

By the Committee on Ethics and Elections; and Senator Gaetz

582-02059-16

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1 A bill to be entitled
2 An act relating to government accountability;
3 providing a short title; amending s. 11.045, F.S.;
4 defining terms; requiring each house of the
5 Legislature to provide by rule reporting requirements
6 regarding lobbying firm's lobbying activities;
7 specifying requirements regarding the content of
8 reports and filing deadlines; requiring each house of
9 the Legislature to establish procedures applicable to
10 untimely filing of reports by rule; providing fines
11 for late filing of reports; amending s. 11.40, F.S.;
12 specifying that the Governor, the Commissioner of
13 Education, or the designee of the Governor or of the
14 Commissioner of Education may notify the Legislative
15 Auditing Committee of an entity's failure to comply
16 with certain auditing and financial reporting
17 requirements; amending s. 11.45, F.S.; defining the
18 terms "abuse," "fraud," and "waste"; revising the
19 definition of the term "local governmental entity";
20 excluding water management districts from certain
21 audit requirements; removing a cross-reference;
22 authorizing the Auditor General to conduct audits of
23 tourist development councils and county tourism
24 promotion agencies; revising reporting requirements
25 applicable to the Auditor General; creating s. 20.602,
26 F.S.; specifying the applicability of certain
27 provisions of the Code of Ethics for Public Officers
28 and Employees to officers and board members of
29 corporate entities associated with the Department of
30 Economic Opportunity; prohibiting such officers and
31 board members from representing a person or an entity
32 for compensation before certain bodies for a specified

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33 timeframe; providing for construction; amending s.
34 28.35, F.S.; revising reporting requirements
35 applicable to the Florida Clerks of Court Operations
36 Corporation; amending s. 43.16, F.S.; revising the
37 responsibilities of the Justice Administrative
38 Commission, each state attorney, each public defender,
39 a criminal conflict and civil regional counsel, a
40 capital collateral regional counsel, and the Guardian
41 Ad Litem Program, to include the establishment and
42 maintenance of certain internal controls; creating s.
43 112.3126, F.S.; defining the term "private entity";
44 prohibiting a member of the Legislature from accepting
45 employment with a private entity that directly
46 receives state funds; providing an exception; amending
47 s. 112.313, F.S.; specifying that prohibitions on
48 conflicting employment or contractual relationships
49 for public officers or employees of an agency apply to
50 contractual relationships held by certain business
51 entities; amending s. 112.3144, F.S.; requiring
52 elected municipal officers to file a full and public
53 disclosure of financial interests, rather than a
54 statement of financial interests; providing for
55 applicability; amending s. 112.31455, F.S.; revising
56 provisions governing collection methods for unpaid
57 automatic fines for failure to timely file disclosure
58 of financial interests to include school districts;
59 amending s. 112.3215, F.S.; requiring a lobbying firm
60 to file a report with the Commission on Ethics
61 disclosing whether the firm lobbied the Governor to

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62 approve or veto a bill or an appropriation; requiring
63 the commission to establish procedures applicable to
64 untimely filing of reports by rule; providing fines
65 for late filing of reports; conforming provisions to
66 changes made by the act; amending s. 112.324, F.S.;
67 authorizing the commission to investigate certain
68 violations of the public trust upon receipt of
69 reliable and publicly disseminated information if
70 certain conditions are met; conforming provisions to
71 changes made by the act; amending s. 112.3261, F.S.;
72 revising terms to conform to changes made by the act;
73 expanding the types of governmental entities that are
74 subject to lobbyist registration requirements;
75 requiring a governmental entity to create a lobbyist
76 registration form; amending ss. 129.03, 129.06,
77 166.241, and 189.016, F.S.; requiring counties,
78 municipalities, and special districts to maintain
79 certain budget documents on the entities' websites for
80 a specified period; amending s. 215.425, F.S.;
81 defining the term "public funds"; revising exceptions
82 to the prohibition on extra compensation claims;
83 requiring certain contracts to which a unit of
84 government or state university is a party during a
85 specified period to contain certain prohibitions on
86 severance pay; requiring a unit of government to
87 investigate and take necessary action to recover
88 prohibited compensation; specifying methods of
89 recovery for unintentional and willful violations;
90 providing a penalty; specifying applicability of

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91 procedures regarding suspension and removal of an
92 officer who commits a willful violation; establishing
93 eligibility criteria and amounts for rewards;
94 specifying circumstances under which an employee has a
95 cause of action under the Whistle-blower's Act;
96 establishing causes of action if a unit of government
97 fails to recover prohibited compensation within a
98 certain timeframe; providing for applicability;
99 amending s. 215.86, F.S.; revising the purposes for
100 which management systems and internal controls must be
101 established and maintained by each state agency and
102 the judicial branch; amending s. 215.97, F.S.;
103 revising the definition of the term "audit threshold";
104 amending s. 215.985, F.S.; revising the requirements
105 for a monthly financial statement provided by a water
106 management district; amending s. 218.32, F.S.;
107 revising the requirements of the annual financial
108 audit report of a local governmental entity;
109 authorizing the Department of Financial Services to
110 request additional information from a local
111 governmental entity; requiring a local governmental
112 entity to respond to such requests within a specified
113 timeframe; requiring the department to notify the
114 Legislative Auditing Committee of noncompliance;
115 amending s. 218.33, F.S.; requiring local governmental
116 entities to establish and maintain internal controls
117 to achieve specified purposes; amending s. 218.39,
118 F.S.; requiring an audited entity to respond to audit
119 recommendations under specified circumstances;

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120 amending s. 218.391, F.S.; revising the composition of
121 an audit committee; prohibiting an audit committee
122 member from being an employee, a chief executive
123 officer, or a chief financial officer of the
124 respective governmental entity; requiring the chair of
125 an audit committee to sign and execute an affidavit
126 affirming compliance with auditor selection
127 procedures; prescribing procedures in the event of
128 noncompliance with auditor selection procedures;
129 amending s. 286.0114, F.S.; prohibiting a board or
130 commission from requiring an advance copy of testimony
131 or comments from a member of the public as a
132 precondition to be given the opportunity to be heard
133 at a public meeting; amending s. 288.92, F.S.;

134 prohibiting specified officers and board members of
135 Enterprise Florida, Inc., from representing a person
136 or entity for compensation before Enterprise Florida,
137 Inc., and associated entities thereof, for a specified
138 timeframe; amending s. 288.9604, F.S.; prohibiting a
139 director of the Florida Development Finance
140 Corporation from representing a person or an entity
141 for compensation before the corporation for a
142 specified timeframe; amending s. 373.536, F.S.;

143 deleting obsolete language; requiring water management
144 districts to maintain certain budget documents on the
145 districts' websites for a specified period; amending
146 s. 838.014, F.S.; deleting, revising, and providing
147 definitions; amending s. 838.015, F.S.; revising the
148 definition of "bribery"; providing a penalty;

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149 conforming a provision to changes made by the act;
150 amending s. 838.016, F.S.; prohibiting a person from
151 knowingly and intentionally giving, offering, or
152 promising unlawful compensation or reward for official
153 behavior to a public servant; prohibiting a public
154 servant or public contractor from knowingly and
155 intentionally procuring unlawful compensation or
156 reward for official behavior; providing a penalty;
157 conforming provisions to changes made by the act;
158 amending s. 838.022, F.S.; prohibiting a public
159 servant or public contractor from knowingly and
160 intentionally engaging in specified activities
161 constituting official misconduct; providing a penalty;
162 amending s. 838.22, F.S.; prohibiting a public servant
163 and certain public contractors from knowingly and
164 intentionally influencing or attempting to influence
165 the competitive solicitation process; prohibiting any
166 person from committing specified acts to influence the
167 competitive solicitation process; providing a penalty;
168 revising terminology; amending s. 1001.42, F.S.;

169 authorizing additional internal audits as directed by
170 the district school board; amending s. 1002.33, F.S.;

171 revising the responsibilities of the governing board
172 of a charter school to include the establishment and
173 maintenance of internal controls; amending s. 1002.37,
174 F.S.; requiring completion of an annual financial
175 audit of the Florida Virtual School; specifying audit
176 requirements; requiring an audit report to be
177 submitted to the board of trustees of the Florida

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178 Virtual School and the Auditor General; removing
179 obsolete provisions; amending s. 1010.01, F.S.;
180 requiring each school district, Florida College System
181 institution, and state university to establish and
182 maintain certain internal controls; amending s.
183 1010.30, F.S.; requiring a district school board,
184 Florida College System institution board of trustees,
185 or university board of trustees to respond to audit
186 recommendations under certain circumstances; amending
187 ss. 11.0455, 68.082, 68.083, 99.061, 218.503,
188 921.0022, and 1002.455, F.S.; conforming provisions
189 and cross-references to changes made by the act;
190 reenacting s. 817.568(11), F.S., relating to criminal
191 use of personal identification information, to
192 incorporate the amendment made to s. 838.014, F.S., in
193 a reference thereto; declaring that the act fulfills
194 an important state interest; providing an effective
195 date.

196

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

198

199 Section 1. This act may be cited as the "Florida Anti-
200 Corruption Act of 2016."

201 Section 2. Present subsections (5) through (9) of section
202 11.045, Florida Statutes, are renumbered as subsections (6)
203 through (10), respectively, a new subsection (5) is added to
204 that section, and present subsection (8) of that section is
205 amended, to read:

206 11.045 Lobbying before the Legislature; registration and

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207 reporting; exemptions; penalties.-

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

209 1. "Lobbying activities" means any action designed to
210 support, oppose, or influence proposed legislation or proposed
211 legislative action. The term includes, but is not limited to,
212 any verbal, written, or electronic communication with any
213 legislator or legislative employee undertaken for the purpose of
214 directly or indirectly supporting, opposing, or influencing
215 legislation or requesting proposed legislation to be filed.

216 2. "Proposed legislation" includes, but is not limited to,
217 policies, ideas, issues, concepts, or statutory language that is
218 presently, or may at some future point be, reflected in or
219 impacted by a bill, a memorial, a resolution, a compact, or an
220 appropriation.

221 3. "Proposed legislative action" means any action by a
222 constituent entity of the Legislature, including, but not
223 limited to, the houses of the Legislature, a joint office, and a
224 joint committee.

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

228 1. The full name, business address, and telephone number of
229 the lobbying firm.

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

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

233 a. The proposed legislation or proposed legislative action
234 that the lobbying firm has attempted to support, oppose, or
235 influence;

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236 b. The entity lobbied;

237 c. Each principal on behalf of whom the lobbying firm has
238 acted; and

239 d. If the proposed legislation included an appropriation or
240 was an appropriation, the intended recipient of the
241 appropriation.

242 (c) For purposes of the reporting requirement provided in
243 this subsection, the reports must identify proposed legislation
244 by referencing any legislatively assigned identifying numbers,
245 including, but not limited to, bill numbers, amendment barcode
246 numbers, or specific appropriation numbers. If the proposed
247 legislation does not have an identifying number assigned, the
248 report must include a description of the subject matter of the
249 proposed legislation, whether the lobbying firm is supporting or
250 opposing the proposed legislation and, if seeking to modify the
251 proposed legislation, how the lobbying firm's modification would
252 alter the proposal.

253 (d) The reports shall be filed even if the reporting
254 lobbying firm did not engage in any lobbying activities
255 requiring disclosure, in which the report shall be marked "not
256 applicable."

257 (e) The reports shall be filed with the office by
258 electronic means no later than 7 business days after the end of
259 the preceding month. The reports shall be rendered in the
260 identical form provided by the respective houses and shall be
261 open to public inspection.

262 (f) Each house of the Legislature shall provide by rule, or
263 both houses may provide by joint rule, a procedure by which a
264 lobbying firm that fails to timely file a report is notified and

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265 assessed fines. The rule must provide the following:

266 1. Upon determining that the report is late, the person
267 designated to review the timeliness of reports shall immediately
268 notify the lobbying firm as to the failure to timely file the
269 report and that a fine is being assessed for each late day. The
270 fine shall be \$50 per day per report for each late day, not to
271 exceed \$5,000 per report.

272 2. Upon receipt of the report, the person designated to
273 review the timeliness of reports shall determine the amount of
274 the fine due based upon when a report is actually received by
275 the office.

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

280 4. A fine may not be assessed against a lobbying firm the
281 first time any reports for which the lobbying firm is
282 responsible are not timely filed. However, to receive the one-
283 time fine waiver, all reports for which the lobbying firm is
284 responsible must be filed within 30 days after notice that any
285 reports have not been timely filed is transmitted by the
286 Lobbyist Registration Office. A fine shall be assessed for any
287 subsequent late-filed reports.

288 5. Any lobbying firm may appeal or dispute a fine, based
289 upon unusual circumstances surrounding the failure to file on
290 the designated due date, and may request and is entitled to a
291 hearing before the General Counsel of the Office of Legislative
292 Services, who shall recommend to the President of the Senate and
293 the Speaker of the House of Representatives, or their respective

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294 designees, that the fine be waived in whole or in part for good
295 cause shown. The President of the Senate and the Speaker of the
296 House of Representatives, or their respective designees, may
297 concur in the recommendation and waive the fine in whole or in
298 part. Any such request must be made within 30 days after the
299 notice of payment due is transmitted by the office. In such
300 case, the lobbying firm shall, within the 30-day period, notify
301 the person designated to review the timeliness of reports in
302 writing of his or her intention to request a hearing.

303 6. A lobbying firm may request that the filing of a report
304 be waived upon good cause shown, based on unusual circumstances.
305 The request must be filed with the General Counsel of the Office
306 of Legislative Services, who shall make a recommendation
307 concerning the waiver request to the President of the Senate and
308 the Speaker of the House of Representatives. The President of
309 the Senate and the Speaker of the House of Representatives may
310 grant or deny the request.

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

316 8. The person designated to review the timeliness of
317 reports shall notify the coordinator of the office of the
318 failure of a lobbying firm to file a report after notice or of
319 the failure of a lobbying firm to pay the fine imposed.

320 (9)~~(8)~~ Any person required to be registered or to provide
321 information pursuant to this section or pursuant to rules
322 established in conformity with this section who knowingly fails

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323 to disclose any material fact required by this section or by
324 rules established in conformity with this section, or who
325 knowingly provides false information on any report required by
326 this section or by rules established in conformity with this
327 section, commits a noncriminal infraction, punishable by a fine
328 not to exceed \$5,000. Such penalty shall be in addition to any
329 other penalty assessed by a house of the Legislature pursuant to
330 subsection (8) ~~(7)~~.

