

By the Committees on Governmental Oversight and Accountability;
and Ethics and Elections; and Senator Gaetz

585-03241-16

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1 A bill to be entitled
2 An act relating to government accountability; amending
3 s. 11.40, F.S.; specifying that the Governor, the
4 Commissioner of Education, or the designee of the
5 Governor or of the Commissioner of Education may
6 notify the Legislative Auditing Committee of an
7 entity's failure to comply with certain auditing and
8 financial reporting requirements; amending s. 11.45,
9 F.S.; defining the terms "abuse," "fraud," and
10 "waste"; revising the definition of the term "local
11 governmental entity"; excluding water management
12 districts from certain audit requirements; removing a
13 cross-reference; authorizing the Auditor General to
14 conduct audits of tourist development councils and
15 county tourism promotion agencies; revising reporting
16 requirements applicable to the Auditor General;
17 creating s. 20.602, F.S.; specifying the applicability
18 of certain provisions of the Code of Ethics for Public
19 Officers and Employees to officers and board members
20 of corporate entities associated with the Department
21 of Economic Opportunity; prohibiting such officers and
22 board members from representing a person or an entity
23 for compensation before certain bodies for a specified
24 timeframe; providing for construction; amending s.
25 28.35, F.S.; revising reporting requirements
26 applicable to the Florida Clerks of Court Operations
27 Corporation; amending s. 43.16, F.S.; revising the
28 responsibilities of the Justice Administrative
29 Commission, each state attorney, each public defender,
30 a criminal conflict and civil regional counsel, a
31 capital collateral regional counsel, and the Guardian

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32 Ad Litem Program, to include the establishment and
33 maintenance of certain internal controls; creating s.
34 112.3126, F.S.; defining the term "private entity";
35 prohibiting a member of the Legislature or a candidate
36 for legislative office from accepting employment with
37 a private entity that directly receives funding
38 through state revenues under certain circumstances;
39 authorizing employment with a private entity if
40 certain conditions are met; amending s. 112.313, F.S.;
41 specifying that prohibitions on conflicting employment
42 or contractual relationships for public officers or
43 employees of an agency apply to contractual
44 relationships held by certain business entities;
45 amending s. 112.3144, F.S.; requiring elected
46 municipal officers to file a full and public
47 disclosure of financial interests, rather than a
48 statement of financial interests; providing for
49 applicability; amending s. 112.31455, F.S.; revising
50 provisions governing collection methods for unpaid
51 automatic fines for failure to timely file disclosure
52 of financial interests to include school districts;
53 amending s. 112.3261, F.S.; revising terms to conform
54 to changes made by the act; expanding the types of
55 governmental entities that are subject to lobbyist
56 registration requirements; requiring a governmental
57 entity to create a lobbyist registration form;
58 amending ss. 129.03, 129.06, 166.241, and 189.016,
59 F.S.; requiring counties, municipalities, and special
60 districts to maintain certain budget documents on the

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61 entities' websites for a specified period; amending s.
62 215.425, F.S.; defining the term "public funds";
63 revising exceptions to the prohibition on extra
64 compensation claims; revising minimum requirements for
65 any policy, ordinance, rule, or resolution designed to
66 implement a bonus scheme; requiring certain contracts
67 into which a unit of government or state university
68 enters to contain certain provisions regarding
69 severance pay; requiring a unit of government to
70 investigate and take reasonable action to recover
71 prohibited compensation; specifying methods of
72 recovery for unintentional and willful violations;
73 specifying applicability of procedures regarding
74 suspension and removal of an officer who commits a
75 willful violation; specifying circumstances under
76 which an employee has a cause of action under the
77 Whistle-blower's Act; providing for applicability;
78 amending s. 215.86, F.S.; revising the purposes for
79 which management systems and internal controls must be
80 established and maintained by each state agency and
81 the judicial branch; amending s. 215.97, F.S.;
82 revising the definition of the term "audit threshold";
83 amending s. 215.985, F.S.; revising the requirements
84 for a monthly financial statement provided by a water
85 management district; amending s. 218.32, F.S.;
86 revising the requirements of the annual financial
87 audit report of a local governmental entity;
88 authorizing the Department of Financial Services to
89 request additional information from a local

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90 governmental entity; requiring a local governmental
91 entity to respond to such requests within a specified
92 timeframe; requiring the department to notify the
93 Legislative Auditing Committee of noncompliance;
94 amending s. 218.33, F.S.; requiring local governmental
95 entities to establish and maintain internal controls
96 to achieve specified purposes; amending s. 218.39,
97 F.S.; requiring an audited entity to respond to audit
98 recommendations under specified circumstances;
99 amending s. 218.391, F.S.; revising the composition of
100 an audit committee; prohibiting an audit committee
101 member from being an employee, a chief executive
102 officer, or a chief financial officer of the
103 respective governmental entity; requiring the chair of
104 an audit committee to sign and execute an affidavit
105 affirming compliance with auditor selection
106 procedures; prescribing procedures in the event of
107 noncompliance with auditor selection procedures;
108 amending s. 286.0114, F.S.; prohibiting a board or
109 commission from requiring an advance copy of testimony
110 or comments from a member of the public as a
111 precondition to being given the opportunity to be
112 heard at a public meeting; amending s. 288.92, F.S.;
113 prohibiting specified officers and board members of
114 Enterprise Florida, Inc., from representing a person
115 or entity for compensation before Enterprise Florida,
116 Inc., and associated entities thereof, for a specified
117 timeframe; amending s. 288.9604, F.S.; prohibiting a
118 director of the Florida Development Finance

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119 Corporation from representing a person or an entity
120 for compensation before the corporation for a
121 specified timeframe; amending s. 373.536, F.S.;
122 deleting obsolete language; requiring water management
123 districts to maintain certain budget documents on the
124 districts' websites for a specified period; amending
125 s. 838.014, F.S.; revising and providing definitions;
126 amending s. 838.015, F.S.; revising the definition of
127 the term "bribery"; revising requirements for
128 prosecution; amending s. 838.016, F.S.; revising the
129 prohibition against unlawful compensation or reward
130 for official behavior to conform to changes made by
131 the act; amending s. 838.022, F.S.; revising the
132 prohibition against official misconduct to conform to
133 changes made by the act; revising applicability of the
134 offense to include public contractors; amending s.
135 838.22, F.S.; revising the prohibition against bid
136 tampering to conform to changes made by the act;
137 revising applicability of the offense to include
138 specified public contractors; amending s. 1001.42,
139 F.S.; authorizing additional internal audits as
140 directed by the district school board; specifying
141 duties of the district school board regarding
142 visitation of schools; amending s. 1002.33, F.S.;
143 revising the responsibilities of the governing board
144 of a charter school to include the establishment and
145 maintenance of internal controls; amending s. 1002.37,
146 F.S.; requiring completion of an annual financial
147 audit of the Florida Virtual School; specifying audit

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148 requirements; requiring an audit report to be
149 submitted to the board of trustees of the Florida
150 Virtual School and the Auditor General; removing
151 obsolete provisions; amending s. 1010.01, F.S.;
152 requiring each school district, Florida College System
153 institution, and state university to establish and
154 maintain certain internal controls; amending s.
155 1010.30, F.S.; requiring a district school board,
156 Florida College System institution board of trustees,
157 or university board of trustees to respond to audit
158 recommendations under certain circumstances; amending
159 ss. 99.061, 218.503, and 1002.455, F.S.; conforming
160 provisions and cross-references to changes made by the
161 act; reenacting s. 112.534(2)(a), F.S., relating to
162 official misconduct, and s. 117.01(4)(d), F.S.,
163 relating to appointment, application, suspension,
164 revocation, application fee, bond, and oath of
165 notaries public, to incorporate the amendment made by
166 the act to s. 838.022, F.S., in references thereto;
167 reenacting s. 817.568(11), F.S., relating to criminal
168 use of personal identification information, to
169 incorporate the amendment made by the act to s.
170 838.014, F.S., in a reference thereto; reenacting s.
171 921.0022(3)(d) and (g), F.S., relating to the Criminal
172 Punishment Code offense severity ranking chart, to
173 incorporate the amendments made by the act to ss.
174 838.015, 838.016, 838.022, and 838.22, F.S., in
175 references thereto; providing for applicability;
176 declaring that the act fulfills an important state

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177 interest; providing an effective date.

178
179 Be It Enacted by the Legislature of the State of Florida:

180
181 Section 1. Subsection (2) of section 11.40, Florida
182 Statutes, is amended to read:

183 11.40 Legislative Auditing Committee.—

184 (2) Following notification by the Auditor General, the
185 Department of Financial Services, ~~or~~ the Division of Bond
186 Finance of the State Board of Administration, the Governor or
187 his or her designee, or the Commissioner of Education or his or
188 her designee of the failure of a local governmental entity,
189 district school board, charter school, or charter technical
190 career center to comply with the applicable provisions within s.
191 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the
192 Legislative Auditing Committee may schedule a hearing to
193 determine if the entity should be subject to further state
194 action. If the committee determines that the entity should be
195 subject to further state action, the committee shall:

196 (a) In the case of a local governmental entity or district
197 school board, direct the Department of Revenue and the
198 Department of Financial Services to withhold any funds not
199 pledged for bond debt service satisfaction which are payable to
200 such entity until the entity complies with the law. The
201 committee shall specify the date that such action must ~~shall~~
202 begin, and the directive must be received by the Department of
203 Revenue and the Department of Financial Services 30 days before
204 the date of the distribution mandated by law. The Department of
205 Revenue and the Department of Financial Services may implement

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206 ~~the provisions of~~ this paragraph.

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

208 1. A special act, notify the President of the Senate, the
209 Speaker of the House of Representatives, the standing committees
210 of the Senate and the House of Representatives charged with
211 special district oversight as determined by the presiding
212 officers of each respective chamber, the legislators who
213 represent a portion of the geographical jurisdiction of the
214 special district pursuant to s. 189.034(2), and the Department
215 of Economic Opportunity that the special district has failed to
216 comply with the law. Upon receipt of notification, the
217 Department of Economic Opportunity shall proceed pursuant to s.
218 189.062 or s. 189.067. If the special district remains in
219 noncompliance after the process set forth in s. 189.034(3), or
220 if a public hearing is not held, the Legislative Auditing
221 Committee may request the department to proceed pursuant to s.
222 189.067(3).

223 2. A local ordinance, notify the chair or equivalent of the
224 local general-purpose government pursuant to s. 189.035(2) and
225 the Department of Economic Opportunity that the special district
226 has failed to comply with the law. Upon receipt of notification,
227 the department shall proceed pursuant to s. 189.062 or s.
228 189.067. If the special district remains in noncompliance after
229 the process set forth in s. 189.034(3), or if a public hearing
230 is not held, the Legislative Auditing Committee may request the
231 department to proceed pursuant to s. 189.067(3).

232 3. Any manner other than a special act or local ordinance,
233 notify the Department of Economic Opportunity that the special
234 district has failed to comply with the law. Upon receipt of

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235 notification, the department shall proceed pursuant to s.
236 189.062 or s. 189.067(3).

