recommendations deemed to be appropriate.

439 Section 15. Subsection (1) of section 29.0085, Florida
440 Statutes, is amended to read:

441 29.0085 Annual statement of certain revenues and
442 expenditures.—

443 (1) Each county shall submit annually to the Chief
444 Financial Officer a statement of revenues and expenditures as
445 set forth in this section in the form and manner prescribed by
446 the Chief Financial Officer in consultation with the President
447 of the Senate and the Speaker of the House of Representatives
448 ~~Legislative Committee on Intergovernmental Relations~~, provided
449 that such statement identify total county expenditures on each
450 of the services outlined in s. 29.008.

451 Section 16. Paragraph (a) of subsection (9) of section
452 112.313, Florida Statutes, is amended to read:

453 112.313 Standards of conduct for public officers, employees
454 of agencies, and local government attorneys.—

455 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
456 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

457 (a)1. It is the intent of the Legislature to implement by
458 statute the provisions of s. 8(e), Art. II of the State
459 Constitution relating to legislators, statewide elected
460 officers, appointed state officers, and designated public
461 employees.

462 2. As used in this paragraph:

463 a. "Employee" means:

464 (I) Any person employed in the executive or legislative

8-01919-11

20111204

465 branch of government holding a position in the Senior Management
466 Service as defined in s. 110.402 or any person holding a
467 position in the Selected Exempt Service as defined in s. 110.602
468 or any person having authority over policy or procurement
469 employed by the Department of the Lottery.

470 (II) The Auditor General, the director of the Office of
471 Program Policy Analysis and Government Accountability, the
472 Sergeant at Arms and Secretary of the Senate, and the Sergeant
473 at Arms and Clerk of the House of Representatives.

474 (III) The executive director ~~of the Legislative Committee~~
475 ~~on Intergovernmental Relations and the executive director~~ and
476 deputy executive director of the Commission on Ethics.

477 (IV) An executive director, staff director, or deputy staff
478 director of each joint committee, standing committee, or select
479 committee of the Legislature; an executive director, staff
480 director, executive assistant, analyst, or attorney of the
481 Office of the President of the Senate, the Office of the Speaker
482 of the House of Representatives, the Senate Majority Party
483 Office, Senate Minority Party Office, House Majority Party
484 Office, or House Minority Party Office; or any person, hired on
485 a contractual basis, having the power normally conferred upon
486 such persons, by whatever title.

487 (V) The Chancellor and Vice Chancellors of the State
488 University System; the general counsel to the Board of Governors
489 of the State University System; and the president, provost, vice
490 presidents, and deans of each state university.

491 (VI) Any person, including an other-personal-services
492 employee, having the power normally conferred upon the positions
493 referenced in this sub-subparagraph.

8-01919-11

20111204

494 b. "Appointed state officer" means any member of an
495 appointive board, commission, committee, council, or authority
496 of the executive or legislative branch of state government whose
497 powers, jurisdiction, and authority are not solely advisory and
498 include the final determination or adjudication of any personal
499 or property rights, duties, or obligations, other than those
500 relative to its internal operations.

501 c. "State agency" means an entity of the legislative,
502 executive, or judicial branch of state government over which the
503 Legislature exercises plenary budgetary and statutory control.

504 3. No member of the Legislature, appointed state officer,
505 or statewide elected officer shall personally represent another
506 person or entity for compensation before the government body or
507 agency of which the individual was an officer or member for a
508 period of 2 years following vacation of office. No member of the
509 Legislature shall personally represent another person or entity
510 for compensation during his or her term of office before any
511 state agency other than judicial tribunals or in settlement
512 negotiations after the filing of a lawsuit.

513 4. An agency employee, including an agency employee who was
514 employed on July 1, 2001, in a Career Service System position
515 that was transferred to the Selected Exempt Service System under
516 chapter 2001-43, Laws of Florida, may not personally represent
517 another person or entity for compensation before the agency with
518 which he or she was employed for a period of 2 years following
519 vacation of position, unless employed by another agency of state
520 government.

521 5. Any person violating this paragraph shall be subject to
522 the penalties provided in s. 112.317 and a civil penalty of an

8-01919-11

20111204

523 amount equal to the compensation which the person receives for
524 the prohibited conduct.