331 Section 3. Subsection (2) of section 11.40, Florida
332 Statutes, is amended to read:

333 11.40 Legislative Auditing Committee.—

334 (2) Following notification by the Auditor General, the
335 Department of Financial Services, ~~or~~ the Division of Bond
336 Finance of the State Board of Administration, the Governor or
337 his or her designee, or the Commissioner of Education or his or
338 her designee of the failure of a local governmental entity,
339 district school board, charter school, or charter technical
340 career center to comply with the applicable provisions within s.
341 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
342 Legislative Auditing Committee may schedule a hearing to
343 determine if the entity should be subject to further state
344 action. If the committee determines that the entity should be
345 subject to further state action, the committee shall:

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

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352 begin, and the directive must be received by the Department of
353 Revenue and the Department of Financial Services 30 days before
354 the date of the distribution mandated by law. The Department of
355 Revenue and the Department of Financial Services may implement
356 ~~the provisions of~~ this paragraph.

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

358 1. A special act, notify the President of the Senate, the
359 Speaker of the House of Representatives, the standing committees
360 of the Senate and the House of Representatives charged with
361 special district oversight as determined by the presiding
362 officers of each respective chamber, the legislators who
363 represent a portion of the geographical jurisdiction of the
364 special district pursuant to s. 189.034(2), and the Department
365 of Economic Opportunity that the special district has failed to
366 comply with the law. Upon receipt of notification, the
367 Department of Economic Opportunity shall proceed pursuant to s.
368 189.062 or s. 189.067. If the special district remains in
369 noncompliance after the process set forth in s. 189.034(3), or
370 if a public hearing is not held, the Legislative Auditing
371 Committee may request the department to proceed pursuant to s.
372 189.067(3).

373 2. A local ordinance, notify the chair or equivalent of the
374 local general-purpose government pursuant to s. 189.035(2) and
375 the Department of Economic Opportunity that the special district
376 has failed to comply with the law. Upon receipt of notification,
377 the department shall proceed pursuant to s. 189.062 or s.
378 189.067. If the special district remains in noncompliance after
379 the process set forth in s. 189.034(3), or if a public hearing
380 is not held, the Legislative Auditing Committee may request the

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

382 3. Any manner other than a special act or local ordinance,
383 notify the Department of Economic Opportunity that the special
384 district has failed to comply with the law. Upon receipt of
385 notification, the department shall proceed pursuant to s.
386 189.062 or s. 189.067(3).

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

390 Section 4. Subsection (1), paragraph (j) of subsection (2),
391 paragraph (u) of subsection (3), and paragraph (i) of subsection
392 (7) of section 11.45, Florida Statutes, are amended, and
393 paragraph (x) is added to subsection (3) of that section, to
394 read:

395 11.45 Definitions; duties; authorities; reports; rules.—

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

397 (a) "Abuse" means behavior that is deficient or improper
398 when compared with behavior that a prudent person would consider
399 a reasonable and necessary operational practice given the facts
400 and circumstances. The term includes the misuse of authority or
401 position for personal gain.

402 (b)~~(a)~~ "Audit" means a financial audit, operational audit,
403 or performance audit.

404 (c)~~(b)~~ "County agency" means a board of county
405 commissioners or other legislative and governing body of a
406 county, however styled, including that of a consolidated or
407 metropolitan government, a clerk of the circuit court, a
408 separate or ex officio clerk of the county court, a sheriff, a
409 property appraiser, a tax collector, a supervisor of elections,

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

413 (d)~~(e)~~ "Financial audit" means an examination of financial
414 statements in order to express an opinion on the fairness with
415 which they are presented in conformity with generally accepted
416 accounting principles and an examination to determine whether
417 operations are properly conducted in accordance with legal and
418 regulatory requirements. Financial audits must be conducted in
419 accordance with auditing standards generally accepted in the
420 United States and government auditing standards as adopted by
421 the Board of Accountancy. When applicable, the scope of
422 financial audits must ~~shall~~ encompass the additional activities
423 necessary to establish compliance with the Single Audit Act
424 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
425 applicable federal law.

426 (e) "Fraud" means obtaining something of value through
427 willful misrepresentation, including, but not limited to, the
428 intentional misstatements or omissions of amounts or disclosures
429 in financial statements to deceive users of financial
430 statements, theft of an entity's assets, bribery, or the use of
431 one's position for personal enrichment through the deliberate
432 misuse or misapplication of an organization's resources.

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

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

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

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

443 (i) ~~(g)~~ "Operational audit" means an audit whose purpose is
444 to evaluate management's performance in establishing and
445 maintaining internal controls, including controls designed to
446 prevent and detect fraud, waste, and abuse, and in administering
447 assigned responsibilities in accordance with applicable laws,
448 administrative rules, contracts, grant agreements, and other
449 guidelines. Operational audits must be conducted in accordance
450 with government auditing standards. Such audits examine internal
451 controls that are designed and placed in operation to promote
452 and encourage the achievement of management's control objectives
453 in the categories of compliance, economic and efficient
454 operations, reliability of financial records and reports, and
455 safeguarding of assets, and identify weaknesses in those
456 internal controls.

457 (j) ~~(h)~~ "Performance audit" means an examination of a
458 program, activity, or function of a governmental entity,
459 conducted in accordance with applicable government auditing
460 standards or auditing and evaluation standards of other
461 appropriate authoritative bodies. The term includes an
462 examination of issues related to:

- 463 1. Economy, efficiency, or effectiveness of the program.
- 464 2. Structure or design of the program to accomplish its
465 goals and objectives.
- 466 3. Adequacy of the program to meet the needs identified by
467 the Legislature or governing body.

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468 4. Alternative methods of providing program services or
469 products.

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

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

474 7. Compliance of the program with appropriate policies,
475 rules, or laws.

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

478 (k)~~(i)~~ "Political subdivision" means a separate agency or
479 unit of local government created or established by law and
480 includes, but is not limited to, the following and the officers
481 thereof: authority, board, branch, bureau, city, commission,
482 consolidated government, county, department, district,
483 institution, metropolitan government, municipality, office,
484 officer, public corporation, town, or village.

485 (l)~~(j)~~ "State agency" means a separate agency or unit of
486 state government created or established by law and includes, but
487 is not limited to, the following and the officers thereof:
488 authority, board, branch, bureau, commission, department,
489 division, institution, office, officer, or public corporation,
490 as the case may be, except any such agency or unit within the
491 legislative branch of state government other than the Florida
492 Public Service Commission.

493 (m) "Waste" means the act of using or expending resources
494 unreasonably, carelessly, extravagantly, or for no useful
495 purpose.

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

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497 (j) Conduct audits of local governmental entities when
498 determined to be necessary by the Auditor General, when directed
499 by the Legislative Auditing Committee, or when otherwise
500 required by law. No later than 18 months after the release of
501 the audit report, the Auditor General shall perform such
502 appropriate followup procedures as he or she deems necessary to
503 determine the audited entity's progress in addressing the
504 findings and recommendations contained within the Auditor
505 General's previous report. The Auditor General shall notify each
506 member of the audited entity's governing body and the
507 Legislative Auditing Committee of the results of his or her
508 determination. For purposes of this paragraph, local
509 governmental entities do not include water management districts.
510

511 The Auditor General shall perform his or her duties
512 independently but under the general policies established by the
513 Legislative Auditing Committee. This subsection does not limit
514 the Auditor General's discretionary authority to conduct other
515 audits or engagements of governmental entities as authorized in
516 subsection (3).

517 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
518 General may, pursuant to his or her own authority, or at the
519 direction of the Legislative Auditing Committee, conduct audits
520 or other engagements as determined appropriate by the Auditor
521 General of:

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

523 (x) Tourist development councils and county tourism
524 promotion agencies.

525 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

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526 (i) The Auditor General shall annually transmit by July 15,
527 to the President of the Senate, the Speaker of the House of
528 Representatives, and the Department of Financial Services, a
529 list of all school districts, charter schools, charter technical
530 career centers, Florida College System institutions, state
531 universities, and local governmental entities ~~water management~~
532 ~~districts~~ that have failed to comply with the transparency
533 requirements as identified in the audit reports reviewed
534 pursuant to paragraph (b) and those conducted pursuant to
535 subsection (2).

536 Section 5. Section 20.602, Florida Statutes, is created to
537 read:

538 20.602 Standards of conduct; officers and board members of
539 Department of Economic Opportunity corporate entities.-

540 (1) The following officers and board members are subject to
541 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
542 112.3143(2):

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

544 1. Any corporation created under chapter 288;

545 2. Space Florida;

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

548 4. The Florida Housing Finance Corporation; or

549 5. Any other corporation created by the Department of
550 Economic Opportunity in accordance with its powers and duties
551 under s. 20.60.

552 (b) Officers and members of the board of directors of a
553 corporate parent or subsidiary corporation of a corporation
554 described in paragraph (a).

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555 (c) Officers and members of the board of directors of a
556 corporation created to carry out the missions of a corporation
557 described in paragraph (a).

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

561 (2) For purposes of applying ss. 112.313(1)-(8), (10),
562 (12), and (15); 112.3135; and 112.3143(2) to activities of the
563 officers and members of the board of directors specified in
564 subsection (1), those persons shall be considered public
565 officers or employees and the corporation shall be considered
566 their agency.

567 (3) For a period of 2 years after retirement from or
568 termination of service, or for a period of 10 years if removed
569 or terminated for cause or for misconduct, as defined in s.
570 443.036(29), an officer or a member of the board of directors
571 specified in subsection (1) may not represent another person or
572 entity for compensation before:

573 (a) His or her corporation;

574 (b) A division, a subsidiary, or the board of directors of
575 a corporation created to carry out the mission of his or her
576 corporation; or

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

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

583 Section 6. Paragraph (d) of subsection (2) of section

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584 28.35, Florida Statutes, is amended to read:

585 28.35 Florida Clerks of Court Operations Corporation.—

586 (2) The duties of the corporation shall include the
587 following:

588 (d) Developing and certifying a uniform system of workload
589 measures and applicable workload standards for court-related
590 functions as developed by the corporation and clerk workload
591 performance in meeting the workload performance standards. These
592 workload measures and workload performance standards shall be
593 designed to facilitate an objective determination of the
594 performance of each clerk in accordance with minimum standards
595 for fiscal management, operational efficiency, and effective
596 collection of fines, fees, service charges, and court costs. The
597 corporation shall develop the workload measures and workload
598 performance standards in consultation with the Legislature. When
599 the corporation finds a clerk has not met the workload
600 performance standards, the corporation shall identify the nature
601 of each deficiency and any corrective action recommended and
602 taken by the affected clerk of the court. For quarterly periods
603 ending on the last day of March, June, September, and December
604 of each year, the corporation shall notify the Legislature of
605 any clerk not meeting workload performance standards and provide
606 a copy of any corrective action plans. Such notifications shall
607 be submitted no later than 45 days after the end of the
608 preceding quarterly period. As used in this subsection, the
609 term:

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

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613 defined by the membership of the Florida Clerks of Court
614 Operations Corporation.

615 2. "Workload performance standards" means the standards
616 developed to measure the timeliness and effectiveness of the
617 activities that are accomplished by the clerk in the performance
618 of the court-related duties of the office as defined by the
619 membership of the Florida Clerks of Court Operations
620 Corporation.

621 Section 7. Present subsections (6) and (7) of section
622 43.16, Florida Statutes, are redesignated as subsections (7) and
623 (8), respectively, and a new subsection (6) is added to that
624 section, to read:

625 43.16 Justice Administrative Commission; membership, powers
626 and duties.—

627 (6) The commission, each state attorney, each public
628 defender, the criminal conflict and civil regional counsel, the
629 capital collateral regional counsel, and the Guardian Ad Litem
630 Program shall establish and maintain internal controls designed
631 to:

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

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

635 (c) Support economical and efficient operations.

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

637 (e) Safeguard assets.

638 Section 8. Section 112.3126, Florida Statutes, is created
639 to read:

640 112.3126 Employment restrictions; legislators.—

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

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642 means any nongovernmental entity, such as a corporation,
 643 partnership, company or nonprofit organization, any other legal
 644 entity, or any natural person.

645 (2) A member of the Legislature may not accept employment
 646 with a private entity that directly receives funding through
 647 state revenues appropriated by the General Appropriations Act. A
 648 member of the Legislature who is employed by such private entity
 649 before his or her legislative service begins may continue his or
 650 her employment. However, he or she may not accept promotion,
 651 advancement, additional compensation, or anything of value that
 652 he or she knows, or with the exercise of reasonable care should
 653 know, is provided or given as a result of his or her election or
 654 position, or that is otherwise inconsistent with the promotion,
 655 advancement, additional compensation, or anything of value
 656 provided or given an employee who is similarly situated.

657 Section 9. Subsection (7) of section 112.313, Florida
 658 Statutes, is amended to read:

659 112.313 Standards of conduct for public officers, employees
 660 of agencies, and local government attorneys.—

661 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

662 (a) A ~~Ne~~ public officer or employee of an agency may not
 663 ~~shall~~ have or hold any employment or contractual relationship
 664 with any business entity or any agency that ~~which~~ is subject to
 665 the regulation of, or is doing business with, an agency of which
 666 he or she is an officer or employee, excluding those
 667 organizations and their officers who, when acting in their
 668 official capacity, enter into or negotiate a collective
 669 bargaining contract with the state or any municipality, county,
 670 or other political subdivision of the state; and ~~nor shall~~ an

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671 officer or employee of an agency may not have or hold any
672 employment or contractual relationship that will create a
673 continuing or frequently recurring conflict between his or her
674 private interests and the performance of his or her public
675 duties or that would impede the full and faithful discharge of
676 his or her public duties. For purposes of this subsection, if a
677 public officer or employee of an agency holds a controlling
678 interest in a business entity or is an officer, a director, or a
679 member who manages such an entity, contractual relationships
680 held by the business entity are deemed to be held by the public
681 officer or employee.

682 1. When the agency referred to is a ~~that certain kind of~~
683 special tax district created by general or special law and is
684 limited specifically to constructing, maintaining, managing, and
685 financing improvements in the land area over which the agency
686 has jurisdiction, or when the agency has been organized pursuant
687 to chapter 298, ~~then~~ employment with, or entering into a
688 contractual relationship with, such a business entity by a
689 public officer or employee of such an agency is ~~shall~~ not be
690 prohibited by this subsection or ~~be~~ deemed a conflict per se.
691 However, conduct by such officer or employee that is prohibited
692 by, or otherwise frustrates the intent of, this section must
693 ~~shall~~ be deemed a conflict of interest in violation of the
694 standards of conduct set forth by this section.

695 2. When the agency referred to is a legislative body and
696 the regulatory power over the business entity resides in another
697 agency, or when the regulatory power that ~~which~~ the legislative
698 body exercises over the business entity or agency is strictly
699 through the enactment of laws or ordinances, ~~then~~ employment or

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700 a contractual relationship with such a business entity by a
701 public officer or employee of a legislative body is ~~shall~~ not ~~be~~
702 prohibited by this subsection or ~~be~~ deemed a conflict.