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

240 Section 2. Subsection (1), paragraph (j) of subsection (2),
241 paragraph (u) of subsection (3), and paragraph (i) of subsection
242 (7) of section 11.45, Florida Statutes, are amended, and
243 paragraph (x) is added to subsection (3) of that section, to
244 read:

245 11.45 Definitions; duties; authorities; reports; rules.—

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

247 (a) "Abuse" means behavior that is deficient or improper
248 when compared with behavior that a prudent person would consider
249 a reasonable and necessary operational practice given the facts
250 and circumstances. The term includes the misuse of authority or
251 position for personal gain.

252 (b)~~(a)~~ "Audit" means a financial audit, operational audit,
253 or performance audit.

254 (c)~~(b)~~ "County agency" means a board of county
255 commissioners or other legislative and governing body of a
256 county, however styled, including that of a consolidated or
257 metropolitan government, a clerk of the circuit court, a
258 separate or ex officio clerk of the county court, a sheriff, a
259 property appraiser, a tax collector, a supervisor of elections,
260 or any other officer in whom any portion of the fiscal duties of
261 a body or officer expressly stated in this paragraph are ~~the~~
262 ~~above are under law~~ separately placed by law.

263 (d)~~(e)~~ "Financial audit" means an examination of financial

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264 statements in order to express an opinion on the fairness with
265 which they are presented in conformity with generally accepted
266 accounting principles and an examination to determine whether
267 operations are properly conducted in accordance with legal and
268 regulatory requirements. Financial audits must be conducted in
269 accordance with auditing standards generally accepted in the
270 United States and government auditing standards as adopted by
271 the Board of Accountancy. When applicable, the scope of
272 financial audits must ~~shall~~ encompass the additional activities
273 necessary to establish compliance with the Single Audit Act
274 Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other
275 applicable federal law.

276 (e) "Fraud" means obtaining something of value through
277 willful misrepresentation, including, but not limited to, the
278 intentional misstatements or omissions of amounts or disclosures
279 in financial statements to deceive users of financial
280 statements, theft of an entity's assets, bribery, or the use of
281 one's position for personal enrichment through the deliberate
282 misuse or misapplication of an organization's resources.

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

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

291 (h)(f) "Management letter" means a statement of the
292 auditor's comments and recommendations.

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293 (i)~~(g)~~ "Operational audit" means an audit whose purpose is
294 to evaluate management's performance in establishing and
295 maintaining internal controls, including controls designed to
296 prevent and detect fraud, waste, and abuse, and in administering
297 assigned responsibilities in accordance with applicable laws,
298 administrative rules, contracts, grant agreements, and other
299 guidelines. Operational audits must be conducted in accordance
300 with government auditing standards. Such audits examine internal
301 controls that are designed and placed in operation to promote
302 and encourage the achievement of management's control objectives
303 in the categories of compliance, economic and efficient
304 operations, reliability of financial records and reports, and
305 safeguarding of assets, and identify weaknesses in those
306 internal controls.

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

- 313 1. Economy, efficiency, or effectiveness of the program.
- 314 2. Structure or design of the program to accomplish its
315 goals and objectives.
- 316 3. Adequacy of the program to meet the needs identified by
317 the Legislature or governing body.
- 318 4. Alternative methods of providing program services or
319 products.
- 320 5. Goals, objectives, and performance measures used by the
321 agency to monitor and report program accomplishments.

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

324 7. Compliance of the program with appropriate policies,
325 rules, or laws.

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

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

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

343 (m) "Waste" means the act of using or expending resources
344 unreasonably, carelessly, extravagantly, or for no useful
345 purpose.

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

347 (j) Conduct audits of local governmental entities when
348 determined to be necessary by the Auditor General, when directed
349 by the Legislative Auditing Committee, or when otherwise
350 required by law. No later than 18 months after the release of

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351 the audit report, the Auditor General shall perform such
352 appropriate followup procedures as he or she deems necessary to
353 determine the audited entity's progress in addressing the
354 findings and recommendations contained within the Auditor
355 General's previous report. The Auditor General shall notify each
356 member of the audited entity's governing body and the
357 Legislative Auditing Committee of the results of his or her
358 determination. For purposes of this paragraph, local
359 governmental entities do not include water management districts.

360

361 The Auditor General shall perform his or her duties
362 independently but under the general policies established by the
363 Legislative Auditing Committee. This subsection does not limit
364 the Auditor General's discretionary authority to conduct other
365 audits or engagements of governmental entities as authorized in
366 subsection (3).

367 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
368 General may, pursuant to his or her own authority, or at the
369 direction of the Legislative Auditing Committee, conduct audits
370 or other engagements as determined appropriate by the Auditor
371 General of:

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

373 (x) Tourist development councils and county tourism
374 promotion agencies.

375 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

376 (i) The Auditor General shall annually transmit by July 15,
377 to the President of the Senate, the Speaker of the House of
378 Representatives, and the Department of Financial Services, a
379 list of all school districts, charter schools, charter technical

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380 career centers, Florida College System institutions, state
381 universities, and local governmental entities ~~water management~~
382 ~~districts~~ that have failed to comply with the transparency
383 requirements as identified in the audit reports reviewed
384 pursuant to paragraph (b) and those conducted pursuant to
385 subsection (2).

386 Section 3. Section 20.602, Florida Statutes, is created to
387 read:

388 20.602 Standards of conduct; officers and board members of
389 Department of Economic Opportunity corporate entities.-

390 (1) The following officers and board members are subject to
391 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
392 112.3143(2):

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

394 1. Any corporation created under chapter 288;

395 2. Space Florida;

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

398 4. The Florida Housing Finance Corporation; or

399 5. Any other corporation created by the Department of
400 Economic Opportunity in accordance with its powers and duties
401 under s. 20.60.

402 (b) Officers and members of the board of directors of a
403 corporate parent or subsidiary corporation of a corporation
404 described in paragraph (a).

405 (c) Officers and members of the board of directors of a
406 corporation created to carry out the missions of a corporation
407 described in paragraph (a).

408 (d) Officers and members of the board of directors of a

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409 corporation with which a corporation described in paragraph (a)
410 is required by law to contract with to carry out its missions.

411 (2) For purposes of applying ss. 112.313(1)-(8), (10),
412 (12), and (15); 112.3135; and 112.3143(2) to activities of the
413 officers and members of the board of directors specified in
414 subsection (1), those persons shall be considered public
415 officers or employees and the corporation shall be considered
416 their agency.

417 (3) For a period of 2 years after retirement from or
418 termination of service, or for a period of 10 years if removed
419 or terminated for cause or for misconduct, as defined in s.
420 443.036(29), an officer or a member of the board of directors
421 specified in subsection (1) may not represent another person or
422 entity for compensation before:

423 (a) His or her corporation;

424 (b) A division, a subsidiary, or the board of directors of
425 a corporation created to carry out the mission of his or her
426 corporation; or

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

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

433 Section 4. Paragraph (d) of subsection (2) of section
434 28.35, Florida Statutes, is amended to read:

435 28.35 Florida Clerks of Court Operations Corporation.—

436 (2) The duties of the corporation shall include the
437 following:

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438 (d) Developing and certifying a uniform system of workload
439 measures and applicable workload standards for court-related
440 functions as developed by the corporation and clerk workload
441 performance in meeting the workload performance standards. These
442 workload measures and workload performance standards shall be
443 designed to facilitate an objective determination of the
444 performance of each clerk in accordance with minimum standards
445 for fiscal management, operational efficiency, and effective
446 collection of fines, fees, service charges, and court costs. The
447 corporation shall develop the workload measures and workload
448 performance standards in consultation with the Legislature. When
449 the corporation finds a clerk has not met the workload
450 performance standards, the corporation shall identify the nature
451 of each deficiency and any corrective action recommended and
452 taken by the affected clerk of the court. For quarterly periods
453 ending on the last day of March, June, September, and December
454 of each year, the corporation shall notify the Legislature of
455 any clerk not meeting workload performance standards and provide
456 a copy of any corrective action plans. Such notifications shall
457 be submitted no later than 45 days after the end of the
458 preceding quarterly period. As used in this subsection, the
459 term:

460 1. "Workload measures" means the measurement of the
461 activities and frequency of the work required for the clerk to
462 adequately perform the court-related duties of the office as
463 defined by the membership of the Florida Clerks of Court
464 Operations Corporation.

465 2. "Workload performance standards" means the standards
466 developed to measure the timeliness and effectiveness of the

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467 activities that are accomplished by the clerk in the performance
468 of the court-related duties of the office as defined by the
469 membership of the Florida Clerks of Court Operations
470 Corporation.

471 Section 5. Present subsections (6) and (7) of section
472 43.16, Florida Statutes, are redesignated as subsections (7) and
473 (8), respectively, and a new subsection (6) is added to that
474 section, to read:

475 43.16 Justice Administrative Commission; membership, powers
476 and duties.—

477 (6) The commission, each state attorney, each public
478 defender, the criminal conflict and civil regional counsel, the
479 capital collateral regional counsel, and the Guardian Ad Litem
480 Program shall establish and maintain internal controls designed
481 to:

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

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

485 (c) Support economical and efficient operations.

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

487 (e) Safeguard assets.

488 Section 6. Section 112.3126, Florida Statutes, is created
489 to read:

490 112.3126 Employment restrictions; legislators.—

491 (1) As used in this section, the term "private entity"
492 means any nongovernmental entity, such as a corporation,
493 partnership, company or nonprofit organization, any other legal
494 entity, or any natural person.

495 (2) (a) A member of, or candidate for, the Legislature may

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496 not accept employment with a private entity that directly
497 receives funding through state revenues appropriated by the
498 General Appropriations Act if he or she knows, or with the
499 exercise of reasonable care should know, that the position is
500 being offered by the employer for the purpose of gaining
501 influence or other advantage based on the legislator's office or
502 candidacy. Any employment with a private entity that directly
503 receives funding through state revenues appropriated by the
504 General Appropriations Act accepted by a member or candidate
505 must meet all of the following conditions:

506 1. The position was already in existence or was created by
507 the employer without the knowledge or anticipation of the
508 legislator's interest in such position;

509 2. The position was open to other applicants;

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

512 4. The legislator meets or exceeds the required
513 qualifications for the position.

514 (b) A member of the Legislature who is employed by such
515 private entity before his or her legislative service begins may
516 continue his or her employment. However, he or she may not
517 accept promotion, advancement, additional compensation, or
518 anything of value that he or she knows, or with the exercise of
519 reasonable care should know, is provided or given to influence
520 or attempt to influence his or her legislative office, or that
521 is otherwise inconsistent with the promotion, advancement,
522 additional compensation, or anything of value provided or given
523 an employee who is similarly situated.

524 Section 7. Subsection (7) of section 112.313, Florida

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525 Statutes, is amended to read:

526 112.313 Standards of conduct for public officers, employees
527 of agencies, and local government attorneys.—

528 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

529 (a) A ~~No~~ public officer or employee of an agency may not
530 ~~shall~~ have or hold any employment or contractual relationship
531 with any business entity or any agency that ~~which~~ is subject to
532 the regulation of, or is doing business with, an agency of which
533 he or she is an officer or employee, excluding those
534 organizations and their officers who, when acting in their
535 official capacity, enter into or negotiate a collective
536 bargaining contract with the state or any municipality, county,
537 or other political subdivision of the state; and ~~nor shall~~ an
538 officer or employee of an agency may not have or hold any
539 employment or contractual relationship that will create a
540 continuing or frequently recurring conflict between his or her
541 private interests and the performance of his or her public
542 duties or that would impede the full and faithful discharge of
543 his or her public duties. For purposes of this subsection, if a
544 public officer or employee of an agency holds a controlling
545 interest in a business entity or is an officer, a director, or a
546 member who manages such an entity, contractual relationships
547 held by the business entity are deemed to be held by the public
548 officer or employee.