525 6. This paragraph is not applicable to:

526 a. A person employed by the Legislature or other agency
527 prior to July 1, 1989;

528 b. A person who was employed by the Legislature or other
529 agency on July 1, 1989, whether or not the person was a defined
530 employee on July 1, 1989;

531 c. A person who was a defined employee of the State
532 University System or the Public Service Commission who held such
533 employment on December 31, 1994;

534 d. A person who has reached normal retirement age as
535 defined in s. 121.021(29), and who has retired under the
536 provisions of chapter 121 by July 1, 1991; or

537 e. Any appointed state officer whose term of office began
538 before January 1, 1995, unless reappointed to that office on or
539 after January 1, 1995.

540 Section 17. Paragraph (c) of subsection (9) of section
541 112.3189, Florida Statutes, is amended to read:

542 112.3189 Investigative procedures upon receipt of whistle-
543 blower information from certain state employees.—

544 (9)

545 (c) The Chief Inspector General shall transmit any final
546 report under this section, any comments provided by the
547 complainant, and any appropriate comments or recommendations by
548 the Chief Inspector General to the Governor, ~~to~~ the ~~Joint~~
549 Legislative Auditing Committee, ~~to~~ the investigating agency, and
550 ~~to~~ the Chief Financial Officer.

551 Section 18. Subsection (8) of section 112.324, Florida

8-01919-11

20111204

552 Statutes, is amended to read:

553 112.324 Procedures on complaints of violations; public
554 records and meeting exemptions.—

555 (8) If, in cases pertaining to complaints other than
556 complaints against impeachable officers or members of the
557 Legislature, upon completion of a full and final investigation
558 by the commission, the commission finds that there has been a
559 violation of this part or of s. 8, Art. II of the State
560 Constitution, it shall be the duty of the commission to report
561 its findings and recommend appropriate action to the proper
562 disciplinary official or body as follows, and such official or
563 body shall have the power to invoke the penalty provisions of
564 this part, including the power to order the appropriate
565 elections official to remove a candidate from the ballot for a
566 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
567 State Constitution:

568 (a) The President of the Senate and the Speaker of the
569 House of Representatives, jointly, in any case concerning the
570 Public Counsel, members of the Public Service Commission,
571 members of the Public Service Commission Nominating Council, the
572 Auditor General, or the director of the Office of Program Policy
573 Analysis and Government Accountability, ~~or members of the~~
574 ~~Legislative Committee on Intergovernmental Relations.~~

575 (b) The Supreme Court, in any case concerning an employee
576 of the judicial branch.

577 (c) The President of the Senate, in any case concerning an
578 employee of the Senate; the Speaker of the House of
579 Representatives, in any case concerning an employee of the House
580 of Representatives; or the President and the Speaker, jointly,

8-01919-11

20111204

581 in any case concerning an employee of a committee of the
582 Legislature whose members are appointed solely by the President
583 and the Speaker or in any case concerning an employee of the
584 Public Counsel, Public Service Commission, Auditor General, or
585 Office of Program Policy Analysis and Government Accountability,
586 ~~or Legislative Committee on Intergovernmental Relations.~~

587 (d) Except as otherwise provided by this part, the
588 Governor, in the case of any other public officer, public
589 employee, former public officer or public employee, candidate or
590 former candidate, or person who is not a public officer or
591 employee, other than lobbyists and lobbying firms under s.
592 112.3215 for violations of s. 112.3215.

593 (e) The President of the Senate or the Speaker of the House
594 of Representatives, whichever is applicable, in any case
595 concerning a former member of the Legislature who has violated a
596 provision applicable to former members or whose violation
597 occurred while a member of the Legislature.

598 Section 19. Subsections (4) and (5) of section 125.045,
599 Florida Statutes, are amended to read:

600 125.045 County economic development powers.—

601 (4) A contract between the governing body of a county or
602 other entity engaged in economic development activities on
603 behalf of the county and an economic development agency must
604 require the agency or entity receiving county funds to submit a
605 report to the governing body of the county detailing how county
606 funds were spent and detailing the results of the economic
607 development agency's or entity's efforts on behalf of the
608 county. By January 15, 2011, and annually thereafter, the county
609 must file a copy of the report with the Office of Economic and

8-01919-11

20111204

610 Demographic Research Legislative Committee on Intergovernmental
611 ~~Relations or its successor entity~~ and post a copy of the report
612 on the county's website.