703 (b) This subsection does ~~shall~~ not prohibit a public
704 officer or employee from practicing in a particular profession
705 or occupation when such practice by persons holding such public
706 office or employment is required or permitted by law or
707 ordinance.

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

710 112.3144 Full and public disclosure of financial
711 interests.—

712 (1) In addition to officers specified in s. 8, Art. II of
713 the State Constitution or other state law, all elected municipal
714 officers are required to file a full and public disclosure of
715 their financial interests. An officer who is required ~~by s. 8,~~
716 ~~Art. II of the State Constitution~~ to file a full and public
717 disclosure of ~~his or her~~ financial interests for any calendar or
718 fiscal year shall file that disclosure with the ~~Florida~~
719 Commission on Ethics. ~~Additionally, beginning January 1, 2015,~~
720 An officer who is required to complete annual ethics training
721 pursuant to s. 112.3142 must certify on his or her full and
722 public disclosure of financial interests that he or she has
723 completed the required training.

724 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
725 ~~the State Constitution,~~ to file a full and public disclosure of
726 financial interests and who has filed a full and public
727 disclosure of financial interests for any calendar or fiscal
728 year is ~~shall~~ not ~~be~~ required to file a statement of financial

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729 interests pursuant to s. 112.3145(2) and (3) for the same year
730 or for any part thereof notwithstanding any requirement of this
731 part. If an incumbent in an elective office has filed the full
732 and public disclosure of financial interests to qualify for
733 election to the same office or if a candidate for office holds
734 another office subject to the annual filing requirement, the
735 qualifying officer shall forward an electronic copy of the full
736 and public disclosure of financial interests to the commission
737 no later than July 1. The electronic copy of the full and public
738 disclosure of financial interests satisfies the annual
739 disclosure requirement of this section. A candidate who does not
740 qualify until after the annual full and public disclosure of
741 financial interests has been filed pursuant to this section
742 shall file a copy of his or her disclosure with the officer
743 before whom he or she qualifies.

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

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

749 112.31455 Collection methods for unpaid automatic fines for
750 failure to timely file disclosure of financial interests.-

751 (1) Before referring any unpaid fine accrued pursuant to s.
752 112.3144(5) or s. 112.3145(7) to the Department of Financial
753 Services, the commission shall attempt to determine whether the
754 individual owing such a fine is a current public officer or
755 current public employee. If so, the commission may notify the
756 Chief Financial Officer or the governing body of the appropriate
757 county, municipality, school district, or special district of

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758 the total amount of any fine owed to the commission by such
759 individual.

760 (a) After receipt and verification of the notice from the
761 commission, the Chief Financial Officer or the governing body of
762 the county, municipality, school district, or special district
763 shall begin withholding the lesser of 10 percent or the maximum
764 amount allowed under federal law from any salary-related
765 payment. The withheld payments shall be remitted to the
766 commission until the fine is satisfied.

767 (b) The Chief Financial Officer or the governing body of
768 the county, municipality, school district, or special district
769 may retain an amount of each withheld payment, as provided in s.
770 77.0305, to cover the administrative costs incurred under this
771 section.

772 Section 13. Present subsections (7) through (15) of section
773 112.3215, Florida Statutes, are renumbered as subsections (8)
774 through (16), respectively, a new subsection (7) is added to
775 that section, and paragraph (a) of present subsection (8) and
776 present subsection (11) of that section are amended, to read:

777 112.3215 Lobbying before the executive branch or the
778 Constitution Revision Commission; registration and reporting;
779 investigation by commission.—

780 (7) If a lobbying firm lobbies the Governor to approve or
781 veto any bill passed by the Legislature or a specific
782 appropriation in the General Appropriations Act, the lobbying
783 firm must file a monthly report disclosing such activity with
784 the commission.

785 (a) The monthly report must contain the same information
786 required under s. 11.045(5). The reports must be filed with the

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787 commission no later than 7 business days after the end of the
788 preceding month. A lobbying firm may satisfy the filing
789 requirements of this subsection by using the form used under s.
790 11.045(5).

791 (b) The reports shall be filed even if the reporting
792 lobbying firm did not engage in any lobbying activities
793 requiring disclosure, in which the report shall be marked "not
794 applicable."

795 (c) The commission shall provide by rule the grounds for
796 waiving a fine, the procedures by which a lobbying firm that
797 fails to timely file a report shall be notified and assessed
798 fines, and the procedure for appealing the fines. The rule shall
799 provide for the following:

800 1. Upon determining that the report is late, the person
801 designated to review the timeliness of reports shall immediately
802 notify the lobbying firm as to the failure to timely file the
803 report and that a fine is being assessed for each late day. The
804 fine shall be \$50 per day per report for each late day up to a
805 maximum of \$5,000 per late report.

806 2. Upon receipt of the report, the person designated to
807 review the timeliness of reports shall determine the amount of
808 the fine due based upon when a report is actually received by
809 the commission.

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

814 4. A fine may not be assessed against a lobbying firm the
815 first time any reports for which the lobbying firm is

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816 responsible are not timely filed. However, to receive the one-
817 time fine waiver, all reports for which the lobbying firm is
818 responsible must be filed within 30 days after the notice that
819 any reports have not been timely filed is transmitted by the
820 commission. A fine shall be assessed for any subsequent late-
821 filed reports.

822 5. Any lobbying firm may appeal or dispute a fine, based
823 upon unusual circumstances surrounding the failure to file on
824 the designated due date, and may request and shall be entitled
825 to a hearing before the commission, which shall have the
826 authority to waive the fine in whole or in part for good cause
827 shown. Any such request shall be made within 30 days after the
828 notice of payment due is transmitted by the commission. In such
829 case, the lobbying firm shall, within the 30-day period, notify
830 the person designated to review the timeliness of reports in
831 writing of his or her intention to bring the matter before the
832 commission.

833 6. The person designated to review the timeliness of
834 reports shall notify the commission of the failure of a lobbying
835 firm to file a report after notice or of the failure of a
836 lobbying firm to pay the fine imposed. All lobbyist
837 registrations for lobbyists who are partners, owners, officers,
838 or employees of a lobbying firm that fails to timely pay a fine
839 are automatically suspended until the fine is paid or waived,
840 and the commission shall promptly notify all affected principals
841 of each suspension and each reinstatement.

842 7. Notwithstanding any provision of chapter 120, any fine
843 imposed under this subsection that is not waived by final order
844 of the commission and that remains unpaid more than 60 days

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845 after the notice of payment due or more than 60 days after the
846 commission renders a final order on the lobbying firm's appeal
847 shall be collected by the Department of Financial Services as a
848 claim, debt, or other obligation owed to the state, and the
849 department may assign the collection of such fine to a
850 collection agent as provided in s. 17.20.

851 (9) (a) ~~(8) (a)~~ The commission shall investigate every sworn
852 complaint that is filed with it alleging that a person covered
853 by this section has failed to register, has failed to submit a
854 compensation report, has made a prohibited expenditure, has
855 failed to file a report required by subsection (7), or has
856 knowingly submitted false information in any report or
857 registration required in this section.

858 (12) ~~(11)~~ Any person who is required to be registered or to
859 provide information under this section or under rules adopted
860 pursuant to this section and who knowingly fails to disclose any
861 material fact that is required by this section or by rules
862 adopted pursuant to this section, or who knowingly provides
863 false information on any report required by this section or by
864 rules adopted pursuant to this section, commits a noncriminal
865 infraction, punishable by a fine not to exceed \$5,000. Such
866 penalty is in addition to any other penalty assessed by the
867 Governor and Cabinet pursuant to subsection (11) ~~(10)~~.

868 Section 14. Section 112.324, Florida Statutes, is amended
869 to read:

870 112.324 Investigative procedures ~~on complaints of~~
871 ~~violations and referrals~~; public records and meeting
872 exemptions.-

873 (1) The commission shall investigate an alleged violation

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874 of this part or other alleged breach of the public trust within
875 the jurisdiction of the commission as provided in s. 8(f), Art.
876 II of the State Constitution:

877 (a) Upon a written complaint executed on a form prescribed
878 by the commission and signed under oath or affirmation by any
879 person; ~~or~~

880 (b) Upon receipt of a written referral of a possible
881 violation of this part or other possible breach of the public
882 trust from the Governor, the Department of Law Enforcement, a
883 state attorney, or a United States Attorney which at least six
884 members of the commission determine is sufficient to indicate a
885 violation of this part or any other breach of the public trust;
886 or

887 (c) Upon receipt of reliable and publicly disseminated
888 information that is determined by at least seven members of the
889 commission to be sufficient to indicate a violation of this part
890 or any other breach of the public trust, provided that
891 commission staff did not undertake any formal investigation of
892 the matter other than collecting publicly disseminated
893 information before a determination of legal sufficiency is made
894 by the commission.

895
896 Within 5 days after receipt of a complaint by the commission, ~~or~~
897 a determination by at least six members of the commission that
898 the referral received is deemed sufficient, or a determination
899 of legal sufficiency is made by at least seven members of the
900 commission in response to reliable and publicly disseminated
901 information, a copy shall be transmitted to the alleged
902 violator.

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903 (2) (a) The complaint and records relating to the complaint
904 or to any preliminary investigation held by the commission or
905 its agents, by a Commission on Ethics and Public Trust
906 established by any county defined in s. 125.011(1) or by any
907 municipality defined in s. 165.031, or by any county or
908 municipality that has established a local investigatory process
909 to enforce more stringent standards of conduct and disclosure
910 requirements as provided in s. 112.326 are confidential and
911 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
912 Constitution.

913 (b) Written referrals and records relating to such
914 referrals held by the commission or its agents, the Governor,
915 the Department of Law Enforcement, or a state attorney, and
916 records relating to any preliminary investigation of such
917 referrals held by the commission or its agents, are confidential
918 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
919 Constitution.

920 (c) Any portion of a proceeding conducted by the
921 commission, a Commission on Ethics and Public Trust, or a county
922 or municipality that has established such local investigatory
923 process, pursuant to a complaint or preliminary investigation,
924 is exempt from s. 286.011, s. 24(b), Art. I of the State
925 Constitution, and s. 120.525.

926 (d) Any portion of a proceeding of the commission in which
927 a determination regarding a referral is discussed or acted upon
928 is exempt from s. 286.011 and s. 24(b), Art. I of the State
929 Constitution, and s. 120.525.

930 (e) The exemptions in paragraphs (a)-(d) apply until:
931 1. The complaint is dismissed as legally insufficient;

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932 2. The alleged violator requests in writing that such
933 records and proceedings be made public;

934 3. The commission determines that it will not investigate
935 the referral; or

936 4. The commission, a Commission on Ethics and Public Trust,
937 or a county or municipality that has established such local
938 investigatory process determines, based on such investigation,
939 whether probable cause exists to believe that a violation has
940 occurred.

941 (f) A complaint or referral under this part against a
942 candidate in any general, special, or primary election may not
943 be filed nor may any intention of filing such a complaint or
944 referral be disclosed on the day of any such election or within
945 the 30 days immediately preceding the date of the election,
946 unless the complaint or referral is based upon personal
947 information or information other than hearsay.

948 (g) This subsection is subject to the Open Government
949 Sunset Review Act in accordance with s. 119.15 and shall stand
950 repealed on October 2, 2018, unless reviewed and saved from
951 repeal through reenactment by the Legislature.

952 (3) A preliminary investigation shall be undertaken by the
953 commission of each legally sufficient complaint, ~~or~~ referral, or
954 determination based on reliable and publicly disseminated
955 information over which the commission has jurisdiction to
956 determine whether there is probable cause to believe that a
957 violation has occurred. If, upon completion of the preliminary
958 investigation, the commission finds no probable cause to believe
959 that this part has been violated or that any other breach of the
960 public trust has been committed, the commission shall dismiss

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961 the matter ~~complaint or referral~~ with the issuance of a public
962 report to the complainant and the alleged violator, stating with
963 particularity its reasons for dismissal. At that time, ~~the~~
964 ~~complaint or referral~~ and all materials relating to the matter,
965 including any complaint or referral, shall become a ~~matter of~~
966 public record. If the commission finds from the preliminary
967 investigation probable cause to believe that this part has been
968 violated or that any other breach of the public trust has been
969 committed, it shall so notify the complainant and the alleged
970 violator in writing. Such notification and all documents made or
971 received in the disposition of the matter ~~complaint or referral~~
972 shall then become public records. Upon request submitted to the
973 commission in writing, any person who the commission finds
974 probable cause to believe has violated any provision of this
975 part or has committed any other breach of the public trust shall
976 be entitled to a public hearing. Such person shall be deemed to
977 have waived the right to a public hearing if the request is not
978 received within 14 days following the mailing of the probable
979 cause notification required by this subsection. However, the
980 commission may on its own motion, ~~require a public hearing~~, may
981 conduct such further investigation as it deems necessary, and
982 may enter into such stipulations and settlements as it finds to
983 be just and in the best interest of the state. The commission is
984 without jurisdiction to, and no respondent may voluntarily or
985 involuntarily, enter into a stipulation or settlement which
986 imposes any penalty, including, but not limited to, a sanction
987 or admonition or any other penalty contained in s. 112.317.
988 Penalties shall be imposed only by the appropriate disciplinary
989 authority as designated in this section.

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990 (4) If, in cases pertaining to members of the Legislature,
991 upon completion of a full and final investigation by the
992 commission, the commission finds that there has been a violation
993 of this part or of any provision of s. 8, Art. II of the State
994 Constitution, the commission shall forward a copy of the
995 complaint, ~~or~~ referral, or information upon which the proceeding
996 was initiated, and its findings by certified mail to the
997 President of the Senate or the Speaker of the House of
998 Representatives, whichever is applicable, who shall refer the
999 matter ~~complaint or referral~~ to the appropriate committee for
1000 investigation and action which shall be governed by the rules of
1001 its respective house. It is the duty of the committee to report
1002 its final action upon the matter to the commission within 90
1003 days of the date of transmittal to the respective house. Upon
1004 request of the committee, the commission shall submit a
1005 recommendation as to what penalty, if any, should be imposed. In
1006 the case of a member of the Legislature, the house in which the
1007 member serves has the power to invoke the penalty provisions of
1008 this part.

1009 (5) If, in cases against impeachable officers, upon
1010 completion of a full and final investigation by the commission,
1011 the commission finds that there has been a violation of this
1012 part or of any provision of s. 8, Art. II of the State
1013 Constitution, and the commission finds that the violation may
1014 constitute grounds for impeachment, the commission shall forward
1015 a copy of the complaint, ~~or~~ referral, or information upon which
1016 the proceeding was initiated, and its findings by certified mail
1017 to the Speaker of the House of Representatives, who shall refer
1018 the matter ~~complaint or referral~~ to the appropriate committee

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1019 for investigation and action which shall be governed by the
1020 rules of the House of Representatives. It is the duty of the
1021 committee to report its final action upon the matter to the
1022 commission within 90 days of the date of transmittal.

