

By the Committee on Community Affairs; and Senator Gardiner

578-02596-12

20121868c1

1 A bill to be entitled

2 An act relating to federal grants; requiring a county,
3 municipality, or special district to identify and
4 disclose the costs of a federally funded project which
5 will not be funded by the federal grant; requiring the
6 entity to disclose a plan for funding the project
7 after the depletion of federal funds; authorizing a
8 person to file a civil action to enforce the
9 disclosure of unfunded, long-term costs of a county,
10 municipality, or special district project funded by a
11 federal grant; requiring the court to assess
12 reasonable costs, including attorney fees, against the
13 county, municipality, or special district if the court
14 finds that the county, municipality, or special
15 district did not disclose the unfunded costs of a
16 project funded by a federal grant; requiring auditors
17 to report on compliance; providing an exception for
18 federal grants associated with natural disasters,
19 grants involving the Federal Emergency Management
20 Agency, grants received from the Department of
21 Homeland Security, or Medicaid funds; amending s.
22 218.39, F.S.; requiring that the Auditor General
23 notify the Legislative Auditing Committee of any audit
24 report indicating that an audited entity has failed to
25 comply with the disclosure requirements of the act;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Disclosure of unfunded, long-term costs of
31 federal grant programs.—

32 (1) (a) Before accepting a federal grant, a county,
33 municipality, or special district shall identify and disclose,
34 for each project that is funded by the federal grant, the costs
35 of the activities of the project which will not be funded by the
36 federal funds. The costs shall be calculated from inception of
37 the project through the 2 fiscal years after the federal funds
38 have been depleted.

39 (b) The costs of activities not paid by federal funds may
40 include, but are not limited to, required state and local
41 matching funds, projected payroll costs, maintenance costs, and
42 costs to operate and administer the project.

43 (c) Such unremitted costs shall be disclosed by prominently
44 posting a disclosure statement on the website of the county,
45 municipality, or special district undertaking the project or
46 activity. The statement shall be posted at least 10 days before
47 the governing body of the county, municipality, or special
48 district votes to accept the federal grant or otherwise takes
49 any other action to authorize acceptance of the federal grant.

50 (d) If a special district does not operate an official
51 website, the special district shall, within a reasonable period
52 of time as established by the local general-purpose government
53 or governments in which the special district is located or the
54 local governing authority to which the district is dependent,
55 transmit the disclosure statement to the manager or
56 administrator of the local general-purpose government or the
57 local governing authority. Thereafter, the manager or
58 administrator shall post the special district disclosure

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59 statement on the website of the local general-purpose government
60 or governing authority.

61 (e) The disclosure statement for a county, municipality, or
62 special district shall describe the project and include a plan
63 for funding the project for up to 2 fiscal years after the
64 federal grant funds have been depleted.

65 (2) A person may file a civil action to enforce compliance
66 with subsection (1). If a civil action is filed against a
67 county, municipality, or special district and the court finds
68 that the county, municipality, or special district failed to
69 comply with subsection (1), the court shall assess and award
70 against the appropriate county, municipality, or special
71 district the reasonable costs of enforcing subsection (1),
72 including reasonable attorney fees.

73 (3) Certified public accountants conducting audits of
74 counties, municipalities, or special districts pursuant to s.
75 218.39, Florida Statutes, shall report, as part of the audit,
76 whether or not the county, municipality, or special district has
77 complied with this section.

78 (4) This section does not apply to federal grants
79 associated with natural disasters, grants involving the Federal
80 Emergency Management Agency, grants received from the Department
81 of Homeland Security, or Medicaid funds.

82 Section 2. Present subsections (9) through (12) of section
83 218.39, Florida Statutes, are renumbered as subsections (10)
84 through (13), respectively, and a new subsection (9) is added to
85 that section, to read:

86 218.39 Annual financial audit reports.—

87 (9) The Auditor General shall notify the Legislative

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88 Auditing Committee of any audit report that indicates that an
89 audited entity has failed to comply with the required
90 disclosures relating to the receipt of federal funds.

91 (a) The committee may direct the governing body of the
92 audited entity to provide to the committee the required
93 disclosure statement or a written statement explaining why the
94 required disclosure statement was not prepared.

95 (b) If the committee determines that the written statement
96 is not sufficient, it may require the chair of the governing
97 body of the local governmental entity or the chair's designee,
98 or the elected official of each county agency or the elected
99 official's designee, as appropriate, to appear before the
100 committee.

101 (c) If the committee determines that an audited entity has
102 failed to prepare a required disclosure statement for which
103 there is no justifiable reason for not preparing such, or has
104 failed to comply with committee requests made pursuant to this
105 subsection, the committee may proceed in accordance with s.
106 11.40(2).

107 Section 3. This act shall take effect July 1, 2012.