613 (5) (a) By January 15, 2011, and annually thereafter, each
614 county shall report to the Office of Economic and Demographic
615 ~~Research Legislative Committee on Intergovernmental Relations or~~
616 ~~its successor entity~~ the economic development incentives in
617 excess of \$25,000 given to any business during the county's
618 previous fiscal year. The Office of Economic and Demographic
619 ~~Research Legislative Committee on Intergovernmental Relations or~~
620 ~~its successor entity~~ shall compile the information from the
621 counties into a report and provide the report to the President
622 of the Senate and the Speaker of the House of Representatives
623 ~~the Office of Tourism, Trade, and Economic Development~~. Economic
624 development incentives include:

625 1. Direct financial incentives of monetary assistance
626 provided to a business from the county or through an
627 organization authorized by the county. Such incentives include,
628 but are not limited to, grants, loans, equity investments, loan
629 insurance and guarantees, and training subsidies.

630 2. Indirect incentives in the form of grants and loans
631 provided to businesses and community organizations that provide
632 support to businesses or promote business investment or
633 development.

634 3. Fee-based or tax-based incentives, including, but not
635 limited to, credits, refunds, exemptions, and property tax
636 abatement or assessment reductions.

637 4. Below-market rate leases or deeds for real property.

638 (b) A county shall report its economic development

8-01919-11

20111204

639 incentives in the format specified by the Office of Economic and
640 Demographic Research ~~Legislative Committee on Intergovernmental~~
641 ~~Relations or its successor entity.~~

642 (c) The Office of Economic and Demographic Research
643 ~~Legislative Committee on Intergovernmental Relations or its~~
644 ~~successor entity~~ shall compile the economic development
645 incentives provided by each county in a manner that shows the
646 total of each class of economic development incentives provided
647 by each county and all counties.

648 Section 20. Subsections (4), (5), (6), and (9) of section
649 163.055, Florida Statutes, are amended to read:

650 163.055 Local Government Financial Technical Assistance
651 Program.—

652 (4) The Chief Financial Officer shall enter into contracts
653 with program providers who shall:

654 (a) Be a public agency or private, nonprofit corporation,
655 association, or entity.

656 (b) Use existing resources, services, and information that
657 are available from state or local agencies, universities, or the
658 private sector.

659 (c) Seek and accept funding from any public or private
660 source.

661 ~~(d) Annually submit information to assist the Legislative~~
662 ~~Committee on Intergovernmental Relations in preparing a~~
663 ~~performance review that will include an analysis of the~~
664 ~~effectiveness of the program.~~

665 (d) ~~(e)~~ Assist municipalities and independent special
666 districts in developing alternative revenue sources.

667 (e) ~~(f)~~ Provide for an annual independent financial audit of

8-01919-11

20111204

668 the program, if the program receives funding.

669 (f)~~(g)~~ Provide assistance to municipalities and special
670 districts in the areas of financial management, accounting,
671 investing, budgeting, and debt issuance.

672 (g)~~(h)~~ Develop a needs assessment to determine where
673 assistance should be targeted, and to establish a priority
674 system to deliver assistance to those jurisdictions most in need
675 through the most economical means available.

676 (h)~~(i)~~ Provide financial emergency assistance upon
677 direction from the Executive Office of the Governor pursuant to
678 s. 218.503.

679 (5) (a) The Chief Financial Officer shall issue a request
680 for proposals to provide assistance to municipalities and
681 special districts. ~~At the request of the Chief Financial~~
682 ~~Officer, the Legislative Committee on Intergovernmental~~
683 ~~Relations shall assist in the preparation of the request for~~
684 ~~proposals.~~

685 (b) The Chief Financial Officer shall review each contract
686 proposal submitted.

687 ~~(c) The Legislative Committee on Intergovernmental~~
688 ~~Relations shall review each contract proposal and submit to the~~
689 ~~Chief Financial Officer, in writing, advisory comments and~~
690 ~~recommendations, citing with specificity the reasons for its~~
691 ~~recommendations.~~

692 (c)~~(d)~~ The Chief Financial Officer and ~~the Legislative~~
693 ~~Committee on Intergovernmental Relations~~ shall consider the
694 following factors in reviewing contract proposals:

695 1. The demonstrated capacity of the provider to conduct
696 needs assessments and implement the program as proposed.

8-01919-11

20111204__

697 2. The number of municipalities and special districts to be
698 served under the proposal.

699 3. The cost of the program as specified in a proposed
700 budget.

701 4. The short-term and long-term benefits of the assistance
702 to municipalities and special districts.

703 5. The form and extent to which existing resources,
704 services, and information that are available from state and
705 local agencies, universities, and the private sector will be
706 used by the provider under the contract.