1023 (6) If the commission finds that there has been a violation
1024 of this part or of any provision of s. 8, Art. II of the State
1025 Constitution by an impeachable officer other than the Governor,
1026 and the commission recommends public censure and reprimand,
1027 forfeiture of a portion of the officer's salary, a civil
1028 penalty, or restitution, the commission shall report its
1029 findings and recommendation of disciplinary action to the
1030 Governor, who has the power to invoke the penalty provisions of
1031 this part.

1032 (7) If the commission finds that there has been a violation
1033 of this part or of any provision of s. 8, Art. II of the State
1034 Constitution by the Governor, and the commission recommends
1035 public censure and reprimand, forfeiture of a portion of the
1036 Governor's salary, a civil penalty, or restitution, the
1037 commission shall report its findings and recommendation of
1038 disciplinary action to the Attorney General, who shall have the
1039 power to invoke the penalty provisions of this part.

1040 (8) ~~If,~~ In cases other than those ~~complaints or referrals~~
1041 against impeachable officers or members of the Legislature, if
1042 the commission finds, upon completion of a full and final
1043 investigation by the commission, ~~the commission finds~~ that there
1044 has been a violation of this part or of s. 8, Art. II of the
1045 State Constitution, it is the duty of the commission to report
1046 its findings and recommend appropriate action to the proper
1047 disciplinary official or body as follows, and such official or

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1048 body has the power to invoke the penalty provisions of this
1049 part, including the power to order the appropriate elections
1050 official to remove a candidate from the ballot for a violation
1051 of s. 112.3145 or s. 8(a) and (i), Art. II of the State
1052 Constitution:

1053 (a) The President of the Senate and the Speaker of the
1054 House of Representatives, jointly, in any case concerning the
1055 Public Counsel, members of the Public Service Commission,
1056 members of the Public Service Commission Nominating Council, the
1057 Auditor General, or the director of the Office of Program Policy
1058 Analysis and Government Accountability.

1059 (b) The Supreme Court, in any case concerning an employee
1060 of the judicial branch.

1061 (c) The President of the Senate, in any case concerning an
1062 employee of the Senate; the Speaker of the House of
1063 Representatives, in any case concerning an employee of the House
1064 of Representatives; or the President and the Speaker, jointly,
1065 in any case concerning an employee of a committee of the
1066 Legislature whose members are appointed solely by the President
1067 and the Speaker or in any case concerning an employee of the
1068 Public Counsel, Public Service Commission, Auditor General, or
1069 Office of Program Policy Analysis and Government Accountability.

1070 (d) Except as otherwise provided by this part, the
1071 Governor, in the case of any other public officer, public
1072 employee, former public officer or public employee, candidate or
1073 former candidate, or person who is not a public officer or
1074 employee, other than lobbyists and lobbying firms under s.
1075 112.3215 for violations of s. 112.3215.

1076 (e) The President of the Senate or the Speaker of the House

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1077 of Representatives, whichever is applicable, in any case
1078 concerning a former member of the Legislature who has violated a
1079 provision applicable to former members or whose violation
1080 occurred while a member of the Legislature.

1081 (9) In addition to reporting its findings to the proper
1082 disciplinary body or official, the commission shall report these
1083 findings to the state attorney or any other appropriate official
1084 or agency having authority to initiate prosecution when
1085 violation of criminal law is indicated.

1086 (10) Notwithstanding the foregoing procedures of this
1087 section, a sworn complaint against any member or employee of the
1088 Commission on Ethics for violation of this part or of s. 8, Art.
1089 II of the State Constitution shall be filed with the President
1090 of the Senate and the Speaker of the House of Representatives.
1091 Each presiding officer shall, after determining that there are
1092 sufficient grounds for review, appoint three members of their
1093 respective bodies to a special joint committee who shall
1094 investigate the complaint. The members shall elect a chair from
1095 among their number. If the special joint committee finds
1096 insufficient evidence to establish probable cause to believe a
1097 violation of this part or of s. 8, Art. II of the State
1098 Constitution has occurred, it shall dismiss the complaint. If,
1099 upon completion of its preliminary investigation, the committee
1100 finds sufficient evidence to establish probable cause to believe
1101 a violation has occurred, the chair thereof shall transmit such
1102 findings to the Governor who shall convene a meeting of the
1103 Governor, the President of the Senate, the Speaker of the House
1104 of Representatives, and the Chief Justice of the Supreme Court
1105 to take such final action on the complaint as they shall deem

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1106 appropriate, consistent with the penalty provisions of this
1107 part. Upon request of a majority of the Governor, the President
1108 of the Senate, the Speaker of the House of Representatives, and
1109 the Chief Justice of the Supreme Court, the special joint
1110 committee shall submit a recommendation as to what penalty, if
1111 any, should be imposed.

1112 (11) (a) Notwithstanding subsections (1)-(8), the commission
1113 may dismiss any complaint, ~~or referral,~~ or matter based upon the
1114 receipt of reliable and publicly disseminated information, at
1115 any stage of disposition if it determines that the violation
1116 that is alleged or has occurred is a de minimis violation
1117 attributable to inadvertent or unintentional error. In
1118 determining whether a violation was de minimis, the commission
1119 shall consider whether the interests of the public were
1120 protected despite the violation. This subsection does not apply
1121 to complaints or referrals pursuant to ss. 112.3144 and
1122 112.3145.

1123 (b) For the purposes of this subsection, a de minimis
1124 violation is any violation that is unintentional and not
1125 material in nature.

1126 (12) Notwithstanding the provisions of subsections (1)-(8),
1127 the commission may, at its discretion, dismiss any matter
1128 ~~complaint or referral~~ at any stage of disposition should it
1129 determine that the public interest would not be served by
1130 proceeding further, in which case the commission shall issue a
1131 public report stating with particularity its reasons for the
1132 dismissal.

1133 Section 15. Section 112.3261, Florida Statutes, is amended
1134 to read:

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1135 112.3261 Lobbying before governmental entities ~~water~~
1136 ~~management districts~~; registration and reporting.—

1137 (1) As used in this section, the term:

1138 (a) "Governmental entity" or "entity" ~~"District"~~ means a
1139 water management district created in s. 373.069 and operating
1140 under the authority of chapter 373, a hospital district, a
1141 children's services district, an expressway authority as the
1142 term "authority" is defined in s. 348.0002, the term "port
1143 authority" as defined in s. 315.02, a county or municipality
1144 that has not adopted lobbyist registration and reporting
1145 requirements, or an independent special district with annual
1146 revenues of more than \$5 million which exercises ad valorem
1147 taxing authority.

1148 (b) "Lobbies" means seeking, on behalf of another person,
1149 to influence a governmental entity ~~district~~ with respect to a
1150 decision of the entity ~~district~~ in an area of policy or
1151 procurement or an attempt to obtain the goodwill of an a
1152 ~~district~~ official or employee of a governmental entity. The term
1153 "lobbies" shall be interpreted and applied consistently with the
1154 rules of the commission implementing s. 112.3215.

1155 (c) "Lobbyist" has the same meaning as provided in s.
1156 112.3215.

1157 (d) "Principal" has the same meaning as provided in s.
1158 112.3215.

1159 (2) A person may not lobby a governmental entity ~~district~~
1160 until such person has registered as a lobbyist with that entity
1161 ~~district~~. Such registration shall be due upon initially being
1162 retained to lobby and is renewable on a calendar-year basis
1163 thereafter. Upon registration, the person shall provide a

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1164 statement signed by the principal or principal's representative
1165 stating that the registrant is authorized to represent the
1166 principal. The principal shall also identify and designate its
1167 main business on the statement authorizing that lobbyist
1168 pursuant to a classification system approved by the governmental
1169 entity ~~district~~. Any changes to the information required by this
1170 section must be disclosed within 15 days by filing a new
1171 registration form. The registration form must ~~shall~~ require each
1172 lobbyist to disclose, under oath, the following:

1173 (a) The lobbyist's name and business address.

1174 (b) The name and business address of each principal
1175 represented.

1176 (c) The existence of any direct or indirect business
1177 association, partnership, or financial relationship with an
1178 official ~~any officer~~ or employee of a governmental entity
1179 ~~district~~ with which he or she lobbies or intends to lobby.

1180 (d) A governmental entity shall create a lobbyist
1181 registration form modeled after the ~~In lieu of creating its own~~
1182 ~~lobbyist registration forms, a district may accept a completed~~
1183 ~~legislative branch or executive branch lobbyist registration~~
1184 ~~form, which must be returned to the governmental entity.~~

1185 (3) A governmental entity ~~district~~ shall make lobbyist
1186 registrations available to the public. If a governmental entity
1187 ~~district~~ maintains a website, a database of currently registered
1188 lobbyists and principals must be available on the entity's
1189 ~~district's~~ website.

1190 (4) A lobbyist shall promptly send a written statement to
1191 the governmental entity ~~district~~ canceling the registration for
1192 a principal upon termination of the lobbyist's representation of

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1193 that principal. A governmental entity ~~district~~ may remove the
1194 name of a lobbyist from the list of registered lobbyists if the
1195 principal notifies the entity ~~district~~ that a person is no
1196 longer authorized to represent that principal.

1197 (5) A governmental entity ~~district~~ may establish an annual
1198 lobbyist registration fee, not to exceed \$40, for each principal
1199 represented. The governmental entity ~~district~~ may use
1200 registration fees only to administer this section.

1201 (6) A governmental entity ~~district~~ shall be diligent to
1202 ascertain whether persons required to register pursuant to this
1203 section have complied. A governmental entity ~~district~~ may not
1204 knowingly authorize a person who is not registered pursuant to
1205 this section to lobby the entity ~~district~~.

1206 (7) Upon receipt of a sworn complaint alleging that a
1207 lobbyist or principal has failed to register with a governmental
1208 entity ~~district~~ or has knowingly submitted false information in
1209 a report or registration required under this section, the
1210 commission shall investigate a lobbyist or principal pursuant to
1211 the procedures established under s. 112.324. The commission
1212 shall provide the Governor with a report of its findings and
1213 recommendations in any investigation conducted pursuant to this
1214 subsection. The Governor is authorized to enforce the
1215 commission's findings and recommendations.

1216 (8) A governmental entity ~~Water management districts~~ may
1217 adopt rules to establish procedures to govern the registration
1218 of lobbyists, including the adoption of forms and the
1219 establishment of a lobbyist registration fee.

1220 Section 16. Paragraph (c) of subsection (3) of section
1221 129.03, Florida Statutes, is amended to read:

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1222 129.03 Preparation and adoption of budget.—

1223 (3) The county budget officer, after tentatively
1224 ascertaining the proposed fiscal policies of the board for the
1225 next fiscal year, shall prepare and present to the board a
1226 tentative budget for the next fiscal year for each of the funds
1227 provided in this chapter, including all estimated receipts,
1228 taxes to be levied, and balances expected to be brought forward
1229 and all estimated expenditures, reserves, and balances to be
1230 carried over at the end of the year.

1231 (c) The board shall hold public hearings to adopt tentative
1232 and final budgets pursuant to s. 200.065. The hearings shall be
1233 primarily for the purpose of hearing requests and complaints
1234 from the public regarding the budgets and the proposed tax
1235 levies and for explaining the budget and any proposed or adopted
1236 amendments. The tentative budget must be posted on the county's
1237 official website at least 2 days before the public hearing to
1238 consider such budget and must remain on the website for at least
1239 45 days. The final budget must be posted on the website within
1240 30 days after adoption and must remain on the website for at
1241 least 2 years. The tentative budgets, adopted tentative budgets,
1242 and final budgets shall be filed in the office of the county
1243 auditor as a public record. Sufficient reference in words and
1244 figures to identify the particular transactions must ~~shall~~ be
1245 made in the minutes of the board to record its actions with
1246 reference to the budgets.

1247 Section 17. Paragraph (f) of subsection (2) of section
1248 129.06, Florida Statutes, is amended to read:

1249 129.06 Execution and amendment of budget.—

1250 (2) The board at any time within a fiscal year may amend a

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1251 budget for that year, and may within the first 60 days of a
1252 fiscal year amend the budget for the prior fiscal year, as
1253 follows:

1254 (f) Unless otherwise prohibited by law, if an amendment to
1255 a budget is required for a purpose not specifically authorized
1256 in paragraphs (a)-(e), the amendment may be authorized by
1257 resolution or ordinance of the board of county commissioners
1258 adopted following a public hearing.

1259 1. The public hearing must be advertised at least 2 days,
1260 but not more than 5 days, before the date of the hearing. The
1261 advertisement must appear in a newspaper of paid general
1262 circulation and must identify the name of the taxing authority,
1263 the date, place, and time of the hearing, and the purpose of the
1264 hearing. The advertisement must also identify each budgetary
1265 fund to be amended, the source of the funds, the use of the
1266 funds, and the total amount of each fund's appropriations.

1267 2. If the board amends the budget pursuant to this
1268 paragraph, the adopted amendment must be posted on the county's
1269 official website within 5 days after adoption and must remain on
1270 the website for at least 2 years.

1271 Section 18. Subsections (3) and (5) of section 166.241,
1272 Florida Statutes, are amended to read:

1273 166.241 Fiscal years, budgets, and budget amendments.—

1274 (3) The tentative budget must be posted on the
1275 municipality's official website at least 2 days before the
1276 budget hearing, held pursuant to s. 200.065 or other law, to
1277 consider such budget, and must remain on the website for at
1278 least 45 days. The final adopted budget must be posted on the
1279 municipality's official website within 30 days after adoption

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1280 and must remain on the website for at least 2 years. If the
1281 municipality does not operate an official website, the
1282 municipality must, within a reasonable period of time as
1283 established by the county or counties in which the municipality
1284 is located, transmit the tentative budget and final budget to
1285 the manager or administrator of such county or counties who
1286 shall post the budgets on the county's website.

1287 (5) If the governing body of a municipality amends the
1288 budget pursuant to paragraph (4)(c), the adopted amendment must
1289 be posted on the official website of the municipality within 5
1290 days after adoption and must remain on the website for at least
1291 2 years. If the municipality does not operate an official
1292 website, the municipality must, within a reasonable period of
1293 time as established by the county or counties in which the
1294 municipality is located, transmit the adopted amendment to the
1295 manager or administrator of such county or counties who shall
1296 post the adopted amendment on the county's website.