549 1. When the agency referred to is a ~~that certain kind of~~
550 special tax district created by general or special law and is
551 limited specifically to constructing, maintaining, managing, and
552 financing improvements in the land area over which the agency
553 has jurisdiction, or when the agency has been organized pursuant

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554 to chapter 298, ~~then~~ employment with, or entering into a
555 contractual relationship with, such a business entity by a
556 public officer or employee of such an agency is ~~shall~~ not ~~be~~
557 prohibited by this subsection or ~~be~~ deemed a conflict per se.
558 However, conduct by such officer or employee that is prohibited
559 by, or otherwise frustrates the intent of, this section must
560 ~~shall~~ be deemed a conflict of interest in violation of the
561 standards of conduct set forth by this section.

562 2. When the agency referred to is a legislative body and
563 the regulatory power over the business entity resides in another
564 agency, or when the regulatory power that ~~which~~ the legislative
565 body exercises over the business entity or agency is strictly
566 through the enactment of laws or ordinances, ~~then~~ employment or
567 a contractual relationship with such a business entity by a
568 public officer or employee of a legislative body is ~~shall~~ not ~~be~~
569 prohibited by this subsection or ~~be~~ deemed a conflict.

570 (b) This subsection does ~~shall~~ not prohibit a public
571 officer or employee from practicing in a particular profession
572 or occupation when such practice by persons holding such public
573 office or employment is required or permitted by law or
574 ordinance.

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

577 112.3144 Full and public disclosure of financial
578 interests.—

579 (1) In addition to officers specified in s. 8, Art. II of
580 the State Constitution or other state law, all elected municipal
581 officers are required to file a full and public disclosure of
582 their financial interests. An officer who is required ~~by s. 8,~~

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583 ~~Art. II of the State Constitution~~ to file a full and public
584 disclosure of ~~his or her~~ financial interests for any calendar or
585 fiscal year shall file that disclosure with the ~~Florida~~
586 Commission on Ethics. ~~Additionally, beginning January 1, 2015,~~
587 An officer who is required to complete annual ethics training
588 pursuant to s. 112.3142 must certify on his or her full and
589 public disclosure of financial interests that he or she has
590 completed the required training.

591 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
592 ~~the State Constitution,~~ to file a full and public disclosure of
593 financial interests and who has filed a full and public
594 disclosure of financial interests for any calendar or fiscal
595 year is ~~shall~~ not be required to file a statement of financial
596 interests pursuant to s. 112.3145(2) and (3) for the same year
597 or for any part thereof notwithstanding any requirement of this
598 part. If an incumbent in an elective office has filed the full
599 and public disclosure of financial interests to qualify for
600 election to the same office or if a candidate for office holds
601 another office subject to the annual filing requirement, the
602 qualifying officer shall forward an electronic copy of the full
603 and public disclosure of financial interests to the commission
604 no later than July 1. The electronic copy of the full and public
605 disclosure of financial interests satisfies the annual
606 disclosure requirement of this section. A candidate who does not
607 qualify until after the annual full and public disclosure of
608 financial interests has been filed pursuant to this section
609 shall file a copy of his or her disclosure with the officer
610 before whom he or she qualifies.

611 Section 9. The amendment made to s. 112.3144, Florida

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612 Statutes, by this act applies to disclosures filed for the 2016
613 calendar year and all subsequent calendar years.

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

616 112.31455 Collection methods for unpaid automatic fines for
617 failure to timely file disclosure of financial interests.—

618 (1) Before referring any unpaid fine accrued pursuant to s.
619 112.3144(5) or s. 112.3145(7) to the Department of Financial
620 Services, the commission shall attempt to determine whether the
621 individual owing such a fine is a current public officer or
622 current public employee. If so, the commission may notify the
623 Chief Financial Officer or the governing body of the appropriate
624 county, municipality, school district, or special district of
625 the total amount of any fine owed to the commission by such
626 individual.

627 (a) After receipt and verification of the notice from the
628 commission, the Chief Financial Officer or the governing body of
629 the county, municipality, school district, or special district
630 shall begin withholding the lesser of 10 percent or the maximum
631 amount allowed under federal law from any salary-related
632 payment. The withheld payments shall be remitted to the
633 commission until the fine is satisfied.

634 (b) The Chief Financial Officer or the governing body of
635 the county, municipality, school district, or special district
636 may retain an amount of each withheld payment, as provided in s.
637 77.0305, to cover the administrative costs incurred under this
638 section.

639 Section 11. Section 112.3261, Florida Statutes, is amended
640 to read:

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641 112.3261 Lobbying before governmental entities ~~water~~
642 ~~management districts~~; registration and reporting.—

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

644 (a) "Governmental entity" or "entity" ~~"District"~~ means a
645 water management district created in s. 373.069 and operating
646 under the authority of chapter 373, a hospital district, a
647 children's services district, an expressway authority as the
648 term "authority" is defined in s. 348.0002, the term "port
649 authority" as defined in s. 315.02, a county or municipality
650 that has not adopted lobbyist registration and reporting
651 requirements, or an independent special district with annual
652 revenues of more than \$5 million which exercises ad valorem
653 taxing authority.

654 (b) "Lobbies" means seeking, on behalf of another person,
655 to influence a governmental entity ~~district~~ with respect to a
656 decision of the entity ~~district~~ in an area of policy or
657 procurement or an attempt to obtain the goodwill of an a
658 ~~district~~ official or employee of a governmental entity. The term
659 "lobbies" shall be interpreted and applied consistently with the
660 rules of the commission implementing s. 112.3215.

661 (c) "Lobbyist" has the same meaning as provided in s.
662 112.3215.

663 (d) "Principal" has the same meaning as provided in s.
664 112.3215.

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

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670 statement signed by the principal or principal's representative
671 stating that the registrant is authorized to represent the
672 principal. The principal shall also identify and designate its
673 main business on the statement authorizing that lobbyist
674 pursuant to a classification system approved by the governmental
675 entity ~~district~~. Any changes to the information required by this
676 section must be disclosed within 15 days by filing a new
677 registration form. The registration form must ~~shall~~ require each
678 lobbyist to disclose, under oath, the following:

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

680 (b) The name and business address of each principal
681 represented.

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

686 (d) A governmental entity shall create a lobbyist
687 registration form modeled after the ~~In lieu of creating its own~~
688 ~~lobbyist registration forms, a district may accept a completed~~
689 ~~legislative branch or executive branch lobbyist registration~~
690 ~~form, which must be returned to the governmental entity.~~

691 (3) A governmental entity ~~district~~ shall make lobbyist
692 registrations available to the public. If a governmental entity
693 ~~district~~ maintains a website, a database of currently registered
694 lobbyists and principals must be available on the entity's
695 ~~district's~~ website.

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

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699 that principal. A governmental entity ~~district~~ may remove the
700 name of a lobbyist from the list of registered lobbyists if the
701 principal notifies the entity ~~district~~ that a person is no
702 longer authorized to represent that principal.

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

707 (6) A governmental entity ~~district~~ shall be diligent to
708 ascertain whether persons required to register pursuant to this
709 section have complied. A governmental entity ~~district~~ may not
710 knowingly authorize a person who is not registered pursuant to
711 this section to lobby the entity ~~district~~.

712 (7) Upon receipt of a sworn complaint alleging that a
713 lobbyist or principal has failed to register with a governmental
714 entity ~~district~~ or has knowingly submitted false information in
715 a report or registration required under this section, the
716 commission shall investigate a lobbyist or principal pursuant to
717 the procedures established under s. 112.324. The commission
718 shall provide the Governor with a report of its findings and
719 recommendations in any investigation conducted pursuant to this
720 subsection. The Governor is authorized to enforce the
721 commission's findings and recommendations.

722 (8) A governmental entity ~~Water management districts~~ may
723 adopt rules to establish procedures to govern the registration
724 of lobbyists, including the adoption of forms and the
725 establishment of a lobbyist registration fee.

726 Section 12. Paragraph (c) of subsection (3) of section
727 129.03, Florida Statutes, is amended to read:

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728 129.03 Preparation and adoption of budget.—

729 (3) The county budget officer, after tentatively
730 ascertaining the proposed fiscal policies of the board for the
731 next fiscal year, shall prepare and present to the board a
732 tentative budget for the next fiscal year for each of the funds
733 provided in this chapter, including all estimated receipts,
734 taxes to be levied, and balances expected to be brought forward
735 and all estimated expenditures, reserves, and balances to be
736 carried over at the end of the year.

737 (c) The board shall hold public hearings to adopt tentative
738 and final budgets pursuant to s. 200.065. The hearings shall be
739 primarily for the purpose of hearing requests and complaints
740 from the public regarding the budgets and the proposed tax
741 levies and for explaining the budget and any proposed or adopted
742 amendments. The tentative budget must be posted on the county's
743 official website at least 2 days before the public hearing to
744 consider such budget and must remain on the website for at least
745 45 days. The final budget must be posted on the website within
746 30 days after adoption and must remain on the website for at
747 least 2 years. The tentative budgets, adopted tentative budgets,
748 and final budgets shall be filed in the office of the county
749 auditor as a public record. Sufficient reference in words and
750 figures to identify the particular transactions must ~~shall~~ be
751 made in the minutes of the board to record its actions with
752 reference to the budgets.

753 Section 13. Paragraph (f) of subsection (2) of section
754 129.06, Florida Statutes, is amended to read:

755 129.06 Execution and amendment of budget.—

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

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757 budget for that year, and may within the first 60 days of a
758 fiscal year amend the budget for the prior fiscal year, as
759 follows:

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

765 1. The public hearing must be advertised at least 2 days,
766 but not more than 5 days, before the date of the hearing. The
767 advertisement must appear in a newspaper of paid general
768 circulation and must identify the name of the taxing authority,
769 the date, place, and time of the hearing, and the purpose of the
770 hearing. The advertisement must also identify each budgetary
771 fund to be amended, the source of the funds, the use of the
772 funds, and the total amount of each fund's appropriations.

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

777 Section 14. Subsections (3) and (5) of section 166.241,
778 Florida Statutes, are amended to read:

779 166.241 Fiscal years, budgets, and budget amendments.—

780 (3) The tentative budget must be posted on the
781 municipality's official website at least 2 days before the
782 budget hearing, held pursuant to s. 200.065 or other law, to
783 consider such budget, and must remain on the website for at
784 least 45 days. The final adopted budget must be posted on the
785 municipality's official website within 30 days after adoption

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786 and must remain on the website for at least 2 years. If the
787 municipality does not operate an official website, the
788 municipality must, within a reasonable period of time as
789 established by the county or counties in which the municipality
790 is located, transmit the tentative budget and final budget to
791 the manager or administrator of such county or counties who
792 shall post the budgets on the county's website.