707 (6) A decision of the Chief Financial Officer to award a
708 contract under this section is final and shall be in writing
709 ~~with a copy provided to the Legislative Committee on~~
710 ~~Intergovernmental Relations.~~

711 ~~(9) The Legislative Committee on Intergovernmental~~
712 ~~Relations shall annually conduct a performance review of the~~
713 ~~program. The findings of the review shall be presented in a~~
714 ~~report submitted to the Governor, the President of the Senate,~~
715 ~~the Speaker of the House of Representatives, and the Chief~~
716 ~~Financial Officer by January 15 of each year.~~

717 Section 21. Subsection (6) of section 163.3245, Florida
718 Statutes, is amended to read:

719 163.3245 Optional sector plans.—

720 (6) Beginning December 1, 1999, and each year thereafter,
721 the department shall provide a status report to the President of
722 the Senate and the Speaker of the House of Representatives
723 ~~Legislative Committee on Intergovernmental Relations~~ regarding
724 each optional sector plan authorized under this section.

725 Section 22. Paragraphs (d) and (e) of subsection (9) of

8-01919-11

20111204__

726 section 166.021, Florida Statutes, are amended to read:

727 166.021 Powers.—

728 (9)

729 (d) A contract between the governing body of a municipality
730 or other entity engaged in economic development activities on
731 behalf of the municipality and an economic development agency
732 must require the agency or entity receiving municipal funds to
733 submit a report to the governing body of the municipality
734 detailing how the municipal funds are spent and detailing the
735 results of the economic development agency's or entity's efforts
736 on behalf of the municipality. By January 15, 2011, and annually
737 thereafter, the municipality shall file a copy of the report
738 with the Office of Economic and Demographic Research ~~Legislative~~
739 ~~Committee on Intergovernmental Relations or its successor entity~~
740 and post a copy of the report on the municipality's website.

741 (e)1. By January 15, 2011, and annually thereafter
742 ~~thereafter~~, each municipality having annual revenues or
743 expenditures greater than \$250,000 shall report to the Office of
744 Economic and Demographic Research ~~Legislative Committee on~~
745 ~~Intergovernmental Relations or its successor entity~~ the economic
746 development incentives in excess of \$25,000 given to any
747 business during the municipality's previous fiscal year. The
748 Office of Economic and Demographic Research ~~Legislative~~
749 ~~Committee on Intergovernmental Relations or its successor entity~~
750 shall compile the information from the municipalities into a
751 report and provide the report to the President of the Senate and
752 the Speaker of the House of Representatives ~~the Office of~~
753 ~~Tourism, Trade, and Economic Development~~. Economic development
754 incentives include:

8-01919-11

20111204

755 a. Direct financial incentives of monetary assistance
756 provided to a business from the municipality or through an
757 organization authorized by the municipality. Such incentives
758 include, but are not limited to, grants, loans, equity
759 investments, loan insurance and guarantees, and training
760 subsidies.

761 b. Indirect incentives in the form of grants and loans
762 provided to businesses and community organizations that provide
763 support to businesses or promote business investment or
764 development.

765 c. Fee-based or tax-based incentives, including, but not
766 limited to, credits, refunds, exemptions, and property tax
767 abatement or assessment reductions.

768 d. Below-market rate leases or deeds for real property.

769 2. A municipality shall report its economic development
770 incentives in the format specified by the Office of Economic and
771 Demographic Research ~~Legislative Committee on Intergovernmental~~
772 ~~Relations or its successor entity~~.

773 3. The Office of Economic and Demographic Research
774 ~~Legislative Committee on Intergovernmental Relations or its~~
775 ~~successor entity~~ shall compile the economic development
776 incentives provided by each municipality in a manner that shows
777 the total of each class of economic development incentives
778 provided by each municipality and all municipalities.

779 Section 23. Subsection (3) of section 189.421, Florida
780 Statutes, is amended to read:

781 189.421 Failure of district to disclose financial reports.—

782 (3) Pursuant to s. 11.40 (2) ~~(5)~~ (b), the Legislative Auditing
783 Committee shall notify the department of those districts that

8-01919-11

20111204

784 failed to file the required report. Within 30 days after
785 receiving this notice or within 30 days after the extension date
786 provided in subsection (1), whichever occurs later, the
787 department shall proceed as follows: notwithstanding the
788 provisions of chapter 120, the department shall file a petition
789 for writ of certiorari with the circuit court. Venue for all
790 actions pursuant to this subsection shall be in Leon County. The
791 court shall award the prevailing party attorney's fees and costs
792 in all cases filed pursuant to this section unless affirmatively
793 waived by all parties. A writ of certiorari shall be issued
794 unless a respondent establishes that the notification of the
795 Legislative Auditing Committee was issued as a result of
796 material error. Proceedings under this subsection shall
797 otherwise be governed by the Rules of Appellate Procedure.