1297 Section 19. Subsections (4) and (7) of section 189.016,
1298 Florida Statutes, are amended to read:

1299 189.016 Reports; budgets; audits.—

1300 (4) The tentative budget must be posted on the special
1301 district's official website at least 2 days before the budget
1302 hearing, held pursuant to s. 200.065 or other law, to consider
1303 such budget, and must remain on the website for at least 45
1304 days. The final adopted budget must be posted on the special
1305 district's official website within 30 days after adoption and
1306 must remain on the website for at least 2 years. If the special
1307 district does not operate an official website, the special
1308 district must, within a reasonable period of time as established

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1309 by the local general-purpose government or governments in which
1310 the special district is located or the local governing authority
1311 to which the district is dependent, transmit the tentative
1312 budget or final budget to the manager or administrator of the
1313 local general-purpose government or the local governing
1314 authority. The manager or administrator shall post the tentative
1315 budget or final budget on the website of the local general-
1316 purpose government or governing authority. This subsection and
1317 subsection (3) do not apply to water management districts as
1318 defined in s. 373.019.

1319 (7) If the governing body of a special district amends the
1320 budget pursuant to paragraph (6)(c), the adopted amendment must
1321 be posted on the official website of the special district within
1322 5 days after adoption and must remain on the website for at
1323 least 2 years. If the special district does not operate an
1324 official website, the special district must, within a reasonable
1325 period of time as established by the local general-purpose
1326 government or governments in which the special district is
1327 located or the local governing authority to which the district
1328 is dependent, transmit the adopted amendment to the manager or
1329 administrator of the local general-purpose government or
1330 governing authority. The manager or administrator shall post the
1331 adopted amendment on the website of the local general-purpose
1332 government or governing authority.

1333 Section 20. Present subsections (1) through (5) of section
1334 215.425, Florida Statutes, are renumbered as subsections (2)
1335 through (6), respectively, present subsection (2) and paragraph
1336 (a) of present subsection (4) of that section are amended, and a
1337 new subsection (1) and subsections (7) through (13) are added to

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1338 that section, to read:

1339 215.425 Extra compensation claims prohibited; bonuses;
1340 severance pay.—

1341 (1) As used in this section, the term "public funds" means
1342 any taxes, tuition, grants, fines, fees, or other charges or any
1343 other type of revenue collected by the state or any county,
1344 municipality, special district, school district, Florida College
1345 System institution, state university, or other separate unit of
1346 government created pursuant to law, including any office,
1347 department, agency, division, subdivision, political
1348 subdivision, board, bureau, or commission of such entities.

1349 (3)~~(2)~~ Notwithstanding subsection (2), if the payment and
1350 receipt does not otherwise violate part III of chapter 112, the
1351 following funds may be used to provide extra compensation or
1352 severance pay in excess of the amount specified in subparagraph
1353 (5) (a) 1.:

1354 (a) Revenues received by state universities through or from
1355 faculty practice plans; health services support organizations;
1356 hospitals with which state universities are affiliated; direct-
1357 support organizations; or federal, auxiliary, or private
1358 sources, except for tuition.

1359 (b) Revenues received by Florida College System
1360 institutions through or from faculty practice plans; health
1361 services support organizations; direct-support organizations; or
1362 federal, auxiliary, or private sources, except for tuition.

1363 (c) Revenues that are received by a hospital licensed under
1364 chapter 395 which has entered into a Medicaid provider contract
1365 and that:

1366 1. Are not derived from the levy of an ad valorem tax;

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1367 2. Are not derived from patient services paid through the
1368 Medicaid or Medicare program;

1369 3. Are derived from patient services pursuant to contracts
1370 with private insurers or private managed care entities; or

1371 4. Are not appropriated by the Legislature or by any
1372 county, municipality, special district, school district, Florida
1373 College System institution, state university, or other separate
1374 unit of government created pursuant to law, including any
1375 office, department, agency, division, subdivision, political
1376 subdivision, board, bureau, commission, authority, or
1377 institution of such entities, except for revenues otherwise
1378 authorized to be used pursuant to subparagraphs 2. and 3. ~~This~~
1379 section does not apply to:

1380 ~~(a) a bonus or severance pay that is paid wholly from~~
1381 ~~non-tax revenues and nonstate-appropriated funds, the payment and~~
1382 ~~receipt of which does not otherwise violate part III of chapter~~
1383 ~~112, and which is paid to an officer, agent, employee, or~~
1384 ~~contractor of a public hospital that is operated by a county or~~
1385 ~~a special district; or~~

1386 ~~(d)~~ (b) A clothing and maintenance allowance given to
1387 plainclothes deputies pursuant to s. 30.49.

1388 (e) Revenues or fees received by a seaport or airport from
1389 sources other than through the levy of a tax, or funds
1390 appropriated by any county or municipality or the Legislature.

1391 ~~(5) (a) (4) (a) On or after July 1, 2011, A unit of~~
1392 ~~government, on or after July 1, 2011, or a state university, on~~
1393 ~~or after July 1, 2012, that is a party to enters into a contract~~
1394 ~~or employment agreement, or renewal or renegotiation of an~~
1395 ~~existing contract or employment agreement, that contains a~~

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1396 provision for severance pay with an officer, agent, employee, or
1397 contractor must include the following provisions in the
1398 contract:

1399 1. A requirement that severance pay paid from public funds
1400 ~~provided~~ may not exceed an amount greater than 20 weeks of
1401 compensation.

1402 2. A prohibition of provision of severance pay paid from
1403 public funds when the officer, agent, employee, or contractor
1404 has been fired for misconduct, as defined in s. 443.036(29), by
1405 the unit of government.

1406 (7) Upon discovery or notification that a unit of
1407 government has provided prohibited compensation to any officer,
1408 agent, employee, or contractor in violation of this section,
1409 such unit of government shall investigate and take all necessary
1410 action to recover the prohibited compensation.

1411 (a) If the violation was unintentional, the unit of
1412 government shall recover the prohibited compensation from the
1413 individual receiving the prohibited compensation through normal
1414 recovery methods for overpayments.

1415 (b) If the violation was willful, the unit of government
1416 shall recover the prohibited compensation from either the
1417 individual receiving the prohibited compensation or the
1418 individual or individuals responsible for approving the
1419 prohibited compensation. Each individual determined to have
1420 willfully violated this section is jointly and severally liable
1421 for repayment of the prohibited compensation.

1422 (8) A person who willfully violates this section commits a
1423 misdemeanor of the first degree, punishable as provided in s.
1424 775.082 or s. 775.083.

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1425 (9) An officer who exercises the powers and duties of a
1426 state or county officer and willfully violates this section is
1427 subject to the Governor's power under s. 7(a), Art. IV of the
1428 State Constitution. An officer who exercises powers and duties
1429 other than those of a state or county officer and willfully
1430 violates this section is subject to the suspension and removal
1431 procedures under s. 112.51.

1432 (10) (a) A person who reports a violation of this section is
1433 eligible for a reward of at least \$500, or the lesser of 10
1434 percent of the funds recovered or \$10,000 per incident of a
1435 prohibited compensation payment recovered by the unit of
1436 government, depending upon the extent to which the person
1437 substantially contributed to the discovery, notification, and
1438 recovery of such prohibited payment.

1439 (b) In the event that the recovery of the prohibited
1440 compensation is based primarily on disclosures of specific
1441 information, other than information provided by such person,
1442 relating to allegations or transactions in a criminal, civil, or
1443 administrative hearing; in a legislative, administrative,
1444 inspector general, or other government report; in an auditor
1445 general report, hearing, audit, or investigation; or from the
1446 news media, such person is not eligible for a reward, or for an
1447 award of a portion of the proceeds or payment of attorney fees
1448 and costs pursuant to s. 68.085.

1449 (c) If it is determined that the person who reported a
1450 violation of this section was involved in the authorization,
1451 approval, or receipt of the prohibited compensation or is
1452 convicted of criminal conduct arising from his or her role in
1453 the authorization, approval, or receipt of the prohibited

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1454 compensation, such person is not eligible for a reward, or for
1455 an award of a portion of the proceeds or payment of attorney
1456 fees and costs pursuant to s. 68.085.

1457 (11) An employee who is discharged, demoted, suspended,
1458 threatened, harassed, or in any manner discriminated against in
1459 the terms and conditions of employment by his or her employer
1460 because of lawful acts done by the employee on behalf of the
1461 employee or others in furtherance of an action under this
1462 section, including investigation for initiation of, testimony
1463 for, or assistance in an action filed or to be filed under this
1464 section, has a cause of action under s. 112.3187.

1465 (12) If the unit of government fails to recover prohibited
1466 compensation for a willful violation of this section upon
1467 discovery and notification of such prohibited payment within 90
1468 days, a cause of action may be brought to:

1469 (a) Recover state funds in accordance with ss. 68.082 and
1470 68.083.

1471 (b) Recover other funds by the Department of Legal Affairs
1472 using the procedures set forth in ss. 68.082 and 68.083, except
1473 that venue shall lie in the circuit court of the county in which
1474 the unit of government is located.

1475 (c) Recover other funds by a person using the procedures
1476 set forth in ss. 68.082 and 68.083, except that venue shall lie
1477 in the circuit court of the county in which the unit of
1478 government is located.

1479 (13) Subsections (7)-(12) apply prospectively to contracts
1480 or employment agreements, or the renewal or renegotiation of an
1481 existing contract or employment agreement, effective on or after
1482 October 1, 2016.

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1483 Section 21. Section 215.86, Florida Statutes, is amended to
1484 read:

1485 215.86 Management systems and controls.—Each state agency
1486 and the judicial branch as defined in s. 216.011 shall establish
1487 and maintain management systems and internal controls designed
1488 to:

1489 (1) Prevent and detect fraud, waste, and abuse. ~~that~~

1490 (2) Promote and encourage compliance with applicable laws,
1491 rules, contracts, grant agreements, and best practices.†

1492 (3) Support economical and ~~economic,~~ efficient, ~~and~~
1493 effective operations.†

1494 (4) Ensure reliability of financial records and reports.†

1495 (5) Safeguard ~~and safeguarding of~~ assets. Accounting
1496 systems and procedures shall be designed to fulfill the
1497 requirements of generally accepted accounting principles.

1498 Section 22. Paragraph (a) of subsection (2) of section
1499 215.97, Florida Statutes, is amended to read:

1500 215.97 Florida Single Audit Act.—

1501 (2) Definitions; as used in this section, the term:

1502 (a) "Audit threshold" means the threshold amount used to
1503 determine when a state single audit or project-specific audit of
1504 a nonstate entity shall be conducted in accordance with this
1505 section. Each nonstate entity that expends a total amount of
1506 state financial assistance equal to or in excess of \$750,000
1507 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
1508 required to have a state single audit, ~~or a project-specific~~
1509 ~~audit,~~ for such fiscal year in accordance with the requirements
1510 of this section. ~~Every 2 years the Auditor General,~~ After
1511 consulting with the Executive Office of the Governor, the

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1512 Department of Financial Services, and all state awarding
1513 agencies, the Auditor General shall periodically review the
1514 threshold amount for requiring audits under this section and may
1515 recommend any appropriate statutory change to revise the
1516 threshold amount in the annual report submitted pursuant to s.
1517 11.45(7) (h) to the Legislature ~~may adjust such threshold amount~~
1518 ~~consistent with the purposes of this section.~~

1519 Section 23. Subsection (11) of section 215.985, Florida
1520 Statutes, is amended to read:

1521 215.985 Transparency in government spending.—

1522 (11) Each water management district shall provide a monthly
1523 financial statement in the form and manner prescribed by the
1524 Department of Financial Services to the district's ~~its~~ governing
1525 board and make such monthly financial statement available for
1526 public access on its website.

1527 Section 24. Paragraph (d) of subsection (1) and subsection
1528 (2) of section 218.32, Florida Statutes, are amended to read:

1529 218.32 Annual financial reports; local governmental
1530 entities.—

1531 (1)

1532 (d) Each local governmental entity that is required to
1533 provide for an audit under s. 218.39(1) must submit a copy of
1534 the audit report and annual financial report to the department
1535 within 45 days after the completion of the audit report but no
1536 later than 9 months after the end of the fiscal year. In
1537 conducting an audit of a local governmental entity pursuant to
1538 s. 218.39, an independent certified public accountant shall
1539 determine whether the entity's annual financial report is in
1540 agreement with the audited financial statements. The

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1541 accountant's audit report must be supported by the same level of
1542 detail as required for the annual financial report. If the
1543 accountant's audit report is not in agreement with the annual
1544 financial report, the accountant shall specify and explain the
1545 significant differences that exist between the annual financial
1546 report and the audit report.

1547 (2) The department shall annually by December 1 file a
1548 verified report with the Governor, the Legislature, the Auditor
1549 General, and the Special District Accountability Program of the
1550 Department of Economic Opportunity showing the revenues, both
1551 locally derived and derived from intergovernmental transfers,
1552 and the expenditures of each local governmental entity, regional
1553 planning council, local government finance commission, and
1554 municipal power corporation that is required to submit an annual
1555 financial report. In preparing the verified report, the
1556 department may request additional information from the local
1557 governmental entity. The information requested must be provided
1558 to the department within 45 days after the request. If the local
1559 governmental entity does not comply with the request, the
1560 department shall notify the Legislative Auditing Committee,
1561 which may take action pursuant to s. 11.40(2). The report must
1562 include, but is not limited to:

1563 (a) The total revenues and expenditures of each local
1564 governmental entity that is a component unit included in the
1565 annual financial report of the reporting entity.

1566 (b) The amount of outstanding long-term debt by each local
1567 governmental entity. For purposes of this paragraph, the term
1568 "long-term debt" means any agreement or series of agreements to
1569 pay money, which, at inception, contemplate terms of payment

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1570 exceeding 1 year in duration.

1571 Section 25. Present subsection (3) of section 218.33,
1572 Florida Statutes, is redesignated as subsection (4), and a new
1573 subsection (3) is added to that section, to read:

1574 218.33 Local governmental entities; establishment of
1575 uniform fiscal years and accounting practices and procedures.—

1576 (3) Each local governmental entity shall establish and
1577 maintain internal controls designed to:

1578 (a) Prevent and detect fraud, waste, and abuse.

1579 (b) Promote and encourage compliance with applicable laws,
1580 rules, contracts, grant agreements, and best practices.

1581 (c) Support economical and efficient operations.

1582 (d) Ensure reliability of financial records and reports.

1583 (e) Safeguard assets.

1584 Section 26. Present subsections (8) through (12) of section
1585 218.39, Florida Statutes, are redesignated as subsections (9)
1586 through (13), respectively, and a new subsection (8) is added to
1587 that section, to read:

1588 218.39 Annual financial audit reports.—

1589 (8) If the audit report includes a recommendation that was
1590 included in the preceding financial audit report but remains
1591 unaddressed, the governing body of the audited entity, within 60
1592 days after the delivery of the audit report to the governing
1593 body, shall indicate during a regularly scheduled public meeting
1594 whether it intends to take corrective action, the intended
1595 corrective action, and the timeframe for the corrective action.
1596 If the governing body indicates that it does not intend to take
1597 corrective action, it shall explain its decision at the public
1598 meeting.