793 (5) If the governing body of a municipality amends the
794 budget pursuant to paragraph (4)(c), the adopted amendment must
795 be posted on the official website of the municipality within 5
796 days after adoption and must remain on the website for at least
797 2 years. If the municipality does not operate an official
798 website, the municipality must, within a reasonable period of
799 time as established by the county or counties in which the
800 municipality is located, transmit the adopted amendment to the
801 manager or administrator of such county or counties who shall
802 post the adopted amendment on the county's website.

803 Section 15. Subsections (4) and (7) of section 189.016,
804 Florida Statutes, are amended to read:

805 189.016 Reports; budgets; audits.—

806 (4) The tentative budget must be posted on the special
807 district's official website at least 2 days before the budget
808 hearing, held pursuant to s. 200.065 or other law, to consider
809 such budget, and must remain on the website for at least 45
810 days. The final adopted budget must be posted on the special
811 district's official website within 30 days after adoption and
812 must remain on the website for at least 2 years. If the special
813 district does not operate an official website, the special
814 district must, within a reasonable period of time as established

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815 by the local general-purpose government or governments in which
816 the special district is located or the local governing authority
817 to which the district is dependent, transmit the tentative
818 budget or final budget to the manager or administrator of the
819 local general-purpose government or the local governing
820 authority. The manager or administrator shall post the tentative
821 budget or final budget on the website of the local general-
822 purpose government or governing authority. This subsection and
823 subsection (3) do not apply to water management districts as
824 defined in s. 373.019.

825 (7) If the governing body of a special district amends the
826 budget pursuant to paragraph (6)(c), the adopted amendment must
827 be posted on the official website of the special district within
828 5 days after adoption and must remain on the website for at
829 least 2 years. If the special district does not operate an
830 official website, the special district must, within a reasonable
831 period of time as established by the local general-purpose
832 government or governments in which the special district is
833 located or the local governing authority to which the district
834 is dependent, transmit the adopted amendment to the manager or
835 administrator of the local general-purpose government or
836 governing authority. The manager or administrator shall post the
837 adopted amendment on the website of the local general-purpose
838 government or governing authority.

839 Section 16. Section 215.425, Florida Statutes, is amended
840 to read:

841 215.425 Extra compensation claims prohibited; bonuses;
842 severance pay.—

843 (1) As used in this section, the term "public funds" means

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

854 (a) Revenues received by the Board of Governors or state
855 universities through or from faculty practice plans; health
856 services support organizations; hospitals with which state
857 universities are affiliated; direct-support organizations; or
858 federal, auxiliary, or private sources, except for tuition.

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

863 (c) Revenues that are received by a hospital licensed under
864 chapter 395 which has entered into a Medicaid provider contract
865 and that:

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

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

869 3. Are derived from patient services pursuant to contracts
870 with private insurers or private managed care entities, or paid
871 by the patient or private entities; or

872 4. Are not appropriated by the Legislature or by any

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873 county, municipality, special district, school district, Florida
874 College System institution, state university, or other separate
875 unit of government created pursuant to law, including any
876 office, department, agency, division, subdivision, political
877 subdivision, board, bureau, commission, authority, or
878 institution of such entities, except for revenues otherwise
879 authorized to be used pursuant to subparagraphs 2. and 3.

880 (d) A clothing and maintenance allowance given to
881 plainclothes deputies pursuant to s. 30.49.

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

885 (2)-(1) Except as provided in subsections (3) and (4), no
886 extra compensation shall be made from public funds to any
887 officer, agent, employee, or contractor after the service has
888 been rendered or the contract made; nor shall any public funds
889 money be appropriated or paid on any claim the subject matter of
890 which has not been provided for by preexisting laws, unless such
891 compensation or claim is allowed by a law enacted by two-thirds
892 of the members elected to each house of the Legislature.

893 However, when adopting salary schedules for a fiscal year, a
894 district school board or community college district board of
895 trustees may apply the schedule for payment of all services
896 rendered subsequent to July 1 of that fiscal year.

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

898 ~~(a) a bonus or severance pay that is paid wholly from~~
899 ~~nontax revenues and nonstate appropriated funds, the payment and~~
900 ~~receipt of which does not otherwise violate part III of chapter~~
901 ~~112, and which is paid to an officer, agent, employee, or~~

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902 ~~contractor of a public hospital that is operated by a county or~~
 903 ~~a special district; or~~

904 ~~(b) A clothing and maintenance allowance given to~~
 905 ~~plainclothes deputies pursuant to s. 30.49.~~

906 (3) Any policy, ordinance, rule, or resolution designed to
 907 implement a bonus scheme must:

908 (a) Base the award of a bonus on work performance;

909 (b) Describe the performance standards and evaluation
 910 process by which a bonus will be awarded;

911 (c) Notify all employees who meet the prescribed criteria
 912 for a particular bonus scheme of the policy, ordinance, rule, or
 913 resolution before the beginning of the evaluation period on
 914 which a bonus will be based; and

915 (d) Consider all employees who meet the prescribed criteria
 916 for a particular bonus scheme for the bonus.

917 (4) (a) ~~On or after July 1, 2011,~~ A unit of government, on
 918 or after July 1, 2011, or a state university, on or after July
 919 1, 2012, which ~~that~~ enters into a contract or employment
 920 agreement, or a renewal or renegotiation of an existing contract
 921 or employment agreement, which ~~that~~ contains a provision for
 922 severance pay with an officer, agent, employee, or contractor
 923 must include the following provisions in the contract:

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

927 2. A prohibition of provision of severance pay paid from
 928 public funds when the officer, agent, employee, or contractor
 929 has been fired for misconduct, as defined in s. 443.036(29), by
 930 the unit of government. However, the existence of a contract

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931 that includes a provision providing for severance pay does not
932 limit the application of paragraph (b) to the settlement of a
933 dispute.

934 (b) On or after July 1, 2011, an officer, agent, employee,
935 or contractor may receive severance pay that is not provided for
936 in a contract or employment agreement if the severance pay
937 represents the settlement of an employment dispute. In
938 determining the amount of severance pay that may be paid in
939 accordance with this section, the unit of government or the
940 state university shall consider the nature of the claim, the
941 circumstances giving rise to the dispute, and the potential cost
942 of resolving the dispute ~~Such severance pay may not exceed an~~
943 ~~amount greater than 6 weeks of compensation.~~ The settlement may
944 not include provisions that limit the ability of any party to
945 the settlement to discuss the dispute or settlement.

946 (5) Any agreement or contract, ~~executed~~ executed on or after July 1,
947 2011, which involves extra compensation between a unit of
948 government and an officer, agent, employee, or contractor may
949 not include provisions that limit the ability of any party to
950 the agreement or contract to discuss the agreement or contract.

951 (6) Upon discovery or notification that a unit of
952 government has provided prohibited compensation to any officer,
953 agent, employee, or contractor in violation of this section,
954 such unit of government shall investigate and take all
955 reasonable action to recover the prohibited compensation.

956 (a) If the violation was unintentional, the unit of
957 government shall take all reasonable action to recover the
958 prohibited compensation from the individual receiving the
959 prohibited compensation through normal recovery methods for

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960 overpayments.

961 (b) If the violation was willful, the unit of government
962 shall take all reasonable action to recover the prohibited
963 compensation from the individual receiving the prohibited
964 compensation or the employee or employees of the unit of
965 government who willfully violated this section. Each individual
966 determined to have willfully violated this section is jointly
967 and severally liable for repayment of the prohibited
968 compensation.

969 (7) An officer who exercises the powers and duties of a
970 state or county officer and willfully violates this section is
971 subject to the Governor's power under s. 7(a), Art. IV of the
972 State Constitution. An officer who exercises powers and duties
973 other than those of a state or county officer and willfully
974 violates this section is subject to the suspension and removal
975 procedures under s. 112.51.

976 (8) An employee who is discharged, demoted, suspended,
977 threatened, harassed, or in any manner discriminated against in
978 the terms and conditions of employment by his or her employer
979 because of lawful acts done by the employee on behalf of the
980 employee or others in furtherance of an action under this
981 section, including investigation for initiation of, testimony
982 for, or assistance in an action filed or to be filed under this
983 section, has a cause of action under s. 112.3187.

984 (9) Subsections (6), (7), and (8) apply prospectively to
985 contracts and employment agreements, and the renewal or
986 renegotiation of an existing contract or employment agreement,
987 effective on or after October 1, 2016.

988 Section 17. Section 215.86, Florida Statutes, is amended to

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989 read:

990 215.86 Management systems and controls.—Each state agency
991 and the judicial branch as defined in s. 216.011 shall establish
992 and maintain management systems and internal controls designed
993 to:

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

995 (2) Promote and encourage compliance with applicable laws,
996 rules, contracts, and grant agreements.†

997 (3) Support economical and ~~economic,~~ efficient, and
998 effective operations.†

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

1000 (5) Safeguard and ~~safeguarding of~~ assets. Accounting
1001 systems and procedures shall be designed to fulfill the
1002 requirements of generally accepted accounting principles.

1003 Section 18. Paragraph (a) of subsection (2) of section
1004 215.97, Florida Statutes, is amended to read:

1005 215.97 Florida Single Audit Act.—

1006 (2) Definitions; as used in this section, the term:

1007 (a) "Audit threshold" means the threshold amount used to
1008 determine when a state single audit or project-specific audit of
1009 a nonstate entity shall be conducted in accordance with this
1010 section. Each nonstate entity that expends a total amount of
1011 state financial assistance equal to or in excess of \$750,000
1012 ~~\$500,000~~ in any fiscal year of such nonstate entity shall be
1013 required to have a state single audit, or a project-specific
1014 audit, for such fiscal year in accordance with the requirements
1015 of this section. ~~Every 2 years the Auditor General,~~ After
1016 consulting with the Executive Office of the Governor, the
1017 Department of Financial Services, and all state awarding

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1018 agencies, the Auditor General shall periodically review the
1019 threshold amount for requiring audits under this section and may
1020 recommend any appropriate statutory change to revise the
1021 threshold amount in the annual report submitted pursuant to s.
1022 11.45(7) (h) to the Legislature ~~may adjust such threshold amount~~
1023 ~~consistent with the purposes of this section.~~

1024 Section 19. Subsection (11) of section 215.985, Florida
1025 Statutes, is amended to read:

1026 215.985 Transparency in government spending.—

1027 (11) Each water management district shall provide a monthly
1028 financial statement in the form and manner prescribed by the
1029 Department of Financial Services to the district's ~~its~~ governing
1030 board and make such monthly financial statement available for
1031 public access on its website.

1032 Section 20. Paragraph (d) of subsection (1) and subsection
1033 (2) of section 218.32, Florida Statutes, are amended to read:

1034 218.32 Annual financial reports; local governmental
1035 entities.—

1036 (1)

1037 (d) Each local governmental entity that is required to
1038 provide for an audit under s. 218.39(1) must submit a copy of
1039 the audit report and annual financial report to the department
1040 within 45 days after the completion of the audit report but no
1041 later than 9 months after the end of the fiscal year. In
1042 conducting an audit of a local governmental entity pursuant to
1043 s. 218.39, an independent certified public accountant shall
1044 determine whether the entity's annual financial report is in
1045 agreement with the audited financial statements. The
1046 accountant's audit report must be supported by the same level of

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1047 detail as required for the annual financial report. If the
1048 accountant's audit report is not in agreement with the annual
1049 financial report, the accountant shall specify and explain the
1050 significant differences that exist between the annual financial
1051 report and the audit report.