798 Section 24. Subsection (5) of section 216.181, Florida
799 Statutes, is amended to read:

800 216.181 Approved budgets for operations and fixed capital
801 outlay.—

802 (5) An amendment to the original operating budget for an
803 information technology project or initiative that involves more
804 than one agency, has an outcome that impacts another agency, or
805 exceeds \$500,000 in total cost over a 1-year period, except for
806 those projects that are a continuation of hardware or software
807 maintenance or software licensing agreements, or that are for
808 desktop replacement that is similar to the technology currently
809 in use must be ~~reviewed by the Technology Review Workgroup~~
810 ~~pursuant to s. 216.0446~~ and approved by the Executive Office of
811 the Governor for the executive branch or by the Chief Justice
812 for the judicial branch, and shall be subject to approval by the

8-01919-11

20111204

813 Legislative Budget Commission as well as the notice and
814 objection procedures set forth in s. 216.177.

815 Section 25. Paragraph (f) of subsection (1) of section
816 218.32, Florida Statutes, is amended to read:

817 218.32 Annual financial reports; local governmental
818 entities.—

819 (1)

820 (f) If the department does not receive a completed annual
821 financial report from a local governmental entity within the
822 required period, it shall notify the Legislative Auditing
823 Committee of the local governmental entity's failure to comply
824 with the reporting requirements. ~~The committee shall proceed in~~
825 ~~accordance with s. 11.40(5).~~

826 Section 26. Subsection (3) of section 218.38, Florida
827 Statutes, is amended to read:

828 218.38 Notice of bond issues required; verification.—

829 (3) If a unit of local government fails to verify pursuant
830 to subsection (2) the information held by the division, or fails
831 to provide the information required by subsection (1), the
832 division shall notify the Legislative Auditing Committee of such
833 failure to comply. ~~The committee shall proceed in accordance~~
834 ~~with s. 11.40(5).~~

835 Section 27. Paragraph (b) of subsection (2) of section
836 287.0943, Florida Statutes, is amended to read:

837 287.0943 Certification of minority business enterprises.—

838 (2)

839 (b) The task force shall be regionally balanced and
840 comprised of officials representing the department, counties,
841 municipalities, school boards, special districts, and other

8-01919-11

20111204

842 political subdivisions of the state who administer programs to
843 assist minority businesses in procurement or development in
844 government-sponsored programs. The following organizations may
845 appoint two members each of the task force who fit the
846 description above:

- 847 1. The Florida League of Cities, Inc.
- 848 2. The Florida Association of Counties.
- 849 3. The Florida School Boards Association, Inc.
- 850 4. The Association of Special Districts.
- 851 5. The Florida Association of Minority Business Enterprise
852 Officials.
- 853 6. The Florida Association of Government Purchasing
854 Officials.

855
856 In addition, the Office of Supplier Diversity shall appoint
857 seven members consisting of three representatives of minority
858 business enterprises, one of whom should be a woman business
859 owner, two officials of the office, and two at-large members to
860 ensure balance. ~~The chairperson of the Legislative Committee on~~
861 ~~Intergovernmental Relations or a designee shall be a member of~~
862 ~~the task force, ex officio.~~ A quorum shall consist of one-third
863 of the current members, and the task force may take action by
864 majority vote. Any vacancy may only be filled by the
865 organization or agency originally authorized to appoint the
866 position.

867 Section 28. Subsection (4) of section 288.7001, Florida
868 Statutes, is amended to read:

- 869 288.7001 Small Business Regulatory Advisory Council.—
870 (4) PERIODIC REVIEW OF RULES.—

8-01919-11

20111204

871 (a) ~~In coordination with the sunset review schedule~~
872 ~~provided in s. 11.905,~~ The council may periodically review rules
873 of agencies ~~subject to sunset review~~ to determine whether the
874 rules should be continued without change or should be amended or
875 repealed to reduce the impact of the rules on small businesses,
876 subject to the requirement that the recommendations of the
877 council must be feasible and consistent with the stated
878 objectives of the rules.