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1599 Section 27. Subsection (2) of section 218.391, Florida
1600 Statutes, is amended, and subsection (9) is added to that
1601 section, to read:

1602 218.391 Auditor selection procedures.—

1603 (2) The governing body of a ~~charter~~ county, municipality,
1604 special district, district school board, charter school, or
1605 charter technical career center shall establish an audit
1606 committee.

1607 (a) The audit committee for a county ~~Each noncharter county~~
1608 ~~shall establish an audit committee that,~~ at a minimum, shall
1609 consist of each of the county officers elected pursuant to the
1610 county charter or s. 1(d), Art. VIII of the State Constitution,
1611 or their respective designees ~~a designee,~~ and one member of the
1612 board of county commissioners or its designee.

1613 (b) The audit committee for a municipality, special
1614 district, district school board, charter school, or charter
1615 technical career center shall consist of at least three members.
1616 One member of the audit committee must be a member of the
1617 governing body of an entity specified in this paragraph, who
1618 shall also serve as the chair of the committee.

1619 (c) An employee, chief executive officer, or chief
1620 financial officer of the county, municipality, special district,
1621 district school board, charter school, or charter technical
1622 career center may not serve as a member of an audit committee
1623 established under this subsection.

1624 (d) The primary purpose of the audit committee is to assist
1625 the governing body in selecting an auditor to conduct the annual
1626 financial audit required in s. 218.39; however, the audit
1627 committee may serve other audit oversight purposes as determined

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1628 by the entity's governing body. The public may ~~shall~~ not be
1629 excluded from the proceedings under this section.

1630 (9) An audit report submitted pursuant to s. 218.39 must
1631 include an affidavit executed by the chair of the audit
1632 committee affirming that the committee complied with the
1633 requirements of subsections (3)-(6) in selecting an auditor. If
1634 the Auditor General determines that an entity failed to comply
1635 with the requirements of subsections (3)-(6) in selecting an
1636 auditor, the entity shall select a replacement auditor in
1637 accordance with this section to conduct audits for subsequent
1638 fiscal years if the original audit was performed under a
1639 multiyear contract. If the replacement of an auditor would
1640 preclude the entity from timely completing the annual financial
1641 audit required by s. 218.39, the entity shall replace an auditor
1642 in accordance with this section for the subsequent annual
1643 financial audit. A multiyear contract between an entity or an
1644 auditor may not prohibit or restrict an entity from complying
1645 with this subsection.

1646 Section 28. Subsection (2) of section 286.0114, Florida
1647 Statutes, is amended to read:

1648 286.0114 Public meetings; reasonable opportunity to be
1649 heard; attorney fees.-

1650 (2) Members of the public shall be given a reasonable
1651 opportunity to be heard on a proposition before a board or
1652 commission. The opportunity to be heard need not occur at the
1653 same meeting at which the board or commission takes official
1654 action on the proposition if the opportunity occurs at a meeting
1655 that is during the decisionmaking process and is within
1656 reasonable proximity in time before the meeting at which the

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1657 board or commission takes the official action. A board or
1658 commission may not require a member of the public to provide an
1659 advance written copy of his or her testimony or comments as a
1660 precondition of being given the opportunity to be heard at a
1661 meeting. This section does not prohibit a board or commission
1662 from maintaining orderly conduct or proper decorum in a public
1663 meeting. The opportunity to be heard is subject to rules or
1664 policies adopted by the board or commission, as provided in
1665 subsection (4).

1666 Section 29. Paragraph (b) of subsection (2) of section
1667 288.92, Florida Statutes, is amended to read:

1668 288.92 Divisions of Enterprise Florida, Inc.—

1669 (2)

1670 (b)1. The following officers and board members are subject
1671 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1672 112.3143(2):

1673 a. Officers and members of the board of directors of the
1674 divisions of Enterprise Florida, Inc.

1675 b. Officers and members of the board of directors of
1676 subsidiaries of Enterprise Florida, Inc.

1677 c. Officers and members of the board of directors of
1678 corporations created to carry out the missions of Enterprise
1679 Florida, Inc.

1680 d. Officers and members of the board of directors of
1681 corporations with which a division is required by law to
1682 contract to carry out its missions.

1683 2. For a period of 2 years after retirement from or
1684 termination of service to a division, or for a period of 10
1685 years if removed or terminated for cause or for misconduct, as

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1686 defined in s. 443.036(29), the officers and board members
1687 specified in subparagraph 1. may not represent another person or
1688 entity for compensation before:

1689 a. Enterprise Florida, Inc.;

1690 b. A division, a subsidiary, or the board of directors of
1691 corporations created to carry out the missions of Enterprise
1692 Florida, Inc.; or

1693 c. A division with which Enterprise Florida, Inc., is
1694 required by law to contract to carry out its missions.

1695 ~~3.2.~~ For purposes of applying ss. 112.313(1)-(8), (10),
1696 (12), and (15); 112.3135; and 112.3143(2) to activities of the
1697 officers and members of the board of directors specified in
1698 subparagraph 1., those persons shall be considered public
1699 officers or employees and the corporation shall be considered
1700 their agency.

1701 ~~4.3.~~ It is not a violation of s. 112.3143(2) or (4) for the
1702 officers or members of the board of directors of the Florida
1703 Tourism Industry Marketing Corporation to:

1704 a. Vote on the 4-year marketing plan required under s.
1705 288.923 or vote on any individual component of or amendment to
1706 the plan.

1707 b. Participate in the establishment or calculation of
1708 payments related to the private match requirements of s.
1709 288.904(3). The officer or member must file an annual disclosure
1710 describing the nature of his or her interests or the interests
1711 of his or her principals, including corporate parents and
1712 subsidiaries of his or her principal, in the private match
1713 requirements. This annual disclosure requirement satisfies the
1714 disclosure requirement of s. 112.3143(4). This disclosure must

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1715 be placed ~~either~~ on the Florida Tourism Industry Marketing
1716 Corporation's website or included in the minutes of each meeting
1717 of the Florida Tourism Industry Marketing Corporation's board of
1718 directors at which the private match requirements are discussed
1719 or voted upon.

1720 Section 30. Paragraph (a) of subsection (3) of section
1721 288.9604, Florida Statutes, is amended to read:

1722 288.9604 Creation of the authority.—

1723 (3) (a)1. A director may not receive compensation for his or
1724 her services, but is entitled to necessary expenses, including
1725 travel expenses, incurred in the discharge of his or her duties.
1726 Each director shall hold office until his or her successor has
1727 been appointed.

1728 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
1729 and (15); 112.3135; and 112.3143(2). For purposes of applying
1730 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1731 112.3143(2) to activities of directors, directors shall be
1732 considered public officers and the corporation shall be
1733 considered their agency.

1734 3. A director of the corporation may not represent another
1735 person or entity for compensation before the corporation for a
1736 period of 2 years following his or her service on the board of
1737 directors.

1738 Section 31. Paragraph (e) of subsection (4), paragraph (d)
1739 of subsection (5), and paragraph (d) of subsection (6) of
1740 section 373.536, Florida Statutes, are amended to read:

1741 373.536 District budget and hearing thereon.—

1742 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1743 (e) ~~By September 1, 2012,~~ Each district shall provide a

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1744 monthly financial statement in the form and manner prescribed by
1745 the Department of Financial Services to the district's governing
1746 board and make such monthly financial statement available for
1747 public access on its website.

1748 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
1749 APPROVAL.—

1750 (d) Each district shall, by August 1 of each year, submit
1751 for review a tentative budget and a description of any
1752 significant changes from the preliminary budget submitted to the
1753 Legislature pursuant to s. 373.535 to the Governor, the
1754 President of the Senate, the Speaker of the House of
1755 Representatives, the chairs of all legislative committees and
1756 subcommittees having substantive or fiscal jurisdiction over
1757 water management districts, as determined by the President of
1758 the Senate or the Speaker of the House of Representatives, as
1759 applicable, the secretary of the department, and the governing
1760 body of each county in which the district has jurisdiction or
1761 derives any funds for the operations of the district. The
1762 tentative budget must be posted on the district's official
1763 website at least 2 days before budget hearings held pursuant to
1764 s. 200.065 or other law and must remain on the website for at
1765 least 45 days.

1766 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1767 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1768 (d) The final adopted budget must be posted on the water
1769 management district's official website within 30 days after
1770 adoption and must remain on the website for at least 2 years.

1771 Section 32. Section 838.014, Florida Statutes, is amended
1772 to read:

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1773 838.014 Definitions.—As used in this chapter, the term:

1774 (1) "Benefit" means gain or advantage, or anything regarded
1775 by the person to be benefited as a gain or advantage, including
1776 the doing of an act beneficial to any person in whose welfare he
1777 or she is interested, including any commission, gift, gratuity,
1778 property, commercial interest, or any other thing of economic
1779 value not authorized by law.

1780 (2) "Bid" includes a response to an "invitation to bid,"
1781 "invitation to negotiate," "request for a quote," or "request
1782 for proposals" as those terms are defined in s. 287.012.

1783 (3) "Commodity" means any goods, merchandise, wares,
1784 produce, chose in action, land, article of commerce, or other
1785 tangible or intangible property, real, personal, or mixed, for
1786 use, consumption, production, enjoyment, or resale.

1787 (4) "Governmental entity" means an agency or entity of the
1788 state, a county, a municipality, or a special district or any
1789 other public entity created or authorized by law ~~"Corruptly" or~~
1790 ~~"with corrupt intent" means acting knowingly and dishonestly for~~
1791 ~~a wrongful purpose.~~

1792 (5) "Harm" means pecuniary or other loss, disadvantage, or
1793 injury to the person affected.

1794 (6) "Public contractor" means:

1795 (a) Any person, as defined in s. 1.01, who has entered into
1796 a contract with a governmental entity; or

1797 (b) Any officer or employee of a person, as defined in s.
1798 1.01, who has entered into a contract with a governmental
1799 entity.

1800 (7) "Public servant" means:

1801 (a) Any officer or employee of a governmental state,

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1802 ~~county, municipal, or special district agency or entity,~~
 1803 including

1804 ~~(b)~~ any executive, legislative, or judicial branch officer
 1805 or employee;

1806 (b) ~~(e)~~ Any person, except a witness, who acts as a general
 1807 or special magistrate, receiver, auditor, arbitrator, umpire,
 1808 referee, consultant, or hearing officer while performing a
 1809 governmental function; or

1810 (c) ~~(d)~~ A candidate for election or appointment to any of
 1811 the positions listed in this subsection, or an individual who
 1812 has been elected to, but has yet to officially assume the
 1813 responsibilities of, public office.

1814 (8) ~~(7)~~ "Service" means any kind of activity performed in
 1815 whole or in part for economic benefit.

1816 Section 33. Section 838.015, Florida Statutes, is amended
 1817 to read:

1818 838.015 Bribery.—

1819 (1) For purposes of this section, "bribery" means:

1820 (a) ~~corruptly~~ To knowingly and intentionally give, offer,
 1821 or promise any pecuniary or other benefit not authorized by law
 1822 to any public servant, which is intended to influence the
 1823 performance of any act or omission which the person believes to
 1824 be, or the public servant represents as being, either within the
 1825 official discretion of the public servant, in violation of a
 1826 public duty, or in performance of a public duty; ~~or,~~

1827 (b) If a public servant, ~~corruptly~~ to knowingly and
 1828 intentionally request, solicit, accept, or agree to accept for
 1829 himself or herself or another, any pecuniary or other benefit
 1830 not authorized by law which is given, offered, or promised with

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1831 an intent or a purpose to influence the performance of any act
1832 or omission which the person believes to be, or the public
1833 servant represents as being, either within the official
1834 discretion of a public servant, in violation of a public duty,
1835 or in performance of a public duty; or

1836 (c) If a public contractor, to knowingly and intentionally
1837 request, solicit, accept, or agree to accept for himself or
1838 herself or another any pecuniary or other benefit not authorized
1839 by law which is given, offered, or promised with an intent or a
1840 purpose to influence the performance of any act or omission
1841 which the person believes to be, or the public contractor
1842 represents as being, either within the official discretion of
1843 the public contractor as granted by the contract with the
1844 governmental entity, in violation of a duty required by the
1845 contract with the governmental entity, or in performance of a
1846 duty required by the contract with the governmental entity.

1847 (2) Prosecution under this section does ~~shall~~ not require
1848 any allegation or proof that the public servant or public
1849 contractor who ultimately sought to be unlawfully influenced was
1850 qualified to act in the desired way, that the public servant had
1851 assumed office, that the matter was properly pending before him
1852 or her or might by law properly be brought before him or her,
1853 that the public servant or public contractor possessed
1854 jurisdiction over the matter, or that his or her official action
1855 was necessary to achieve the person's purpose.

1856 (3) Any person who commits bribery commits a felony of the
1857 second degree, punishable as provided in s. 775.082, s. 775.083,
1858 or s. 775.084.

1859 Section 34. Section 838.016, Florida Statutes, is amended

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1860 to read:

1861 838.016 Unlawful compensation or reward for official
1862 behavior.—

1863 (1) It is unlawful for:

1864 (a) Any person ~~corruptly~~ to knowingly and intentionally
1865 give, offer, or promise to any public servant, ~~or, if a public~~
1866 ~~servant, corruptly to request, solicit, accept, or agree to~~
1867 ~~accept,~~ any pecuniary or other benefit not authorized by law,
1868 for the past, present, or future performance, nonperformance, or
1869 violation of any act or omission which the person believes to
1870 have been, or the public servant represents as having been,
1871 either within the official discretion of the public servant, in
1872 violation of a public duty, or in performance of a public duty.

1873 (b) Any public servant to knowingly and intentionally
1874 request, solicit, accept, or agree to accept any pecuniary or
1875 other benefit not authorized by law for the past, present, or
1876 future performance, nonperformance, or violation of any act or
1877 omission which the person believes to have been, or the public
1878 servant represents as having been, either within the official
1879 discretion of the public servant, in violation of a public duty,
1880 or in performance of a public duty.

1881 (c) Any public contractor to knowingly and intentionally
1882 request, solicit, accept, or agree to accept any pecuniary or
1883 other benefit not authorized by law for the past, present, or
1884 future performance, nonperformance, or violation of any act or
1885 omission which the person believes to have been, or the public
1886 contractor represents as having been, either within the official
1887 discretion of the public contractor as granted by the contract
1888 with the governmental entity, in violation of a duty required by

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1889 the contract with the governmental entity, or in performance of
1890 a duty required by the contract with the governmental entity.

1891
1892 This subsection may not ~~Nothing herein shall~~ be construed to
1893 preclude a public servant or public contractor from accepting
1894 rewards for services performed in apprehending any criminal.