1052 (2) The department shall annually by December 1 file a
1053 verified report with the Governor, the Legislature, the Auditor
1054 General, and the Special District Accountability Program of the
1055 Department of Economic Opportunity showing the revenues, both
1056 locally derived and derived from intergovernmental transfers,
1057 and the expenditures of each local governmental entity, regional
1058 planning council, local government finance commission, and
1059 municipal power corporation that is required to submit an annual
1060 financial report. In preparing the verified report, the
1061 department may request additional information from the local
1062 governmental entity. The information requested must be provided
1063 to the department within 45 days after the request. If the local
1064 governmental entity does not comply with the request, the
1065 department shall notify the Legislative Auditing Committee,
1066 which may take action pursuant to s. 11.40(2). The report must
1067 include, but is not limited to:

1068 (a) The total revenues and expenditures of each local
1069 governmental entity that is a component unit included in the
1070 annual financial report of the reporting entity.

1071 (b) The amount of outstanding long-term debt by each local
1072 governmental entity. For purposes of this paragraph, the term
1073 "long-term debt" means any agreement or series of agreements to
1074 pay money, which, at inception, contemplate terms of payment
1075 exceeding 1 year in duration.

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1076 Section 21. Present subsection (3) of section 218.33,
1077 Florida Statutes, is redesignated as subsection (4), and a new
1078 subsection (3) is added to that section, to read:

1079 218.33 Local governmental entities; establishment of
1080 uniform fiscal years and accounting practices and procedures.—

1081 (3) Each local governmental entity shall establish and
1082 maintain internal controls designed to:

1083 (a) Prevent and detect fraud, waste, and abuse.

1084 (b) Promote and encourage compliance with applicable laws,
1085 rules, contracts, grant agreements, and best practices.

1086 (c) Support economical and efficient operations.

1087 (d) Ensure reliability of financial records and reports.

1088 (e) Safeguard assets.

1089 Section 22. Present subsections (8) through (12) of section
1090 218.39, Florida Statutes, are redesignated as subsections (9)
1091 through (13), respectively, and a new subsection (8) is added to
1092 that section, to read:

1093 218.39 Annual financial audit reports.—

1094 (8) If the audit report includes a recommendation that was
1095 included in the preceding financial audit report but remains
1096 unaddressed, the governing body of the audited entity, within 60
1097 days after the delivery of the audit report to the governing
1098 body, shall indicate during a regularly scheduled public meeting
1099 whether it intends to take corrective action, the intended
1100 corrective action, and the timeframe for the corrective action.
1101 If the governing body indicates that it does not intend to take
1102 corrective action, it shall explain its decision at the public
1103 meeting.

1104 Section 23. Subsection (2) of section 218.391, Florida

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1105 Statutes, is amended, and subsection (9) is added to that
1106 section, to read:

1107 218.391 Auditor selection procedures.—

1108 (2) The governing body of a ~~charter~~ county, municipality,
1109 special district, district school board, charter school, or
1110 charter technical career center shall establish an audit
1111 committee.

1112 (a) The audit committee for a county ~~Each noncharter county~~
1113 ~~shall establish an audit committee that,~~ at a minimum, shall
1114 consist of each of the county officers elected pursuant to the
1115 county charter or s. 1(d), Art. VIII of the State Constitution,
1116 or their respective designees ~~a designee,~~ and one member of the
1117 board of county commissioners or its designee.

1118 (b) The audit committee for a municipality, special
1119 district, district school board, charter school, or charter
1120 technical career center shall consist of at least three members.
1121 One member of the audit committee must be a member of the
1122 governing body of an entity specified in this paragraph, who
1123 shall also serve as the chair of the committee.

1124 (c) An employee, chief executive officer, or chief
1125 financial officer of the county, municipality, special district,
1126 district school board, charter school, or charter technical
1127 career center may not serve as a member of an audit committee
1128 established under this subsection.

1129 (d) The primary purpose of the audit committee is to assist
1130 the governing body in selecting an auditor to conduct the annual
1131 financial audit required in s. 218.39; however, the audit
1132 committee may serve other audit oversight purposes as determined
1133 by the entity's governing body. The public ~~may shall~~ not be

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1134 excluded from the proceedings under this section.

1135 (9) An audit report submitted pursuant to s. 218.39 must
1136 include an affidavit executed by the chair of the audit
1137 committee affirming that the committee complied with the
1138 requirements of subsections (3)-(6) in selecting an auditor. If
1139 the Auditor General determines that an entity failed to comply
1140 with the requirements of subsections (3)-(6) in selecting an
1141 auditor, the entity shall select a replacement auditor in
1142 accordance with this section to conduct audits for subsequent
1143 fiscal years if the original audit was performed under a
1144 multiyear contract. If the replacement of an auditor would
1145 preclude the entity from timely completing the annual financial
1146 audit required by s. 218.39, the entity shall replace an auditor
1147 in accordance with this section for the subsequent annual
1148 financial audit. A multiyear contract between an entity or an
1149 auditor may not prohibit or restrict an entity from complying
1150 with this subsection.

1151 Section 24. Subsection (2) of section 286.0114, Florida
1152 Statutes, is amended to read:

1153 286.0114 Public meetings; reasonable opportunity to be
1154 heard; attorney fees.-

1155 (2) Members of the public shall be given a reasonable
1156 opportunity to be heard on a proposition before a board or
1157 commission. The opportunity to be heard need not occur at the
1158 same meeting at which the board or commission takes official
1159 action on the proposition if the opportunity occurs at a meeting
1160 that is during the decisionmaking process and is within
1161 reasonable proximity in time before the meeting at which the
1162 board or commission takes the official action. A board or

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1163 commission may not require a member of the public to provide an
1164 advance written copy of his or her testimony or comments as a
1165 precondition of being given the opportunity to be heard at a
1166 meeting. This section does not prohibit a board or commission
1167 from maintaining orderly conduct or proper decorum in a public
1168 meeting. The opportunity to be heard is subject to rules or
1169 policies adopted by the board or commission, as provided in
1170 subsection (4).

1171 Section 25. Paragraph (b) of subsection (2) of section
1172 288.92, Florida Statutes, is amended to read:

1173 288.92 Divisions of Enterprise Florida, Inc.—

1174 (2)

1175 (b)1. The following officers and board members are subject
1176 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1177 112.3143(2):

1178 a. Officers and members of the board of directors of the
1179 divisions of Enterprise Florida, Inc.

1180 b. Officers and members of the board of directors of
1181 subsidiaries of Enterprise Florida, Inc.

1182 c. Officers and members of the board of directors of
1183 corporations created to carry out the missions of Enterprise
1184 Florida, Inc.

1185 d. Officers and members of the board of directors of
1186 corporations with which a division is required by law to
1187 contract to carry out its missions.

1188 2. For a period of 2 years after retirement from or
1189 termination of service to a division, or for a period of 10
1190 years if removed or terminated for cause or for misconduct, as
1191 defined in s. 443.036(29), the officers and board members

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1192 specified in subparagraph 1. may not represent another person or
 1193 entity for compensation before:

1194 a. Enterprise Florida, Inc.;

1195 b. A division, a subsidiary, or the board of directors of
 1196 corporations created to carry out the missions of Enterprise
 1197 Florida, Inc.; or

1198 c. A division with which Enterprise Florida, Inc., is
 1199 required by law to contract to carry out its missions.

1200 3.2- For purposes of applying ss. 112.313(1)-(8), (10),
 1201 (12), and (15); 112.3135; and 112.3143(2) to activities of the
 1202 officers and members of the board of directors specified in
 1203 subparagraph 1., those persons shall be considered public
 1204 officers or employees and the corporation shall be considered
 1205 their agency.

1206 4.3- It is not a violation of s. 112.3143(2) or (4) for the
 1207 officers or members of the board of directors of the Florida
 1208 Tourism Industry Marketing Corporation to:

1209 a. Vote on the 4-year marketing plan required under s.
 1210 288.923 or vote on any individual component of or amendment to
 1211 the plan.

1212 b. Participate in the establishment or calculation of
 1213 payments related to the private match requirements of s.
 1214 288.904(3). The officer or member must file an annual disclosure
 1215 describing the nature of his or her interests or the interests
 1216 of his or her principals, including corporate parents and
 1217 subsidiaries of his or her principal, in the private match
 1218 requirements. This annual disclosure requirement satisfies the
 1219 disclosure requirement of s. 112.3143(4). This disclosure must
 1220 be placed ~~either~~ on the Florida Tourism Industry Marketing

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1221 Corporation's website or included in the minutes of each meeting
1222 of the Florida Tourism Industry Marketing Corporation's board of
1223 directors at which the private match requirements are discussed
1224 or voted upon.

1225 Section 26. Paragraph (a) of subsection (3) of section
1226 288.9604, Florida Statutes, is amended to read:

1227 288.9604 Creation of the authority.—

1228 (3) (a) 1. A director may not receive compensation for his or
1229 her services, but is entitled to necessary expenses, including
1230 travel expenses, incurred in the discharge of his or her duties.
1231 Each director shall hold office until his or her successor has
1232 been appointed.

1233 2. Directors are subject to ss. 112.313(1)-(8), (10), (12),
1234 and (15); 112.3135; and 112.3143(2). For purposes of applying
1235 ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and
1236 112.3143(2) to activities of directors, directors shall be
1237 considered public officers and the corporation shall be
1238 considered their agency.

1239 3. A director of the corporation may not represent another
1240 person or entity for compensation before the corporation for a
1241 period of 2 years following his or her service on the board of
1242 directors.

1243 Section 27. Paragraph (e) of subsection (4), paragraph (d)
1244 of subsection (5), and paragraph (d) of subsection (6) of
1245 section 373.536, Florida Statutes, are amended to read:

1246 373.536 District budget and hearing thereon.—

1247 (4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

1248 (e) ~~By September 1, 2012,~~ Each district shall provide a
1249 monthly financial statement in the form and manner prescribed by

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1250 the Department of Financial Services to the district's governing
1251 board and make such monthly financial statement available for
1252 public access on its website.

1253 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND
1254 APPROVAL.—

1255 (d) Each district shall, by August 1 of each year, submit
1256 for review a tentative budget and a description of any
1257 significant changes from the preliminary budget submitted to the
1258 Legislature pursuant to s. 373.535 to the Governor, the
1259 President of the Senate, the Speaker of the House of
1260 Representatives, the chairs of all legislative committees and
1261 subcommittees having substantive or fiscal jurisdiction over
1262 water management districts, as determined by the President of
1263 the Senate or the Speaker of the House of Representatives, as
1264 applicable, the secretary of the department, and the governing
1265 body of each county in which the district has jurisdiction or
1266 derives any funds for the operations of the district. The
1267 tentative budget must be posted on the district's official
1268 website at least 2 days before budget hearings held pursuant to
1269 s. 200.065 or other law and must remain on the website for at
1270 least 45 days.