879 (b) In reviewing agency rules to reduce the impact on small
880 businesses, the council, in coordination with the agency, shall
881 consider the following factors:

882 1. Continued need for the rule;

883 2. The nature of complaints or comments received from the
884 public concerning the rule;

885 3. The complexity of the rule;

886 4. The extent to which the rule overlaps, duplicates, or
887 conflicts with other federal, state, and local government rules;
888 and

889 5. The length of time since the rule has been evaluated or
890 the degree to which technology, economic conditions, or other
891 factors have changed in the topical area affected by the rule.

892 (c) ~~Within 6 months after the agency report is submitted to~~
893 ~~the Joint Legislative Sunset Committee pursuant to s. 11.907,~~
894 The council shall ~~provide a report~~ its conclusions upon
895 completion of any review under paragraph (a) to the Governor,
896 the President of the Senate, and the Speaker of the House of
897 Representatives, ~~and the Joint Legislative Sunset Committee~~ that
898 includes recommendations and evaluations of agency rules and
899 programs regarding regulatory fairness for small businesses. A

8-01919-11

20111204

900 component of the report shall be a rating system, developed by
901 the council, entitled "Small Business Friendliness and
902 Development Scorecard."

903 Section 29. Subsection (1) of section 350.061, Florida
904 Statutes, is amended to read:

905 350.061 Public Counsel; appointment; oath; restrictions on
906 Public Counsel and his or her employees.—

907 (1) The committee designated by joint rule of the
908 Legislature or by agreement between the President of the Senate
909 and the Speaker of the House of Representatives as the Committee
910 on Public Counsel Oversight shall appoint a Public Counsel by
911 ~~majority vote of the members of the committee~~ to represent the
912 general public of Florida before the Florida Public Service
913 Commission. The Public Counsel shall be an attorney admitted to
914 practice before the Florida Supreme Court and shall serve at the
915 pleasure of the Committee on Public Counsel Oversight, subject
916 to biennial reconfirmation by the committee. The Public Counsel
917 shall perform his or her duties independently. Vacancies in the
918 office shall be filled in the same manner as the original
919 appointment.

920 Section 30. Subsection (2) of section 350.0614, Florida
921 Statutes, is amended to read:

922 350.0614 Public Counsel; compensation and expenses.—

923 (2) The Legislature declares and determines that the Public
924 Counsel is under the legislative branch of government within the
925 intention of the legislation as expressed in chapter 216, and no
926 power shall be in the Executive Office of the Governor or its
927 successor to release or withhold funds appropriated to it, but
928 the same shall be available for expenditure as provided by law

8-01919-11

20111204

929 ~~and the rules or decisions of the Committee on Public Counsel~~
930 ~~Oversight.~~

931 Section 31. Paragraph (b) of subsection (8) of section
932 373.026, Florida Statutes, is amended to read:

933 373.026 General powers and duties of the department.—The
934 department, or its successor agency, shall be responsible for
935 the administration of this chapter at the state level. However,
936 it is the policy of the state that, to the greatest extent
937 possible, the department may enter into interagency or
938 interlocal agreements with any other state agency, any water
939 management district, or any local government conducting programs
940 related to or materially affecting the water resources of the
941 state. All such agreements shall be subject to the provisions of
942 s. 373.046. In addition to its other powers and duties, the
943 department shall, to the greatest extent possible:

944 (8)

945 (b) To ensure to the greatest extent possible that project
946 components will go forward as planned, the department shall
947 collaborate with the South Florida Water Management District in
948 implementing the comprehensive plan as defined in s.
949 373.470(2)(b), the Lake Okeechobee Watershed Protection Plan as
950 defined in s. 373.4595(2), and the River Watershed Protection
951 Plans as defined in s. 373.4595(2). Before any project component
952 is submitted to Congress for authorization or receives an
953 appropriation of state funds, the department must approve, or
954 approve with amendments, each project component within 60 days
955 following formal submittal of the project component to the
956 department. Prior to the release of state funds for the
957 implementation of the comprehensive plan, department approval