1895 (2) It is unlawful for:

1896 (a) Any person ~~corruptly~~ to knowingly and intentionally
1897 give, offer, or promise to any public servant, ~~or, if a public~~
1898 ~~servant, corruptly to request, solicit, accept, or agree to~~
1899 ~~accept,~~ any pecuniary or other benefit not authorized by law for
1900 the past, present, or future exertion of any influence upon or
1901 with any other public servant regarding any act or omission
1902 which the person believes to have been, or which is represented
1903 to him or her as having been, either within the official
1904 discretion of the other public servant, in violation of a public
1905 duty, or in performance of a public duty.

1906 (b) Any public servant to request, solicit, accept, or
1907 agree to accept any pecuniary or other benefit not authorized by
1908 law for the past, present, or future exertion of any influence
1909 upon or with any other public servant regarding any act or
1910 omission which the person believes to have been, or which is
1911 represented to him or her as having been, either within the
1912 official discretion of the public servant, in violation of a
1913 public duty, or in performance of a public duty.

1914 (c) Any public contractor to request, solicit, accept, or
1915 agree to accept any pecuniary or other benefit not authorized by
1916 law for the past, present, or future exertion of any influence
1917 upon or with any other public contractor regarding any act or

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1918 omission which the person believes to have been, or which is
1919 represented to him or her as having been, either within the
1920 official discretion of the public contractor as granted by the
1921 contract with the governmental entity, in violation of a duty
1922 required by the contract with the governmental entity, or in
1923 performance of a duty required by the contract with the
1924 governmental entity.

1925 (3) Prosecution under this section does ~~shall~~ not require
1926 that the exercise of influence or official discretion, ~~or~~
1927 violation of a public duty or performance of a public duty, or a
1928 public contractor's violation of a duty required by a contract
1929 with a governmental entity or performance of a duty required by
1930 a contract with a governmental entity for which a pecuniary or
1931 other benefit was given, offered, promised, requested, or
1932 solicited was accomplished or was within the influence, official
1933 discretion, ~~or~~ public duty, or contractual duty of the public
1934 servant or public contractor whose action or omission was sought
1935 to be rewarded or compensated.

1936 (4) Whoever violates the provisions of this section commits
1937 a felony of the second degree, punishable as provided in s.
1938 775.082, s. 775.083, or s. 775.084.

1939 Section 35. Section 838.022, Florida Statutes, is amended
1940 to read:

1941 838.022 Official misconduct.—

1942 (1) It is unlawful for a public servant or a public
1943 contractor, with corrupt intent to knowingly and intentionally
1944 obtain a benefit for any person or to cause unlawful harm to
1945 another, by ~~to~~:

1946 (a) Falsifying ~~Falsify~~, or causing ~~cause~~ another person to

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1947 falsify, any official record or official document;

1948 (b) Concealing, covering up, destroying, mutilating, or
 1949 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
 1950 official record or official document except as authorized by law
 1951 or contract or causing ~~cause~~ another person to perform such an
 1952 act; or

1953 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~
 1954 ~~or prevent~~ the communication of information relating to the
 1955 commission of a felony that directly involves or affects the
 1956 governmental public agency or public entity served by the public
 1957 servant or public contractor.

1958 (2) For the purposes of this section:

1959 (a) The term "public servant" does not include a candidate
 1960 who does not otherwise qualify as a public servant.

1961 (b) An official record or official document includes only
 1962 public records.

1963 (3) Any person who violates this section commits a felony
 1964 of the third degree, punishable as provided in s. 775.082, s.
 1965 775.083, or s. 775.084.

1966 Section 36. Section 838.22, Florida Statutes, is amended to
 1967 read:

1968 838.22 Unlawful influence of the competitive solicitation
 1969 process ~~Bid tampering.~~

1970 (1) It is unlawful for a public servant or a public
 1971 contractor who has contracted with a governmental entity to
 1972 assist in a competitive procurement, ~~with corrupt intent to~~
 1973 knowingly and intentionally influence or attempt to influence a
 1974 ~~the competitive solicitation bidding process~~ undertaken by any
 1975 governmental state, county, municipal, or special district

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1976 ~~agency, or any other public entity,~~ for the procurement of
1977 commodities or services, by ~~to~~:

1978 (a) Disclosing, except as authorized by law, ~~Disclose~~
1979 material information concerning a vendor's response, any
1980 evaluation results, bid or other aspects of the competitive
1981 solicitation bidding process when such information is not
1982 publicly disclosed.

1983 (b) Altering or amending ~~Alter or amend~~ a submitted
1984 response bid, documents or other materials supporting a
1985 submitted response bid, or any evaluation bid results relating
1986 to the competitive solicitation for the purpose of intentionally
1987 providing a competitive advantage to any person who submits a
1988 response bid.

1989 (2) It is unlawful for a public servant or a public
1990 contractor who has contracted with a governmental entity to
1991 assist in a competitive procurement, ~~with corrupt intent~~ to
1992 knowingly and intentionally obtain a benefit for any person or
1993 to cause unlawful harm to another by circumventing, ~~to~~
1994 ~~circumvent~~ a competitive solicitation bidding process required
1995 by law or rule through the use of ~~by using~~ a sole-source
1996 contract for commodities or services.

1997 (3) It is unlawful for any person to knowingly agree,
1998 conspire, combine, or confederate, directly or indirectly, with
1999 a public servant or a public contractor to violate subsection
2000 (1) or subsection (2).

2001 (4) It is unlawful for any person to knowingly enter into a
2002 contract for commodities or services which was secured by a
2003 public servant or a public contractor acting in violation of
2004 subsection (1) or subsection (2).

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2005 (5) Any person who violates this section commits a felony
2006 of the second degree, punishable as provided in s. 775.082, s.
2007 775.083, or s. 775.084.

2008 Section 37. Paragraph (1) of subsection (12) of section
2009 1001.42, Florida Statutes, is amended to read:

2010 1001.42 Powers and duties of district school board.—The
2011 district school board, acting as a board, shall exercise all
2012 powers and perform all duties listed below:

2013 (12) FINANCE.—Take steps to assure students adequate
2014 educational facilities through the financial procedure
2015 authorized in chapters 1010 and 1011 and as prescribed below:

2016 (1) *Internal auditor*.—May employ an internal auditor to
2017 perform ongoing financial verification of the financial records
2018 of the school district and such other audits and reviews as the
2019 district school board directs for the purpose of determining:

2020 1. The adequacy of internal controls designed to prevent
2021 and detect fraud, waste, and abuse.

2022 2. Compliance with applicable laws, rules, contracts, grant
2023 agreements, district school board-approved policies, and best
2024 practices.

2025 3. The efficiency of operations.

2026 4. The reliability of financial records and reports.

2027 5. The safeguarding of assets.

2028
2029 The internal auditor shall report directly to the district
2030 school board or its designee.

2031 Section 38. Paragraph (j) of subsection (9) of section
2032 1002.33, Florida Statutes, is amended to read:

2033 1002.33 Charter schools.—

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2034 (9) CHARTER SCHOOL REQUIREMENTS.—

2035 (j) The governing body of the charter school shall be
2036 responsible for:

2037 1. Establishing and maintaining internal controls designed
2038 to:

2039 a. Prevent and detect fraud, waste, and abuse.

2040 b. Promote and encourage compliance with applicable laws,
2041 rules, contracts, grant agreements, and best practices.

2042 c. Support economical and efficient operations.

2043 d. Ensure reliability of financial records and reports.

2044 e. Safeguard assets.

2045 ~~2.1.~~ Ensuring that the charter school has retained the
2046 services of a certified public accountant or auditor for the
2047 annual financial audit, pursuant to s. 1002.345(2), who shall
2048 submit the report to the governing body.

2049 ~~3.2.~~ Reviewing and approving the audit report, including
2050 audit findings and recommendations for the financial recovery
2051 plan.

2052 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including
2053 monitoring a corrective action plan.

2054 b. Monitoring a financial recovery plan in order to ensure
2055 compliance.

2056 ~~5.4.~~ Participating in governance training approved by the
2057 department which must include government in the sunshine,
2058 conflicts of interest, ethics, and financial responsibility.

2059 Section 39. Present subsections (6) through (10) of section
2060 1002.37, Florida Statutes, are redesignated as subsections (7)
2061 through (11), respectively, a new subsection (6) is added to
2062 that section, and present subsections (6) and (11) of that

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2063 section are amended, to read:

2064 1002.37 The Florida Virtual School.—

2065 (6) The Florida Virtual School shall have an annual
2066 financial audit of its accounts and records conducted by an
2067 independent auditor who is a certified public accountant
2068 licensed under chapter 473. The independent auditor shall
2069 conduct the audit in accordance with rules adopted by the
2070 Auditor General pursuant to s. 11.45 and, upon completion of the
2071 audit, shall prepare an audit report in accordance with such
2072 rules. The audit report must include a written statement of the
2073 board of trustees describing corrective action to be taken in
2074 response to each of the recommendations of the independent
2075 auditor included in the audit report. The independent auditor
2076 shall submit the audit report to the board of trustees and the
2077 Auditor General no later than 9 months after the end of the
2078 preceding fiscal year.

2079 (7)~~(6)~~ The board of trustees shall annually submit to the
2080 Governor, the Legislature, the Commissioner of Education, and
2081 the State Board of Education the audit report prepared pursuant
2082 to subsection (6) and a complete and detailed report setting
2083 forth:

2084 (a) The operations and accomplishments of the Florida
2085 Virtual School within the state and those occurring outside the
2086 state as Florida Virtual School Global.

2087 (b) The marketing and operational plan for the Florida
2088 Virtual School and Florida Virtual School Global, including
2089 recommendations regarding methods for improving the delivery of
2090 education through the Internet and other distance learning
2091 technology.

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2092 (c) The assets and liabilities of the Florida Virtual
2093 School and Florida Virtual School Global at the end of the
2094 fiscal year.

2095 ~~(d) A copy of an annual financial audit of the accounts and~~
2096 ~~records of the Florida Virtual School and Florida Virtual School~~
2097 ~~Global, conducted by an independent certified public accountant~~
2098 ~~and performed in accordance with rules adopted by the Auditor~~
2099 ~~General.~~

2100 ~~(e)~~ Recommendations regarding the unit cost of providing
2101 services to students through the Florida Virtual School and
2102 Florida Virtual School Global. In order to most effectively
2103 develop public policy regarding any future funding of the
2104 Florida Virtual School, it is imperative that the cost of the
2105 program is accurately identified. The identified cost of the
2106 program must be based on reliable data.

2107 (e) ~~(f)~~ Recommendations regarding an accountability
2108 mechanism to assess the effectiveness of the services provided
2109 by the Florida Virtual School and Florida Virtual School Global.

2110 ~~(11) The Auditor General shall conduct an operational audit~~
2111 ~~of the Florida Virtual School, including Florida Virtual School~~
2112 ~~Global. The scope of the audit shall include, but not be limited~~
2113 ~~to, the administration of responsibilities relating to~~
2114 ~~personnel; procurement and contracting; revenue production;~~
2115 ~~school funds, including internal funds; student enrollment~~
2116 ~~records; franchise agreements; information technology~~
2117 ~~utilization, assets, and security; performance measures and~~
2118 ~~standards; and accountability. The final report on the audit~~
2119 ~~shall be submitted to the President of the Senate and the~~
2120 ~~Speaker of the House of Representatives no later than January~~

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2121 ~~31, 2014.~~

2122 Section 40. Subsection (5) is added to section 1010.01,
2123 Florida Statutes, to read:

2124 1010.01 Uniform records and accounts.—

2125 (5) Each school district, Florida College System
2126 institution, and state university shall establish and maintain
2127 internal controls designed to:

2128 (a) Prevent and detect fraud, waste, and abuse.

2129 (b) Promote and encourage compliance with applicable laws,
2130 rules, contracts, grant agreements, and best practices.

2131 (c) Support economical and efficient operations.

2132 (d) Ensure reliability of financial records and reports.

2133 (e) Safeguard assets.

2134 Section 41. Subsection (2) of section 1010.30, Florida
2135 Statutes, is amended to read:

2136 1010.30 Audits required.—

2137 (2) If a school district, Florida College System
2138 institution, or university audit report includes a
2139 recommendation that was included in the preceding financial
2140 audit report but remains unaddressed, ~~an audit contains a~~
2141 ~~significant finding,~~ the district school board, the Florida
2142 College System institution board of trustees, or the university
2143 board of trustees, within 60 days after the delivery of the
2144 audit report to the school district, Florida College System
2145 institution, or university, shall indicate ~~conduct an audit~~
2146 ~~overview~~ during a regularly scheduled public meeting whether it
2147 intends to take corrective action, the intended corrective
2148 action, and the timeframe for the corrective action. If the
2149 district school board, Florida College System institution board

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2150 of trustees, or university board of trustees indicates that it
2151 does not intend to take corrective action, it shall explain its
2152 decision at the public meeting.

2153 Section 42. Subsection (4) of section 11.0455, Florida
2154 Statutes, is amended to read:

2155 11.0455 Electronic filing of compensation reports and other
2156 information.—

2157 (4) Each report filed pursuant to this section is deemed to
2158 meet the certification requirements of s. 11.045(3)(a)4., and as
2159 such subjects the person responsible for filing and the lobbying
2160 firm to the provisions of s. 11.045(8) and (9) ~~s. 11.045(7) and~~
2161 ~~(8)~~. Persons given a secure sign-on to the electronic filing
2162 system are responsible for protecting it from disclosure and are
2163 responsible for all filings using such credentials, unless they
2164 have notified the office that their credentials have been
2165 compromised.

2166 Section 43. Subsection (2) of section 68.082, Florida
2167 Statutes, is amended to read:

2168 68.082 False claims against the state; definitions;
2169 liability.—

2170 (2) Any person who:

2171 (a) Knowingly presents or causes to be presented a false or
2172 fraudulent claim for payment or approval;

2173 (b) Knowingly authorizes, approves, or receives payment of
2174 prohibited compensation in violation of s. 215.425;

2175 (c) ~~(b)~~ Knowingly makes, uses, or causes to be made or used
2176 a false record or statement material to a false or fraudulent
2177 claim;

2178 (d) ~~(e)~~ Conspires to commit a violation of this subsection;

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2179 (e)~~(d)~~ Has possession, custody, or control of property or
2180 money used or to be used by the state and knowingly delivers or
2181 causes to be delivered less than all of that money or property;

2182 (f)~~(e)~~ Is authorized to make or deliver a document
2183 certifying receipt of property used or to be used by the state
2184 and, intending to defraud the state, makes or delivers the
2185 receipt without knowing that the information on the receipt is
2186 true;

2187 (g)~~(f)~~ Knowingly buys or receives, as a pledge of an
2188 obligation or a debt, public property from an officer or
2189 employee of the state who may not sell or pledge the property;
2190 or

2191 (h)~~(g)~~ Knowingly makes, uses, or causes to be made or used
2192 a false record or statement material to an obligation to pay or
2193 transmit money or property to the state, or knowingly conceals
2194 or knowingly and improperly avoids or decreases an obligation to
2195 pay or transmit money or property to the state

2196
2197 is liable to the state for a civil penalty of not less than
2198 \$5,500 and not more than \$11,000 and for treble the amount of
2199 damages the state sustains because of the act of that person.