1271 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1272 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1273 (d) The final adopted budget must be posted on the water
1274 management district's official website within 30 days after
1275 adoption and must remain on the website for at least 2 years.

1276 Section 28. Subsection (7) of section 838.014, Florida
1277 Statutes, is renumbered as subsection (8), present subsections
1278 (4) and (6) are amended, and a new subsection (6) is added to

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1279 that section, to read:

1280 838.014 Definitions.—As used in this chapter, the term:

1281 (4) "Governmental entity" means an agency or entity of the
1282 state, a county, municipality, or special district or any other
1283 public entity created or authorized by law ~~"Corruptly" or "with~~
1284 ~~corrupt intent" means acting knowingly and dishonestly for a~~
1285 ~~wrongful purpose.~~

1286 (6) "Public contractor" means, for purposes of ss. 838.022
1287 and 838.22 only:

1288 (a) Any person, as defined in s. 1.01(3), who has entered
1289 into a contract with a governmental entity; or

1290 (b) Any officer or employee of a person, as defined in s.
1291 1.01(3), who has entered into a contract with a governmental
1292 entity.

1293 (7)~~(6)~~ "Public servant" means:

1294 (a) Any officer or employee of a governmental state,
1295 ~~county, municipal, or special district agency or entity,~~
1296 including

1297 ~~(b)~~ any executive, legislative, or judicial branch officer
1298 or employee;

1299 (b)~~(e)~~ Any person, except a witness, who acts as a general
1300 or special magistrate, receiver, auditor, arbitrator, umpire,
1301 referee, consultant, or hearing officer while performing a
1302 governmental function; or

1303 (c)~~(d)~~ A candidate for election or appointment to any of
1304 the officer positions listed in this subsection, or an
1305 individual who has been elected to, but has yet to officially
1306 assume the responsibilities of, public office.

1307 Section 29. Subsection (1) of section 838.015, Florida

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1308 Statutes, is amended to read:

1309 838.015 Bribery.—

1310 (1) "Bribery" means ~~corruptly~~ to knowingly and
1311 intentionally give, offer, or promise to any public servant, or,
1312 if a public servant, ~~corruptly~~ to knowingly and intentionally
1313 request, solicit, accept, or agree to accept for himself or
1314 herself or another, any pecuniary or other benefit not
1315 authorized by law with an intent or purpose to influence the
1316 performance of any act or omission which the person believes to
1317 be, or the public servant represents as being, within the
1318 official discretion of a public servant, in violation of a
1319 public duty, or in performance of a public duty.

1320 Section 30. Subsections (1) and (2) of section 838.016,
1321 Florida Statutes, are amended to read:

1322 838.016 Unlawful compensation or reward for official
1323 behavior.—

1324 (1) It is unlawful for any person ~~corruptly~~ to knowingly
1325 and intentionally give, offer, or promise to any public servant,
1326 or, if a public servant, ~~corruptly~~ to knowingly and
1327 intentionally request, solicit, accept, or agree to accept, any
1328 pecuniary or other benefit not authorized by law, for the past,
1329 present, or future performance, nonperformance, or violation of
1330 any act or omission which the person believes to have been, or
1331 the public servant represents as having been, either within the
1332 official discretion of the public servant, in violation of a
1333 public duty, or in performance of a public duty. This section
1334 does not ~~Nothing herein shall be construed to~~ preclude a public
1335 servant from accepting rewards for services performed in
1336 apprehending any criminal.

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1337 (2) It is unlawful for any person ~~corruptly~~ to knowingly
 1338 and intentionally give, offer, or promise to any public servant,
 1339 or, if a public servant, ~~corruptly~~ to knowingly and
 1340 intentionally request, solicit, accept, or agree to accept, any
 1341 pecuniary or other benefit not authorized by law for the past,
 1342 present, or future exertion of any influence upon or with any
 1343 other public servant regarding any act or omission which the
 1344 person believes to have been, or which is represented to him or
 1345 her as having been, either within the official discretion of the
 1346 other public servant, in violation of a public duty, or in
 1347 performance of a public duty.

1348 Section 31. Subsection (1) of section 838.022, Florida
 1349 Statutes, is amended, and subsection (2) of that section is
 1350 republished, to read:

1351 838.022 Official misconduct.—

1352 (1) It is unlawful for a public servant or public
 1353 contractor, ~~with corrupt intent~~ to knowingly and intentionally
 1354 obtain a benefit for any person or to cause unlawful harm to
 1355 another, by ~~to~~:

1356 (a) Falsifying ~~Falsify~~, or causing ~~cause~~ another person to
 1357 falsify, any official record or official document;

1358 (b) Concealing, covering up, destroying, mutilating, or
 1359 altering ~~Conceal, cover up, destroy, mutilate, or alter~~ any
 1360 official record or official document, except as authorized by
 1361 law or contract, or causing ~~cause~~ another person to perform such
 1362 an act; or

1363 (c) Obstructing, delaying, or preventing ~~Obstruct, delay,~~
 1364 ~~or prevent~~ the communication of information relating to the
 1365 commission of a felony that directly involves or affects the

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1366 ~~government public agency or public~~ entity served by the public
 1367 servant or public contractor.

1368 (2) For the purposes of this section:

1369 (a) The term "public servant" does not include a candidate
 1370 who does not otherwise qualify as a public servant.

1371 (b) An official record or official document includes only
 1372 public records.

1373 Section 32. Section 838.22, Florida Statutes, is amended to
 1374 read:

1375 838.22 Bid tampering.—

1376 (1) It is unlawful for a public servant or a public
 1377 contractor who has contracted with a governmental entity to
 1378 assist in a competitive procurement, ~~with corrupt intent to~~
 1379 knowingly and intentionally influence or attempt to influence
 1380 the competitive solicitation bidding process undertaken by any
 1381 governmental state, county, municipal, or special district
 1382 agency, or any other public entity, for the procurement of
 1383 commodities or services, by ~~to~~:

1384 (a) Disclosing, except as authorized by law, Disclose
 1385 material information concerning a vendor's response, any
 1386 evaluation results, ~~bid~~ or other aspects of the competitive
 1387 solicitation bidding process when such information is not
 1388 publicly disclosed.

1389 (b) Altering or amending ~~Alter or amend~~ a submitted
 1390 response bid, documents or other materials supporting a
 1391 submitted response bid, or any evaluation bid results relating
 1392 to the competitive solicitation for the purpose of intentionally
 1393 providing a competitive advantage to any person who submits a
 1394 response bid.

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1395 (2) It is unlawful for a public servant or a public
1396 contractor who has contracted with a governmental entity to
1397 assist in a competitive procurement, ~~with corrupt intent~~ to
1398 knowingly and intentionally obtain a benefit for any person or
1399 to cause unlawful harm to another by circumventing, ~~to~~
1400 ~~circumvent~~ a competitive solicitation ~~bidding~~ process required
1401 by law or rule through the use of ~~by using~~ a sole-source
1402 contract for commodities or services.

1403 (3) It is unlawful for any person to knowingly agree,
1404 conspire, combine, or confederate, directly or indirectly, with
1405 a public servant or a public contractor who has contracted with
1406 a governmental entity to assist in a competitive procurement to
1407 violate subsection (1) or subsection (2).

1408 (4) It is unlawful for any person to knowingly enter into a
1409 contract for commodities or services which was secured by a
1410 public servant or a public contractor who has contracted with a
1411 governmental entity to assist in a competitive procurement
1412 acting in violation of subsection (1) or subsection (2).

1413 (5) Any person who violates this section commits a felony
1414 of the second degree, punishable as provided in s. 775.082, s.
1415 775.083, or s. 775.084.

1416 Section 33. Paragraph (1) of subsection (12) of section
1417 1001.42, Florida Statutes, is amended, a new subsection (27) is
1418 added to that section, and present subsection (27) of that
1419 section is renumbered as subsection (28), to read:

1420 1001.42 Powers and duties of district school board.—The
1421 district school board, acting as a board, shall exercise all
1422 powers and perform all duties listed below:

1423 (12) FINANCE.—Take steps to assure students adequate

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1424 educational facilities through the financial procedure
1425 authorized in chapters 1010 and 1011 and as prescribed below:

1426 (1) *Internal auditor.*—May employ an internal auditor to
1427 perform ongoing financial verification of the financial records
1428 of the school district and such other audits and reviews as the
1429 district school board directs for the purpose of determining:

1430 1. The adequacy of internal controls designed to prevent
1431 and detect fraud, waste, and abuse.

1432 2. Compliance with applicable laws, rules, contracts, grant
1433 agreements, district school board-approved policies, and best
1434 practices.

1435 3. The efficiency of operations.

1436 4. The reliability of financial records and reports.

1437 5. The safeguarding of assets.

1438

1439 The internal auditor shall report directly to the district
1440 school board or its designee.

1441 (27) VISITATION OF SCHOOLS.—Visit the schools, observe the
1442 management and instruction, give suggestions for improvement,
1443 and advise citizens with the view of promoting interest in
1444 education and improving the school.

1445 Section 34. Paragraph (j) of subsection (9) of section
1446 1002.33, Florida Statutes, is amended to read:

1447 1002.33 Charter schools.—

1448 (9) CHARTER SCHOOL REQUIREMENTS.—

1449 (j) The governing body of the charter school shall be
1450 responsible for:

1451 1. Establishing and maintaining internal controls designed
1452 to:

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- 1453 a. Prevent and detect fraud, waste, and abuse.
- 1454 b. Promote and encourage compliance with applicable laws,
- 1455 rules, contracts, grant agreements, and best practices.
- 1456 c. Support economical and efficient operations.
- 1457 d. Ensure reliability of financial records and reports.
- 1458 e. Safeguard assets.
- 1459 ~~2.1.~~ Ensuring that the charter school has retained the
- 1460 services of a certified public accountant or auditor for the
- 1461 annual financial audit, pursuant to s. 1002.345(2), who shall
- 1462 submit the report to the governing body.
- 1463 ~~3.2.~~ Reviewing and approving the audit report, including
- 1464 audit findings and recommendations for the financial recovery
- 1465 plan.
- 1466 ~~4.a.3.a.~~ Performing the duties in s. 1002.345, including
- 1467 monitoring a corrective action plan.
- 1468 b. Monitoring a financial recovery plan in order to ensure
- 1469 compliance.
- 1470 ~~5.4.~~ Participating in governance training approved by the
- 1471 department which must include government in the sunshine,
- 1472 conflicts of interest, ethics, and financial responsibility.
- 1473 Section 35. Present subsections (6) through (10) of section
- 1474 1002.37, Florida Statutes, are redesignated as subsections (7)
- 1475 through (11), respectively, a new subsection (6) is added to
- 1476 that section, and present subsections (6) and (11) of that
- 1477 section are amended, to read:
- 1478 1002.37 The Florida Virtual School.—
- 1479 (6) The Florida Virtual School shall have an annual
- 1480 financial audit of its accounts and records conducted by an
- 1481 independent auditor who is a certified public accountant

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1482 licensed under chapter 473. The independent auditor shall
1483 conduct the audit in accordance with rules adopted by the
1484 Auditor General pursuant to s. 11.45 and, upon completion of the
1485 audit, shall prepare an audit report in accordance with such
1486 rules. The audit report must include a written statement of the
1487 board of trustees describing corrective action to be taken in
1488 response to each of the recommendations of the independent
1489 auditor included in the audit report. The independent auditor
1490 shall submit the audit report to the board of trustees and the
1491 Auditor General no later than 9 months after the end of the
1492 preceding fiscal year.