8-01919-11

20111204

958 shall be based upon a determination of the South Florida Water
959 Management District's compliance with s. 373.1501(5). Once a
960 project component is approved, the South Florida Water
961 Management District shall provide to the President of the Senate
962 and the Speaker of the House of Representatives ~~Joint~~
963 ~~Legislative Committee on Everglades Oversight~~ a schedule for
964 implementing the project component, the estimated total cost of
965 the project component, any existing federal or nonfederal
966 credits, the estimated remaining federal and nonfederal share of
967 costs, and an estimate of the amount of state funds that will be
968 needed to implement the project component. All requests for an
969 appropriation of state funds needed to implement the project
970 component shall be submitted to the department, and such
971 requests shall be included in the department's annual request to
972 the Governor. Prior to the release of state funds for the
973 implementation of the Lake Okeechobee Watershed Protection Plan
974 or the River Watershed Protection Plans, on an annual basis, the
975 South Florida Water Management District shall prepare an annual
976 work plan as part of the consolidated annual report required in
977 s. 373.036(7). Upon a determination by the secretary of the
978 annual work plan's consistency with the goals and objectives of
979 s. 373.4595, the secretary may approve the release of state
980 funds. Any modifications to the annual work plan shall be
981 submitted to the secretary for review and approval.

982 Section 32. Paragraph (e) of subsection (7) of section
983 373.036, Florida Statutes, is amended to read:

984 373.036 Florida water plan; district water management
985 plans.—

986 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

8-01919-11

20111204

987 (e) In addition to the elements specified in paragraph (b),
988 the South Florida Water Management District shall include in the
989 consolidated annual report the following elements:

990 1. The Lake Okeechobee Protection Program annual progress
991 report required by s. 373.4595(3)(g).

992 2. The Everglades annual progress reports specified in s.
993 373.4592(4)(d)5., (13), and (14).

994 3. The Everglades restoration annual report required by s.
995 373.470(7).

996 4. ~~The Everglades Forever Act annual implementation report~~
997 ~~required by s. 11.80(4).~~

998 5. ~~The Everglades Trust Fund annual expenditure report~~
999 ~~required by s. 373.45926(3).~~

1000 Section 33. Subsections (3) and (7) of section 373.45926,
1001 Florida Statutes, are amended to read:

1002 373.45926 Everglades Trust Fund; allocation of revenues and
1003 expenditure of funds for conservation and protection of natural
1004 resources and abatement of water pollution.—

1005 (3) The South Florida Water Management District shall
1006 furnish, as part of the consolidated annual report required by
1007 s. 373.036(7), a detailed copy of its expenditures from the
1008 Everglades Trust Fund to the Governor, the President of the
1009 Senate, and the Speaker of the House of Representatives, and
1010 shall make copies available to the public. ~~The information shall~~
1011 ~~be provided in a format approved by the Joint Legislative~~
1012 ~~Committee on Everglades Oversight. At the direction of the Joint~~
1013 ~~Legislative Committee on Everglades Oversight, an audit may be~~
1014 ~~made from time to time by the Auditor General, and such audit~~
1015 ~~shall be within the authority of said Auditor General to make.~~

8-01919-11

20111204

1016 (7) Annually, no later than January 1, the South Florida
1017 Water Management District shall report to the President of the
1018 Senate and the Speaker of the House of Representatives ~~Joint~~
1019 ~~Committee on Everglades Oversight:~~

1020 (a) The unencumbered balance which remains in the
1021 Everglades Trust Fund at the end of each fiscal year.

1022 (b) The revenues deposited in the Everglades Trust Fund
1023 pursuant to this section, by source, and the record of
1024 expenditures from the Everglades Trust Fund.

1025 Section 34. Subsection (9) of section 409.146, Florida
1026 Statutes, is amended to read:

1027 409.146 Children and families client and management
1028 information system.—

1029 (9) The Department of Children and Family Services shall
1030 provide an annual report to President of the Senate and the
1031 Speaker of the House of Representatives ~~the Joint Information~~
1032 ~~Technology Resources Committee. The committee shall review the~~
1033 ~~report and shall forward the report, along with its comments, to~~
1034 ~~the appropriate substantive and appropriations committees of the~~
1035 ~~House of Representatives and the Senate delineating the~~
1036 ~~development status of the system and other information necessary~~
1037 ~~for funding and policy formulation.~~ In developing the system,
1038 the Department of Children and Family Services shall consider
1039 and report on the availability of, and the costs associated with
1040 using, existing software and systems, including, but not limited
1041 to, those that are operational in other states, to meet the
1042 requirements of this section. The department shall also consider
1043 and report on the compatibility of such existing software and
1044 systems with an integrated management information system. The

8-01919-11

20111204

1045 report shall be submitted no later than December 1 of each year.