2200 Section 44. Subsection (1) of section 68.083, Florida
2201 Statutes, is amended to read:

2202 68.083 Civil actions for false claims.—

2203 (1) The department may diligently investigate a violation
2204 under s. 68.082. If the department finds that a person has
2205 violated or is violating s. 68.082, the department may bring a
2206 civil action under the Florida False Claims Act against the
2207 person. The Department of Financial Services may bring a civil

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2208 action under this section if the action arises from an
2209 investigation by that department and the Department of Legal
2210 Affairs has not filed an action under this act. For a violation
2211 of s. 68.082 regarding prohibited compensation paid from state
2212 funds, the Department of Financial Services may bring a civil
2213 action under this section if the action arises from an
2214 investigation by that department concerning a violation of s.
2215 215.425 by the state and the Department of Legal Affairs has not
2216 filed an action under this act.

2217 Section 45. Subsection (5) of section 99.061, Florida
2218 Statutes, is amended to read:

2219 99.061 Method of qualifying for nomination or election to
2220 federal, state, county, or district office.—

2221 (5) At the time of qualifying for office, each candidate
2222 for a constitutional office or an elected municipal office shall
2223 file a full and public disclosure of financial interests
2224 pursuant to s. 8, Art. II of the State Constitution, which must
2225 be verified under oath or affirmation pursuant to s.
2226 92.525(1)(a), and a candidate for any other office, ~~including~~
2227 ~~local elective office,~~ shall file a statement of financial
2228 interests pursuant to s. 112.3145.

2229 Section 46. Subsection (3) of section 218.503, Florida
2230 Statutes, is amended to read:

2231 218.503 Determination of financial emergency.—

2232 (3) Upon notification that one or more of the conditions in
2233 subsection (1) have occurred or will occur if action is not
2234 taken to assist the local governmental entity or district school
2235 board, the Governor or his or her designee shall contact the
2236 local governmental entity or the Commissioner of Education or

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2237 his or her designee shall contact the district school board, as
2238 appropriate, to determine what actions have been taken by the
2239 local governmental entity or the district school board to
2240 resolve or prevent the condition. The information requested must
2241 be provided within 45 days after the date of the request. If the
2242 local governmental entity or the district school board does not
2243 comply with the request, the Governor or his or her designee or
2244 the Commissioner of Education or his or her designee shall
2245 notify ~~the members of~~ the Legislative Auditing Committee, which
2246 ~~who~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The
2247 Governor or the Commissioner of Education, as appropriate, shall
2248 determine whether the local governmental entity or the district
2249 school board needs state assistance to resolve or prevent the
2250 condition. If state assistance is needed, the local governmental
2251 entity or district school board is considered to be in a state
2252 of financial emergency. The Governor or the Commissioner of
2253 Education, as appropriate, has the authority to implement
2254 measures as set forth in ss. 218.50-218.504 to assist the local
2255 governmental entity or district school board in resolving the
2256 financial emergency. Such measures may include, but are not
2257 limited to:

2258 (a) Requiring approval of the local governmental entity's
2259 budget by the Governor or approval of the district school
2260 board's budget by the Commissioner of Education.

2261 (b) Authorizing a state loan to a local governmental entity
2262 and providing for repayment of same.

2263 (c) Prohibiting a local governmental entity or district
2264 school board from issuing bonds, notes, certificates of
2265 indebtedness, or any other form of debt until such time as it is

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2266 no longer subject to this section.

2267 (d) Making such inspections and reviews of records,
2268 information, reports, and assets of the local governmental
2269 entity or district school board as are needed. The appropriate
2270 local officials shall cooperate in such inspections and reviews.

2271 (e) Consulting with officials and auditors of the local
2272 governmental entity or the district school board and the
2273 appropriate state officials regarding any steps necessary to
2274 bring the books of account, accounting systems, financial
2275 procedures, and reports into compliance with state requirements.

2276 (f) Providing technical assistance to the local
2277 governmental entity or the district school board.

2278 (g)1. Establishing a financial emergency board to oversee
2279 the activities of the local governmental entity or the district
2280 school board. If a financial emergency board is established for
2281 a local governmental entity, the Governor shall appoint board
2282 members and select a chair. If a financial emergency board is
2283 established for a district school board, the State Board of
2284 Education shall appoint board members and select a chair. The
2285 financial emergency board shall adopt such rules as are
2286 necessary for conducting board business. The board may:

2287 a. Make such reviews of records, reports, and assets of the
2288 local governmental entity or the district school board as are
2289 needed.

2290 b. Consult with officials and auditors of the local
2291 governmental entity or the district school board and the
2292 appropriate state officials regarding any steps necessary to
2293 bring the books of account, accounting systems, financial
2294 procedures, and reports of the local governmental entity or the

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2295 district school board into compliance with state requirements.

2296 c. Review the operations, management, efficiency,
2297 productivity, and financing of functions and operations of the
2298 local governmental entity or the district school board.

2299 d. Consult with other governmental entities for the
2300 consolidation of all administrative direction and support
2301 services, including, but not limited to, services for asset
2302 sales, economic and community development, building inspections,
2303 parks and recreation, facilities management, engineering and
2304 construction, insurance coverage, risk management, planning and
2305 zoning, information systems, fleet management, and purchasing.

2306 2. The recommendations and reports made by the financial
2307 emergency board must be submitted to the Governor for local
2308 governmental entities or to the Commissioner of Education and
2309 the State Board of Education for district school boards for
2310 appropriate action.

2311 (h) Requiring and approving a plan, to be prepared by
2312 officials of the local governmental entity or the district
2313 school board in consultation with the appropriate state
2314 officials, prescribing actions that will cause the local
2315 governmental entity or district school board to no longer be
2316 subject to this section. The plan must include, but need not be
2317 limited to:

2318 1. Provision for payment in full of obligations outlined in
2319 subsection (1), designated as priority items, which are
2320 currently due or will come due.

2321 2. Establishment of priority budgeting or zero-based
2322 budgeting in order to eliminate items that are not affordable.

2323 3. The prohibition of a level of operations which can be

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2324 sustained only with nonrecurring revenues.

2325 4. Provisions implementing the consolidation, sourcing, or
 2326 discontinuance of all administrative direction and support
 2327 services, including, but not limited to, services for asset
 2328 sales, economic and community development, building inspections,
 2329 parks and recreation, facilities management, engineering and
 2330 construction, insurance coverage, risk management, planning and
 2331 zoning, information systems, fleet management, and purchasing.

2332 Section 47. Paragraph (g) of subsection (3) of section
 2333 921.0022, Florida Statutes, is amended to read:

2334 921.0022 Criminal Punishment Code; offense severity ranking
 2335 chart.—

2336 (3) OFFENSE SEVERITY RANKING CHART

2337 (g) LEVEL 7

2338

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton

2339

2340

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2342	327.35 (3) (c) 2.	3rd	disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2343	402.319 (2)	2nd	Vessel BUI resulting in serious bodily injury.
2344	409.920 (2) (b) 1.a.	3rd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2345	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; \$10,000 or less.
2346	456.065 (2)	3rd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2347	456.065 (2)	2nd	Practicing a health care profession without a license.
	456.065 (2)	2nd	Practicing a health care

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			profession without a license which results in serious bodily injury.
2348	458.327 (1)	3rd	Practicing medicine without a license.
2349	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
2350	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2351	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2352	462.17	3rd	Practicing naturopathy without a license.
2353	463.015 (1)	3rd	Practicing optometry without a license.
2354	464.016 (1)	3rd	Practicing nursing without a license.
2355	465.015 (2)	3rd	Practicing pharmacy

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			without a license.
2356	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2357	467.201	3rd	Practicing midwifery without a license.
2358	468.366	3rd	Delivering respiratory care services without a license.
2359	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
2360	483.901 (9)	3rd	Practicing medical physics without a license.
2361	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
2362	484.053	3rd	Dispensing hearing aids without a license.
2363	494.0018 (2)	1st	Conviction of any violation of chapter 494

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in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

2364

560.123 (8) (b) 1.

3rd

Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

2365

560.125 (5) (a)

3rd

Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

2366

655.50 (10) (b) 1.

3rd

Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

2367

775.21 (10) (a)

3rd

Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

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2368

775.21 (10) (b)

3rd

Sexual predator working where children regularly congregate.

2369

775.21 (10) (g)

3rd

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

2370

782.051 (3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

2371

782.07 (1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

2372

782.071

2nd

Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

2373

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	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2374	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
2375	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
2376	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2377	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2378	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2379	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2380	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators

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2381			facility staff.
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2382			
	784.081 (1)	1st	Aggravated battery on specified official or employee.
2383			
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
2384			
	784.083 (1)	1st	Aggravated battery on code inspector.
2385			
	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
2386			
	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
2387			
	790.07 (4)	1st	Specified weapons

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2388

violation subsequent to
previous conviction of s.
790.07(1) or (2).

790.16(1)

1st

Discharge of a machine gun
under specified
circumstances.

2389

790.165(2)

2nd

Manufacture, sell,
possess, or deliver hoax
bomb.

2390

790.165(3)

2nd

Possessing, displaying, or
threatening to use any
hoax bomb while committing
or attempting to commit a
felony.

2391

790.166(3)

2nd

Possessing, selling,
using, or attempting to
use a hoax weapon of mass
destruction.

2392

790.166(4)

2nd

Possessing, displaying, or
threatening to use a hoax
weapon of mass destruction
while committing or
attempting to commit a
felony.

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2399	800.04 (5) (e)	1st	younger than 16 years of age; offender 18 years of age or older.
2400	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
2401	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
2402	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2403	810.02 (3) (d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2404	810.02 (3) (e)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
			Burglary of authorized

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2405
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2409
2410

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

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2411	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2412	812.131 (2) (a)	2nd	Robbery by sudden snatching.
2413	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2414	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
2415	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2416	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2417	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.

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817.2341	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
(2) (b) & (3) (b)		
2418		
817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
2419		
825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2420		
825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
2421		
827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2422		

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2423 827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

2424 837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

2425 838.015 2nd Bribery.

2426 838.016 2nd Unlawful compensation or reward for official behavior.

2427 838.021 (3) (a) 2nd Unlawful harm to a public servant.

2428 838.22 2nd Unlawful influence of the competitive solicitation process ~~Bid tampering~~.

2429 843.0855 (2) 3rd Impersonation of a public officer or employee.

2430 843.0855 (3) 3rd Unlawful simulation of legal process.

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2431	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2432	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2433	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2434	872.06	2nd	Abuse of a dead human body.
2435	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2436	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other

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drug prohibited under s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

2437

893.13(1) (e)1.

1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c)4., within 1,000 feet of property used for religious services or a specified business site.

2438

893.13(4) (a)

1st

Deliver to minor cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c)4. drugs).

2439

893.135(1) (a)1.

1st

Trafficking in cannabis,

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			more than 25 lbs., less than 2,000 lbs.
2440	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
2441	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
2442	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
2443	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
2444	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
2445	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
2446	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than

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2447	893.135 (1) (e) 1.	1st	28 grams, less than 200 grams.
2448	893.135 (1) (f) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
2449	893.135 (1) (g) 1.a.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
2450	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2451	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2452	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200

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2453

893.1351 (2)

2nd

grams.

Possession of place for trafficking in or manufacturing of controlled substance.

2454

896.101 (5) (a)

3rd

Money laundering, financial transactions exceeding \$300 but less than \$20,000.

2455

896.104 (4) (a) 1.

3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

2456

943.0435 (4) (c)

2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

2457

943.0435 (8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

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2458

943.0435 (9) (a) 3rd Sexual offender; failure to comply with reporting requirements.

2459

943.0435 (13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

2460

943.0435 (14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

2461

944.607 (9) 3rd Sexual offender; failure to comply with reporting requirements.

2462

944.607 (10) (a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

2463

944.607 (12) 3rd Failure to report or providing false information about a sexual

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2464

offender; harbor or
conceal a sexual offender.

944.607(13)

3rd

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

2465

985.4815(10)

3rd

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

2466

985.4815(12)

3rd

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

2467

985.4815(13)

3rd

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

2468

2469

Section 48. Subsection (2) of section 1002.455, Florida

2470

Statutes, is amended to read:

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2471 1002.455 Student eligibility for K-12 virtual instruction.-

2472 (2) A student is eligible to participate in virtual
2473 instruction if:

2474 (a) The student spent the prior school year in attendance
2475 at a public school in the state and was enrolled and reported by
2476 the school district for funding during October and February for
2477 purposes of the Florida Education Finance Program surveys;

2478 (b) The student is a dependent child of a member of the
2479 United States Armed Forces who was transferred within the last
2480 12 months to this state from another state or from a foreign
2481 country pursuant to a permanent change of station order;

2482 (c) The student was enrolled during the prior school year
2483 in a virtual instruction program under s. 1002.45 or a full-time
2484 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~
2485 ~~1002.37(8)(a)~~;

2486 (d) The student has a sibling who is currently enrolled in
2487 a virtual instruction program and the sibling was enrolled in
2488 that program at the end of the prior school year;

2489 (e) The student is eligible to enter kindergarten or first
2490 grade; or

2491 (f) The student is eligible to enter grades 2 through 5 and
2492 is enrolled full-time in a school district virtual instruction
2493 program, virtual charter school, or the Florida Virtual School.

2494 Section 49. For the purpose of incorporating the amendment
2495 made by this act to section 838.014, Florida Statutes, in a
2496 reference thereto, subsection (11) of section 817.568, Florida
2497 Statutes, is reenacted to read:

2498 817.568 Criminal use of personal identification
2499 information.-

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2500 (11) A person who willfully and without authorization
2501 fraudulently uses personal identification information concerning
2502 an individual who is 60 years of age or older; a disabled adult
2503 as defined in s. 825.101; a public servant as defined in s.
2504 838.014; a veteran as defined in s. 1.01; a first responder as
2505 defined in s. 125.01045; an individual who is employed by the
2506 State of Florida; or an individual who is employed by the
2507 Federal Government without first obtaining the consent of that
2508 individual commits a felony of the second degree, punishable as
2509 provided in s. 775.082, s. 775.083, or s. 775.084.

2510 Section 50. The Legislature finds that a proper and
2511 legitimate state purpose is served when internal controls are
2512 established to prevent and detect fraud, waste, and abuse and to
2513 safeguard and account for government funds and property.
2514 Therefore, the Legislature determines and declares that this act
2515 fulfills an important state interest.

2516 Section 51. This act shall take effect October 1, 2016.