1493 (7)-(6) The board of trustees shall annually submit to the
1494 Governor, the Legislature, the Commissioner of Education, and
1495 the State Board of Education the audit report prepared pursuant
1496 to subsection (6) and a complete and detailed report setting
1497 forth:

1498 (a) The operations and accomplishments of the Florida
1499 Virtual School within the state and those occurring outside the
1500 state as Florida Virtual School Global.

1501 (b) The marketing and operational plan for the Florida
1502 Virtual School and Florida Virtual School Global, including
1503 recommendations regarding methods for improving the delivery of
1504 education through the Internet and other distance learning
1505 technology.

1506 (c) The assets and liabilities of the Florida Virtual
1507 School and Florida Virtual School Global at the end of the
1508 fiscal year.

1509 ~~(d) A copy of an annual financial audit of the accounts and~~
1510 ~~records of the Florida Virtual School and Florida Virtual School~~

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1511 ~~Global, conducted by an independent certified public accountant~~
1512 ~~and performed in accordance with rules adopted by the Auditor~~
1513 ~~General.~~

1514 ~~(e)~~ Recommendations regarding the unit cost of providing
1515 services to students through the Florida Virtual School and
1516 Florida Virtual School Global. In order to most effectively
1517 develop public policy regarding any future funding of the
1518 Florida Virtual School, it is imperative that the cost of the
1519 program is accurately identified. The identified cost of the
1520 program must be based on reliable data.

1521 (e) ~~(f)~~ Recommendations regarding an accountability
1522 mechanism to assess the effectiveness of the services provided
1523 by the Florida Virtual School and Florida Virtual School Global.

1524 ~~(11) The Auditor General shall conduct an operational audit~~
1525 ~~of the Florida Virtual School, including Florida Virtual School~~
1526 ~~Global. The scope of the audit shall include, but not be limited~~
1527 ~~to, the administration of responsibilities relating to~~
1528 ~~personnel; procurement and contracting; revenue production;~~
1529 ~~school funds, including internal funds; student enrollment~~
1530 ~~records; franchise agreements; information technology~~
1531 ~~utilization, assets, and security; performance measures and~~
1532 ~~standards; and accountability. The final report on the audit~~
1533 ~~shall be submitted to the President of the Senate and the~~
1534 ~~Speaker of the House of Representatives no later than January~~
1535 ~~31, 2014.~~

1536 Section 36. Subsection (5) is added to section 1010.01,
1537 Florida Statutes, to read:

1538 1010.01 Uniform records and accounts.—

1539 (5) Each school district, Florida College System

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1540 institution, and state university shall establish and maintain
1541 internal controls designed to:

1542 (a) Prevent and detect fraud, waste, and abuse.

1543 (b) Promote and encourage compliance with applicable laws,
1544 rules, contracts, grant agreements, and best practices.

1545 (c) Support economical and efficient operations.

1546 (d) Ensure reliability of financial records and reports.

1547 (e) Safeguard assets.

1548 Section 37. Subsection (2) of section 1010.30, Florida
1549 Statutes, is amended to read:

1550 1010.30 Audits required.—

1551 (2) If a school district, Florida College System
1552 institution, or university audit report includes a
1553 recommendation that was included in the preceding financial
1554 audit report but remains unaddressed, ~~an audit contains a~~
1555 ~~significant finding,~~ the district school board, the Florida
1556 College System institution board of trustees, or the university
1557 board of trustees, within 60 days after the delivery of the
1558 audit report to the school district, Florida College System
1559 institution, or university, shall indicate ~~conduct an audit~~
1560 ~~overview~~ during a regularly scheduled public meeting whether it
1561 intends to take corrective action, the intended corrective
1562 action, and the timeframe for the corrective action. If the
1563 district school board, Florida College System institution board
1564 of trustees, or university board of trustees indicates that it
1565 does not intend to take corrective action, it shall explain its
1566 decision at the public meeting.

1567 Section 38. Subsection (5) of section 99.061, Florida
1568 Statutes, is amended to read:

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1569 99.061 Method of qualifying for nomination or election to
1570 federal, state, county, or district office.-

1571 (5) At the time of qualifying for office, each candidate
1572 for a constitutional office or an elected municipal office shall
1573 file a full and public disclosure of financial interests
1574 pursuant to s. 8, Art. II of the State Constitution, which must
1575 be verified under oath or affirmation pursuant to s.
1576 92.525(1) (a), and a candidate for any other office, ~~including~~
1577 ~~local elective office,~~ shall file a statement of financial
1578 interests pursuant to s. 112.3145.

1579 Section 39. Subsection (3) of section 218.503, Florida
1580 Statutes, is amended to read:

1581 218.503 Determination of financial emergency.-

1582 (3) Upon notification that one or more of the conditions in
1583 subsection (1) have occurred or will occur if action is not
1584 taken to assist the local governmental entity or district school
1585 board, the Governor or his or her designee shall contact the
1586 local governmental entity or the Commissioner of Education or
1587 his or her designee shall contact the district school board, as
1588 appropriate, to determine what actions have been taken by the
1589 local governmental entity or the district school board to
1590 resolve or prevent the condition. The information requested must
1591 be provided within 45 days after the date of the request. If the
1592 local governmental entity or the district school board does not
1593 comply with the request, the Governor or his or her designee or
1594 the Commissioner of Education or his or her designee shall
1595 notify ~~the members of~~ the Legislative Auditing Committee, which
1596 ~~who~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The
1597 Governor or the Commissioner of Education, as appropriate, shall

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1598 determine whether the local governmental entity or the district
1599 school board needs state assistance to resolve or prevent the
1600 condition. If state assistance is needed, the local governmental
1601 entity or district school board is considered to be in a state
1602 of financial emergency. The Governor or the Commissioner of
1603 Education, as appropriate, has the authority to implement
1604 measures as set forth in ss. 218.50-218.504 to assist the local
1605 governmental entity or district school board in resolving the
1606 financial emergency. Such measures may include, but are not
1607 limited to:

1608 (a) Requiring approval of the local governmental entity's
1609 budget by the Governor or approval of the district school
1610 board's budget by the Commissioner of Education.

1611 (b) Authorizing a state loan to a local governmental entity
1612 and providing for repayment of same.

1613 (c) Prohibiting a local governmental entity or district
1614 school board from issuing bonds, notes, certificates of
1615 indebtedness, or any other form of debt until such time as it is
1616 no longer subject to this section.

1617 (d) Making such inspections and reviews of records,
1618 information, reports, and assets of the local governmental
1619 entity or district school board as are needed. The appropriate
1620 local officials shall cooperate in such inspections and reviews.

1621 (e) Consulting with officials and auditors of the local
1622 governmental entity or the district school board and the
1623 appropriate state officials regarding any steps necessary to
1624 bring the books of account, accounting systems, financial
1625 procedures, and reports into compliance with state requirements.

1626 (f) Providing technical assistance to the local

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1627 governmental entity or the district school board.

1628 (g)1. Establishing a financial emergency board to oversee
1629 the activities of the local governmental entity or the district
1630 school board. If a financial emergency board is established for
1631 a local governmental entity, the Governor shall appoint board
1632 members and select a chair. If a financial emergency board is
1633 established for a district school board, the State Board of
1634 Education shall appoint board members and select a chair. The
1635 financial emergency board shall adopt such rules as are
1636 necessary for conducting board business. The board may:

1637 a. Make such reviews of records, reports, and assets of the
1638 local governmental entity or the district school board as are
1639 needed.

1640 b. Consult with officials and auditors of the local
1641 governmental entity or the district school board and the
1642 appropriate state officials regarding any steps necessary to
1643 bring the books of account, accounting systems, financial
1644 procedures, and reports of the local governmental entity or the
1645 district school board into compliance with state requirements.

1646 c. Review the operations, management, efficiency,
1647 productivity, and financing of functions and operations of the
1648 local governmental entity or the district school board.

1649 d. Consult with other governmental entities for the
1650 consolidation of all administrative direction and support
1651 services, including, but not limited to, services for asset
1652 sales, economic and community development, building inspections,
1653 parks and recreation, facilities management, engineering and
1654 construction, insurance coverage, risk management, planning and
1655 zoning, information systems, fleet management, and purchasing.

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1656 2. The recommendations and reports made by the financial
1657 emergency board must be submitted to the Governor for local
1658 governmental entities or to the Commissioner of Education and
1659 the State Board of Education for district school boards for
1660 appropriate action.

1661 (h) Requiring and approving a plan, to be prepared by
1662 officials of the local governmental entity or the district
1663 school board in consultation with the appropriate state
1664 officials, prescribing actions that will cause the local
1665 governmental entity or district school board to no longer be
1666 subject to this section. The plan must include, but need not be
1667 limited to:

1668 1. Provision for payment in full of obligations outlined in
1669 subsection (1), designated as priority items, which are
1670 currently due or will come due.

1671 2. Establishment of priority budgeting or zero-based
1672 budgeting in order to eliminate items that are not affordable.

1673 3. The prohibition of a level of operations which can be
1674 sustained only with nonrecurring revenues.

1675 4. Provisions implementing the consolidation, sourcing, or
1676 discontinuance of all administrative direction and support
1677 services, including, but not limited to, services for asset
1678 sales, economic and community development, building inspections,
1679 parks and recreation, facilities management, engineering and
1680 construction, insurance coverage, risk management, planning and
1681 zoning, information systems, fleet management, and purchasing.

1682 Section 40. Subsection (2) of section 1002.455, Florida
1683 Statutes, is amended to read:

1684 1002.455 Student eligibility for K-12 virtual instruction.-

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1685 (2) A student is eligible to participate in virtual
1686 instruction if:

1687 (a) The student spent the prior school year in attendance
1688 at a public school in the state and was enrolled and reported by
1689 the school district for funding during October and February for
1690 purposes of the Florida Education Finance Program surveys;

1691 (b) The student is a dependent child of a member of the
1692 United States Armed Forces who was transferred within the last
1693 12 months to this state from another state or from a foreign
1694 country pursuant to a permanent change of station order;

1695 (c) The student was enrolled during the prior school year
1696 in a virtual instruction program under s. 1002.45 or a full-time
1697 Florida Virtual School program under s. 1002.37(9)(a) ~~s.~~
1698 ~~1002.37(8)(a)~~;

1699 (d) The student has a sibling who is currently enrolled in
1700 a virtual instruction program and the sibling was enrolled in
1701 that program at the end of the prior school year;

1702 (e) The student is eligible to enter kindergarten or first
1703 grade; or

1704 (f) The student is eligible to enter grades 2 through 5 and
1705 is enrolled full-time in a school district virtual instruction
1706 program, virtual charter school, or the Florida Virtual School.

1707 Section 41. For the purpose of incorporating the amendment
1708 made by this act to section 838.022, Florida Statutes, in a
1709 reference thereto, paragraph (a) of subsection (2) of section
1710 112.534, Florida Statutes, is reenacted to read:

1711 112.534 Failure to comply; official misconduct.-

1712 (2)(a) All the provisions of s. 838.022 shall apply to this
1713 part.