1046 Section 35. Section 450.261, Florida Statutes, is amended
1047 to read:

1048 450.261 Interstate Migrant Labor Commission; Florida
1049 membership.—In selecting the Florida membership of the
1050 Interstate Migrant Labor Commission, the Governor may designate
1051 the secretary of the Department of Community Affairs as his or
1052 her representative. ~~The two legislative members shall be chosen~~
1053 ~~from among the members of the Legislative Commission on Migrant~~
1054 ~~Labor, and at least one of the two members appointed by the~~
1055 ~~Governor shall be chosen from among the members of the advisory~~
1056 ~~committee to that commission.~~

1057 Section 36. Section 590.33, Florida Statutes, is amended to
1058 read:

1059 590.33 State compact administrator; compact advisory
1060 committee.—In pursuance of art. III of the compact, the director
1061 of the division shall act as compact administrator for Florida
1062 of the Southeastern Interstate Forest Fire Protection Compact
1063 during his or her term of office as director, and his or her
1064 successor as compact administrator shall be his or her successor
1065 as director of the division. As compact administrator, he or she
1066 shall be an ex officio member of the advisory committee of the
1067 Southeastern Interstate Forest Fire Protection Compact, and
1068 chair ex officio of the Florida members of the advisory
1069 committee. There shall be four members of the Southeastern
1070 Interstate Forest Fire Protection Compact Advisory Committee
1071 from Florida. Two of the members from Florida shall be members
1072 of the Legislature of Florida, one from the Senate designated by
1073 the President of the Senate and one from the House of

8-01919-11

20111204

1074 Representatives designated by the Speaker of the House, and the
1075 terms of any such members shall terminate at the time they cease
1076 to hold legislative office, and their successors as members
1077 shall be named in like manner. The Governor shall appoint the
1078 other two members from Florida, one of whom shall be associated
1079 with forestry or forest products industries. The terms of such
1080 members shall be 3 years and such members shall hold office
1081 until their respective successors shall be appointed and
1082 qualified. Vacancies occurring in the office of such members
1083 from any reason or cause shall be filled by appointment by the
1084 Governor for the unexpired term. The director of the division as
1085 compact administrator for Florida may delegate, from time to
1086 time, to any deputy or other subordinate in his or her
1087 department or office, the power to be present and participate,
1088 including voting as his or her representative or substitute at
1089 any meeting of or hearing by or other proceeding of the compact
1090 administrators or of the advisory committee. The terms of each
1091 of the initial four memberships, whether appointed at said time
1092 or not, shall begin upon the date upon which the compact shall
1093 become effective in accordance with art. II of said compact. Any
1094 member of the advisory committee may be removed from office by
1095 the Governor upon charges and after a hearing.

1096 Section 37. Paragraph (a) of subsection (5) of section
1097 1000.01, Florida Statutes, is amended to read:

1098 1000.01 The Florida K-20 education system; technical
1099 provisions.—

1100 (5) EDUCATION GOVERNANCE TRANSFERS.—

1101 (a) Effective July 1, 2001:

1102 1. The Board of Regents is abolished.

8-01919-11

20111204

1103 2. All of the powers, duties, functions, records,
 1104 personnel, and property; unexpended balances of appropriations,
 1105 allocations, and other funds; administrative authority;
 1106 administrative rules; pending issues; and existing contracts of
 1107 the Board of Regents are transferred by a type two transfer,
 1108 pursuant to s. 20.06(2), to the State Board of Education.

1109 3. The State Board of Community Colleges is abolished.

1110 4. All of the powers, duties, functions, records,
 1111 personnel, and property; unexpended balances of appropriations,
 1112 allocations, and other funds; administrative authority;
 1113 administrative rules; pending issues; and existing contracts of
 1114 the State Board of Community Colleges are transferred by a type
 1115 two transfer, pursuant to s. 20.06(2), from the Department of
 1116 Education to the State Board of Education.

1117 5. The Postsecondary Education Planning Commission is
 1118 abolished.

1119 ~~6. The Council for Education Policy Research and~~
 1120 ~~Improvement is created as an independent office under the Office~~
 1121 ~~of Legislative Services.~~

1122 ~~7. All personnel, unexpended balances of appropriations,~~
 1123 ~~and allocations of the Postsecondary Education Planning~~
 1124 ~~Commission are transferred to the Council for Education Policy~~
 1125 ~~Research and Improvement.~~

1126 6.8. The Articulation Coordinating Committee and the
 1127 Education Standards Commission are transferred by a type two
 1128 transfer, pursuant to s. 20.06(2), from the Department of
 1129 Education to the State Board of Education.

1130 Section 38. This act shall take effect upon becoming a law.