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1714 Section 42. For the purpose of incorporating the amendment
1715 made by this act to section 838.022, Florida Statutes, in a
1716 reference thereto, paragraph (d) of subsection (4) of section
1717 117.01, Florida Statutes, is reenacted to read:

1718 117.01 Appointment, application, suspension, revocation,
1719 application fee, bond, and oath.—

1720 (4) The Governor may suspend a notary public for any of the
1721 grounds provided in s. 7, Art. IV of the State Constitution.
1722 Grounds constituting malfeasance, misfeasance, or neglect of
1723 duty include, but are not limited to, the following:

1724 (d) Official misconduct as defined in s. 838.022.

1725 Section 43. For the purpose of incorporating the amendment
1726 made by this act to section 838.014, Florida Statutes, in a
1727 reference thereto, subsection (11) of section 817.568, Florida
1728 Statutes, is reenacted to read:

1729 817.568 Criminal use of personal identification
1730 information.—

1731 (11) A person who willfully and without authorization
1732 fraudulently uses personal identification information concerning
1733 an individual who is 60 years of age or older; a disabled adult
1734 as defined in s. 825.101; a public servant as defined in s.
1735 838.014; a veteran as defined in s. 1.01; a first responder as
1736 defined in s. 125.01045; an individual who is employed by the
1737 State of Florida; or an individual who is employed by the
1738 Federal Government without first obtaining the consent of that
1739 individual commits a felony of the second degree, punishable as
1740 provided in s. 775.082, s. 775.083, or s. 775.084.

1741 Section 44. For the purpose of incorporating the amendments
1742 made by this act to sections 838.015, 838.016, and 838.22,

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1743 Florida Statutes, in references thereto, paragraph (g) of
 1744 subsection (3) of section 921.0022, Florida Statutes, is
 1745 reenacted to read:

1746 921.0022 Criminal Punishment Code; offense severity ranking
 1747 chart.—

1748 (3) OFFENSE SEVERITY RANKING CHART

1749 (g) LEVEL 7

1750

1751

Florida Statute	Felony Degree	Description
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1752

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
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1753

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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1754

316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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1755

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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1756

402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

1757

409.920 3rd Medicaid provider fraud; (2) (b) 1.a. \$10,000 or less.

1758

409.920 2nd Medicaid provider fraud; more (2) (b) 1.b. than \$10,000, but less than \$50,000.

1759

456.065(2) 3rd Practicing a health care profession without a license.

1760

456.065(2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

1761

458.327(1) 3rd Practicing medicine without a license.

1762

459.013(1) 3rd Practicing osteopathic medicine without a license.

1763

460.411(1) 3rd Practicing chiropractic

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			medicine without a license.
1764	461.012(1)	3rd	Practicing podiatric medicine without a license.
1765	462.17	3rd	Practicing naturopathy without a license.
1766	463.015(1)	3rd	Practicing optometry without a license.
1767	464.016(1)	3rd	Practicing nursing without a license.
1768	465.015(2)	3rd	Practicing pharmacy without a license.
1769	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
1770	467.201	3rd	Practicing midwifery without a license.
1771	468.366	3rd	Delivering respiratory care services without a license.
1772	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.

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1773

483.901 (9) 3rd Practicing medical physics
without a license.

1774

484.013 (1) (c) 3rd Preparing or dispensing optical
devices without a prescription.

1775

484.053 3rd Dispensing hearing aids without
a license.

1776

494.0018 (2) 1st Conviction of any violation of
chapter 494 in which the total
money and property unlawfully
obtained exceeded \$50,000 and
there were five or more
victims.

1777

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.

1778

560.125 (5) (a) 3rd Money services business by
unauthorized person, currency
or payment instruments
exceeding \$300 but less than
\$20,000.

1779

655.50 (10) (b) 1. 3rd Failure to report financial

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1780

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

775.21(10)(a)

3rd

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

1781

775.21(10)(b)

3rd

Sexual predator working where children regularly congregate.

1782

775.21(10)(g)

3rd

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

1783

782.051(3)

2nd

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

1784

782.07(1)

2nd

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

1785

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1786	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1787	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1788	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1789	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1790	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1791	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1792	784.048 (7)	3rd	Aggravated stalking; violation of court order.
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.

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1793

784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

1794

784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

1795

784.081 (1) 1st Aggravated battery on specified official or employee.

1796

784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

1797

784.083 (1) 1st Aggravated battery on code inspector.

1798

787.06 (3) (a) 2. 1st Human trafficking using coercion for labor and services of an adult.

1799

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.

1800

790.07 (4) 1st Specified weapons violation

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			subsequent to previous conviction of s. 790.07(1) or (2).
1801	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1802	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1803	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1804	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1805	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1806	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

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1807

794.08 (4) 3rd Female genital mutilation;
consent by a parent, guardian,
or a person in custodial
authority to a victim younger
than 18 years of age.

1808

796.05 (1) 1st Live on earnings of a
prostitute; 2nd offense.

1809

796.05 (1) 1st Live on earnings of a
prostitute; 3rd and subsequent
offense.

1810

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation;
victim younger than 12 years of
age; offender younger than 18
years of age.

1811

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation;
victim 12 years of age or older
but younger than 16 years of
age; offender 18 years of age
or older.

1812

800.04 (5) (e) 1st Lewd or lascivious molestation;
victim 12 years of age or older
but younger than 16 years;
offender 18 years or older;

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1813

prior conviction for specified sex offense.

806.01 (2)

2nd

Maliciously damage structure by fire or explosive.

1814

810.02 (3) (a)

2nd

Burglary of occupied dwelling; unarmed; no assault or battery.

1815

810.02 (3) (b)

2nd

Burglary of unoccupied dwelling; unarmed; no assault or battery.

1816

810.02 (3) (d)

2nd

Burglary of occupied conveyance; unarmed; no assault or battery.

1817

810.02 (3) (e)

2nd

Burglary of authorized emergency vehicle.

1818

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.

1819

812.014 (2) (b) 2.

2nd

Property stolen, cargo valued

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1820			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.
1821			
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1822			
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1823			
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1824			
	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1825			
	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1826			
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
1827			
	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to

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			defraud.
1828	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1829	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1830	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
1831	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
1832	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1833	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.

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1842
1843

827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021 (3) (a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855 (2)	3rd	Impersonation of a public officer or employee.
843.0855 (3)	3rd	Unlawful simulation of legal process.

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1844

843.0855(4) 3rd Intimidation of a public officer or employee.

1845

847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

1846

847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

1847

872.06 2nd Abuse of a dead human body.

1848

874.05(2)(b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

1849

893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or

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1850	state, county, or municipal park or publicly owned recreational facility or community center.
1851	<p>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.</p>
1852	<p>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).</p>
1853	<p>893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.</p>
1854	<p>893.135(1)(b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.</p>
1854	<p>893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14</p>

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1855			grams.
1856	893.135(1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
1857	893.135(1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1858	893.135(1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
1859	893.135(1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
1860	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
1861	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

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1862	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1863	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1864	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1865	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1866	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1867	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1868	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial

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1869

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

943.0435 (4) (c)

2nd

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

1870

943.0435 (8)

2nd

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

1871

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

1872

943.0435 (13)

3rd

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

1873

943.0435 (14)

3rd

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

1874

944.607 (9)

3rd

Sexual offender; failure to

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1875

comply with reporting requirements.

944.607(10)(a)

3rd

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

1876

944.607(12)

3rd

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

1877

944.607(13)

3rd

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

1878

985.4815(10)

3rd

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

1879

985.4815(12)

3rd

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

1880

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure

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to respond to address
 verification; providing false
 registration information.

1881

1882

1883

1884

1885

Section 45. For the purpose of incorporating the amendment
 made by this act to section 838.022, Florida Statutes, in a
 reference thereto, paragraph (d) of subsection (3) of section
 921.0022, Florida Statutes, is reenacted to read:

1886

921.0022 Criminal Punishment Code; offense severity ranking
 chart.—

1887

1888

(3) OFFENSE SEVERITY RANKING CHART

1889

(d) LEVEL 4

1890

1891

Florida Statute	Felony Degree	Description
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1892

316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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1893

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
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1894

499.0051(2)	3rd	Failure to authenticate pedigree papers.
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1895	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
1896	517.07 (1)	3rd	Failure to register securities.
1897	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
1898	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
1899	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
1900	784.075	3rd	Battery on detention or commitment facility staff.
1901	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1902	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
1903	784.081 (3)	3rd	Battery on specified official or employee.

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1904	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
1905	784.083 (3)	3rd	Battery on code inspector.
1906	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
1907	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
1908	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
1909	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1910	787.07	3rd	Human smuggling.
1911	790.115 (1)	3rd	Exhibiting firearm or weapon

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1912

within 1,000 feet of a school.

790.115 (2) (b)

3rd

Possessing electric weapon or device, destructive device, or other weapon on school property.

1913

790.115 (2) (c)

3rd

Possessing firearm on school property.

1914

800.04 (7) (c)

3rd

Lewd or lascivious exhibition; offender less than 18 years.

1915

810.02 (4) (a)

3rd

Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

1916

810.02 (4) (b)

3rd

Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

1917

810.06

3rd

Burglary; possession of tools.

1918

810.08 (2) (c)

3rd

Trespass on property, armed with firearm or dangerous weapon.

1919

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1920 812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000
or more but less than \$20,000.

1921 812.014 (2) (c) 4.- 3rd Grand theft, 3rd degree, a
10. will, firearm, motor vehicle,
livestock, etc.

1922 812.0195 (2) 3rd Dealing in stolen property by
use of the Internet; property
stolen \$300 or more.

1923 817.563 (1) 3rd Sell or deliver substance other
than controlled substance
agreed upon, excluding s.
893.03(5) drugs.

1924 817.568 (2) (a) 3rd Fraudulent use of personal
identification information.

1925 817.625 (2) (a) 3rd Fraudulent use of scanning
device or reencoder.

1926 828.125 (1) 2nd Kill, maim, or cause great
bodily harm or permanent
breeding disability to any
registered horse or cattle.

837.02 (1) 3rd Perjury in official
proceedings.

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1927	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1928	838.022	3rd	Official misconduct.
1929	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1930	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
1931	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1932	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1933	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
1934	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less

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1935			than 18 years.
1936	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
1937	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
1938	914.14 (2)	3rd	Witnesses accepting bribes.
1939	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1940	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1941	918.12	3rd	Tampering with jurors.
1942	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.

1943 Section 46. As provided in s. 112.322(3), Florida Statutes,
 1944 the Commission on Ethics is authorized to render advisory
 1945 opinions to any public officer, candidate for public office, or

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1946 public employee regarding the application of part III of chapter
1947 112, Florida Statutes, including the amendments made by this
1948 act.

1949 Section 47. The Legislature finds that a proper and
1950 legitimate state purpose is served when internal controls are
1951 established to prevent and detect fraud, waste, and abuse and to
1952 safeguard and account for government funds and property.
1953 Therefore, the Legislature determines and declares that this act
1954 fulfills an important state interest.

1955 Section 48. This act shall take effect October 1, 2016.